State of Iowa

1976

JOURNAL OF THE HOUSE

1976

REGULAR SESSION

SIXTY-SIXTH

GENERAL ASSEMBLY

Convened January 12, 1976

Adjourned May 29, 1976

ROBERT D. RAY, Governor

ARTHUR A. NEU, President of the Senate

DALE M. COCHRAN, Speaker of the House

Published by the
STATE OF IOWA
Des Moines

SIXTY-SIXTH GENERAL ASSEMBLY

1976 Regular Session

OFFICERS OF THE HOUSE

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NORMAN G. JESSE, *Speaker Pro Tempore* ..... Des Moines
JEROME FITZGERALD, *Majority Floor Leader* ..... Fort Dodge
DONALD D. AVENSON, *Assistant Majority Floor Leader* ..... Oelwein
WILLIAM J. HARGRAVE, JR., *Assistant Majority Floor Leader* ..... Iowa City
JAMES D. WELLS, *Assistant Majority Floor Leader* ..... Cedar Rapids
FLOYD H. MILLEN, *Minority Floor Leader* ..... Farmington
ANDREW VARLEY, *Assistant Minority Floor Leader* ..... Stuart
ROBERT M. KREAMER, *Assistant Minority Floor Leader* ..... Des Moines
DELWYN STROMER, *Assistant Minority Floor Leader* ..... Garner
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ROBERT F. DAVIES, *Assistant Chief Clerk and Reading Clerk* ..... Hampton
DAN L. DUDLEY, *Legal Counsel* ..... Altoona
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FRANCES A. STEFANI, *Journal Clerk* ..... Ankeny
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DEBRA REX, *Assistant to Finance Clerk* ..... Des Moines
SALLY BLANTON, *Engrossing Clerk* ..... Des Moines
M. MAXINE MANN, *Executive Secretary to Chief Clerk* ..... Des Moines
FRANCES ANN BAUSSERMAN, *Executive Secretary to Speaker* ..... West Des Moines
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ELIZABETH J. O'CONNOR, *Assistant to Legal Counsel* ..... Des Moines
KAY MARKELL, *Research Assistant to Speaker* ..... Des Moines
CATHY KELLY, *Clerk to Chief Clerk* ..... Des Moines
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CATHERINE B. HOLLAND, *Swing Clerk* ..... West Des Moines
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JOHN W. RUSSELL, *Assistant Sergeant-at-Arms* ..... Des Moines
PHYLLIS J. FRAZIER, *Bill Clerk* ..... Des Moines
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RUTH SPENCER, *Postmistress* ..... Des Moines
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LINDA W. ELLIOTT, *Clerk to Public Information Director* ..... Des Moines
JANET STEVENS, *Computer Operator* ..... Des Moines

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

ROBERT D. RAY, *Governor* ..... Des Moines
ARTHUR A. NEU, *Lieutenant Governor* ..... Carroll
MELVIN D. SYNHORST, *Secretary of State* ..... Des Moines
LLOYD R. SMITH, *Auditor of State* ..... Des Moines
MAURICE E. BARINGER, *Treasurer of State* ..... West Des Moines
ROBERT H. LOUNSBERRY, *Secretary of Agriculture* ..... McCallsburg
RICHARD C. TURNER, *Attorney General* ..... West Des Moines

JUSTICES OF THE IOWA SUPREME COURT

C. EDWIN MOORE, *Chief Justice* ..... Des Moines
M. L. MASON, *Justice* ..... Mason City
MAURICE E. RAWLINGS, *Justice* ..... Sioux City
CLAY LeGRAND, *Justice* ..... LeClaire
WARREN J. REES, *Justice* ..... Anamosa
HARVEY UHLENHOPP, *Justice* ..... Hampton
W. W. REYNOLDSON, *Justice* ..... Osceola
K. DAVID HARRIS, *Justice* ..... Jefferson
MARK McCORMICK, *Justice* ..... Des Moines

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

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Anderson, Robert T.	Newton	30	Teacher	69th—Jasper, Marion, Polk, Warren	66 (1-S)
Avenson, Donald D.	Oelwein	31	Office Manager	15th—Bremer, Chickasaw, Fayette, Howard, Winneshiek	65, 66 (1-S)
Baker, Keith	Linn Grove	46	*Farmer*	**6th—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas**	66 (1-S)
Bennett, Wayne	Galva	48	Farmer	48th—Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac	65, 66 (1-S)
Bina, Robert F.	Davenport	35	Artist	80th—Scott	66 (1-S)
Binneboese, Donald*	Hinton	52	Farmer	49th—Cherokee, Plymouth, Woodbury	None
Bittle, Edgar H.	West Des Moines	33	Attorney	66th—Polk	65, 66 (1-S)
Bortell, Glen E.	St. Charles	61	*Owner & Operator of Summer Camp*	58th—Adair, Clarke, Dallas, Madison, Warren	63 (2-S), 65, 66 (1-S)
Brandt, Diane	Cedar Falls	37	*Legislator*	35th—Black Hawk	66 (1-S)
Branstad, Terry E.	Lake Mills	29	Lawyer	8th—Emmet, Hancock, Kossuth, Winnebago	65, 66 (1-S)
Brockett, Glenn F.	Marshalltown	65	Retired	**39th—Marshall**	65, 66 (1-S)
Brunow, John B.	Centerville	26	Sales Manager	93rd—Appanoose, Clarke, Lucas, Monroe, Wayne	65, 66 (1-S)
Byerly, Richard L.	Ankeny	37	*College Administrator*	61st—Polk	65, 66 (1-S)
Caffrey, James T.†	Des Moines	67	Retired	67th—Polk	61, 62, 63, 65, 66 (1-S)
Clark, John H.	Keokuk	29	Insurance Agent	86th—Lee, Henry	64, 65, 66 (1-S)
Cochran, Dale M.	Eagle Grove	47	Farmer, Businessman	45th—Webster, Humboldt	61, 62, 63, 64, 65, 66 (1-S)
Connors, John H.	Des Moines	52	Captain—Fire Department	64th—Polk	65, 66 (1-S)
Crabb, Frank	Denison	72	Retired Business Executive	53rd—Crawford, Harrison, Monona	63, 65, 66 (1-S)
Crawford, Reid W.	Ames	24	Legislator	42nd—Boone, Polk, Story	65, 66 (1-S)
Cusack, Gregory D.	Davenport	32	Community Organizer	**81st—Scott**	65, 66 (1-S)
Daggett, Horace	Kent	44	Farmer	96th—Adams, Montgomery, Page, Ringgold, Taylor	65, 66 (1-S)
Danker, Arlyn E.	Minden	46	Farmer	54th—Harrison, Pottawattamie, Shelby	65, 66 (1-S)
Den Herder, Elmer H.	Sioux Center	67	Farmer	1st—Lyon, Sioux	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Dieleman, Wm. W. (Bill)	Pella	44	Insurance Underwriter	70th—Jasper, Mahaska, Marion, Poweshiek	66 (1-S)
Doyle, Donald V.	Sioux City	50	Lawyer	51st—Woodbury	57, 58, 61, 63, 64, 65, 66 (1-S)
Drake, Richard F.	Muscatine	48	General Farming	76th—Muscatine, Scott	63, 64, 65, 66 (1-S)
Dunton, Keith H.	Thornburg	60	Farmer, Businessman	88th—Keokuk, Washington	58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)

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

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

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

1-S Denotes 1975 regular session
2-S Denotes 1970 regular session

†Deceased April 24, 1976
††Deceased January 17, 1976

*Elected in Special Election February 24, 1976

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

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

(1-S) Denotes 1975 Regular Session (2-S) Denotes 1974 Regular Session

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

(1-S) Denotes 1975 Regular Session (2-S) Denotes 1970 Regular Session

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

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

(1-S) Denotes 1975 Regular Session

JOURNAL OF THE HOUSE

First Calendar Day—First Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, JANUARY 12, 1976

Pursuant to chapter two (2), section two point one (2.1), Code 1975, the House of Representatives of the Sixty-sixth General Assembly of Iowa, 1976 Regular Session, convened at 10:00 a.m., Monday, January 12, 1976.

The House was called to order by the Honorable Dale M. Cochran, Speaker of the House.

Prayer was offered by the Reverend Allan M. Peterson, pastor of the First Presbyterian Church, Carroll, Iowa.

FLAG PRESENTATION

The Speaker presented to the House Master Sergeant Elwood Mayberry of the Fort Dodge Air National Guard Non Commissioned Officer Academy Graduate Association. Sergeant Elwood gave a short history of the Queen Anne, Grand Union, Betsy Ross, Star Spangled Banner and the United States Flags which were presented by Master Sergeant Dale Lakin, Master Sergeant James Russell, Master Sergeant Bill McVicker, Technical Sergeant Ken Nafe, Technical Sergeant Mel Pollard and Technical Sergeant Ron Blomberg.

The House pledged allegiance to the flag.

The Journal of June 19 and 20, 1975, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patricia Ehrick, Grundy Center, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall and Fullerton of Woodbury for an indefinite period on request of Millen of Van Buren; Spear of Lee for an indefinite period on request of Fitzgerald of Webster.

PRESENTATION OF HEART FUND REPRESENTATIVES

Speaker Cochran presented and invited to the Speaker's Station the Honorable William H. Harbor, former member of the General Assembly and Speaker of the House.

Mr. Harbor, State Heart Fund Chairman, introduced to the House two young people representing the Heart Fund this year—Marshalle and Monty King of Treynor, Iowa. Marshalle and Monty have both had successful heart surgery.

The House extended its welcome.

PETITION FILED

The following petition was received and placed on file:

By Howell of Floyd from one hundred forty-four constituents favoring fulfillment of the intent in the IPERS bill to increase the contribution rate and the benefit level; eliminate the salary ceiling, $20,000, and for a more realistic retirement age. They are also in favor of Senate File 205, relating to changes for teachers threatened with termination of contract.

INTRODUCTION OF BILL

House File 1001, by Schroeder, a bill for an act to provide for the regulation of municipally-owned utilities.

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

COMMITTEE TO NOTIFY THE GOVERNOR

Jesse of Polk moved that a committee of five be appointed to notify the Governor that the House is duly organized and ready to receive any communication that he may desire to transmit.

The motion prevailed and the following committee was appointed: Jesse of Polk, chair; Connors of Polk, Cusack of Scott, Egenes of Story and Bortell of Madison.

COMMITTEE TO NOTIFY THE SENATE

Avenson of Fayette moved that a committee of three be appointed to notify the Senate that the House is duly organized and ready to receive any communication that it may desire to transmit.

The motion prevailed and the following committee was appointed: Avenson of Fayette, chair; Harper of Davis and Daggett of Adams.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 101 and moved its adoption:

HOUSE CONCURRENT RESOLUTION 101
By Fitzgerald

Be It Resolved by the House, the Senate Concurring, That a joint convention of the two houses of the 1976 regular session of the Sixty-sixth General Assembly be held on Tuesday, January 13, 1976 at 10:00 a.m.

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

The motion prevailed and the resolution was adopted.

COMMITTEE FROM THE SENATE

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

PAGES OF THE HOUSE

Wells of Linn asked and received unanimous consent that the following named persons be elected as the Pages of the House:

Michael James Becker, Dubuque, Iowa
Kimberly Kay Blunck, Pella, Iowa
Brenda Marie Burns, Aurora, Iowa
Michael Thomas Critelli, Des Moines, Iowa
Nancy Joan Gray, Bedford, Iowa
Victoria Elaine Haughton, Waterloo, Iowa
Laura Lynn Higginbottom, Bondurant, Iowa
Teresa Hutchins, Audubon, Iowa
Martin A. Levy, Washington, Iowa
Janet Lyman, Fort Dodge, Iowa
Paul Mikkelsen, Guthrie Center, Iowa
Sheila Petsche, Colesburg, Iowa
Michael Ralston, Grundy Center, Iowa
Karen Anne Rollison, Des Moines, Iowa
Jami Roth, Davenport, Iowa
Sandra Kay Scheelhaase, Moville, Iowa
Marlene Shainholtz, Council Bluffs, Iowa
Julie Marie Singelstad, Terril, Iowa
Ann Renee Taylor, Fairfield, Iowa

Nancy Van Denover, Oelwein, Iowa
Charles Eldon Wells, Denison, Iowa
Don Willits, Union, Iowa

OATH OF OFFICE

The Pages elected took the following oath of office:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully discharge the duties of my office to the best of my ability, so help me God."

REPORT OF PERSONNEL COMMITTEE

Wells of Linn announced the following persons appointed to complete House staff of permanent officers and employees:

Debra Rex—Assistant Finance Clerk
Janet Stevens—Computer Terminal Operator
Cathy Kelly—Clerk to Chief Clerk
Virginia Rowen—Supply Clerk
Ruth Spencer—Postmaster
Ed McMillin—Sergeant-at-Arms
Russell Reeves—Doorkeeper
Michelle Svejda—File Clerk
Jay Honeycutt—House Research Assistant
Joseph J. O'Hern—Administrative Assistant to Majority Caucus
Gary Wolberg—Counsel to Minority Caucus
Darrel Branhagen—Research Assistant to Minority Caucus
William C. Maloney—Research Assistant to Assistant Majority Leader

Report adopted.

REMARKS BY THE SPEAKER

Speaker Cochran addressed the House as follows:

The familiar crack of the gavel has sounded the beginning of the second session of the Sixty-sixth General Assembly. As Speaker I welcome you back.

The opening of this session brings special significance because this year, 1976, is our nation's 200th birthday. The celebration of the bicentennial year should be one of the very proudest times for a nation and its people. No country in history has had more reason to be proud of its beginnings than our own. I think we signified that this morning with the flag ceremony.

Nowhere in the world have individuals more freedom and opportunity than we do in the United States. We give thanks to our forefathers for their strength and foresight that allows us these qualities.

This year also marks the 130th anniversary for the State of Iowa. The people of Iowa can look with pride on our legislature and its accomplishments. If our forefathers could be with us today I am sure they would be proud of our state. Five years ago Iowa received an award for having the best legislature of the smaller states and the sixth best

in the nation among all fifty states. Last year the lawmakers of Iowa received the award for the legislative body having made the most improvement.

In the session just past you worked long and hard to prove that these awards were well justified, not only for past performance, but for the present and for the building of the future.

But we cannot rest on our laurels. Facing us are challenges that few legislative bodies have had to face before. Of highest priority is the property tax issue. This is real, it is serious and it demands a solution both in the immediate as well as the long term. Everyone will be the loser if this becomes a partisan issue drowned in politics, or the rich are pitted against the poor or rural against urban.

A most delicate issue will be how we meet the needs of our people and still maintain a healthy budget. I pledge to you we will take care of our people while still being fiscally responsible. Iowa is in the enviable position of being one of a very few states in the nation with a surplus in their budget. We are not going to blow it, I promise you.

Many other priorities await our careful consideration. In preparation for these issues much research and study has been done by interim study committees to supply this body with good sound bill proposals in order to pass good legislation and make this session more efficient.

Preparation of a good seedbed in farming is essential in the harvesting of a good crop. So it is with the production of good legislation. The appropriations committee has prepared the seedbed for us to move ahead with haste and efficiency. But we always sow our seed wisely remembering that "as we sow, so shall we reap".

When we began our session last year many of you were freshman legislators, new to politics and the process of enacting State laws. This year you return as seasoned veterans, sound because of months of experience and research and confident that you can meet the challenge. You will, no doubt, take an even more active part in the law making process this year. Much will be expected of you, not only by your fellow legislators, but also by the people of this state. I know you will handle your position and the responsibility it holds to the people of Iowa well.

There are those who felt a country such as America which was based on a Democary could not survive for even a few years, yet now we welcome our 200th birthday this year, older, wiser, but stronger than many of our critics thought we could ever hope to be. Iowa is part of this Democracy, and we, as State Representatives, share the responsibility as well as the success when we enact good legislation. Let us begin this bicentennial session with the true spirit of the American people that no job is too large for us to undertake. We will demonstrate that we can dream the impossible dream and then carry it out.

REMARKS BY THE MINORITY LEADER

Millen of Van Buren addressed the House as follows:

MR. SPEAKER, LADIES AND GENTLEMEN OF THE HOUSE:

My remarks this morning will be brief. In making these remarks, and to preface them, I wish to quote from a speech made in modern day legislative history:

"Today we assemble here to assume our legislative duties. . . . None of us are freshmen. We are seasoned veterans.

"That experience is going to prove to be . . . essential as we attempt to guide state government in these times of confusion, uncertainty of the future, and mistrust of public officials.

". . .

"I want to assure everyone that the . . . (minority) members of this . . . (House) recognize the monumental tasks that lie before us. We are here to represent the people . . . not just the rich, not just special interests, but all of the people.

". . . The problems must be solved.

"Therefore, I assure you the . . . (minority) members of this . . . (House) are here to help solve the people's problems. There will be no easy solutions. We must approach our obligations with reason and compassion.

"We must keep in mind also that this is a political election year. But a game of politics will not measure up. Some in this Assembly will no doubt attempt to sidetrack us with political rhetoric as we face the issues. We must go about our business as true statesmen.

". . .

"With these solemn thoughts in mind, the members of the minority party are here . . . to extend their hands of cooperation, whenever possible, to legislate wisely for the people.

". . ."

Those comments were made by the Iowa House minority leader just two years ago at the opening of the second session of the Sixty-fifth General Assembly; I agree wholeheartedly with them and hope that this type of cooperation will again be extended by the Democrats now that the Republicans are in the minority because we are most certainly willing to cooperate in every responsible way we can.

Not only state government—but all government—is in a state of confusion and until many problems are resolved, especially the tax issue, this confusion will prevail—most assuredly there is an air of uncertainty of the future where taxes are concerned.

I also agree with his remarks when he stated: "At no time in the history of our state has the challenge been so great to the members of this honorable body. It certainly is a time when we need dedicated and capable members as well as leadership."

However, I feel it is my sad duty to point out that leadership during this past interim has been lacking if the productivity of study committees is any indication. It is my hope that the Democratic leadership will now prevail upon the years of knowledge that are encompassed within the Republican party and work with us to solve the problems that are facing us—not only as legislators—but also as citizens of the State of Iowa.

The Republican caucus is ready, willing and able to give the citizens of Iowa the benefit of its expertise in any area possible, and to do it hand in hand with the Democrats for responsive and responsible legislation.

None of we Republicans are looking for personal glory or want "political rhetoric" in this election year—our first resolve is to make this session as short and as productive as possible.

Mr. Speaker, to paraphrase one of the statements you made during your

closing remarks last session: we have returned to our homes and our constituency—we have listened to the people whose problems and concerns are the ones that really count—and I give each of you my personal promise that at no time will the Republicans of the House impede the progress of this legislature as long as these assessments are adhered to and responsible positions are put forth.

However, we will not sit back idly and let the people of the State of Iowa receive irresponsible legislation without letting the majority party and the citizens of Iowa know that we are against such action. We in the minority party of the House may be small in number, but when actions are taken that are not for the good of the entire state—we will be heard.

With that in mind, I again pledge the Republican party's cooperation, support and a desire for a short and productive session.

REMARKS BY THE MAJORITY LEADER

Fitzgerald of Webster addressed the House as follows:

MR. SPEAKER, LADIES AND GENTLEMEN OF THE HOUSE:

First of all I'd like to welcome all of you back to the second session of the Sixty-sixth General Assembly.

The attitude of each legislator will be extremely important during this session. Some will say that this year partianship will prevail; that the lovefest from last year is finished. That need not be the case. Some will say that since this is an election year everyone should look out for themselves and that selfishness should prevail. Again, that need not be the case. Some will chide legislative policy decisions on fiscal management and the meeting of human needs as mere attempts to better their own policies. Again, this shortsighted thinking need not be the case.

The best re-election politics for individual legislators is to work as hard as possible toward the solution of the problems before us—not merely one's selfish interest, but the good of the state as a whole. Less rhetoric and more substance should be the watchword for this election year session. Problem solving should be the key, but short run solutions should not guarantee long term problems.

The questions before us are not partisan questions to be settled in a selfish manner merely for our own re-election efforts. Rather they are questions that require the cooperative energies, hearts and minds of each of us working toward a common goal.

That common goal should be the rational attempt to meet the needs of Iowans that need our help. It should be an attempt to insure that the financial cost of government is not overly burdensome and that this burden is distributed in a fair and equitable manner.

I'm asking each and everyone of you here to give a little extra this year. Most people don't truly realize the time, effort and energy that legislators put in to make a successful legislative effort. In spite of that, I'm going to ask right now that each and every one of you give even more than you did last year. Not only of your energy but also of your attempts to cooperate with one another regardless of what devisive efforts there may be put before us. I think with that in mind, we'll have a much more effective legislative session, and each of us, in the end, will have a better chance for re-election with that overriding goal. Thank you very much.

REPORTS OF COMMITTEES TO NOTIFY THE GOVERNOR AND SENATE

Jesse of Polk, chair of the committee to notify the Governor that the House was duly organized and ready to receive any communication he might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

Avenson of Fayette, chair of the committee to notify the Senate that the House was duly organized and ready to receive any communications that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

HOUSE AND SENATE FILES REFERRED TO COMMITTEES

The Speaker announced that the following bills, not having been previously assigned to a standing committee, are hereby assigned to the following committees:

S. F. 53 Commerce

S. F. 93 Agriculture

S. F. 244 Judiciary and law enforcement

S. F. 255 Judiciary and law enforcement

S. F. 273 Judiciary and law enforcement

S. F. 345 Judiciary and law enforcement

S. F. 357 Commerce

S. F. 387 Human resources

S. F. 449 Agriculture

S. F. 488 State government

S. F. 515 County government

S. F. 524 Judiciary and law enforcement

S. F. 530 Judiciary and law enforcement

S. F. 554 Cities

HOUSE AND SENATE FILES RETURNED TO COMMITTEES

Under the provisions of House Rule 45, the following House

and Senate files and resolutions are returned to the following committees:

H. F. 51 State government
H. F. 119 Ways and means
H. F. 124 Commerce
H. F. 198 State government
H. F. 239 Agriculture
H. F. 367 Judiciary and law enforcement
H. F. 375 County government
H. F. 443 Agriculture
H. F. 484 State government
H. F. 560 County government
H. F. 604 Education
H. F. 613 State government
H. F. 692 Agriculture
H. F. 693 Natural resources
H. F. 694 County government
H. F. 695 State government
H. F. 721 Labor and industrial relations
H. F. 729 Judiciary and law enforcement
H. F. 735 Education
H. F. 737 Commerce
H. F. 745 Transportation
H. F. 746 Transportation
H. F. 747 County government
H. F. 752 State government
H. F. 754 Agriculture
H. F. 759 Commerce
H. F. 762 Education
H. F. 768 State government

H. F. 770 State government
H. F. 772 State government
H. F. 781 State government
H. F. 783 Education
H. F. 785 Agriculture
H. F. 788 Agriculture
H. F. 794 Cities
H. F. 796 Education
H. F. 797 Energy
H. F. 800 Cities
H. F. 804 State government
H. F. 805 Agriculture
H. F. 806 Education
H. F. 807 Agriculture
H. F. 808 State government
H. F. 809 State government
H. F. 810 Labor and industrial relations
H. F. 813 State government
H. F. 819 Human resources
H. F. 821 Human resources
H. F. 822 County government
H. F. 827 State government
H. F. 829 Commerce
H. F. 830 Commerce
H. F. 831 Agriculture
H. F. 832 Commerce
H. F. 833 State government
H. F. 836 Judiciary and law enforcement
H. F. 837 Transportation

H. F. 840 Transportation
H. F. 841 Human resources
H. F. 842 Human resources
H. F. 845 Judiciary and law enforcement
H. F. 846 Cities
H. F. 847 State government
H. F. 855 County government
H. F. 872 Cities
H. F. 879 Cities
H. F. 884 Transportation
H. F. 902 Appropriations
H. F. 909 Ways and means
H.J.R. 21 State government
H.J.R. 22 County government
S. F. 74 Education
S. F. 124 County government
S. F. 162 State government
S. F. 163 Judiciary and law enforcement
S. F. 205 Education
S. F. 217 Judiciary and law enforcement
S. F. 240 Natural resources
S. F. 276 Judiciary and law enforcement
S. F. 317 Natural resources
S. F. 501 Ways and means

HOUSE FILES 339, 367, 448, 474, 476, 510, 517, 553, 598 AND 635 WITHDRAWN

Fitzgerald of Webster asked and received unanimous consent that House Files 339, 367, 448, 474, 476, 510, 517, 553, 598 and 635 be withdrawn from further consideration by the House.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

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

House Concurrent Resolution 101, providing for a joint convention on Tuesday, January 13, 1976, inviting the Governor to give his State of the State message.

STEVEN C. CROSS, Secretary

ANNOUNCEMENT BY THE CHIEF CLERK

The following communication was received from Serge R. Garrison, director of the Legislative Service Bureau:

Many legislators requested bill drafts to be prepared prior to the convening of the legislative session. The Legislative Service Bureau will be notifying all legislators whose bills are completed of such fact within the next day or two. It will take a day or two to clear the completed bills from the Bureau offices. If at all possible, legislators are requested to delay inquiries as to the status of bills for a day or two in order that completed bill drafts can be cleared from the offices of the Legislative Service Bureau and to prevent confusion which might result from so many inquiries at one time. Once the completed bills are cleared from the Legislative Service Bureau, it will be much easier to handle inquiries as to the status of other requests. Requests for additional bill drafts will be handled at any time.

SERGE H. GARRISON, Director
LEGISLATIVE SERVICE BUREAU

COMMUNICATION FROM THE OFFICE OF CITIZENS' AIDE

The following communication was received and placed on file in the office of the Chief Clerk of the House:

TO:
THE STATE COMPTROLLER:
THE LEGISLATIVE COUNCIL:
THE SECRETARY OF SENATE:
THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES:

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

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

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

Signed this 15th day of December, 1975.

THOMAS R. MAYER, Citizens' Aide

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

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

ANDREW ROBERTS

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

THOMAS R. MAYER

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Chief Clerk:

IOWA GEOLOGICAL SURVEY

A report from the Iowa Geological Survey for the period of July 1, 1974, to June 30, 1975, in accordance with the requirements of Sections 305.7 and 17.4, Code 1975.

COURT ADMINISTRATOR

The 1974 report relating to the activity of the judicial system, submitted by William J. O'Brien, Court Administrator, pursuant to the provisions of Section 685.8, Code 1975.

COMMONWEALTH OF KENTUCKY GENERAL ASSEMBLY

A copy of House Resolution 29 adopted by the Kentucky General Assembly on March 20, 1974, applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States. The resolution opposes assigning or compelling students to attend certain schools because of their race, religion, color or national origin.

STATE OF LOUISIANA SENATE

A copy of Senate Concurrent Resolution 109 from the State of Louisiana Senate applying to the Congress of the United States for a convention to propose an amendment to the Constitution of the United States relating to the national debt.

STATE COMMISSION ON THE STATUS OF WOMEN

A report of 1976 legislative priorities from the Commission on the Status of Women, submitted pursuant to Chapter 601.4, Code 1975.

COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments:

JAMES W. SPRADLING

Agriculture | County government | Ways and means

ARLYN E. DANKER

County government,
ranking minority member

On motion by Fitzgerald of Webster, the House adjourned until 9:30 a.m., Tuesday, January 13, 1976.

JOURNAL OF THE HOUSE

Second Calendar Day—Second Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, JANUARY 13, 1976

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

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

The Journal of January 12, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brunow of Appanoose on request of Avenson of Fayette.

PETITIONS FILED

The following petitions were received and placed on file:

By Walter of Pottawattamie from five hundred forty constituents protesting the increased assessed valuations that have been applied to residential properties by the Iowa Director of Revenue.

By Jochum of Dubuque from twenty residents of Dubuque County petitioning the State of Iowa and the Board of Regents to defray the costs of transportation of their deaf children from their homes to the school located at Council Bluffs, Iowa, for the 1976-77 school year and all subsequent years.

SPECIAL PRESENTATION

Speaker Cochran presented to the House the following Pages from the 1975 Session who were visiting the House today: Kay L. Vanderlinden, Rick Tjaden, Lee Ann Mitchell, Denny Heeren, Deborah Cochran, Jackson Reed and Michelle Svejda.

COMMITTEE TO NOTIFY THE SENATE

Hargrave of Johnson moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee the following: Hargrave of Johnson, Middleswart of Warren and Crabb of Crawford.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Hargrave of Johnson, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

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

Senator Kinley of Polk moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Neu announced a quorum present and the joint convention duly organized.

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

The motion prevailed and the President appointed as such committee Senators Scott of Cerro Gordo, Merritt of Mitchell and Taylor of Hardin, on the part of the Senate, and Representatives Wells of Linn, O'Halloran of Black Hawk and Varley of Adair, on the part of the House.

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

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

President Neu then presented Governor Robert D. Ray who delivered the following condition of the state message:

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

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

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

* * * * *

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

—We developed a school financing plan that shifted from the property tax increased costs of our local schools.

—We abolished the sales tax on food and drugs.

—We removed most welfare costs borne by property.

—We eliminated the personal property tax on household goods.

—We are now phasing out taxes on other personal property.

—We provided property tax relief for the elderly.

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

* * * * *

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

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

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

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

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

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

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

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

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

Thank you.

GOVERNOR'S RECOMMENDATIONS

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

Property Tax Relief—School Aid

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

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

Industrial Assessments

Questions have been raised concerning the fairness of the valuation and equalization process for industrial property. To resolve these concerns, it is essential that funds be provided the Department of Revenue to beef-up the capabilities of state and local appraisers of industrial property and to improve appraisal procedures.

Elderly Property Tax Relief

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

Limits on Local Spending

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

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

Local Governmental Services and Funding Sources Task Force

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

—the nature of local government services

—which level of government should provide what services

—who should pay for these services

—how should different types and kinds of property be valued and equalized for assessment purposes

—what, if any, budget limitations should be imposed

—which, if any, local services should be financed by state aid

—the economics and effectiveness of the delivery of services to people

—the merits of local option taxation

—the budgeting procedures and mechanisms of local governments

Abandoned Railroad Right-of-Way

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

Adoption Revision

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

Anti-Trust

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

Barbering/Cosmetology

To provide for adequate protection of public health and welfare, reconsideration should be given to the issue of licensing and regulation of the barbering and cosmetology professions. Unnecessary restriction of these professions, however, will have to be avoided.

Capital Improvements

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

Area Schools

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

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

Code Modernization

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

Criminal Code

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

Employment Security Commission Reorganization

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

Foreign Office

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

Intermediate Care Facilities for the Mentally Retarded

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

Land Use

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

Legislators on Boards and Commissions

An attorney general's opinion has pointed out the constitutional prohibition against legislators serving on executive boards and commissions. While a bill on this issue passed each house, no final resolution resulted. The confusion as to quorums clouds the decisions of affected governmental boards and commissions; this matter needs attention.

Liquor Outlets

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

Medicaid

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

Mobile Home Tie-Down

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

No-Fault—First Party Insurance Coverage

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

Open Spaces—Tax Relief

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

Park User Fee

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

Rail Assistance Program

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

Regents

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

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

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

Salaries

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

Social Services Institutions and Corrections

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

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

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

Clarification of Drunken Driving Laws

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

Tax Moratorium on Home Improvements

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

Transportation Aid

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

Tuition Grant

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

Unemployment Trust Fund

In 1975, the unemployment trust fund was reduced from $123 million to $63 million. When more accurate revenue forecasts become available early next month, it will have to be determined what additional funding will be required to maintain an adequate balance in this trust fund.

Uniform Bidding Regulations

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

Volunteer Committee Funding

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

Washington, D. C., Office

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

Workmen's Compensation

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

Youth Opportunity

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

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

Fitzgerald of Webster moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Cochran in the chair.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board and is on file in the office of the Chief Clerk:

Mr. David L. Wray
Chief Clerk
House of Representatives
State House
Local

Dear Mr. Wray:

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

These include 78 claims of a general nature.

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

Very truly yours,

MAURICE E. BARINGER
Chairman
State Appeal Board

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2408-64-25	Earl Wittrock Carroll, Iowa License fee refund	$ 389.00	Disapproved
2205-65-25	Cellox Corporation Reedsburg, Wisconsin Permit fee refund	20.00	Disapproved
2206-65-25	L. J. Trucking, Inc. Seattle, Washington Fine refund	237.96	Disapproved
2248-65-25	George Transit Line, Inc. Des Moines, Iowa License fee refund	1,449.80	Disapproved
2255-65-25	Dolly Madison Dairies LaCrosse, Wisconsin Fine and permit fee refund	25.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2332-65-25	Lois Schmidt Boone, Iowa Clerical error—Holiday pay missed	21.12	Disapproved
2492-65-25	Borroughs Division of Lear Siegler Kalamazoo, Michigan Fine and permit fee refund	25.00	Disapproved
2586-65-25	Waterloo Ambulance Service Waterloo, Iowa Outdated invoice	140.00	Disapproved
2587-65-25	Waterloo Ambulance Service Waterloo, Iowa Outdated invoice	120.00	Disapproved
2624-65-25	Onley Refrigerated Transport, Inc. Oakland, Iowa License fee refund	Undetermined	Disapproved
306-66-25	Patricia Dunham Ames, Iowa Property damage	131.34	Disapproved
541-66-25	Chem Gro of Houghton, Inc. Houghton, Iowa County plate refund	1,175.00	Disapproved
554-66-25	Eugene B. Newton d/b/a Newton Trucking Hornick, Iowa License fee refund	524.55	Disapproved
635-66-25	Iowa Better Trucking Bureau Sioux City, Iowa Permit fee refund	10.00	Disapproved
778-66-25	Larry King Bronson, Iowa Prorate license fee refund	478.00	Disapproved
792-66-25	Daufeldt Transport, Inc. Muscatine, Iowa License fee refund	264.25	Disapproved
842-66-25	Luverne Marcusson Red Oak, Iowa License fee refund	Undetermined	Disapproved
870-66-25	D. A. Wilson Company Ames, Iowa License fee refund	302.94	Disapproved
876-66-25	Corner Drug Store Clear Lake, Iowa Outdated invoice	37.35	Disapproved
907-66-25	Melvin Wiseman Chapin, Iowa Prorate refund	273.00	Disapproved
962-66-25	Central Community School District DeWitt, Iowa Breach of contract rental	1,495.00	Disapproved
963-66-25	Jack Link Truck Line Dyersville, Iowa License fee refund	125.25	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
965-66-25	Larry Scheibel Lebanon, Illinois License fee refund	600.00	Disapproved
1021-66-25	William Wahl New Hampton, Iowa License fee refund	565.01	Disapproved
1037-66-25	Schwerman Trucking Milwaukee, Wisconsin Registration fee refund	1,401.68	Disapproved
1038-66-25	Schwerman Trucking Milwaukee, Wisconsin Registration fee refund	1,900.00	Disapproved
1039-66-25	Schwerman Trucking Co. Milwaukee, Wisconsin Registration fee refund	607.82	Disapproved
1085-66-25	Iowa Better Trucking Bureau Sioux City, Iowa Permit fee refund	10.00	Disapproved
1224-66-25	Harry F. Rose Glidden, Iowa License fee refund	302.41	Disapproved
1256-66-25	Albert B. Dun Dundee, Illinois Trip permit exchange	Undetermined	Disapproved
1298-66-25	Best Refrigerated Express, Inc. Council Bluffs, Iowa License fee refund	4,807.74	Disapproved
1340-66-25	Herbert James Schwarz Newton, Iowa License fee refund	Undetermined	Disapproved
1355-66-25	Jim Lightner Sioux City, Iowa License fee refund	212.46	Disapproved
1369-66-25	State Steel Supply Sioux City, Iowa Prorate refund	761.83	Disapproved
1410-66-25	Ryder Truck Rental & Central Soya Co. Des Moines, Iowa Prorate refund	1,398.02	Disapproved
1530-66-25	Karl Klein Grain & Feed LeMars, Iowa Prorate refund	355.11	Disapproved
1533-66-25	Jon Norton Sioux City, Iowa Prorate refund	39.48	Disapproved
1561-66-25	Saunders Leasing System Mt. Pleasant, Iowa License fee refund	380.28	Disapproved
1588-66-25	Melvin C. Allensworth Davenport, Iowa Registration fee refund	4.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1589-66-25	Dows Community School Dows, Iowa Outdated invoice	270.00	Disapproved
1607-66-25	Larry W. Miller Merrill, Iowa License fee refund	415.24	Disapproved
1633-66-25	Marcella Cadwell Cherokee, Iowa Property damage	20.00	Disapproved
1642-66-25	Gene Geissinger West Des Moines, Iowa Property loss	50.00	Disapproved
1646-66-25	I B M Kansas City, Missouri Outdated invoice	23.95	Disapproved
1657-66-25	Northwestern Bell Telephone Co. Des Moines, Iowa Outdated invoice	26.28	Disapproved
1669-66-25	Nachurs Plant Food Co. Red Oak, Iowa License fee refund	1,023.70	Disapproved
1695-66-25	Mrs. Wally Hale Des Moines, Iowa Property damage	36.00	Disapproved
1700-66-25	Gerald M. Donahue d/b/a Donahue Farms & Tri-State New Albin, Iowa License fee refund	151.87	Disapproved
1701-66-25	Gerald M. Donahue d/b/a Donahue Farms & Tri-State New Albin, Iowa License fee refund	209.44	Disapproved
1702-66-25	Gerald M. Donahue d/b/a Donahue Farms & Tri-State New Albin, Iowa License fee refund	198.62	Disapproved
1703-66-25	Gerald Donahue d/b/a Donahue Farms & Tri-State New Albin, Iowa License fee refund	151.87	Disapproved
1706-66-25	De Jong Truck Service Orange City, Iowa Fine refund	25.00	Disapproved
1707-66-25	Mid-Equipment, Inc. Grundy Center, Iowa License fee refund	900.92	Disapproved
1709-66-25	Mission Trucking Service, Inc. Mission, South Dakota License fee refund	23.21	Disapproved
1719-66-25	Dan J. Voegele Valley City, North Dakota License fee refund	28.70	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1725-66-25	Iowa Beef Processors, Inc. Dakota City, Nebraska Probate license refund	532.89	Disapproved
1738-66-25	Mouw Transportation, Inc. Sibley, Iowa License fee refund	492.96	Disapproved
1767-66-25	Stockberg Transfer & Storage Mason City, Iowa License fee refund	660.80	Disapproved
1778-66-25	Ryder Truck Rental, Inc. Des Moines, Iowa License refund	355.63	Disapproved
1838-66-25	Dubuque Communication Corporation a/k/a KDUB-TV Channel 40 Dubuque, Iowa Breach of contract	430.00	Disapproved
1853-66-25	Peavey Company Dealer Service Sioux City, Iowa Prorate refund	551.23	Disapproved
1856-66-25	Lewis A. Morrow Chariton, Iowa Merit pay increase	19.38	Disapproved
1861-66-25	Everett G. Stapp, Jr. Chariton, Iowa Merit pay increase	19.38	Disapproved
1887-66-25	Marvin Lee Corll Leon, Iowa Merit pay increase	12.46	Disapproved
1891-66-25	The Universe Company, Inc. Omaha, Nebraska License fee refund	6,312.64	Disapproved
1922-66-25	Robert Blair Sharpsburg, Iowa Tax stamp refund	13.61	Disapproved
1934-66-25	Dennis M. South Leon, Iowa Merit pay increase	8.16	Disapproved
1944-66-25	Garland Draper Van Wert, Iowa Merit pay increase	12.46	Disapproved
1969-66-25	Des Moines Photo Copy Des Moines, Iowa Outdated invoice	66.50	Disapproved
1973-66-25	Eddie R. McKee Toledo, Iowa Property damage	699.89	Disapproved

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

COMMUNICATION FROM THE STATE COMPTROLLER

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

Mr. David L. Wray
Chief Clerk
House of Representatives
State House
Local

Dear Mr. Wray:

In accordance with Section 25A.12, Code of Iowa, 1975, we are hereby submitting to the General Assembly all claims and judgments paid during 1975 by the State Appeal Board under Chapter 25A.

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

Very truly yours,
MARVIN R. SELDEN, JR.
State Comptroller

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

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

Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-134-63	Harvey Bittinger		$ 200,000.00	$ 5,000.00
T-110-65	Gerald N. Roeder	Personal injury due to collapse of x-ray table	1,832.10	400.00
T-447-65	Helen P. Preston	Damage to auto due to gate malfunction	8.09	8.09
T-685-65	Mrs. Bennie Harrington	Damage to auto due to gate malfunction	Undetermined	12.00
T-933-65	Tom & Cindy Chapman	Property damage due to hot water heater	1,500.00	550.00
T-2119-65	Eldon L. Kelley	Injury sustained at University of Iowa Recreational Center	59.75	59.75
T-2124-65	Gary E. Wenger	Damage to auto due to gate malfunction	55.52	55.52
T-2213-65	Claud M. Fraleigh	Damage to auto due to gate malfunction	42.23	42.23
T-2472-65	Frank J. Bridges	Damage at parking lot at University of Iowa	160.00	75.00
T-20-66	George & Wanda Pickering	Paint damage to auto	82.40	82.40
T-104-66	Willard H. Miller	Paint damage to auto	50.47	50.47
T-762-66	Keith Renner	Property damage	2,356.73	2,000.00
T-790-66 & T-791-66	Bert Kamies, Father & Lucille B. Kamies. Mother	Wrongful death	100,000.00	
	Bert Kamies, Claimant Administrator of the Est. of Delbert G. Kamies		250,000.00	43,000.00
T-998-66	Johnnie Arrick	Personal injury	25,000.00	525.00
T-1016-66	Joseph L. Houts	Damage to auto at parking lot	43.26	43.26
T-1036-66	Eloise Morse	Personal injury	11,401.17	6,000.00
T-1047-66	Gregg Reisinger	Crop loss due to sheep	3,669.66	3,100.00
T-1092-66	Dr. Joel Bernard Freeman	Damage to auto due to gate malfunction	14.00	14.00
T-1131-66	Duane Oliver	Damage to auto	990.86	990.86
T-1144-66	Edwin J. Guntren	Damage to auto	556.80	556.80

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

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

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

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

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

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

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

ASSIGNMENT OF DESKS IN PRESS GALLERY

The following named persons are accredited members of the press and are entitled to seats in the West Press Gallery:

WEST PRESS GALLERY

Ames Daily Tribune—Jerry Dickinson, John Epperheimer, Bill Wickersham

Associated Press—William Eberline, Dan Even, Gordon Hanson, Chuck Roberts

The Cedar Rapids Gazette—Frank Nye

Des Moines Register and Tribune—Norman Brewer, Richard Doak, James Flansburg, John Hyde, Louise Swartzwalder, Jerry Szumski, Steven Walters, Bonnie Wittenburg

Dubuque Telegraph Herald—Stephen Good

Dysart Reporter—Brent Abele, Steven Karr

Globe Gazette—Tom Still, Dick Sullivan, Charles W. Walk

Iowa AFL-CIO News—Joe Poduska

Iowa Daily Press Association—Norwin Merens, Harrison Weber

Iowa Legislative Bulletin Service—Otto Weber

Iowa Press Association—Don Reid

Quad-City Times—John W. McCormick, Roger Munns

United Press International—Roger E. Linehan, Claudia Waterloo

Waterloo Daily Courier—Robert E. Case

The following named persons represent accredited TV and radio stations and are entitled to seats in the East Press Gallery:

EAST PRESS GALLERY

Iowa Educational Broadcasting Network—Daniel Miller, Bill Hanley

Iowa Radio Network—Herb Hanger, Donald Silcott

KCBC/Black Hawk Bureau—Dale B. Cerbin, Bruce Frank

KCCI-TV—Jim Giudicessi, Rick Prenger, Jim Worthington

KGLO-TV-AM—Roy Clark, Carole Custer, John Flanzer, Larry Huegli, Max Lee, Mark Phipps

KMA Radio—Bill Bone, Ned Dermody

KRNT NEWS—Jackie Clark, Rob Davis, George Davison, David Garms, John McCarroll

KSO/KGGO Radio—Jackie King, Doug McLeod, Ken Paul

Lee Town News—Russell K. Clingan

WHO Radio and Television—Pat Boddy, Ev Hickman, Gene LaSuer, Lloyd Patterson

WOI AM/FM—David Feingold, Nancy Fushan

WOI-TV News—Craig King, Richard Vohs

On motion by Fitzgerald of Webster, the House adjourned until 10:00 a.m., Wednesday, January 14, 1976.

JOURNAL OF THE HOUSE

Third Calendar Day—Third Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, JANUARY 14, 1976

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

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

The Journal of January 13, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Perry Lee Weigel, Van Meter, Iowa.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Sixteen Juniors and Seniors from Palmer Consolidated School, Palmer, Iowa, accompanied by Shirley Reekers. By Miller of Calhoun.

PETITIONS FILED

The following petitions were received and placed on file:

By McElroy of Fremont from fifty-six constituents of Fremont County protesting the recent equalization order and the methods used in arriving at said equalization of the tax assessment.

By McElroy of Fremont from four constituents of Fremont County opposing any move to abolish the offices of township officials.

By McElroy of Fremont from five constituents of Page County opposing the unwarranted increases of valuations imposed by the State Revenue Department.

By Schroeder of Pottawattamie from seven hundred two con-

stituents in Pottawattamie County favoring the closing of two topless bars in Pottawattamie County.

INTRODUCTION OF BILLS

House File 1002, by Horn, a bill for an act to eliminate the requirement that operators and riders of motorcycles must wear protective headgear.

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

House File 1003, by Husak, a bill for an act relating to restricting the ownership of farming land by corporations.

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

House File 1004, by Evans, a bill for an act relating to liability insurance for hospitals.

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

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Chief Clerk:

STATE BOARD OF PUBLIC INSTRUCTION

The Legislative Report to the 1976 Session of the Sixty-sixth General Assembly, pursuant to Section 257.10 (9), Code 1975, submitted by Robert D. Benton, State Superintendent.

DEPARTMENT OF GENERAL SERVICES STATE RECORDS COMMISSION

A draft copy of the State Records Management Manual, pursuant to Chapter 304, Code 1975, submitted by Melvin D. Synhorst, Secretary of State and Chairman, State Records Commission.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 1 **Education**
Admission Provisions Modified.

S. B. 2 **Education**
Fire Drills Modified to Include Tornado Drills.

S. B. 3 **Education**
Driver and Safety Education.

S. B. 4 **Education**
Youths Not Attending School—Driver's Training Required.

S. B. 5 **Education**
Area Schools and Career Education.

S. B. 6 **Education**
Inclusion of Area Schools Into the State Road Use Fund.

S. B. 7 **Education**
Authorization to Issue Revenue Bonds.

S. B. 8 **Education**
State Superintendent—Date of Office and Salary.

S. B. 9 **Education**
Area Education Agencies.

S. B. 10 **Education**
Sale or Lease in Certain Districts.

S. B. 11 **Education**
AEA School Corporation Status.

S. B. 12 **Education**
Modification of Election Laws.

S. B. 13 **Education**
Updating Chapter 260 Regarding Teacher Certification.

S. B. 14 **Education**
Area School Campuses or Attendance Centers in Counties with a population over 50,000.

S. B. 15 **Education**
Establishing the appropriation of the most recent fiscal year as the base fund for awarding Iowa Tuition Grants.

AMENDMENT FILED

H—5001

Amend Senate File 449, as passed by the Senate, as follows:

1. Page 1, line 12, by inserting after the word "corn" the words ", including the development of corn products for human consumption".

2. Page 4, line 30, by inserting after the word "products" the words ", including the development of corn products for human consumption".

3. Page 8, line 8, by inserting after the period the following: "Not less than fifteen percent of the moneys expended for market development on an annual basis shall be expended for the development of corn products for human consumption."

SVOBODA of Iowa

On motion by Fitzgerald of Webster, the House adjourned until 10:00 a.m., Thursday, January 15, 1976.

JOURNAL OF THE HOUSE

Fourth Calendar Day—Fourth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, JANUARY 15, 1976

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

Prayer was offered by Father Frank Bognanno, pastor of St. Patrick's Church, Cumming, Iowa: Legislative Coordinator of the Des Moines Diocese.

The Journal of January 14, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Polk on request of Horn of Linn; Dyrland of Clayton for January 15 and 16 on request of Jochum of Dubuque.

PRESENTATION OF VISITORS

Mennenga of Clinton presented to the House Mark Erickson, former House page during the 1975 session.

INTRODUCTION OF BILLS

House File 1005, by Spencer, Caffrey, Pellett, Monroe, Daggett, Miller of Cerro Gordo, Dunton, Scheelhaase, Hullinger, Hansen, Hutchins, Middleswart, Krause, Wells, Wyckoff, Spradling, Bortell, Howell, Connors and Harper, a bill for an act to increase the amount of the homestead tax credit.

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

House File 1006, by Caffrey, a bill for an act relating to sanitary regulations pertaining to the serving of food.

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

House File 1007, by Monroe, a bill for an act to repeal chapter thirty-eight (38) of the Code.

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

House File 1008, by Pellett, Howell, Miller of Calhoun, West, Hinkhouse, Danker, Jordan, Bortell, Crabb, Spencer, Daggett, Branstad, Spradling, Menke, Den Herder, Middleswart, Harper, Halvorson, Koogler, Woods, Lonergan, Lageschulte, Oakley, Miller of Buchanan, Welden, Lindeen, Hansen, McElroy, Miller of Cerro Gordo, Hullinger, Stromer, Varley, Connors, Nealson of Muscatine, Wyckoff, Dieleman, Hutchins, Bennett and Kreamer, a bill for an act relating to the sale of beer and alcoholic beverages.

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

House File 1009, by Doyle, a bill for an act relating to the effective date of special assessments.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

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

Senate Concurrent Resolution 8, providing for the General Assembly to honor the memory of the Reverend Martin Luther King, Jr.

STEVEN C. CROSS, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 8

Hargrave of Johnson asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution** 8 and moved its adoption:

SENATE CONCURRENT RESOLUTION 8
By Hill of Polk

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

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

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

Whereas, it is appropriate that the General Assembly of the State of Iowa pay tribute to the memory of the Reverend Martin Luther King, Jr. on the anniversary of his birth; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the General Assembly of the State of Iowa meeting in the year 1976 humbly honors the memory of the Reverend Martin Luther King, Jr. and the accomplishments and contributions which he made to this nation and the world; and

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

The motion prevailed and the resolution was adopted.

SPONSOR ADDED
(House File 1002)

Cusack of Scott has requested that his name be added as a sponsor of House File 1002.

HOUSE RESOLUTION 101
By Schroeder

Whereas, it is necessary that secretaries of members of the House of Representatives have adequate equipment in order that the secretaries may properly and efficiently perform the services for which they are employed; and

Whereas, there do not appear to be an adequate number of quality electric typewriters of the type normally required and used to type amendments, reports, and other legislative documents in the House of Representatives; and

Whereas, the work of legislative secretaries, because of increased constituent interest, complex legislation, and legislative issues of great importance to all areas of the state, has increased which fact dictates a greater need for adequate equipment; *Now Therefore*,

Be It Resolved by the House of Representatives, That the Chief Clerk of the House with the approval of the Speaker of the House is respectfully requested to purchase or lease not less than twelve quality electric typewriters similar to those normally used in the preparation of legislative documents.

Laid over under Rule 25.

SUBCOMMITTEES OF COMMITTEE ON TRANSPORTATION

Krause of Palo Alto, chair of the committee on transportation, announced the following subcommittee assignments:

BICYCLE LEGISLATION

Mattie Harper, Chair	Thomas J. Gilloon	Henry C. Wulff

RAILROAD LEGISLATION

Robert Krause, Chair	John Brunow	Thomas J. Tauke
Richard Drake	B. Joseph Rinas	

AERONAUTICS AND PUBLIC TRANSIT

B. Joseph Rinas, Chair	Donald Doyle	Ray Lageschulte

TRAFFIC SAFETY, PUBLIC SAFETY BILLS

Fred Koogler, Chair	Mattie Harper	Richard Welden
John Brunow	Laverne Schroeder	Glen Bortell

REVISION OF MOTOR VEHICLE CARRIER AND BARGE LAWS

Richard Drake, Chair	Jack Woods	Emil Pavich
Thomas J. Gilloon	Thomas J. Tauke	

TRANSPORTATION RE-ORGANIZATION

Robert Krause, Chair	B. Joseph Rinas	Thomas J. Tauke

MISCELLANEOUS BILLS

Robert Krause, Chair	John Brunow	Richard Drake

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 16 **County government**
Relating to bids for maintenance or construction of county buildings.

S. B. 17 **County government**
Relating to the duties of the administrator of the county care facility and the county auditor.

S. B. 18 **County government**
Relating to ways condemned by landowners having no access to the property.

S. B. 19 **County government**
Relating to the certification of deputy assessors.

S. B. 20 **County government**
Defining construction haul roads.

S. B. 21 **County government**
Authorizing counties to appropriate moneys for the purpose of making grants to rural water districts.

S. B. 22 Education
Adding new section to Chapter 280 prescribing a maximum age for participation of students in contests or competitions.

S. B. 23 Education
Relating to qualifying the board of regents to administer trusts.

S. B. 24 Education
Relating to the state sanatorium to change its title to the Oakdale campus and to define the function of the facility.

AMENDMENTS FILED

H—5003

Amend the Spear amendment to House File 71, H—3150, as follows:

1. Page 1, line 13, by inserting after the word "disabled." the following: "This exclusion applies to any annuity received on or after January 1, 1976."

SPEAR of Lee

H—5002

Amend House File 677 as follows:

1. Page 3, line 8, by inserting after the period the following:

"The operator may request that the director delay issuing the order until such time as assessments have been approved by referenda at all or a portion of the other warehouses served by a branch line, and the director shall approve this request."

2. Page 3, line 30, by inserting after the period the following:

"These moneys may be used to repay loans and pay interest on loans incurred by an association of railroad shippers when the principal has been received by the director for the purpose of upgrading a branch line served by the warehouse that collected the assessment."

EVANS of Grundy
DRAKE of Muscatine
READINGER of Polk

H—5004

Amend House Joint Resolution 2 as follows:

1. Page 1, line 7, by striking the words "A Secretary of State and an" and inserting in lieu thereof the word "An".
2. Page 1, line 11, by striking the word "they".
3. Page 1, line 12, by inserting before the word "shall" the words "and a Secretary of State".
4. Page 1, line 13, by inserting before the word

"and" the words "shall be confirmed by two-thirds of the members of the Senate,".

5. Title page, line 2, by inserting before the word "be" the words "and a secretary of state".

SPEAR of Lee

On motion by Fitzgerald of Webster, the House adjourned until 10:00 a.m., Friday, January 16, 1976.

JOURNAL OF THE HOUSE

Fifth Calendar Day—Fifth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, JANUARY 16, 1976

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

Prayer was offered by the Honorable Laverne W. Schroeder, State Representative from Pottawattamie County.

The Journal of January 15, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. J. Tesdall, Ogden, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Polk on request of Byerly of Polk.

PRESENTATION OF THE MARCH OF DIMES POSTER CHILD

O'Halloran of Black Hawk escorted to the Speaker's station and presented Sherry Dietz, 1976 March of Dimes poster child from Waterloo, Iowa. Sherry was accompanied by her parents, Mr. and Mrs. Dennis Dietz.

The House rose and extended its welcome.

PETITION FILED

The following petition was received and placed on file:

By Oakley of Clinton from fifty constituents urging the passage of a good, workable state obscenity law.

INTRODUCTION OF BILLS

House File 1010, by committee on state government, a bill for an act to permit voters registering under Acts of the Sixty-sixth

General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take effect upon publication.

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

House File 1011, by committee on state government, a bill for an act to amend the election laws of the state of Iowa by specifying the times when special elections may be called and held, clarifying the requirement that nominating petitions for candidates for public office be accompanied by an eligible elector's affidavit, clarifying the manner in which ballots cast by challenged or handicapped electors are to be received, handled and canvassed, requiring that county election commissioners notify the state commissioner when a recount of primary election ballots is granted, requiring that candidates nominated by write-in votes in certain elections affirm their candidacy, changing the manner of filling vacancies on city primary election ballots in special charter cities, changing the time when the number of delegates to be elected to county political party conventions by each precinct caucus must be designated, stating the functions of state political party conventions, changing the time when petitions for certain candidates nominated under chapter forty-four (44) of the Code must be filed, clarifying the permissible uses of voter registration records, altering the procedures for certain registered voters to record a change of name or address, specifying certain hours when the office of the county commissioner of elections must be open or make alternative arrangements to receive registration material from mobile deputy registrars, clarifying the time and method of holding and canvassing and the formula for determining who is nominated or elected in certain city elections, clarifying the number of voting machines or booths to be furnished each precinct polling place, clarifying the requirements for publishing notice of elections, clarifying the manner in which printed ballots are to be identified, clarifying the hours when the polls must be open for certain elections, revising the law relative to tallying votes cast in certain precincts, clarifying the manner of delivery of absentee ballots to certain voters, providing for contesting elections on public measures, clarifying when vacancies in certain elective

offices must be filled by election, changing the time when candidates in school elections may withdraw, deleting an obsolete reference to elected school district treasurers, clarifying the manner of administering merged area elections, changing the manner of electing sanitary district trustees, ending the requirement that the township clerk's annual financial statement be posted at each polling place in the township, clarifying the law relative to certain elections conducted for the city development board, and providing that this Act shall take effect upon publication.

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

House File 1012, by Koogler, a bill for an act relating to motion pictures shown at certain theaters and providing a penalty.

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

House File 1013, by Den Herder and Crabb, a bill for an act relating to the legal age for the sale and consumption of beer and alcoholic beverages.

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

House File 1014, by Monroe, a bill for an act relating to the sale of property owned by merged area schools.

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

House File 1015, by Wyckoff, a bill for an act to provide free space in the state capitol and in county courthouses for certain activities of veterans organizations.

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

House File 1016, by Wyckoff, a bill for an act providing for the award of appraisers' fees by the compensation commission in certain condemnation cases.

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

House File 1017, by Welden, a bill for an act relating to the passage of legislative bills and amendments.

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

House File 1018, by Welden, a bill for an act to require instruction in the free enterprise system in high schools.

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

House File 1019, by Spencer, a bill for an act relating to the use or possession of alcoholic liquor or beer on school property.

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

House File 1020, by Oakley, a bill for an act relating to the size of milk bottles or containers.

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

House File 1021, by Husak, Harper and Wyckoff, a bill for an act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state.

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

House File 1022, by Krause and Pellett, a bill for an act to establish an excise tax on the sale of livestock and grain and to provide for distribution and refund of the excise tax.

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

House File 1023, by Hinkhouse, a bill for an act relating to public meetings.

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

House File 1024, by Hansen, a bill for an act relating to the distribution of court costs.

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

House File 1025, by Hansen, a bill for an act relating to gifts to minors.

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

House File 1026, by Nielsen of Polk, a bill for an act relating to the appointment of conservators for veterans.

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

House File 1027, by West, a bill for an act relating to correction of voter registration records to reflect a legal change of name of a registered voter.

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

House File 1028, by Nealson of Muscatine, a bill for an act relating to boards, commissions, councils, and committees of the state government.

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

House File 1029, by Nealson of Muscatine, a bill for an act limiting session expenses for members of the general assembly and the lieutenant governor.

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

House File 1030, by Bittle, a bill for an act relating to the filing of insurance forms with the insurance department.

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

House File 1031, by Daggett, Danker, Bortell, Lindeen, Bennett, Halvorson, Welden, West, Millen, Brunow, Nealson of Muscatine, Stromer, Varley, Hansen, Middleswart, Wyckoff, Pellett, Hullinger, Newhard, Crabb, Drake, Menke, Miller of Cerro Gordo, Baker, Jordan, Dieleman, Patchett, Dyrland, Miller of Buchanan, Hutchins, Perkins, Branstad, Hinkhouse and Scheelhaase, a bill for an act relating to the exemption provided to each son and daughter of a deceased in computing inheritance tax.

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

House File 1032, by Koogler, a bill for an act relating to the use of federal funds by metropolitan or regional planning commissions.

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

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Poncy of Wapello offered the following House Memorial Resolution 101 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable W. Dean Aubrey of Wapello County, who was a member of the Fifty-first, Fifty-third, Fifty-fourth and Fifty-eighth sessions of the General Assembly, passed away on October 20, 1975; *Now, Therefore,*

Be It Resolved by the House of Representatives, that a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Poncy of Wapello, Harper of Davis and Millen of Van Buren.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that on January 15, 1976, the Senate has adopted the Supplemental Report of the Joint Administration Subcommittee regarding employees on the joint Senate-House payroll.

STEVEN C. CROSS, Secretary

SUPPLEMENTAL REPORT OF JOINT ADMINISTRATION SUBCOMMITTEE

Doyle of Woodbury submitted the following supplemental report and moved its adoption:

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

LEGISLATIVE INDEXING

Assistant Index Clerk ..... Wilma F. Zika

LEGISLATIVE SERVICE BUREAU

Bill Clerk ..... Lois Johnson
Bill Clerk ..... Susan Gurwell

JOINT EMPLOYEES

Law Library Clerk ..... Judy Neff

BUILDINGS AND GROUNDS

Night Watchman ..... Donald E. Lewis

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

The motion prevailed and the report was adopted.

ADOPTION OF HOUSE RESOLUTION 101

Schroeder of Pottawattamie asked and received unanimous consent for the immediate consideration of House Resolution 101, filed on January 15, 1976, and found on page 44 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE FILES 219, 248, 252 AND 595 WITHDRAWN

Jesse of Polk asked and received unanimous consent to withdraw House Files 248 and 595 from further consideration by the House.

Patchett of Johnson asked and received unanimous consent to withdraw House File 219 from further consideration by the House.

Husak of Tama asked and received unanimous consent to withdraw House File 252 from further consideration by the House.

HOUSE CONCURRENT RESOLUTION 102

By Brunow, Menke, Anderson, Fitzgerald and Millen

Whereas, the Code of Iowa requires many state departments and agencies to file reports with or submit reports to the general assembly or to members of the general assembly; and

Whereas, pursuant to such direction state departments and agencies often prepare reports for each member of the general assembly which are then forwarded to such members; and

Whereas, the printing and dissemination of such reports result in a substantial printing cost to the state of Iowa and such reports are often submitted to members of the general assembly when there is inadequate time to read or research such reports; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That state departments and agencies which are required, and those agencies which desire, to submit reports to the general assembly and members of the general assembly submit not more than five copies of such reports to the secretary of the senate and the chief clerk of the house unless such officers shall notify the agency or department that an additional specified number of such reports shall be filed with the appropriate house for use of members of the general assembly; and

Be It Further Resolved, That the chief clerk of the house and the secretary of the senate shall develop an administrative procedure for determining which members of their respective houses desire designated reports and shall make such reports available to such

members on an individualized basis, and in addition the chief clerk of the house and the secretary of the senate shall have on file not more than five current state department and agency reports for the

use of members of the house or senate who request them.

Laid over under Rule 25.

COMMUNICATION FROM THE IOWA DEPARTMENT OF TRANSPORTATION

The following communication has been received and placed on file in the office of the Chief Clerk:

IOWA DEPARTMENT OF TRANSPORTATION ADMINISTRATIVE RULES

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

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

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

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

In addition to these exceptions said sixty-five foot three vehicle combinations shall be allowed on all Iowa 24' highway segments as now exist or may exist in the future and such other segments less than 24' which may provide continuity to the transportation system or provide reasonable route continuity and/or access to communities of 5,000 or greater population. Said exception to 24' highways shall be subject to Iowa DOT Commission approval and shall not exceed 125 miles in total.

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

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

Section 2. PROPOSED RULES:

TRANSPORTATION DEPARTMENT (820)
07 MOTOR VEHICLE DIVISION
ARTICLE F
OPERATING AUTHORITY
CHAPTER 6
LENGTH OF THREE VEHICLE COMBINATIONS

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

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

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

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

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

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

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

Des Moines, Iowa
January 16, 1976

ACKNOWLEDGEMENT

I, David L. Wray, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on this sixteenth day of January, 1976 of the foregoing report of the Iowa Department of Transportation pertaining to the length of three vehicle combinations.

DAVID L. WRAY
Chief Clerk of the House of Representatives
1976 Regular Session of the Sixty-sixth
General Assembly of the State of Iowa

2:08 p.m., January 16, 1976.

SUBCOMMITTEE OF COMMITTEE ON WAYS AND MEANS

Norland of Worth, chair of the committee on ways and means, announced the following subcommittee assignment:

PROPERTY TAX SUBCOMMITTEE

Lowell Norland, Chair	Maurice Hennessey	Kenneth Miller
Robert T. Anderson	Neal Hines	Otto Nealson
Robert F. Bina	Emil Husak	David Readinger
Edgar Bittle	C. W. Hutchins	James W. Spradling
John H. Clark	Thomas J. Jochum	Linda Svoboda
Horace Daggett	Willis Junker	James C. West
William Dieleman	Jay Mennenga	Russell L. Wyckoff
Sonja Egenes		

Norland of Worth, chair of the property tax subcommittee of the standing committee on ways and means, announced the following subcommittees of the property tax subcommittee:

HOMESTEAD TAX CREDIT

Robert T. Anderson, Chair	Neal Hines	David Readinger

AG-LAND TAX CREDIT

C. W. Hutchins, Chair	Horace Daggett	Maurice Hennessey

LOCAL BUDGETS

Robert F. Bina, Chair	Otto Nealson	Russell L. Wyckoff
John H. Clark	James W. Spradling	

ASSESSMENT PRACTICES

Emil Husak, Chair	William Dieleman	James C. West
Edgar H. Bittle	Kenneth Miller	

CIRCUIT BREAKER

Jay Mennenga, Chair	Thomas J. Jochum	Linda Svoboda
Sonja Egenes	Willis Junker	

SUBCOMMITTEE ASSIGNMENTS

House File 2
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Bittle
Gentleman

House File 3
Transportation
Harper, Chair
Gilloon
Wulff

House File 17
Energy
Hullinger, Chair
Griffee
Perkins
Gentleman
Welden

House File 21
Judiciary and Law Enforcement
Brandt, Chair
Clark
Poncy

House File 26
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Bittle
Gentleman

House File 28
Agriculture
Howell, Chair
Harper
Spradling

House File 40
County Government
West, Chair
Miller of Calhoun
Hutchins

House File 52
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Nealson of Muscatine

House File 62
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Bittle
Oakley

House File 68
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 70
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Bittle
Oakley

House File 71
Ways and Means
Norland, Chair
Bina
Dyrland
Egenes
Harvey
Svoboda
West

House File 72
Judiciary and Law Enforcement
Bittle, Chair
Higgins
Gentleman

House File 78
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Nealson of Muscatine

House File 89
Ways and Means
Norland, Chair
Bina
Dyrland
Egenes
Harvey
Svoboda
West

House File 103
Judiciary and Law Enforcement
Higgins, Chair
Brandt
Clark

House File 107
Transportation
Krause, Chair
Brunow
Drake

House File 108
Judiciary and Law Enforcement
Gentleman, Chair
Newhard
Brandt

House File 110
Transportation
Krause, Chair
Brunow
Drake

House File 117
Transportation
Krause, Chair
Brunow
Drake

House File 122
Judiciary and Law Enforcement
Poncy, Chair
Lageschulte
Middleton

House File 125
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Bittle
Dyrland

House File 126
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Bittle
Dyrland

House File 129
Agriculture
Scheelhaase, Chair
Bennett
Hutchins

House File 133
Transportation
Krause, Chair
Brunow
Drake

House File 137
Judiciary and Law Enforcement
Woods, Chair
Hennessey
Spencer

House File 145
Judiciary and Law Enforcement
Gentleman, Chair
Clark
Dyrland

House File 150
Transportation
Krause, Chair
Brunow
Drake

House File 154
Transportation
Krause, Chair
Brunow
Drake

House File 155
Transportation
Krause, Chair
Brunow
Drake

House File 161
Transportation
Krause, Chair
Brunow
Drake

House File 168
Judiciary and Law Enforcement
Newhard, Chair
Oakley
Brandt

House File 171
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

House File 178
Transportation
Krause, Chair
Brunow
Drake

House File 190
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Bittle
Oakley

House File 196
Transportation
Krause, Chair
Brunow
Drake

House File 199
Agriculture
Koogler, Chair
Hinkhouse
Danker

House File 203
Energy
Howell, Chair
Avenson
Jochum
Den Herder

House File 210
Transportation
Krause, Chair
Brunow
Drake

House File 213
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

House File 223
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Hennessey
Poncy

House File 233
Transportation
Krause, Chair
Brunow
Drake

House File 235
Transportation
Krause, Chair
Brunow
Drake

House File 239
Agriculture
Miller of Cerro Gordo, Chair
Miller of Calhoun
Bennett

House File 241
Judiciary and Law Enforcement
Higgins, Chair
Brandt
Clark

House File 245
Judiciary and Law Enforcement
Newhard, Chair
Woods
Hennessey

House File 255
Judiciary and Law Enforcement
Higgins, Chair
Clark
Evans

House File 258
County Government
Baker, Chair
Spear
Danker
Hargrave
Pellett

House File 263
Transportation
Krause, Chair
Brunow
Drake

House File 266
Judiciary and Law Enforcement
Bittle, Chair
Oakley
Gentleman

House File 268
Judiciary and Law Enforcement
Newhard, Chair
Poncy
Lageschulte

House File 269
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 279
Judiciary and Law Enforcement
Woods, Chair
Newhard
Hennessey

House File 280
Judiciary and Law Enforcement
Middleton, Chair
Poncy
Lageschulte

House File 281
Judiciary and Law Enforcement
Middleton, Chair
Poncy
Newhard

House File 282
Energy
Doyle, Chair
Wells
Oakley
Evans

House File 284
Judiciary and Law Enforcement
Middleton, Chair
Poncy
Newhard

House File 290
Judiciary and Law Enforcement
Middleton, Chair
Dyrland
Poncy

House File 296
Judiciary and Law Enforcement
Woods, Chair
Newhard
Hennessey

House File 301
Transportation
Krause, Chair
Brunow
Drake

House File 304
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 308
Agriculture
Harper, Chair
Lindeen
Crabb

House File 309
Agriculture
Howell, Chair
Pellett
Koogler
Bennett
Jordan

House File 312
Judiciary and Law Enforcement
Evans, Chair
Nealson of Muscatine
Spencer

House File 314
Judiciary and Law Enforcement
Bittle, Chair
Nielsen of Polk
Gentleman

House File 327
Agriculture
Hutchins, Chair
Scheelhaase
Lageschulte

House File 337
Judiciary and Law Enforcement
Bittle, Chair
Oakley
Brandt

House File 346
Transportation
Harper, Chair
Gilloon
Wulff

House File 360
Energy
Hullinger, Chair
Griffee
Perkins
Gentleman
Welden

House File 361
Judiciary and Law Enforcement
Higgins, Chair
Clark
Brandt

House File 363
Natural Resources
Hullinger, Chair
Brandstad
Spencer

House File 365
Agriculture
Crabb, Chair
Bennett
Danker

House File 370
Agriculture
Miller of Cerro Gordo, Chair
Miller of Calhoun
Bennett

House File 373
Judiciary and Law Enforcement
Oakley, Chair
Bittle
Jesse

House File 375
County Government
Lindeen, Chair
Hinkhouse
Miller of Calhoun

House File 378
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 402
Agriculture
Svoboda, Chair
Miller of Calhoun
Pellett

House File 404
Transportation
Krause, Chair
Brunow
Drake

House File 409
Energy
Howell, Chair
Avenson
Jochum
Spencer
Den Herder

House File 412
Judiciary and Law Enforcement
Woods, Chair
Poncy
Newhard

House File 417
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 419
Judiciary and Law Enforcement
Middleton, Chair
Oakley
Spencer

House File 425
Transportation
Harper, Chair
Gilloon
Wulff

House File 429
Judiciary and Law Enforcement
Oakley, Chair
Bittle
Jesse

House File 430
Judiciary and Law Enforcement
Higgins, Chair
Newhard
Gentleman

House File 435
Judiciary and Law Enforcement
Higgins, Chair
Newhard
Gentleman

House File 436
Judiciary and Law Enforcement
Newhard, Chair
Jesse
Woods

House File 437
Ways and Means
Anderson, Chair
Hines
Readinger

House File 438
Judiciary and Law Enforcement
Bittle, Chair
Nielsen of Polk
Gentleman

House File 439
Judiciary and Law Enforcement
Higgins, Chair
Brandt
Clark

House File 440
Judiciary and Law Enforcement
Newhard, Chair
Jesse
Woods

House File 441
Judiciary and Law Enforcement
Newhard, Chair
Jesse
Woods

House File 442
Judiciary and Law Enforcement
Newhard, Chair
Jesse
Woods

House File 443
Agriculture
Pellett, Chair
Jordan
Scheelhaase

House File 452
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 456
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 458
Judiciary and Law Enforcement
Middleton, Chair
Gentleman
Spencer

House File 473
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Jesse
Bittle

House File 475
Judiciary and Law Enforcement
Higgins, Chair
Middleton
Clark

House File 481
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 489
Judiciary and Law Enforcement
Higgins, Chair
Middleton
Clark

House File 491
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

House File 512
Judiciary and Law Enforcement
Hennessey, Chair
Dyrland
Lageschulte

House File 513
Judiciary and Law Enforcement
Higgins, Chair
Clark
Dyrland

House File 516
Natural Resources
Perkins, Chair
Egenes
Spencer

House File 518
Judiciary and Law Enforcement
Woods, Chair
Newhard
Hennessey

House File 530
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Jesse
Bittle

House File 542
County Government
Gilloon, Chair
Stromer
Middleswart

House File 543
Judiciary and Law Enforcement
Higgins, Chair
Middleton
Gentleman

House File 545
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 546
Natural Resources
Wyckoff, Chair
Pellett
Scheelhaase

House File 547
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 548
Natural Resources
Brandstad, Chair
Middleswart
Varley

House File 560
County Government
Lonergan, Chair
Pellett
Hinkhouse

House File 565
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

House File 567
Judiciary and Law Enforcement
Bittle, Chair
Middleton
Jesse

House File 570
Judiciary and Law Enforcement
Jesse, Chair
Nielsen
Woods

House File 577
Judiciary and Law Enforcement
Dyrland, Chair
Oakley
Newhard

House File 578
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

House File 580
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 588
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

House File 597
Transportation
Drake, Chair
Gilloon
Woods
Tauke
Pavich

House File 604
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

House File 615
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

House File 619
Transportation
Krause, Chair
Brunow
Drake

House File 633
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 641
Transportation
Krause, Chair
Brunow
Drake

House File 644
Judiciary and Law Enforcement
Spencer, Chair
Woods
Nealson of Muscatine

House File 649
Judiciary and Law Enforcement
Higgins, Chair
Middleton
Dyrland

House File 651
Judiciary and Law Enforcement
Higgins, Chair
Gentleman
Brandt

House File 655
Judiciary and Law Enforcement
Brandt, Chair
Clark
Higgins

House File 658
Transportation
Krause, Chair
Brunow
Drake

House File 659
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 664
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Middleton
Bittle

House File 667
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 668
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 671
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 672
Judiciary and Law Enforcement
Higgins, Chair
Brandt
Hennessey

House File 673
Judiciary and Law Enforcement
Woods, Chair
Lageschulte
Poncy

House File 677
Agriculture
Pellett, Chair
Harper
Jordan

House File 678
Nielsen of Polk, Chair
Jesse
Brandt

House File 683
Transportation
Krause, Chair
Brunow
Drake

House File 684
Transportation
Krause, Chair
Brunow
Drake

House File 686
Transportation
Krause, Chair
Brunow
Drake

House File 692
Agriculture
Howell, Chair
Koogler
Pellett
Bennett
Jordan

House File 693
Natural Resources
Middleswart, Chair
Drake
Perkins

House File 694
County Government
Hargrave, Chair
Spradling
Bortell

House File 696
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Bittle
Jesse

House File 697
Judiciary and Law Enforcement
Nielsen of Polk Chair
Bittle
Jesse

House File 705
Education
Miller of Calhoun Chair
Baker
Poncy
Menke
Wulff

House File 707
Natural Resources
Koogler, Chair
Millen
Hullinger

House File 709
Transportation
Krause, Chair
Brunow
Drake

House File 717
Natural Resources
Scheelhaase, Chair
Perkins
Halvorson

House File 718
Transportation
Krause, Chair
Brunow
Drake

House File 729
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 745
Transportation
Harper, Chair
Gilloon
Wulff

House File 746
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 747
County Government
Pellett, Chair
Danker
Hinkhouse

House File 754
Agriculture
Howell, Chair
Pellett
Koogler
Bennett
Jordan

House File 756
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Newhard
Clark

House File 757
Natural Resources
Hinkhouse, Chair
Halvorson
Wyckoff

House File 758
Judiciary and Law Enforcement
Poncy, Chair
Spencer
Lageschulte

House File 762
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

House File 763
Transportation
Krause, Chair
Brunow
Drake

House File 783
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

House File 785
Agriculture
Crabb, Chair
Harper
Miller of Calhoun
Spradling

House File 805
Agriculture
Scheelhaase, Chair
Bennett
Hutchins

House File 807
Agriculture
Crabb, Chair
Harper
Miller of Calhoun

House File 836
Judiciary and Law Enforcement
Brandt, Chair
Gentleman
Clark

House File 837
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

House File 845
Judiciary and Law Enforcement
Brandt, Chair
Clark
Evans

House File 849
Transportation
Krause, Chair
Brunow
Drake

House File 851
Transportation
Krause, Chair
Brunow
Drake

House File 856
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

House File 858
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 862
Natural Resources
Tofte, Chair
Egenes
O'Halloran

House File 875
Transportation
Harper, Chair
Gilloon
Wulff

House File 882
Natural Resources
Perkins, Chair
Varley
Hines

House File 884
Transportation
Krause, Chair
Brunow
Drake

House File 888
Judiciary and Law Enforcement
Higgins, Chair
Oakley
Middleton

House File 909
Ways and Means
Bittle, Chair
Middleton
Jochum

House File 1002
Transportation
Krause, Chair
Brunow
Drake

House File 1005
Ways and Means
Anderson, Chair
Hines
Readinger

House Joint Resolution 3
Judiciary and Law Enforcement
Dyrland, Chair
Evans
Hennessey

House Joint Resolution 5
Judiciary and Law Enforcement
Bittle, Chair
Nielsen of Polk
Evans

House Joint Resolution 13
Transportation
Krause, Chair
Brunow
Drake

House Joint Resolution 22
County Government
Spradling, Chair
Tauke
Baker

Senate File 50
County Government
Gilloon, Chair
Stromer
Middleswart

Senate File 85
Judiciary and Law Enforcement
Jesse, Chair
Oakley
Gentleman
Brandt
Nielsen of Polk

Senate File 93
Agriculture
Miller of Cerro Gordo, Chair
Miller of Calhoun
Bennett

Senate File 124
County Government
Miller of Calhoun, Chair
Pellett
Lonergan

Senate File 135
Transportation
Krause, Chair
Brunow
Drake

Senate File 163
Judiciary and Law Enforcement
Newhard, Chair
Dyrland
Gentleman

Senate File 203
Agriculture
Svoboda, Chair
Miller of Calhoun
Pellett

Senate File 217
Judiciary and Law Enforcement
Jesse, Chair
Brandt
Clark

Senate File 228
Transportation
Harper, Chair
Gilloon
Wulff

Senate File 240
Natural Resources
Halvorson,Chair
Hinkhouse
O'Halloran

Senate File 244
Judiciary and Law Enforcement
Dyrland, Chair
Bittle
Woods

Senate File 255
Judiciary and Law Enforcement
Higgins, Chair
Oakley
Bittle

Senate File 271
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

Senate File 273
Judiciary and Law Enforcement
Higgins, Chair
Oakley
Bittle

Senate File 276
Judiciary and Law Enforcement
Middleton, Chair
Poncy
Clark

Senate File 295
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

Senate File 317
Natural Resources
Avenson, Chair
Spencer
Branstad

Senate File 345
Judiciary and Law Enforcement
Oakley, Chair
Nielsen of Polk
Lageschulte

Senate File 367
Agriculture
Scheelhaase, Chair
Bennett
Hutchins

Senate File 449
Agriculture
Scheelhaase, Chair
Pellett
Hinkhouse

Senate File 479
Agriculture
Jordan, Chair
Hinkhouse
Danker

Senate File 488
State Government
Woods, Chair
Svoboda
Harvey

Senate File 524
Judiciary and Law Enforcement
Hennessey, Chair
Evans
Woods

Senate File 530
Judiciary and Law Enforcement
Spencer, Chair
Bittle
Evans

STUDY BILLS SUBCOMMITTEE ASSIGNMENTS

S.B. 1
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

S.B. 3
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

S.B. 4
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

S.B. 6
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

S.B. 7
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

S.B. 8
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

S.B. 9
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

S.B. 10
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

S.B. 11
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

S.B. 12
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

S.B. 13
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

S.B. 14
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

S.B. 15
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

S.B. 16
County Government
Middleswart, Chair
Gilloon
Lindeen

S.B. 17
County Government
Miller of Calhoun, Chair
West
Jordan

S.B. 18
County Government
Hinkhouse, Chair
Middleswart
Baker

S.B. 19
County Government
Lonergan, Chair
Hargrave
Stromer

S.B. 20
County Government
Jordan, Chair
Bortell
Baker

S.B. 21
County Government
Jordan, Chair
West
Middleswart

S.B. 23
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

S.B. 24
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

REPORT OF COMMITTEE

Middleswart of Warren, from the committee on natural resources, submitted the following report:

MR. SPEAKER: Your committee on natural resources to whom was referred **House File 693**, a bill for an act relating to the compensation of commissions of the department of environmental quality, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

MIDDLESWART of Warren, Chair

On motion by Fitzgerald of Webster, the House adjourned until 10:00 a.m., Tuesday, January 20, 1976.

JOURNAL OF THE HOUSE

Ninth Calendar Day—Sixth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, JANUARY 20, 1976

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

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

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

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Clarence Douglas, Belle Plaine, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Griffee of Chickasaw on request of Fitzgerald of Webster.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on House File 693, under Rule 36.

PETITION FILED

The following petition was received and placed on file:

By Kreamer of Polk from ninety constituents favoring House File 79, relating to the regulation of the practice of massage.

INTRODUCTION OF BILL

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

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

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Doyle of Woodbury offered the following House Memorial Resolution 102 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Bert Fullerton of Woodbury County, who was a member of the Sixty-second, Sixty-fifth and Sixty-sixth General Assemblies, passed away on Saturday, January 17, 1976; *Now, Therefore,*

Be It Resolved by the House of Representatives; That a committee of four be appointed by the Speaker of the House to prepare a suitable resolution commemorating his life, character, and service to the state.

The motion prevailed and the Speaker appointed as such committee Doyle of Woodbury, Junker of Woodbury, Bennett of Ida and Scheelhaase of Woodbury.

ANNOUNCEMENT BY THE SPEAKER

The Speaker appointed the following Representatives as the official delegation to the funeral services of the Honorable Bert Fullerton, Representative from Woodbury County: Baker of Buena Vista, Bennett of Ida, Doyle of Woodbury, Junker of Woodbury, Menke of O'Brien, Scheelhaase of Woodbury and Spradling of Sioux.

Danker of Pottawattamie offered the following remarks in memory of Representative Fullerton:

MR. SPEAKER, LADIES AND GENTLEMEN OF THE HOUSE:

As most of you might know my wife and I were very close to Representative Bert Fullerton and his wife, Frances.

We visited with the family a week ago Sunday evening, got in to see Bert for a very short time. He was conscious at that time but said he didn't know us. I phoned them daily during the week. He rallied some and expressed a desire to come back and serve in the Iowa Legislature. He was truly a dedicated representative.

Sunday afternoon my wife and I drove to Correctionville and spent the afternoon with the family and they extended an invitation to the House members that will be attending the funeral to stop and have lunch with them at the church after the funeral. Thank you.

ADOPTION OF HOUSE RESOLUTION 102

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **House Resolution 102** as follows and moved its adoption:

HOUSE RESOLUTION 102

By Cochran, Millen and Fitzgerald

Whereas, the membership of the House of Representatives of the Sixty-sixth General Assembly has learned with great sorrow of the passing of Mr. Michael E. Connors of Des Moines, Iowa, son of Representative John Connors and Marjorie Connors, *Now, Therefore,*

Be It Resolved, that the members of the House of Representatives hereby wish to express to Representative Connors, Mrs. Connors, and members of the Connors Family their personal sympathy in the loss of their beloved Michael.

Be It Further Resolved, that a copy of this resolution be forwarded to Representative Connors and members of the family.

The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker appointed the following Representatives as the official delegation to the funeral services of Michael E. Connors: Cochran of Webster, Wells of Linn, Fitzgerald of Webster, Millen of Van Buren, Harper of Davis and Drake of Muscatine.

RULES 30 AND 31 SUSPENDED
(House File 1033)

Fitzgerald of Webster asked and received unanimous consent to suspend Rules 30 and 31 and take up for immediate consideration **House File 1033** at 12:30 p.m., Tuesday, January 20, 1976.

On motion by Fitzgerald of Webster, the House was recessed until 12:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed 61 members present, 39 absent.

CONSIDERATION OF BILLS

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

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 74:

Anderson	Doyle	Jordan	Patchett
Avenson	Drake	Junker	Pellett
Baker	Dyrland	Krause	Perkins
Bennett	Egenes	Kreamer	Poncy
Bina	Evans	Lageschulte	Rinas
Bittle	Fitzgerald	Lindeen	Scheelhaase
Bortell	Gilloon	Lonergan	Schroeder
Branstad	Halvorson	McElroy	Small
Brockett	Hansen	Middleswart	Spencer
Brunow	Hargrave	Middleton	Stromer
Byerly	Harper	Millen	Tauke
Caffrey	Harvey	Miller, A. V.	Tofte
Clark	Higgins	Miller, K. D.	Welden
Crabb	Hines	Miller, O. L.	Wells
Crawford	Howell	Monroe	Woods
Cusack	Hullinger	Norland	Wulff
Daggett	Hutchins	Oakley	Wyckoff
Den Herder	Jesse	O'Halloran	Mr. Speaker
Dieleman	Jochum		

The nays were, none.

Absent or not voting, 26:

Brandt	Hennessey	Mennenga	Spear
Connors	Hinkhouse	Nealson	Spradling
Danker	Horn	Newhard	Svoboda
Dunton	Husak	Nielsen	Varley
Fullerton	Koogler	Pavich	Walter
Gentleman	Lipsky	Readinger	West
Griffee	Menke		

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

MOTION TO VOTE LOST

Nielsen of Polk and Horn of Linn asked for unanimous consent to be recorded in their absence as voting "aye" on House File 1033.

Objection was raised.

Drake of Muscatine moved that the rules be suspended to allow Nielsen of Polk and Horn of Linn to be recorded in their absence as voting "aye" on House File 1033.

Roll call was requested by Byerly of Polk and Woods of Polk.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended and the vote so recorded?"

The ayes were, 46:

Avenson	Hansen	Lindeen	Patchett
Baker	Hargrave	Lonergan	Perkins
Byerly	Harper	McElroy	Rinas
Caffrey	Higgins	Middleswart	Scheelhaase
Crabb	Hines	Middleton	Small
Daggett	Howell	Miller, A. V.	Spencer
Doyle	Hutchins	Miller, K. D.	Varley
Drake	Jesse	Miller, O. L.	Wells
Dyrland	Jochum	Monroe	Woods
Egenes	Jordan	Norland	Wyckoff
Fitzgerald	Junker	O'Halloran	Mr. Speaker
Gilloon	Krause		

The nays were, 29:

Anderson	Clark	Harvey	Poncy
Bennett	Crawford	Hullinger	Schroeder
Bina	Cusack	Kreamer	Stromer
Bittle	Den Herder	Lageschulte	Tauke
Bortell	Dieleman	Millen	Tofte
Branstad	Evans	Oakley	Welden
Brockett	Halvorson	Pellett	Wulff
Brunow			

Absent or not voting, 25:

Brandt	Hennessey	Menke	Readinger
Connors	Hinkhouse	Mennenga	Spear
Danker	Horn	Nealson	Spradling
Dunton	Husak	Newhard	Svoboda
Fullerton	Koogler	Nielsen	Walter
Gentleman	Lipsky	Pavich	West
Griffee			

The motion having failed to receive a constitutional majority lost.

IMMEDIATE MESSAGE
(House File 1033)

Monroe of Des Moines asked and received unanimous consent that House File 1033 be immediately messaged to the Senate.

HOUSE FILE 446 REFERRED TO STATE GOVERNMENT

The Speaker announced that House File 446, previously referred to the committee on transportation, is referred to the committee on state government.

ANNOUNCEMENT BY THE CHIEF CLERK

The following communication was received from Serge R. Garrison, director of the Legislative Service Bureau:

To: All Members of the House of Representatives

Please note that House Rule 29 provides "No bill shall be filed after the fifteenth calendar day of the second regular session of a General Assembly unless a written request for drafting the bill has been filed with the Legislative Service Bureau before that time. However, standing committees may introduce bills at any time when not in conflict with Rule 37."

Monday, January 26, 1976, is the fifteenth calendar day of the session. House members should make their requests to the Legislative Service Bureau for individual bills prior to Tuesday, January 27, 1976.

SERGE H. GARRISON
Director
Legislative Service Bureau

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Chief Clerk:

COMMISSION ON UNIFORM STATE LAWS

Report of the Commission on Uniform State Laws, submitted pursuant to Iowa Code Section 5.4.

ENERGY AND MINERAL RESOURCES RESEARCH INSTITUTE

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

STATE BOARD OF REGENTS

Ten-year Building Program of the Board of Regents for the three state universities, submitted in accordance with Chapter 262A.3, Code 1975, and received on Monday, January 19, 1976.

DEPARTMENT OF JUSTICE

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

EXPLANATIONS OF VOTE

I was absent from the House chamber on January 20, 1976, at 12:30 p.m. Had I been present, I would have voted "aye" on House File 1033.

BRANDT of Black Hawk

I was necessarily absent on January 20, 1976. Had I been present I would have voted "aye" on House File 1033.

GENTLEMAN of Polk

I was necessarily absent from the House chamber on January 20, 1976, at 12:30 p.m. Had I been present I would have voted "aye" on House File 1033.

WALTER of Pottawattamie

I was necessarily absent from the House chamber January 20, 1976. Had I been present, I would have voted "aye" on House File 1033.

HUSAK of Tama

I was necessarily absent from the House chamber January 20, 1976. Had I been present, I would have voted "aye" on House File 1033.

KOOGLER of Mahaska

MESSAGE FROM THE SENATE

The following message was received from the Senate:

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

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

STEVEN C. CROSS, Secretary

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 25 **Natural resources**
Relating to radiation producing equipment used in the health professions and providing a penalty.

S. B. 26 **Natural resources**
Amending certain provisions relating to the disposal of solid waste and the establishment of sanitary disposal projects and providing for the use of injunctions in the case of certain violations.

S. B. 27 **Natural resources**
Relating to the powers of the department of environmental quality for air quality and a civil penalty for violations.

S. B. 28 **Ways and means**
Relating to references to the internal revenue code in the computation of individual and corporate income

tax and the franchise tax and making the Act retroactive.

S. B. 29 **Natural resources**
Relating to the powers and duties of the department of environmental quality in regard to hazardous substances and hazardous conditions and providing for a penalty.

S. B. 30 **Natural resources**
Prescribing the powers and duties of the department of environmental quality regarding the disposal of hazardous wastes and providing penalties.

S. B. 31 **Natural resources**
Relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems.

S. B. 32 **County government**
Relating to closing of certain roads, or parts of roads, or railroad crossings.

S. B. 33 **County government**
To increase the amount of aid paid counties for care of persons residing in county care facilities, and to increase the appropriation to the state mental aid fund.

S. B. 34 **County government**
Requiring the department of social services to reimburse counties for the cost of office space and office supplies and equipment assigned for use by employees of the department.

REPORT OF COMMITTEE

Middleswart of Warren, from the committee on natural resources, submitted the following report:

MR. SPEAKER: Your committee on natural resources to whom was referred **Senate File 240,** a bill for an act relating to undesirable fish, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended in accordance with amendment H—3639B, filed April 23, 1975, and when so amended the bill do pass.**

MIDDLESWART of Warren, Chair

AMENDMENTS FILED

H—5006

Amend House File 276 as follows:

1. Page 1, by striking lines 17 through 19.

BROCKETT of Marshall

H—5005

Amend House File 289 as follows:

1. Page 1, by striking lines 26 through 28.

BROCKETT of Marshall

H—5008

Amend House File 1010, page 2, by striking lines 11 through 15 and inserting in lieu thereof the following:

"Sec. 4. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Hawk-Eye, a newspaper published in Burlington, Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa."

MONROE of Des Moines
DRAKE of Muscatine

H—5007

Amend House File 1011 as follows:

1. Page 3, by striking line 6 and inserting in lieu thereof the following: "without other certificate[.] , *except that:*

1. A candidate who is an incumbent senator in the general assembly serving a term which will extend more than sixty days beyond the forthcoming general election, and who has been nominated in the primary election for an office established by the constitution of the state of Iowa or the statutes of the state or any of its political subdivisions, shall submit to the governor his or her resignation from the senate effective not later than the first day of July next succeeding the primary election in which he or she was so nominated.

2. A candidate whose".

2. Page 3, line 28, by striking the words *"required to execute the foregoing affidavit"* and inserting in lieu thereof the words *"subject to the requirements of subsections one (1) or two (2) of this section".*

3. Page 3, lines 34 and 35, by striking the words *"execute and deliver the affidavit"* and inserting in lieu thereof the words *"comply with the applicable requirement of this section".*

4. Amend the title, first page, line 10, by inserting after the word "that" the words "certain

state senators seeking other elective office resign from the senate to qualify for the general election ballot and that".

MILLER of Buchanan
JORDAN of Linn

H—5009

Amend House File 1011 as follows:

1. Page 11, by striking line 17 and inserting in lieu thereof the following:

"49.19 *UNPAID OFFICIALS, PAPER BALLOTS* OPTIONAL [AUTHORITY] FOR CERTAIN CITY ELECTIONS."

2. Page 12, line 3, by inserting after the word "*election,*" the words "*at least*".

3. Page 12, line 4, by striking the words "voters or [major] fraction thereof" and inserting in lieu thereof the words *fifty* voters [*or major fraction* thereof]".

4. Page 15, lines 6 and 7, by striking the words "In all cases the" and inserting in lieu thereof the words "[In all cases the] The".

5. Page 15, by inserting after line 7 the following: "*for state primary and general elections and other partisan elections and at eight o'clock p.m. for all other elections.*"

6. Page 20, line 6, by striking the word "affidavits" and inserting in lieu thereof the words "[affidavits] *information*".

7. Page 20, line 16, by striking the words "affidavit envelope" and inserting in lieu thereof the words "[affidavit] envelope *containing the challenged ballot*".

8. Page 32, by striking lines 34 and 35, and page 33, by striking lines 1 and 2, and inserting in lieu thereof the following: "less than ten persons. Nomination petitions shall be filed".

9. Page 33, lines 5 and 6, by striking the words "and the individual for whom the petition is being filed" and inserting in lieu thereof the words "[and the individual for whom the petition is being filed]".

10. Page 33, line 8, by inserting after the word "petitioners." the words "*The candidate for whom the petition is filed may sign the affidavit only if he or she personally circulated the petition.*"

11. Page 36, by striking lines 12 through 16 and inserting in lieu thereof the following:

"Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Hawk-Eye, a newspaper published in Burlington, Iowa, and in the

Muscatine Journal, a newspaper published in Muscatine, Iowa."

MONROE of Des Moines
DRAKE of Muscatine
HINES of Story

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned until 10:00 a.m., Wednesday, January 21, 1976.

JOURNAL OF THE HOUSE

Tenth Calendar Day—Seventh Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, JANUARY 21, 1976

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

Prayer was offered by the Reverend William Cotton, pastor of the Dayton-Harcourt United Methodist Church, Harcourt, Iowa.

The Journal of Tuesday, January 20, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Russell Dean, Cedar Falls, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hansen of O'Brien on request of Caffrey of Polk.

PRESENTATION OF VISITORS

Crabb of Crawford presented to the House the Honorable Alfred Nielsen, former member of the House during the Sixtieth through the Sixty-fourth General Assemblies representing Harrison and Shelby Counties.

Crabb of Crawford presented to the House Sergio Paulo Moura De Vasconellos, from Brasilia, an exchange student in Iowa for three years back to visit.

The Speaker announced the following visitors were present in the House chamber:

Fifty students from Iowa Lakes Community College, Estherville, Iowa, accompanied by Mr. Engstoom. By Baker of Buena Vista, Branstad of Winnebago, Krause of Palo Alto and Spencer of Clay.

Two hundred fifty eighth grade students from Warren Harding Junior High School, Cedar Rapids, Iowa, accompanied by Jim Herman, Linda Lewis, Lois Sauerbry and Mrs. Floyd. By Lipsky of Linn.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 240, under Rule 36.

INTRODUCTION OF BILLS

House File 1034, by Lipsky, a bill for an act relating to the compensation of the victims of crimes.

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

House File 1035, by Horn, a bill for an act relating to the placing of licensees' photographs on operator's and chauffeur's licenses.

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

House File 1036, by committee on appropriations, a bill for an act making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality.

Read first time and referred to the **appropriations calendar.**

House File 1037, by committee on appropriations, a bill for an act appropriating funds to the capitol planning commission.

Read first time and referred to the **appropriations calendar.**

House File 1038, by committee on appropriations, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission.

Read first time and referred to the **appropriations calendar.**

House File 1039, by Hines, Lonergan and Miller of Calhoun, a bill for an act making an appropriation from the general fund of

the state to the board of regents for construction of a seeds laboratory.

Read first time and referred to the **appropriations calendar.**

House File 1040, by committee on education, a bill for an act relating to applications and fees for high school equivalency diplomas.

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

House File 1041, by committee on education, a bill for an act relating to the maximum age for participation in extracurricular activities.

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

House File 1042, by Harper, Hutchins, Howell, Baker, Newhard, Drake, Varley, Middleswart, Husak, Spradling, Miller of Cerro Gordo, Horn, Middleton, Readinger, Welden, Halvorson, Evans, Danker, Stromer, Kreamer, Bortell, Miller of Calhoun, Wyckoff, Hullinger, Millen, Tauke, Koogler, McElroy, Lonergan, Jordan, Daggett, Woods, Bina, Menke, Higgins, Hines, Hinkhouse, Gentleman, Pellett and Walter, a bill for an act relating to the introduction of legislation by members of the general assembly.

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

House File 1043, by Harper, Hutchins, Perkins, Baker, Newhard, Monroe, Brandt, Drake, Varley, Middleswart, Husak, Spradling, Horn, Middleton, Welden, Halvorson, Evans, Danker, Kreamer, Stromer, Bortell, Miller of Calhoun, Wyckoff, Hullinger, Millen, Tauke, Crawford, Junker, Woods, Byerly, Koogler, McElroy, Rinas, Bina, Mennenga, Daggett, Menke, Pellett, Miller of Cerro Gordo and Krause, a bill for an act providing for a time of daily adjournment of the general assembly and voiding any action taken in violation of such act.

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

House File 1044, by committee on education, a bill for an act relating to fire drills and tornado drills in schools.

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

House File 1045, by Harvey, a bill for an act to provide for a sixty-five mile per hour speed limit for certain motor vehicles on four-lane highways.

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

House File 1046, by Koogler, a bill for an act providing that the act of indecent exposure shall be a public offense and providing a penalty.

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

House File 1047, by Higgins, a bill for an act to require a public hearing before a local governing board may pass an ordinance providing for funding of an urban renewal project.

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

House File 1048, by Higgins, a bill for an act to prohibit the jailing of juveniles for misdemeanor offenses committed in violation of chapter three hundred twenty-one (321) of the Code.

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

House File 1049, by Brockett and Brunow, a bill for an act to make an appropriation to the capitol planning commission for a feasibility study and planning related to facilities for the state historical department.

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

House File 1050, by Brockett and Brunow, a bill for an act making an appropriation for the planning and construction of a rotunda covering in the state capitol for the purpose of restoring the rotunda opening to its original condition.

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

House File 1051, by Perkins, Hutchins, Husak, Crabb, Hullinger, Middleswart, Baker, Clark, Miller of Buchanan, Schroeder, Halvorson, Koogler, Miller of Calhoun, Den Herder, Hansen, Dunton, Spradling, Daggett, Bennett, Tofte, Branstad, Varley and Stromer, a bill for an act relating to farm tenants.

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

House File 1052, by Perkins, Bina, O'Halloran, Husak, Baker, Wyckoff, Higgins, Brandt, Hutchins, Newhard, Krause, Cusack, Dyrland, Jordan, Woods and Pellett, a bill for an act to require certain information to be included in the notice of public hearing on annual city budgets.

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

House File 1053, by Millen, Daggett, Kreamer, Hargrave, West, Danker, O'Halloran, Hennessey, Husak, Bennett, Harvey, Monroe, Oakley, Small, Lipsky, Spencer, Crawford, Pellett and Wulff, a bill for an act relating to the notation of an anatomical gift on an operator's or chauffeur's license.

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

House File 1054, by Junker and Doyle, a bill for an act relating to transfers of corporate stock.

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

House File 1055, by Crabb and Stromer, a bill for an act to open negotiations conducted pursuant to the public employment relations act to the open meetings law, subject to penalties provided by law.

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

House File 1056, by Hansen, a bill for an act relating to the jurisdiction of judicial magistrates appointed pursuant to section six hundred two point fifty-one (602.51) of the Code.

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

House File 1057, by Crabb, a bill for an act making an appropriation from the general fund of the state to the state conservation commission for the dredging of Blue Lake.

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

House File 1058, by Nealson of Muscatine, a bill for an act relating to the licensing of prostitution and providing penalties.

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

House File 1059, by Baker, Norland, Hutchins, Miller of Cerro Gordo and Hines (Taylor, Scott and Rodgers), a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund.

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

House File 1060, by Nealson of Muscatine, a bill for an act relating to the suspension of operators' and chauffeurs' licenses.

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

House Joint Resolution 1001, by Halvorson, a joint resolution to provide for an interim study of the appropriate age at which the state of Iowa should permit the consumption of alcoholic beverages and beer, and to provide for an appropriation.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 16, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 288, a bill for an act to repeal the procedure for establishment of a convention to ratify amendments to the Constitution of the United States.

Also: That the Senate has on January 16, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 546, a bill for an act to exempt public-owned motor vehicles used for venereal disease investigation.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 103

By Caffrey and Woods

Whereas, on December 1, 1975, the members of the state transportation commission voted for the construction of a five point five mile, seventy mile per hour diagonal highway in Iowa county connecting Interstate eighty with the Amanas; and

Whereas, this diagonal highway will cost approximately one million dollars more and use fifty-six point seven more acres of agricultural land than the straight alternative recommended by the state department of transportation staff; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the general assembly requests the state department of transportation to suspend preparations for the construction of diagonal Iowa one hundred forty-nine in Iowa county until a proposal for the construction of the diagonal highway is submitted to and approved by the general assembly by concurrent resolution.

Laid over under Rule 25.

HOUSE FILES 240, 751, 794, 846, 852 AND 872 WITHDRAWN

Wyckoff of Benton asked and received unanimous consent to

withdraw **House File 240** from further consideration by the House.

Rinas of Linn asked and received unanimous consent to withdraw **House Files 794, 846** and 872 from further consideration by the House.

Clark of Lee asked and received unanimous consent to withdraw **House File 751** from further consideration by the House.

Cusack of Scott asked and received unanimous consent to withdraw **House File 852** from further consideration by the House.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

Brunow of Appanoose called up for consideration **House Concurrent Resolution 102,** filed on January 16, 1976, and found on pages 54 and 55 of the House Journal, and moved its adoption.

A non-record roll call was requested.

The ayes were 71, nays 10.

The motion prevailed and the resolution was adopted.

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

HOUSE FILE 693 DEFERRED

Middleswart of Warren asked and received unanimous consent that **House File 693** be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

REGULAR CALENDAR

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the immediate consideration of **House File 1010,** a bill for an act to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraud-

ulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take effect upon publication.

Schroeder of Pottawattamie offered the following amendment H—5013 filed by him from the floor and moved its adoption:

H—5013

Amend House File 1010 as follows:

1. Page 1, line 12, by striking the words *"postage paid"*.

Amendment H—5013 lost.

(House File 1010 pending at adjournment.)

EXPLANATIONS OF VOTE

We were necessarily absent from the House chamber when the vote was taken on House Concurrent Resolution 102, attending the funeral of Representative Fullerton. Had we been present, we would have voted "aye."

BAKER of Buena Vista
BENNETT of Ida
DOYLE of Woodbury
HANSEN of O'Brien
JUNKER of Woodbury
MENKE of O'Brien
SCHEELHAASE of Woodbury
SPRADLING of Sioux

I was necessarily absent from the House chamber when the vote was taken on House File 1033. Had I been present I would have voted "aye."

SPRADLING of Sioux

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21st day of January, 1976: House File 1033.

DAVID L. WRAY, Chief Clerk

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing

that on January 21, 1976, he approved and transmitted to the Secretary of State the following bill:

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

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 35 Natural resources
Relating to open seasons for game birds and animals.

S. B. 36 County government
To prohibit the notation of the amount of the security interest on certificate of title, the release form, or notation certificate for a motor vehicle.

REPORTS OF COMMITTEES

Husak of Tama, from the committee on agriculture, submitted the following reports:

MR. SPEAKER: Your committee on agriculture to whom was referred **House File 443**, a bill for an act relating to the destruction of weeds by spraying, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5010
Amend House File 443, page 1, line 13, by striking the word "his" and inserting in lieu thereof the words "[his] *that persons*".

HUSAK of Tama, Chair

Also:

MR. SPEAKER: Your committee on agriculture to whom was referred **House File 807**, a bill for an act relating to bonded agricultural warehouses, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5011
Amend House File 807, as follows:
1. Page 5, line 5, by striking the words *"receipt by"* and inserting in lieu thereof the words *"receiving into"*.

HUSAK of Tama, Chair

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1036**, a bill for an act making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1037**, a bill for an act appropriating funds to the capitol planning commission, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1038**, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—5015

Amend House File 1010 as follows:

1. Page 1, by inserting after line 26 the following:

"All voter registration forms designed for use under this section shall be individually serially numbered. Any individual who requests and receives from the commissioner more than one such blank form shall sign a receipt in a form prescribed by the state commissioner, upon which shall be recorded the number of blank forms and the serial number, or the range of serial numbers from lowest to highest, of the forms received by the individual signing the receipt."

2. Title, line 4, by inserting after the word "envelope," the words "requiring that voter registration by mail forms be serially numbered and that individuals obtaining more than one such blank form acknowledge receipt thereof by serial number,".

SCHROEDER of Pottawattamie

H—5012

Amend House File 1011 as follows:

1. Page 13, line 3, by striking the "one-*sixteenth*" and inserting in lieu thereof the word "*one-sixth*".

SCHROEDER of Pottawattamie

H—5014

Amend the Monroe, et al., amendment H—5009 to House File 1011 by inserting after line 11 the following:

"..... Page 14, by striking from lines 6 and 7 the words "subsection five (5), Code 1975, is amended to read as follows:".

MONROE of Des Moines

H—5016

Amend House 1011 as follows:

1. Page 19, by inserting after line 35 the following new section:

"Sec. ..... Section fifty point eleven (50.11), Code 1975, is amended to read as follows:

50.11 PROCLAMATION OF RESULT. When the canvass is completed one of the precinct election officials shall publicly announce the total number of votes received by each of the persons voted for, the office for which he is designated, as announced by the designated tally keepers, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people, and he shall communicate said information by telephone or telegraph or in person to the commissioner who is conducting the election immediately upon completion of the canvass; and the commissioner shall remain on duty until such information is communicated to him from each polling place in his county. *At any election at which the precinct election officials have been notified that fewer than twenty-five absentee ballots were received in the office of the commissioner, the precinct canvass is not complete until the results of the tabulation of any absentee ballots cast by electors of that precinct have been communicated to the precinct election officials by the commissioner pursuant to section 53.23 of the Code.*

2. Page 23, by inserting after line 15 the following new section:

"Sec. ..... Section fifty-three point twenty-three (53.23), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred twenty (120), is amended by adding the following new subsection:

NEW SUBSECTION. The intent of this subsection is to protect the secrecy of each absentee voter's ballot to the greatest extent feasible. If the commissioner has not received a total of at least twenty-five absentee ballots cast in an election before the election supplies are delivered to the

precinct election officials pursuant to section forty-nine point fifty-five (49.55) of the Code, the commissioner shall at that time so notify the precinct election officials of each precinct under his or her jurisdiction. In that case, the special precinct election board shall not announce the results of its tally as would otherwise be required by section fifty point eleven (50.11) of the Code. Instead, at nine o'clock p.m. on election day or as soon after that

Page 2

hour as possible, the commissioner shall communicate the tabulation of any absentee ballots cast by electors of each precinct to the regular election board of that precinct, which shall include these tabulations in the results announced at the precinct polling place under section fifty point eleven (50.11) of the Code."

3. Amend the title, second page, line 8, by inserting after the word "precincts," the words "providing alternative procedures to protect the secrecy of absentee voters' ballots in certain elections,".

GRIFFEE of Chickasaw

H—5017

Amend House File 1011 as follows:

1. Page 13, line 3, by striking the word "*one-sixteenth*" and inserting in lieu thereof the word "*five-thirty-sixth*".

SCHROEDER of Pottawattamie

H—5018

Amend House File 1011 as follows:

1. Page 4, by striking line 8 and inserting in lieu thereof the following: "(1) all of paragraphs f and g and inserting in lieu thereof the following:

f. For any other partisan office filled by the voters of a subdivision of a county, by those members of the party's county central committee who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson. However this paragraph shall not apply to partisan city offices in special charter cities for which candidates are nominated under this chapter, but such ballot vacancies shall be filled as provided by section nine (9) of this Act.

Sec. ..... Section forty-three point seventy-eight (43.78), subsection three (3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section twenty-five (25), is amended to read as follows:

3. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection one (1), paragraphs d, e[, f] or [g] *f* of this section shall be submitted in writing to the

commissioner not later than five o'clock p.m. on the fifty-fifth day prior to the date of the general election."

2. By renumbering succeeding sections of the bill and changing internal references in the bill and in section 1 of this amendment in accordance with this amendment.

BINA of Scott
MONROE of Des Moines

H—5019

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 216A, line 32, by striking the word "fifty" and inserting in lieu thereof the word "ninety".

SPEAR of Lee

H—5020

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 21A, line 35, by inserting after the word "abuse" the words "in the first, second or third degree".

2. Page 21B, line 40, by inserting after the word "ransom" the words "or where the victim is subject to sexual abuse in the fourth degree".

SPEAR of Lee

H—5021

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 56, lines 29 through 31, by striking the words "as an ancestor, descendent, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew" and inserting in lieu thereof the words "as an ancestor, a brother or sister of the whole or half blood of an ancestor, a brother or sister of the whole or half blood, a descendent, a niece or a nephew".

SPEAR of Lee

H—5022

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 46, line 6, by striking the word "hearing" and inserting in lieu thereof the word "election".

2. Page 46, line 9, by inserting after the word "candidate" the words "or for or against any issue".

SPEAR of Lee

H—5023

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 5, line 35, by striking the words "or her".

2. Page 55, line 14, by striking the words "or her".

SPEAR of Lee

H—5024

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 216A, line 14, by striking the word "five" and inserting in lieu thereof the word "ten".

SPEAR of Lee

EXPLANATION OF BRACKETS AND ITALICS IN AMENDMENTS PRINTED IN THE JOURNALS

When bills are drafted to amend existing sections of the Code or session laws, words to be stricken are indicated by a line through such words, and words to be inserted are underlined. Amendments to such bills may also contain strike-throughs and underlines, but when they appear in the Journals, the form is different from the original amendment. Words to be stricken are enclosed in brackets, and underlined words are printed in *italics*.

On motion by Fitzgerald of Webster, the House adjourned until 10:00 a.m., Thursday, January 22, 1976.

JOURNAL OF THE HOUSE

Eleventh Calendar Day—Eighth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, JANUARY 22, 1976

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

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

The Journal of Wednesday, January 21, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Spearing, Harlan, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for January 22 and 23 on request of Rinas of Linn.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 443, 807, 1036, 1037 and 1038, under Rule 36.

INTRODUCTION OF BILLS

House File 1061, by Higgins, a bill for an act relating to the practice of medicine and surgery, osteopathic medicine and surgery, and osteopathy.

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

House File 1062, by Gilloon, a bill for an act providing for legislative review and approval of administrative rules by standing committees of the general assembly.

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

House File 1063, by Brandt, Brunow, O'Halloran, Lipsky, Hargrave and Avenson, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons.

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

House File 1064, by Brandt, a bill for an act relating to the public employment relations act.

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

House File 1065, by Hargrave and Millen, a bill for an act to limit expenditures by the state with respect to the inauguration of a governor to those expenses relating to the actual installation.

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

House File 1066, by Spear, a bill for an act relating to the computation of benefits for retirees of the Iowa public employees' retirement system.

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

House File 1067, by Krause, a bill for an act relating to school bus transportation requirements.

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

House File 1068, by Lipsky, a bill for an act relating to municipal tort claims and sovereign immunity from suit.

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

House File 1069, by Hennessey, Evans, Daggett, Jordan, Miller of Buchanan, Pellett, Halvorson, Bortell, Husak, Perkins, Wyckoff, Dieleman, Drake, Varley and Hutchins, a bill for an act relating to the maximum interest rate which may be paid by persons borrowing for a business purpose, including certain agricultural loans.

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

House File 1070, by Gilloon, Dyrland, Hennessey, Jochum, Wells, Spradling, Tauke, Brandt, Hines, Nealson of Muscatine, Wulff, Patchett, Hargrave, Mennenga, Newhard, Horn, Husak, Small, Caffrey, Clark, Jordan, O'Halloran, Hinkhouse and Mon-

roe, a bill for an act providing for the distribution of secondary and farm-to-market road moneys on the basis of current needs and adjusting the allocation between need and area allotments.

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

House File 1071, by Gilloon, Dyrland, Jochum, Hennessey, Tauke, Rinas, Small, Hargrave, Patchett, Monroe, O'Halloran, Halvorson, Hinkhouse, Walter, Svoboda, Brandt, Pavich, Miller of Buchanan, Crawford, Clark, Hines, Wulff, Mennenga, Newhard, Nealson of Muscatine, Lindeen, Husak, Caffrey and Varley, a bill for an act providing for the distribution of secondary and farm-to-market road moneys on the basis of current needs.

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

House File 1072, by Lipsky, a bill for an act requiring professional and occupational licensees to participate in continuing education as a condition of license renewal.

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

House File 1073, by Horn, a bill for an act to change the requirements for awarding a permanent professional teachers' certificate.

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

House File 1074, by Miller of Buchanan, Jordan, Rinas, Husak and Wyckoff, a bill for an act relating to the court costs and fees imposed in nonindictable misdemeanor actions.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

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

Senate File 454, a bill for an act relating to sexual contact performed for a fee and providing a penalty.

STEVEN C. CROSS, Secretary

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

SENATE MESSAGES CONSIDERED

Senate File 288, a bill for an act to repeal the procedure for establishment of a convention to ratify amendments to the Constitution of the United States.

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

Senate File 546, a bill for an act to exempt certain publicly-owned motor vehicles used for venereal disease investigation from use of state sign or other labeling and of official registration plates.

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

CONSIDERATION OF BILLS

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 1010,** a bill for an act to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take effect upon publication.

Hines of Story offered the following amendment H—5032 filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H—5032

Amend House File 1010 as follows:

1. Page 1, line 14, by striking the words "*bearing one registration form*" and inserting in lieu thereof the words "*containing one or more registration forms for the use of individual registrants who are related to each other within the first degree of consanguinity or affinity and who reside at the same address*".

2. Page 1, line 16, by inserting after the word "election." the words "*A separate registration form shall be signed by each individual registrant.*"

Amendment H—5032 was adopted.

Schroeder of Pottawattamie asked and received unanimous

consent to withdraw amendment H—5015, filed by him on January 21, 1976, and found on page 87 of the House Journal.

Monroe of Des Moines offered the following amendment H—5008 filed by him and Drake of Muscatine and moved its adoption:

H—5008

Amend House File 1010, page 2, by striking lines 11 through 15 and inserting in lieu thereof the following:

"Sec. 4. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Hawk-Eye, a newspaper published in Burlington, Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa."

Amendment H—5008 was adopted.

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1010)

The ayes were, 74:

Anderson	Dyrland	Jordan	Pavich
Avenson	Egenes	Koogler	Pellett
Baker	Evans	Lindeen	Perkins
Bina	Fitzgerald	Lipsky	Poncy
Bortell	Gentleman	Lonergan	Readinger
Brandt	Gilloon	Mennenga	Rinas
Brockett	Griffee	Middleswart	Scheelhaase
Brunow	Hargrave	Middleton	Schroeder
Byerly	Harper	Millen	Spencer
Caffrey	Higgins	Miller, A. V.	Spradling
Clark	Hines	Miller, K. D.	Stromer
Crabb	Hinkhouse	Miller, O. L.	Svoboda
Crawford	Horn	Monroe	Tauke
Cusack	Howell	Newhard	Walter
Daggett	Hullinger	Nielsen	Wells
Den Herder	Husak	Norland	Woods
Dieleman	Hutchins	O'Halloran	Wyckoff
Doyle	Jesse	Patchett	Mr. Speaker
Dunton	Jochum		

The nays were, 19:

Bennett	Halvorson	McElroy	Varley
Bittle	Hansen	Menke	Welden
Branstad	Harvey	Nealson	West
Danker	Kreamer	Oakley	Wulff
Drake	Lageschulte	Tofte	

Absent or not voting, 6:

Connors	Junker	Krause	Spear
Hennessey	Small		

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

REGULAR CALENDAR

House File 1011, a bill for an act to amend the election laws of the state of Iowa by specifying the times when special elections may be called and held, clarifying the requirement that nominating petitions for candidates for public office be accompanied by an eligible elector's affidavit, clarifying the manner in which ballots cast by challenged or handicapped electors are to be received, handled and canvassed, requiring that county election commissioners notify the state commissioner when a recount of primary election ballots is granted, requiring that candidates nominated by write-in votes in certain elections affirm their candidacy, changing the manner of filling vacancies on city primary election ballots in special charter cities, changing the time when the number of delegates to be elected to county political party conventions by each precinct caucus must be designated, stating the functions of state political party conventions, changing the time when petitions for certain candidates nominated under chapter forty-four (44) of the Code must be filed, clarifying the permissible uses of voter registration records, altering the procedures for certain registered voters to record a change of name or address, specifying certain hours when the office of the county commissioner of elections must be open or make alternative arrangements to receive registration material from mobile deputy registrars, clarifying the time and method of holding and canvassing and the formula for determining who is nominated or elected in certain city elections, clarifying the number of voting machines or booths to be furnished each precinct polling place, clarifying the requirements for publishing notice of elections, clarifying the manner in which printed ballots are to be identified, clarifying the hours when the polls must be open for certain elections, revising the law relative to tallying votes cast in certain precincts, clarifying the manner of delivery of absentee ballots to certain voters, providing for contesting elections on public measures, clarifying when vacancies in certain elective offices must be filed by election, changing the time when candidates in school elections may withdraw, deleting an obsolete reference to elected school district treasurers, clarifying the manner of administering merged area elections, changing the manner of electing sanitary district trustees, ending the requirement that the township clerk's annual financial statement be posted at each polling place in the township, clarifying the law

relative to certain elections conducted for the city development board, and providing that this Act shall take effect upon publication, was taken up for consideration.

Varley of Adair rose on a point of order and invoked Rule 37 on House File 1011.

Avenson of Fayette asked and received unanimous consent that Rule 37 be suspended for the immediate consideration of House File 1011.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—5007 filed by him and Jordan of Linn on January 20, 1976, and found on pages 75 and 76 of the House Journal.

Miller of Buchanan offered the following amendment H—5030 filed by him and Jordan of Linn from the floor and moved its adoption:

H—5030

Amend House File 1011 as follows:

1. Page 3, by striking line 6 and inserting in lieu thereof the following: "without other certificate[.], *except that:*

1. A person currently holding an elective office established by the constitution of the state of Iowa or the statutes of the state or any of its political subdivisions for a term which will extend more than sixty days beyond the forthcoming general election, and who has been nominated in the primary for any other such office, shall submit to the proper authority his or her resignation from the office currently held effective not later than the first day of July next succeeding the primary election in which he or she was so nominated.

2. A candidate whose".

2. Page 3, line 28, by striking the words "*required to execute the foregoing affidavit*" and inserting in lieu thereof the words "*subject to the requirements of subsections one (1) or two (2) of this section*".

3. Page 3, lines 34 and 35, by striking the words "*execute and deliver the affidavit*" and inserting in lieu thereof the words "*comply with the applicable requirement of this section*".

4. Amend the title, first page, line 10, by inserting after the word "that" the words "certain officeholders seeking other elective office resign from the office currently held to qualify for the general election ballot and that".

Amendment H—5030 was adopted.

Monroe of Des Moines offered the following amendment H—5038 filed by him from the floor and moved its adoption:

H—5038

Amend House File 1011 as follows:

1. Page 3, by inserting after line 20 the following:

"I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives contributions, makes expenditures, or incurs indebtedness in excess of one hundred dollars for the purpose of supporting my candidacy for public office."

2. Page 22, lines 5 and 6, by striking the words and figures "one hundred three (103)" and inserting in lieu thereof the words and figures "[one hundred three (103)] *one hundred eighteen (118)*".

3. Page 33, line 14, by striking the word "must" and inserting in lieu thereof the words "[must] *shall*".

Amendment H—5038 was adopted.

Bina of Scott offered the following amendment H—5018 filed by him and Monroe of Des Moines and moved its adoption:

H—5018

Amend House File 1011 as follows:

1. Page 4, by striking line 8 and inserting in lieu thereof the following: "(1) all of paragraphs f and g and inserting in lieu thereof the following:

f. For any other partisan office filed by the voters of a subdivision of a county, by those members of the party's county central committee who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson. However this paragraph shall not apply to partisan city offices in special charter cities for which candidates are nominated under this chapter, but such ballot vacancies shall be filled as provided by section nine (9) of this Act.

Sec. ..... Section forty-three point seventy-eight (43.78), subsection three (3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section twenty-five (25), is amended to read as follows:

3. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection one (1), paragraph d, e[, f] or [g] *f* of this section shall be submitted in writing to the commissioner not later than five o'clock p.m. on the fifty-fifth day prior to the date of the general election."

2. By renumbering succeeding sections of the bill and changing internal references in the bill and in

section 1 of this amendment in accordance with the amendment.

Amendment H—5018 was adopted.

Hines of Story offered the following amendment H—5026 filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H—5026

Amend House File 1011, page 8, line 34, by inserting after the word "lists." the words "*Each such person who does so shall, before receiving the requested information, sign an affidavit to the effect that he or she understands the restrictions imposed on use of the information by this subsection, intends to abide by those restrictions, and is aware of the penalty provided by this subsection for violating them.*"

Amendment H—5026 lost.

Monroe of Des Moines offered amendment H—5009 filed by Monroe, et al., and requested division as follows:

H—5009

Amend House File 1011 as follows:

H—5009A

1. Page 11, by striking line 17 and inserting in lieu thereof the following:

"49.19 *UNPAID OFFICIALS, PAPER BALLOTS* OPTIONAL [AUTHORITY] FOR CERTAIN CITY ELECTIONS."

2. Page 12, line 3, by inserting after the word "*election,*" the words "*at least*".

3. Page 12, line 4, by striking the words "voters or [major] fraction thereof" and inserting in lieu thereof the words *fifty* voters [or major fraction thereof]".

H—5009B

4. Page 15, lines 6 and 7, by striking the words "In all cases the" and inserting in lieu thereof the words "[In all cases the] The".

5. Page 15, by inserting after line 7 the following: "*for state primary and general elections and other partisan elections and at eight o'clock p.m. for all other elections.*"

H—5009C

6. Page 20, line 6, by striking the word "affidavits" and inserting in lieu thereof the words "[affidavits] information".

7. Page 20, line 16, by striking the words "affidavit envelope" and inserting in lieu thereof

the words "[affidavit] envelope *containing the challenged ballot*".

H—5009D

8. Page 32, by striking lines 34 and 35, and page 33, by striking lines 1 and 2, and inserting in lieu thereof the following: "less than ten persons. Nomination petitions shall be filed".

9. Page 33, lines 5 and 6, by striking the words "and the individual for whom the petition is being filed" and inserting in lieu thereof the words "[and the individual for whom the petition is being filed]".

10. Page 33, line 8, by inserting after the word "petitioners." the words "*The candidate for whom the petition is filed may sign the affidavit only if he or she personally circulated the petition.*"

H—5009E

11. Page 36, by striking lines 12 through 16 and inserting in lieu thereof the following:

"Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Hawk-Eye, a newspaper published in Burlington, Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa."

On motion by Monroe of Des Moines, amendment H—5009A was adopted.

Monroe of Des Moines offered the following amendment H—5014, to amendment H—5009B, filed by him and moved its adoption:

H—5014

Amend the Monroe, et al., amendment H—5009 to House File 1011 by inserting after line 11 the following:

"..... Page 14, by striking from lines 6 and 7 the words "subsection five (5), Code 1975, is amended to read as follows:".

Amendment H—5014 was adopted.

Monroe of Des Moines moved the adoption of amendment H—5009B, as amended.

A non-record roll call was requested.

The ayes were 56, nays 32.

Amendment H—5009B, as amended, was adopted.

On motion by Monroe of Des Moines, amendment H—5009C was adopted.

On motion by Monroe of Des Moines, amendment H—5009D was adopted.

On motion by Monroe of Des Moines, amendment H—5009E was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5012 filed by him on January 21, 1976, and found on pages 87 and 88 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H—5017 filed by him and moved its adoption:

H—5017
Amend House File 1011 as follows:
1. Page 13, line 3, by striking the word *"one-sixteenth"* and inserting in lieu thereof the word *"five-thirty-sixth"*.

Amendment H—5017 was adopted.

Miller of Buchanan offered the following amendment H—5031 filed by him from the floor and moved its adoption:

H—5031
Amend House File 1011, by striking page 14, line 6 through page 15, line 7, and inserting in lieu thereof the following: "seventy-six (76) is amended by striking the section and inserting in lieu thereof the following:
49.73 TIME OF OPENING AND CLOSING POLLS. At all elections, the polls shall be opened at seven o'clock a.m., or as soon thereafter as vacancies on the precinct election board have been filled. The polling places shall be closed at nine o'clock p.m."

A non-record roll call was requested.

The ayes were 20, nays 69.

Amendment H—5031 lost.

Miller of Buchanan offered the following amendment H—5029 filed by him from the floor and moved its adoption:

H—5029
Amend House File 1011 as follows:
1. Page 14, by striking lines 29 through 33 and inserting in lieu thereof the following:
"2. The commissioner shall [not do so] *shorten voting hours* for any election *only* if there is filed in the commissioner's office, at least [twenty-five] *twenty-eight* days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened *for that election at twelve o'clock noon. However, in such cases, the commissioner may use his or her discretion if there is filed in*

the commissioner's office, at least twenty-five days before the election, a second petition signed by a greater number of eligible electors of the school district or city, none of whom signed the first petition, requesting that the polls be opened not later than seven o'clock a.m. All polling".

A non-record roll call was requested.

The ayes were 34, nays 48.

Amendment H—5029 lost.

Wyckoff of Benton offered the following amendment **H—5025** filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H—5025

Amend House File 1011 as follows:

1. Page 17, by striking lines 11 through 14 and inserting in lieu thereof the words "voter the opportunity to vote in secret. The".

2. Page 18, by striking lines 5, 6 and 7 and inserting in lieu thereof the following:

" "Challenged Elector's Ballot"

3. Page 19, by striking lines 8 through 12 and inserting in lieu thereof the following: "[east according to section forty-nine point eighty-one (49.81) of the Code, except they shall be marked "handicapped voter's ballot", and shall be counted] *opened immediately after the closing of the polling place by the two precinct election officials designated under section forty-nine point eighty-nine (49.89) of the Code, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section fifty-two point twenty-one (52.21) of the Code. To preserve so far as possible the confidentiality of each handicapped elector's ballot, the two officers shall proceed substantially* in the same manner as [challenged ballots accepted under] *provided in* section [fifty point twenty-two (50.22)] *fifty-three point twenty-four (53.24)* of the Code. *In precincts where*".

A non-record roll call was requested.

The ayes were 46, nays 42.

Amendment H—5025 was adopted.

Griffee of Chickasaw offered the following amendment **H—5016** filed by him and moved its adoption:

H—5016

Amend House 1011 as follows:

1. Page 19, by inserting after line 35 the following new section:

"Sec. ..... Section fifty point eleven (50.11), Code 1975, is amended to read as follows:

50.11 PROCLAMATION OF RESULT. When the canvass is completed one of the precinct election officials shall publicly announce the total number of votes received by each of the persons voted for, the office for which he is designated, as announced by the designated tally keepers, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people, and he shall communicate said information by telephone or telegraph or in person to the commission who is conducting the election immediately upon completion of the canvass; and the commissioner shall remain on duty until such information is communicated to him from each polling place in his county. *At any election at which the precinct election officials have been notified that fewer than twenty-five absentee ballots were received in the office of the commissioner, the precinct canvass is not complete until the results of the tabulation of any absentee ballots cast by electors of that precinct have been communicated to the precinct election officials by the commissioner pursuant to section 53.23 of the Code.*

2. Page 23, by inserting after line 15 the following new section:

"Sec. ..... Section fifty-three point twenty-three (53.23), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred twenty (120), is amended by adding the following new subsection:

NEW SUBSECTION. The intent of this subsection is to protect the secrecy of each absentee voter's ballot to the greatest extent feasible. If the commissioner has not received a total of at least twenty-five absentee ballots cast in an election before the election supplies are delivered to the precinct election officials pursuant to section forty-nine point fifty-five (49.55) of the Code, the commissioner shall at that time so notify the precinct election officials of each precinct under his or her jurisdiction. In that case, the special precinct election board shall not announce the results of its tally as would otherwise be required by section fifty point eleven (50.11) of the Code. Instead, at nine o'clock p.m. on election day or as soon after that

Page 2

hour as possible, the commissioner shall communicate the tabulation of any absentee ballots cast by electors of each precinct to the regular election board of that precinct, which shall include these tabulations

in the results announced at the precinct polling place under section fifty point eleven (50.11) of the Code."

3. Amend the title, second page, line 8, by inserting after the word "precincts," the words "providing alternative procedures to protect the secrecy of absentee voters' ballots in certain elections,".

Amendment H—5016 lost.

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1011)

The ayes were, 88:

Baker	Fitzgerald	Lindeen	Perkins
Bennett	Gentleman	Lipsky	Poncy
Bina	Gilloon	Lonergan	Readinger
Bittle	Griffee	McElroy	Rinas
Bortell	Halvorson	Menke	Scheelhaase
Brandt	Hansen	Mennenga	Schroeder
Brockett	Hargrave	Middleswart	Small
Brunow	Harper	Middleton	Spencer
Byerly	Harvey	Millen	Spradling
Caffrey	Hennessey	Miller, A. V.	Stromer
Clark	Hines	Miller, K. D.	Svoboda
Crabb	Hinkhouse	Miller, O. L.	Tauke
Crawford	Horn	Monroe	Tofte
Cusack	Howell	Nealson	Varley
Daggett	Husak	Newhard	Walter
Den Herder	Hutchins	Nielsen	Welden
Dieleman	Jesse	Norland	Wells
Doyle	Jochum	Oakley	West
Drake	Jordan	O'Halloran	Woods
Dunton	Koogler	Patchett	Wulff
Dyrland	Krause	Pavich	Wyckoff
Evans	Lageschulte	Pellett	Mr. Speaker

The nays were, 1:

Danker

Absent or not voting, 10:

Anderson	Connors	Hullinger	Kreamer
Avenson	Egenes	Junker	Spear
Branstad	Higgins		

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

IMMEDIATE MESSAGE
(House Files 1010 and 1011)

Monroe of Des Moines asked and received unanimous consent that **House Files 1010** and **1011** be immediately messaged to the Senate.

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 37 Ways and means
Establishing budget hearing procedures and budget expenditure guidelines for cities and counties.

AMENDMENTS FILED

H—5027

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 198, line 28, by inserting after the word "court" the words "with the approval of the county board of supervisors".

SPEAR of Lee

H—5028

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 220B, line 40, by striking the words "ninety days" and inserting in lieu thereof the words "one year".
2. Page 221, line 3, by striking the words "ninety days" and inserting in lieu thereof the words "one year".

SPEAR of Lee

H—5033

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 6, by striking lines 21 and 22, and inserting in lieu thereof the following: "mouth or tongue of one person and genitalia of another person or by contact between genitalia of one person and the genitalia or anus of another person, or by contact between a finger of one person and the genitalia of another person for the purpose of arousing or satisfying the sexual desires of either, or by use of artificial".

SPEAR of Lee

H—5034

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 19A, by striking lines 1 and 2 and inserting in lieu thereof the words "by either of the participants when the act is performed in any of the following circumstances:"
2. Page 19A, line 14, by striking the word "child" and inserting in lieu thereof the words "person under the age of sixteen years".
3. Page 20A, line 2, by striking the words "child" and inserting in lieu thereof the words "person under the age of fourteen years".

SPEAR of Lee

H—5035

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Strike page 20A, line 33 through page 20B, line 36, and inserting in lieu thereof the words "in a sex act."

SPEAR of Lee

H—5036

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 77, by striking lines 22 through 26.
2. By renumbering the remaining sections and internal references.

SPEAR of Lee

H—5037

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Strike page 225A, line 31 through page 225B, line 37.

SPEAR of Lee

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned until 10:00 a.m., Friday, January 23, 1976.

JOURNAL OF THE HOUSE

Twelfth Calendar Day—Ninth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, JANUARY 23, 1976

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

Prayer was offered by the Reverend Jacob VanMantgem, pastor of the First United Methodist Church, North Liberty, Iowa.

The Journal of Thursday, January 22, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steve Eckstadt, Des Moines, Iowa.

Jesse of Polk in the chair at 10:08 a.m.

PRESENTATION OF VISITOR

Gentleman of Polk presented to the House Max Schoernberg from Sylt, Germany, an exchange student attending Roosevelt High School, Des Moines, Iowa.

INTRODUCTION OF BILLS

House File 1075, by Lipsky, a bill for an act creating a state poison prevention program and providing penalties.

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

House File 1076, by Gilloon, a bill for an act relating to the organization and structure of county government and the adoption of optional forms of county government.

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

House File 1077, by Daggett, a bill for an act relating to the employment of veterinarians at certain livestock markets and to the collection and distribution of fees for veterinary inspections.

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

House File 1078, by Cusack, a bill for an act relating to access to information by the citizens' aide.

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

House File 1079, by Jochum, Hines, Higgins, Monroe, Connors, Patchett and Horn, a bill for an act relating to rate increases by public utilities.

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

SENATE MESSAGE CONSIDERED

Senate File 454, a bill for an act relating to sexual contact performed for a fee and providing a penalty.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 21, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1029, a bill for an act making appropriations to miscellaneous state agencies.

Also: That the Senate has on January 21, 1976, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on January 21, 1976, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on January 21, 1976, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on January 21, 1976, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on January 21, 1976, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on January 21, 1976, passed the following bill in which the concurrence of the House is asked:

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

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

REGULAR CALENDAR

Senate File 240, a bill for an act relating to undesirable fish, with report of committee recommending amendment and passage, was taken up for consideration.

Halvorson of Clayton offered the following amendment H—3639B filed by the committee on natural resources:

H—3639B

2. Page 1, lines 14 and 15, by striking the words ", and with artificial light".

Millen of Van Buren rose on a point of order and invoked Rule 37 on Senate File 240.

Avenson of Fayette asked and received unanimous consent that Rule 37 be suspended for the immediate consideration of Senate File 240.

Halvorson of Clayton moved the adoption of amendment H—3639B.

A non-record roll call was requested.

The ayes were 39, nays 38.

Amendment H—3639B was adopted.

Schroeder of Pottawattamie asked for unanimous consent for a second non-record vote on amendment H—3639B, inasmuch as the machine was closed before all votes were taken.

Objection was raised.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H—3639B was adopted by the House.

A non-record roll call was requested.

The ayes were 58, nays 22.

The motion prevailed.

Halvorson of Clayton moved the adoption of amendment H—3639B.

A non-record roll call was requested.

The ayes were 35, nays 45.

Amendment H—3639B lost.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 240)

The ayes were, 63:

Anderson	Dunton	Koogler	Rinas
Baker	Dyrland	Kreamer	Schroeder
Bennett	Egenes	Lageschulte	Small
Bortell	Evans	Lonergan	Spradling
Brockett	Gentleman	McElroy	Stromer
Byerly	Griffee	Menke	Svoboda
Caffrey	Halvorson	Mennenga	Tauke
Clark	Harper	Millen	Tofte
Crabb	Harvey	Miller, A. V.	Varley
Crawford	Hennessey	Nealson	Welden
Daggett	Horn	Newhard	Wells
Danker	Hullinger	Nielsen	West
Den Herder	Husak	O'Halloran	Woods
Dieleman	Hutchins	Patchett	Wulff
Doyle	Jochum	Poncy	Mr. Speaker (Jesse)
Drake	Jordan	Readinger	

The nays were, 24:

Avenson	Gilloon	Middleswart	Pellett
Bina	Hansen	Miller, K. D.	Perkins
Bittle	Hinkhouse	Miller, O. L.	Scheelhaase
Brandt	Howell	Monroe	Spencer
Brunow	Krause	Norland	Walter
Connors	Lindeen	Pavich	Wyckoff

Absent or not voting, 12:

Branstad	Fitzgerald	Hines	Middleton
Cochran	Hargrave	Junker	Oakley
Cusack	Higgins	Lipsky	Spear

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

House File 443, a bill for an act relating to the destruction of weeds by spraying, with report of committee recommending amendment and passage, was taken up for consideration.

Pellett of Cass asked and received unanimous consent that Rule 37 be suspended for the immediate consideration of House File 443.

Pellett of Cass offered the following amendment H—5010, filed by the committee on agriculture, and moved its adoption:

H—5010

Amend House File 443, page 1, line 13, by striking the word "his" and inserting in lieu thereof the words "[his] *that persons*".

Amendment H—5010 was adopted.

Krause of Palo Alto asked and received unanimous consent to withdraw amendment H—3545 filed by him on April 10, 1975, and found on page 1068 of the House Journal.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 443)

The ayes were, 72:

Anderson	Dunton	Krause	Pellett
Avenson	Dyrland	Kreamer	Perkins
Baker	Egenes	Lageschulte	Poncy
Bennett	Evans	Lindeen	Readinger
Bina	Gentleman	Lonergan	Scheelhaase
Bittle	Gilloon	McElroy	Small
Brandt	Halvorson	Menke	Spradling
Brockett	Hansen	Mennenga	Svoboda
Byerly	Harper	Middleswart	Tofte
Caffrey	Harvey	Millen	Varley
Clark	Hennessey	Miller, A. V.	Walter
Connors	Hinkhouse	Miller, O. L.	Welden
Crabb	Howell	Monroe	West
Crawford	Hullinger	Nealson	Woods
Daggett	Husak	Newhard	Wulff
Danker	Hutchins	Norland	Wyckoff
Dieleman	Jochum	O'Halloran	Mr. Speaker (Jesse)
Doyle	Koogler	Patchett	
Drake			

The nays were, 14:

Bortell	Jordan	Rinas	Stromer
Brunow	Miller, K. D.	Schroeder	Tauke
Den Herder	Nielsen	Spencer	Wells
Horn	Pavich		

Absent or not voting, 13:

Branstad	Griffee	Hines	Middleton
Cochran	Hargrave	Junker	Oakley
Cusack	Higgins	Lipsky	Spear
Fitzgerald			

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

CONSIDERATION OF AMENDMENTS TO THE TEMPORARY RULES OF THE HOUSE

Avenson of Fayette asked and received unanimous consent for the immediate consideration of Rule 37 of the temporary rules of the House.

Nielsen of Polk offered the following amendment H—5039 filed by the committee on rules from the floor:

H—5039

RULE 37

Consideration of Bills

Amend the Temporary Rules of the House, as adopted by the Sixty-sixth General Assembly, 1975 session, by striking Rule 37 and inserting in lieu thereof the following:

RULE 37

Consideration of Bills

Privately sponsored bills originating in the House shall not be reported out of committee after February 20, 1976, unless the bill is an appropriation or a ways and means bill. Committee bills originating in the House shall not be reported out of committee after February 27, 1976, unless the bill is an appropriation or a ways and means bill. Senate bills shall not be reported out of committee after March 5, 1976, unless the bill is an appropriation or ways and means bill.

Krause of Palo Alto offered the following amendment H—5040, to amendment H—5039, filed by him from the floor:

H—5040

Amend the committee on rules amendment H—5039 to the Temporary Rules of the House by inserting after line 16 the following:

Further amend the Rules of the House by adding after Rule 27 the following new rule:

"*NEW RULE.* STYLE OF DRAFTING—GENERAL REVISIONS.

The director of the Legislative Service Bureau may authorize staff members, when drafting bills, resolutions, and amendments for use by the House to:

1. Draft in the neuter when drafting legislation referring to "male" and "female" unless directed to do otherwise by the person or committee requesting the draft.

2. Include in any section specifying an English or Fahrenheit measurement, a metric or Celsius

equivalent unless directed to do otherwise by the person or committee requesting the draft."

When so drafting the tables of weights and measures of the National Bureau of Standards shall be used as the authority for determination of equivalents.

Nielsen of Polk rose on a point of order that amendment H—5040 was not germane.

The Speaker ruled the point well taken and amendment H—5040 not germane.

Nielsen of Polk moved the adoption of amendment H—5039.

A non-record roll call was requested.

The ayes were 81, nays 3.

Amendment H—5039 to the temporary rules of the House was adopted.

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 807, a bill for an act relating to bonded agricultural warehouses, with report of committee recommending amendment and passage, was taken up for consideration.

Crabb of Crawford offered the following amendment H—3726 filed by him and moved its adoption:

H—3726

Amend House File 807, as follows:

1. Page 1, by striking lines 9 through 14 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* "Storage" means any grain or other agricultural products that have been received and have come under care, custody or control of a warehouseman either for the depositor for which a contract of purchase has not been negotiated or for the warehouseman operating the facility."

2. Page 5, line 5, by striking the words "*receipt by*" and inserting in lieu thereof the words "*receiving into*".

Amendment H—3726 was adopted.

Husak of Tama asked and received unanimous consent to withdraw amendment H—5011 filed by the committee on agriculture on January 21, 1976, and found on page 86 of the House Journal.

Crabb of Crawford moved that the bill be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 807)

The ayes were, 90:

Anderson	Drake	Koogler	Poncy
Avenson	Dunton	Krause	Readinger
Baker	Dyrland	Kreamer	Rinas
Bennett	Egenes	Lageschulte	Scheelhaase
Bina	Evans	Lindeen	Schroeder
Bittle	Fitzgerald	Lonergan	Small
Bortell	Gentleman	McElroy	Spencer
Brandt	Gilloon	Menke	Spradling
Brockett	Griffee	Mennenga	Stromer
Brunow	Halvorson	Middleswart	Svoboda
Byerly	Hansen	Millen	Tauke
Caffrey	Hargrave	Miller, A. V.	Tofte
Clark	Harper	Miller, O. L.	Varley
Cochran	Harvey	Monroe	Walter
Connors	Hennessey	Nealson	Welden
Crabb	Higgins	Newhard	Wells
Crawford	Hinkhouse	Nielsen	West
Cusack	Horn	Norland	Woods
Daggett	Howell	O'Halloran	Wulff
Danker	Husak	Patchett	Wyckoff
Den Herder	Hutchins	Pavich	Mr. Speaker
Dieleman	Jochum	Pellett	(Jesse)
Doyle	Jordan	Perkins	

The nays were, none.

Absent or not voting, 9:

Branstad	Junker	Middleton	Oakley
Hines	Lipsky	Miller, K. D.	Spear
Hullinger			

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

UNANIMOUS CONSENT TO VOTE

Dunton of Keokuk asked and received unanimous consent to be recorded as voting "aye" on Senate File 240 and the vote was so recorded.

Speaker Cochran in the chair at 11:20 a.m.

CONSIDERATION OF BILLS

House File 1040, a bill for an act relating to applications and fees for high school equivalency diplomas, was taken up for consideration.

Miller of Calhoun moved that the bill be read a last time now

and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1040)

The ayes were, 91:

Anderson	Dunton	Koogler	Perkins
Avenson	Dyrland	Krause	Poncy
Baker	Egenes	Kreamer	Readinger
Bennett	Evans	Lageschulte	Rinas
Bina	Fitzgerald	Lindeen	Scheelhaase
Bittle	Gentleman	Lonergan	Schroeder
Bortell	Gilloon	McElroy	Small
Brandt	Griffee	Menke	Spencer
Brockett	Halvorson	Mennenga	Spradling
Brunow	Hansen	Middleswart	Stromer
Byerly	Hargrave	Millen	Svoboda
Caffrey	Harper	Miller, A. V.	Tauke
Clark	Harvey	Miller, K. D.	Tofte
Connors	Hennessey	Miller, O. L.	Varley
Crabb	Higgins	Monroe	Walter
Crawford	Hinkhouse	Nealson	Welden
Cusack	Horn	Newhard	Wells
Daggett	Howell	Nielsen	West
Danker	Husak	Norland	Woods
Den Herder	Hutchins	O'Halloran	Wulff
Dieleman	Jesse	Patchett	Wyckoff
Doyle	Jochum	Pavich	Mr. Speaker
Drake	Jordan	Pellett	

The nays were, none.

Absent or not voting, 8:

Branstad	Hullinger	Lipsky	Oakley
Hines	Junker	Middleton	Spear

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

House File 1041, a bill for an act relating to the maximum age for participation in extracurricular activities, was taken up for consideration.

Stromer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1041)

The ayes were, 30:

Baker	Higgins	Miller, A. V.	Poncy
Bennett	Jesse	Miller, O. L.	Rinas
Bittle	Jochum	Monroe	Stromer
Crawford	Krause	Newhard	Svoboda
Dyrland	Lindeen	Norland	Tofte
Griffee	McElroy	O'Halloran	Varley
Harper	Mennenga	Patchett	Wulff
Hennessey	Millen		

The nays were, 58:

Anderson	Doyle	Husak	Perkins
Avenson	Drake	Hutchins	Readinger
Bina	Dunton	Jordan	Scheelhaase
Bortell	Egenes	Koogler	Schroeder
Brandt	Evans	Kreamer	Small
Brockett	Gentleman	Lageschulte	Spencer
Brunow	Gilloon	Lonergan	Spradling
Byerly	Halvorson	Menke	Tauke
Caffrey	Hansen	Middleswart	Walter
Clark	Hargrave	Miller, K. D.	Welden
Crabb	Harvey	Nealson	West
Daggett	Hinkhouse	Nielsen	Woods
Danker	Horn	Pavich	Wyckoff
Den Herder	Howell	Pellett	Mr. Speaker
Dieleman	Hullinger		

Absent or not voting, 11:

Branstad	Fitzgerald	Lipsky	Spear
Connors	Hines	Middleton	Wells
Cusack	Junker	Oakley	

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

MOTION TO RECONSIDER

(House File 1041)

I move to reconsider the vote by which House File 1041 failed to pass the House on January 23, 1976.

HORN of Linn

SUBCOMMITTEE ASSIGNMENTS

House File 307
Cities
Miller of Cerro Gordo, Chair
Rinas
Harvey
Nealson of Muscatine
Walter

House File 388
Cities
Miller of Cerro Gordo, Chair
Rinas
Harvey
Nealson of Muscatine
Walter

House File 410
State Government
Brandt, Chair
Dieleman
Hines
Junker
Drake
Monroe

House File 484
State Government
Svoboda, Chair
Drake
Dieleman

House File 519
Cities
Connors, Chair
Junker
Bina
Spear
Lindeen

House File 554
Cities
Clark, Chair
Newhard
Anderson
Lipsky
Dieleman

House File 571
Cities
Connors, Chair
Junker
Bina
Spear
Lindeen

House File 582
Ways and Means
Miller of Buchanan, Chair
Clark
Howell
Walter
Gentleman

House File 610
Cities
Clark, Chair
Newhard
Anderson
Lipsky
Dieleman

House File 634
Cities
Miller of Cerro Gordo, Chair
Rinas
Harvey
Nealson of Muscatine
Walter

House File 666
Cities
Miller of Cerro Gordo, Chair
Rinas
Harvey
Nealson of Muscatine
Walter

House File 676
Cities
Clark, Chair
Newhard
Anderson
Lipsky
Dieleman

House File 769
Ways and Means
Jochum, Chair
Bina
Clark

House File 800
Cities
Miller of Cerro Gordo, Chair
Rinas
Harvey
Nealson of Muscatine
Walter

House File 808
State Government
Harvey, Chair
Monroe
Woods
Connors
Junker

House File 879
Cities
Bina, Chair
Lindeen
Walter
Junker
Anderson

House File 1003
Agriculture
Scheelhaase, Chair
Harper
Pellett

House File 1006
Agriculture
Spradling, Chair
Lindeen
Hinkhouse

House File 1007
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Spencer
Nealson of Muscatine

House File 1008
Judiciary and Law Enforcement
Poncy, Chair
Spencer
Lageschulte

House File 1009
County Government
Jordan, Chair
Tauke
West

House File 1012
Judiciary and Law Enforcement
Higgins, Chair
Oakley
Middleton

House File 1013
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Bittle

House File 1014
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

House File 1016
County Government
Baker, Chair
Spradling
Lindeen

House File 1018
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 1019
Judiciary and Law Enforcement
Jesse, Chair
Middleton
Oakley

House File 1021
Judiciary and Law Enforcement
Spencer, Chair
Hennessey
Evans

House File 1022
Ways and Means
Hennessey, Chair
Bennett
Dyrland

House File 1024
Judiciary and Law Enforcement
Bittle, Chair
Nielsen of Polk
Gentleman

House File 1025
Judiciary and Law Enforcement
Bittle, Chair
Nielsen of Polk
Gentleman

House File 1026
Judiciary and Law Enforcement
Bittle, Chair
Nielsen of Polk
Gentleman

House File 1031
Ways and Means
Miller of Buchanan, Chair
Clark
Howell
Walter
Gentleman

House File 1059
Ways and Means
Baker, Chair
Branstad
Hines

Senate File 476
State Government
Small, Chair
Bittle
Dieleman

STUDY BILLS SUBCOMMITTEE ASSIGNMENTS

S.B. 25
Natural Resources
Middleswart, Chair
Perkins
Pellett

S.B. 26
Natural Resources
Hullinger, Chair
Egenes
Spencer

S.B. 27
Natural Resources
O'Halloran, Chair
Hines
Varley

S.B. 28
Ways and Means
Pavich, Chair
Miller of Buchanan
Bennett

S.B. 31
Natural Resources
Koogler, Chair
Varley
Avenson

S.B. 32
County Government
Danker, Chair
Bortell
Middleswart

S.B. 33
County Government
Lonergan, Chair
Gilloon
Bortell

S.B. 34
County Government
Gilloon, Chair
Hinkhouse
Bortell

AMENDMENTS FILED

H—5042

Amend House File 1038, page 1, line 18, by striking the figures "65,300" and inserting in lieu thereof: "55,300".

MONROE of Des Moines

H—5041

Amend House File 1058 as follows:

1. Page 5, by inserting after line 4 the following new section:

"Sec. 19. *NEW SECTION.* This Act shall become effective thirty days after the director of the department of revenue reports to the general assembly that at least fifty of those persons listing their occupation, for income tax purposes, as prostitutes are male."

SVOBODA of Iowa

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Avenson of Fayette, the House adjourned until 10:00 a.m., Monday, January 26, 1976.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day—Tenth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, JANUARY 26, 1976

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

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

The Journal of Friday, January 23, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy M. Turner, Armstrong, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Drake of Muscatine on request of Varley of Adair; Lindeen of Henry on request of Pavich of Pottawattamie; Readinger of Polk for the morning session on request of Tauke of Dubuque; Millen of Van Buren on request of Stromer of Hancock.

PETITIONS FILED

The following petitions were received and placed on file:

By Menke of O'Brien from seventeen constituents of Cherokee County, to rescind the March 1972 ratification of the Equal Rights Amendment.

By Anderson of Jasper from twenty-nine residents of Knoxville, favoring Senate File 205 relating to issuance, continuation and termination of teachers' contracts.

By Miller of Calhoun from fifty-one citizens of Pocahontas County favoring House File 1008, a bill to raise the legal age for purchasing alcoholic beverages from 18 to 19.

By Harper of Davis from one hundred seventy-six residents

from Ottumwa, favoring retaining bus service in the city of Ottumwa and to seek state aid for such purpose.

By Harper of Davis from eleven residents of Roscoe Township opposing the practice of determining the number of delegates to county convention by number of votes cast for the Democratic candidate for governor in 1974 or any other year and supporting the selection of delegates by registered voters.

INTRODUCTION OF BILLS

House File 1080, by committee on appropriations, a bill for an act relating to the appropriation of funds to legislative agencies and making appropriations to agencies involved in the legislative process.

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

House File 1081, by committee on appropriations, a bill for an act relating to the funding of the Iowa state commerce commission and the department of public defense and making appropriations.

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

House File 1082, by committee on appropriations, a bill for an act making an appropriation from the general fund of the state to regulatory boards and commissions governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture, and real estate.

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

House File 1083, by committee on ways and means, a bill for an act relating to references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive.

Read first time and **placed on the ways and means calendar.**

ADOPTION OF HOUSE CONCURRENT RESOLUTION 103

Caffrey of Polk called up for consideration **House Concurrent Resolution 103** filed on January 21, 1976, and found on page 83 of the House Journal.

Horn of Linn asked for unanimous consent that House Concurrent Resolution 103 be deferred and retained.

Objection was raised.

Horn of Linn moved that House Concurrent Resolution 103 be deferred and retained.

Egenes of Story moved that the motion to defer and retain House Concurrent Resolution 103 be tabled.

Roll call was requested by Egenes of Story and Wulff of Black Hawk.

On the question "Shall the motion be tabled?"

The ayes were: 9:

Bittle	Dunton	Harvey	McElroy
Brunow	Egenes	Hennessey	Wulff
Daggett			

The nays were, 67:

Anderson	Gentleman	Krause	Perkins
Baker	Gilloon	Kreamer	Scheelhaase
Bennett	Griffee	Lageschulte	Schroeder
Bina	Halvorson	Lonergan	Spencer
Bortell	Hansen	Menke	Spradling
Brandt	Hargrave	Middleswart	Svoboda
Brockett	Higgins	Middleton	Tauke
Caffrey	Hines	Miller, A. V.	Tofte
Connors	Hinkhouse	Miller, K. D.	Varley
Crabb	Horn	Miller, O. L.	Walter
Crawford	Howell	Nealson	Welden
Danker	Hullinger	Newhard	Wells
Den Herder	Hutchins	Norland	West
Dieleman	Jesse	O'Halloran	Woods
Doyle	Jordan	Patchett	Wyckoff
Evans	Junker	Pavich	Mr. Speaker
Fitzgerald	Koogler	Pellett	

Absent or not voting, 23:

Avenson	Dyrland	Mennenga	Readinger
Branstad	Harper	Millen	Rinas
Byerly	Husak	Monroe	Small
Clark	Jochum	Nielsen	Spear
Cusack	Lindeen	Oakley	Stromer
Drake	Lipsky	Poncy	

The motion lost.

On the motion to defer and retain House Concurrent Resolution 103, the motion lost.

Krause of Palo Alto offered the following amendment H—5043 filed by him and Brunow of Appanoose from the floor and moved its adoption:

H—5043

Amend House Concurrent Resolution 103, found on page 83 of the House Journal, by striking all after the word "county" in line 15, and all of

lines 16, 17 and 18, and inserting in lieu thereof the following: "and reconsider and adopt the straight alternative recommended by the state department of transportation staff."

Amendment H—5043 was adopted.

Caffrey of Polk moved the previous question on House Concurrent Resolution 103.

Caffrey of Polk asked and received unanimous consent to withdraw his motion.

Caffrey of Polk moved the adoption of House Concurrent Resolution 103.

Roll call was requested by Caffrey of Polk and Brunow of Appanoose.

Rules 69 and 70 were invoked.

"On the question "Shall the resolution be adopted?" (H.C.R. 103)

The ayes were, 72:

Anderson	Fitzgerald	Koogler	Pellett
Baker	Gentleman	Krause	Perkins
Bennett	Gilloon	Kreamer	Scheelhaase
Bina	Griffee	Lageschulte	Schroeder
Bittle	Halvorson	Lipsky	Spencer
Bortell	Hansen	Lonergan	Spradling
Brandt	Hargrave	McElroy	Stromer
Brockett	Higgins	Menke	Svoboda
Brunow	Hines	Middleswart	Tauke
Caffrey	Hinkhouse	Middleton	Tofte
Connors	Horn	Miller, A. V.	Varley
Crabb	Howell	Miller, K. D.	Walter
Crawford	Hullinger	Miller, O. L.	Welden
Danker	Husak	Nealson	Wells
Den Herder	Hutchins	Newhard	West
Dieleman	Jesse	Norland	Woods
Doyle	Jordan	Patchett	Wyckoff
Evans	Junker	Pavich	Mr. Speaker

The nays were, 7:

Daggett	Egenes	Hennessey	Wulff
Dunton	Harvey	O'Halloran	

Absent or not voting, 20:

Avenson	Drake	Mennenga	Poncy
Branstad	Dyrland	Millen	Readinger
Byerly	Harper	Monroe	Rinas
Clark	Jochum	Nielsen	Small
Cusack	Lindeen	Oakley	Spear

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

REGULAR CALENDAR

Fitzgerald of Webster asked and received unanimous consent to take up out of order House Files 1044 and 1037.

House File 1044, a bill for an act relating to fire drills and tornado drills in schools, was taken up for consideration.

Miller of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1044)

The ayes were, 70:

Anderson	Dunton	Junker	Pellett
Avenson	Egenes	Kreamer	Perkins
Baker	Evans	Lageschulte	Scheelhaase
Bennett	Fitzgerald	Lipsky	Schroeder
Bina	Gentleman	Lonergan	Spencer
Bittle	Griffee	McElroy	Spradling
Bortell	Halvorson	Menke	Stromer
Brandt	Hansen	Middleswart	Tauke
Brockett	Hargrave	Middleton	Tofte
Caffrey	Harvey	Miller, A. V.	Varley
Connors	Hennessey	Miller, K. D.	Walter
Crabb	Hines	Miller, O. L.	Wells
Crawford	Hinkhouse	Nealson	West
Daggett	Horn	Newhard	Woods
Danker	Howell	O'Halloran	Wulff
Den Herder	Hullinger	Patchett	Wyckoff
Dieleman	Husak	Pavich	Mr. Speaker
Doyle	Hutchins		

The nays were, 9:

Brunow	Jesse	Koogler	Svoboda
Gilloon	Jordan	Krause	Welden
Higgins			

Absent or not voting, 20:

Branstad	Dyrland	Millen	Poncy
Byerly	Harper	Monroe	Readinger
Clark	Jochum	Nielsen	Rinas
Cusack	Lindeen	Norland	Small
Drake	Mennenga	Oakley	Spear

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

House File 1037, a bill for an act appropriating funds to the capitol planning commission, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1037)

The ayes were, 80:

Anderson	Evans	Jordan	Pavich
Avenson	Fitzgerald	Junker	Pellett
Baker	Gentleman	Koogler	Perkins
Bennett	Gilloon	Krause	Scheelhaase
Bina	Griffee	Kreamer	Schroeder
Bittle	Halvorson	Lageschulte	Spencer
Bortell	Hansen	Lipsky	Spradling
Brandt	Hargrave	Lonergan	Stromer
Brockett	Harvey	McElroy	Svoboda
Brunow	Hennessey	Menke	Tauke
Caffrey	Higgins	Middleswart	Tofte
Crabb	Hines	Middleton	Varley
Crawford	Hinkhouse	Miller, A. V.	Walter
Daggett	Horn	Miller, K. D.	Welden
Danker	Howell	Miller, O. L.	Wells
Den Herder	Hullinger	Newhard	West
Dieleman	Husak	Norland	Woods
Doyle	Hutchins	Oakley	Wulff
Dunton	Jesse	O'Halloran	Wyckoff
Egenes	Jochum	Patchett	Mr. Speaker

The nays were, 1:

Nealson

Absent or not voting, 18:

Branstad	Drake	Millen	Readinger
Byerly	Dyrland	Monroe	Rinas
Clark	Harper	Nielsen	Small
Connors	Lindeen	Poncy	Spear
Cusack	Mennenga		

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

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A roll call to determine that a quorum was present was requested by Middleswart of Warren and Junker of Woodbury. The vote revealed:

Present, 81:

Anderson	Brandt	Crabb	Dunton
Avenson	Brockett	Crawford	Dyrland
Baker	Brunow	Cusack	Egenes
Bennett	Caffrey	Daggett	Evans
Bina	Clark	Danker	Fitzgerald
Bittle	Connors	Dieleman	Gentleman

Gilloon	Jordan	Miller, O. L.	Schroeder
Halvorson	Junker	Monroe	Small
Hansen	Koogler	Nealson	Spradling
Harper	Krause	Nielsen	Stromer
Harvey	Lageschulte	Norland	Tauke
Hennessey	Lipsky	Oakley	Tofte
Higgins	Lonergan	O'Halloran	Varley
Hines	McElroy	Patchett	Walter
Hinkhouse	Menke	Pavich	Welden
Horn	Mennenga	Pellett	West
Howell	Middleswart	Perkins	Woods
Husak	Middleton	Readinger	Wulff
Hutchins	Miller, A. V.	Rinas	Wyckoff
Jesse	Miller, K. D.	Scheelhaase	Mr. Speaker
Jochum			

Absent, 18:

Bortell	Drake	Lindeen	Spear
Branstad	Griffee	Millen	Spencer
Byerly	Hargrave	Newhard	Svoboda
Den Herder	Hullinger	Poncy	Wells
Doyle	Kreamer		

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1080**, a bill for an act relating to the appropriation of funds to legislative agencies and making appropriations to agencies involved in the legislative process, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1081**, a bill for an act relating to the funding of the Iowa state commerce commission and the department of public defense and making appropriations, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1082**, a bill for an act making an appropriation from the general fund of the state to regulatory boards and commissions governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture, and real estate, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—5044

Amend House File 1038 as follows:

1. Page 3, by inserting after line 7 the following new section:

"Sec. 4. Acts of the Sixty-third General Assembly, 1970 Session, chapter one thousand two hundred eighty-six (1286), section five (5), is amended to read as follows:

Sec. 5. The commission is abolished on [January 1, 1984] *July 1, 1977.*"

PERKINS of Greene

H—5045

Amend House File 1038 as follows:

1. Page 1, by striking lines 16 through 18 and inserting in lieu thereof the following:

"a. For salaries and support of not more than four full-time positions, and maintenance and miscellaneous purposes. Provided, however, that no funds, public or private, may be expended in support of said commission after December 31, 1976 .....$40,000

b. As of December 31, 1976, chapter twenty-eight H (28H) of the Code, is repealed.

c. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, all unencumbered or unobligated balances of appropriations, as of November 30, 1976, made by section one (1), subsection four (4) of this Act shall revert to the general fund on December 31, 1976."

GILLOON of Dubuque

H—5046

Amend House File 1069 as follows:

1. Page 1, by striking lines 13 through 17 and inserting in lieu thereof the following:

"Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa, and in the Telegraph-Herald, a newspaper published in Dubuque, Iowa."

HENNESSEY of Delaware

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 4:25 p.m., until 10:00 a.m., Tuesday, January 27, 1976.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day—Eleventh Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, JANUARY 27, 1976

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

Prayer was offered by the Reverend Ray Thompson, pastor of the United Methodist Church, Meservey, Iowa.

The Journal of Monday, January 26, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Walton, Resident, Broadlawns General Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass on request of Danker of Pottawattamie.

PRESENTATION OF VISITORS

Crabb of Crawford presented to the House the Honorable Norman Roorda, former member of the House during the Sixty-second through the Sixty-fifth General Assemblies representing Jasper, Marion, Polk and Warren Counties.

The Speaker announced the following visitors were present in the House chamber:

Forty-two students from St. Paul's Lutheran School, Waverly, Iowa, accompanied by Mr. Pinkley. By Lageschulte of Bremer.

PETITIONS FILED

The following petitions were received and placed on file:

By Hennessey of Delaware from eight persons opposing any "freeze" on tax levies.

By Daggett of Adams from ten residents of Adams county supporting more restrictive hunting measures.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committee on House Files 1080, 1081 and 1082, under Rule 36.

INTRODUCTION OF BILLS

House File 1084, by Brandt, a bill for an act relating to tax sheltered annuities for employees of school boards, county school boards, area school boards, the state board of regents and the state board of public instruction.

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

House File 1085, by Krause, Hines and Brandt, a bill for an act to establish an office of management review and specify its powers and duties.

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

House File 1086, by Daggett, a bill for an act to increase the penalty for assaulting an officer of the state conservation commission.

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

House File 1087, by Wells, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and providing a penalty.

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

House File 1088, by Krause, a bill for an act relating to standard weights and measures and providing a penalty.

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

House File 1089, by Junker, a bill for an act relating to eminent domain and providing a penalty.

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

House File 1090, by Lipsky, a bill for an act requiring bicycle safety education be taught.

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

House File 1091, by Brunow, a bill for an act relating to the payment of taxes by low rent housing projects.

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

House File 1092, by Krause, a bill for an act relating to the sale of life insurance and the taking of a promissory note in connection with the financing of the policy.

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

House File 1093, by Brandt, a bill for an act providing a person aggrieved by an unfair insurance practice a remedy.

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

House File 1094, by committee on appropriations, a bill for an act making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey.

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

House File 1095, by Svoboda, a bill for an act relating to the composition of the board of parole.

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

House Joint Resolution 1002, by Crabb, Den Herder, Wyckoff, Kreamer, Jordan, Husak, Millen, Griffee, Menke, Schroeder and Stromer, a joint resolution proposing appropriate action by the Congress, either acting by consent of two-thirds of both houses or, upon the application of the legislatures of two-thirds of the several states, calling a constitutional convention to propose an amendment to the United States Constitution to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

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

SENATE MESSAGES CONSIDERED

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

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

Senate File 1030, a bill for an act appropriating funds to the

governor, lieutenant governor, and the council of state governments.

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

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

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

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

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

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

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

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

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

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 23, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 24, a bill for an act relating to public pay toilets and providing a penalty.

Also: That the Senate has on January 23, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 59, a bill for an act exempting certain military personnel from obtaining a hunting or fishing license.

Also: That the Senate has on January 23, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 455, a bill for an act relating to the fee for the collection of special city assessments.

Also: That the Senate has on January 23, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 484, a bill for an act relating to the regulation of noise emission from motor vehicles by cities.

Also: That the Senate has on January 23, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 512, a bill for an act relating to quarterly reporting by certain state agencies to certain standing committees of the general assembly.

Also: That the Senate has on January 23, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 547, a bill for an act relating to the financing of levees and drainage districts.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 24

H—5047

Amend House File 24, as amended and passed by the House, as follows:

1. Page 1, line 3, by striking the words "access to or".

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

SPECIAL ORDER
(Senate Amendment to House File 914 Deferred)

The hour of 1:30 p.m. having arrived, the Speaker announced the special order of business for the consideration of **House File 914**, a bill for an act relating to retirement benefits for certain public employees engaged in public safety occupations.

Byerly of Polk moved that House File 914 be deferred and that the bill retain its place on the calendar.

The motion prevailed.

HOUSE FILE 65 WITHDRAWN

Brockett of Marshall asked and received unanimous consent to withdraw House File 65 from further consideration by the House.

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

The House reconvened, Speaker Cochran in the chair.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

House File 1036, a bill for an act making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality, was taken up for consideration.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three present, seventeen absent.

Schroeder of Pottawattamie offered the following amendment H—5048 filed by him from the floor and moved its adoption:

H—5048

Amend House File 1036 as follows:

1. Page 1, by adding after line 15 the following new section:

"Sec. 2. Salaries of employees of agencies appropriated funds under this Act as they exist on June 30, 1976 shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost of living adjustment. This section shall not apply to employees for whom the general assembly specifically provides a salary rate.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of $90,402, or so much thereof as is necessary to carry out the provisions of this section."

Roll call was requested by Schroeder of Pottawattamie and Junker of Woodbury.

Rule 69 was invoked.

On the question "Shall amendment H—5048 be adopted?"

The ayes were, 29:

Bennett	Drake	Junker	Nielsen
Bortell	Egenes	Kreamer	Schroeder
Brockett	Evans	Lindeen	Stromer
Clark	Gentleman	Lipsky	Tauke
Crabb	Halvorson	McElroy	Tofte
Crawford	Hansen	Menke	West
Daggett	Harvey	Nealson	Wulff
Den Herder			

The nays were, 55:

Anderson	Fitzgerald	Jochum	Perkins
Avenson	Gilloon	Jordan	Poncy
Baker	Griffee	Koogler	Rinas
Bina	Hargrave	Lonergan	Scheelhaase
Brandt	Harper	Mennenga	Small
Branstad	Hennessey	Middleswart	Spencer
Brunow	Higgins	Middleton	Spradling
Byerly	Hinkhouse	Miller, A. V.	Walter
Connors	Horn	Miller, K. D.	Welden
Cusack	Howell	Miller, O. L.	Wells
Danker	Hullinger	Monroe	Woods
Dieleman	Husak	O'Halloran	Wyckoff
Doyle	Hutchins	Patchett	Mr. Speaker
Dunton	Jesse	Pavich	

Absent or not voting, 15:

Bittle	Krause	Norland	Spear
Caffrey	Lageschulte	Oakley	Svoboda
Dyrland	Millen	Pellett	Varley
Hines	Newhard	Readinger	

Amendment H—5048 lost.

Avenson of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1036)

The ayes were, 79:

Anderson	Fitzgerald	Krause	Perkins
Avenson	Gentleman	Kreamer	Poncy
Baker	Gilloon	Lageschulte	Rinas
Bina	Griffee	Lindeen	Scheelhaase
Brandt	Halvorson	Lipsky	Schroeder
Brunow	Hansen	Lonergan	Small
Byerly	Hargrave	McElroy	Spencer
Caffrey	Harper	Menke	Spradling
Clark	Hennessey	Mennenga	Stromer
Connors	Higgins	Middleswart	Svoboda
Crawford	Hines	Middleton	Tofte
Cusack	Hinkhouse	Miller, A. V.	Varley
Den Herder	Horn	Miller, O. L.	Walter
Dieleman	Hullinger	Monroe	Welden
Doyle	Husak	Newhard	Wells
Drake	Hutchins	Nielsen	Woods
Dunton	Jesse	Oakley	Wulff
Dyrland	Jochum	O'Halloran	Wyckoff
Egenes	Junker	Patchett	Mr. Speaker
Evans	Koogler	Pavich	

The nays were, 13:

Bennett	Daggett	Howell	Nealson
Bortell	Danker	Jordan	Tauke
Branstad	Harvey	Miller, K. D.	West
Crabb			

Absent or not voting, 7:

Bittle	Millen	Pellett	**Spear**
Brockett	Norland	Readinger	

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

House File 1038, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission, was taken up for consideration.

Gilloon of Dubuque offered the following amendment H—5045 filed by him and requested division as follows:

H—5045

Amend House File 1038 as follows:

H—5045A

1. Page 1, by striking lines 16 through 18 and inserting in lieu thereof the following:

"a. For salaries and support of not more than four full-time positions, and maintenance and miscellaneous purposes. Provided, however, that no funds, public or private, may be expended in support of said commission after December 31, 1976 .....$40,000

H—5045B

b. As of December 31, 1976, chapter twenty-eight H (28H) of the Code, is repealed.

c. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, all unencumbered or unobligated balances of appropriations, as of November 30, 1976, made by section one (1), subsection four (4) of this Act shall revert to the general fund on December 31, 1976."

Gilloon of Dubuque asked and received unanimous consent to withdraw amendment H—5045A.

Gilloon of Dubuque moved the adoption of amendment H—5045B.

Roll call was requested by Varley of Adair and Crabb of Crawford.

On the question "Shall amendment H—5045B be adopted?"

The ayes were, 18:

Baker	Dieleman	Hines	Mennenga
Bina	Dyrland	Jochum	Monroe
Branstad	Gentleman	Jordan	Rinas
Brunow	Gilloon	Krause	Walter
Clark	Higgins		

The nays were, 71:

Anderson	Egenes	Koogler	Perkins
Avenson	Evans	Kreamer	Poncy
Bennett	Fitzgerald	Lageschulte	Readinger
Bortell	Griffee	Lindeen	Scheelhaase
Brandt	Halvorson	Lipsky	Schroeder
Brockett	Hansen	Lonergan	Small
Byerly	Hargrave	McElroy	Spradling
Caffrey	Harper	Menke	Tauke
Connors	Harvey	Middleswart	Tofte
Crabb	Hennessey	Middleton	Varley
Crawford	Hinkhouse	Miller, A. V.	Welden
Cusack	Horn	Miller, O. L.	Wells
Daggett	Howell	Nealson	West
Danker	Hullinger	Newhard	Woods
Den Herder	Husak	Oakley	Wulff
Doyle	Hutchins	O'Halloran	Wyckoff
Drake	Jesse	Patchett	Mr. Speaker
Dunton	Junker	Pavich	

Absent or not voting, 10:

Bittle	Nielsen	Spear	Stromer
Millen	Norland	Spencer	Svoboda
Miller, K. D.	Pellett		

Amendment H—5045B lost.

(House File 1038 pending at adjournment.)

MOTION TO RECONSIDER
(House File 1036)

I move to reconsider the vote by which House File 1036 passed the House on January 27, 1976.

KREAMER of Polk

EXPLANATION OF VOTE

Due to an important meeting on the needed supplemental appropriation for the Medicaid Program, I was elsewhere in the capitol for some time Friday morning, January 23, 1976. Had I been present, I would have voted "aye" on Senate File 240 and House File 443, and "nay" on House File 1041.

CUSACK of Scott

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 38 **County government**
Relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol.

REPORTS OF COMMITTEES

Middleswart of Warren, from the committee on natural resources, submitted the following report:

MR. SPEAKER: Your committee on natural resources to whom was referred **House File 757,** a bill for an act relating to service fees for issuing hunting and fishing licenses, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5053

Amend House File 757 as follows:

1. Page 1, line 13, by striking the word *"shall"* and inserting in lieu thereof the word *"may"*.

2. Page 1, lines 15 and 16, by striking the words *"The amount of the service fee shall be printed on each license."*

MIDDLESWART of Warren, Chair

Husak of Tama, from the committee on agriculture, submitted the following reports:

MR. SPEAKER: Your committee on agriculture to whom was referred **House File 785,** a bill for an act relating to the establishment and maintenance of food establishments, hotels, and restaurants, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HUSAK of Tama, Chair

Also:

MR. SPEAKER: Your committee on agriculture to whom was referred **House File 1003,** a bill for an act relating to restricting the ownership of farming land by corporations, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HUSAK of Tama, Chair

Also:

MR. SPEAKER: Your committee on agriculture to whom was referred **Senate File 479,** a bill for an act regarding the labeling of containers in which baby chicks are held when sold or delivered, begs leave to report it

has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HUSAK of Tama, Chair

Patchett of Johnson, from the committee on education, submitted the following report:

MR. SPEAKER: Your committee on education to whom was referred **Senate File 74,** a bill for an act relating to the use of tax money for purchase and improvement of schoolhouse sites, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5055

Amend Senate File 74, as amended and passed by the Senate, as follows:

1. Page 1, line 5, by striking the words "at their" and inserting in lieu thereof the words "[at their]".

2. Page 1, by striking lines 6, 7, and 8, and inserting in lieu thereof the words "[regular meeting in July, or at a special meeting called for that purpose between the time designated for such regular meeting and the third Monday in August,] *by February first of each year* certify an amount".

3. Page 1, line 13, by inserting after the word "district" the words "*as specified by the directors*".

4. Page 1, line 15, by striking the words "*but is not limited to*".

5. Page 1, line 20, by striking the words "*fixed playground apparatus*".

6. Page 1, by inserting after line 24 the following paragraph:

"*For the purpose of this section, "purchase of sites" includes legal costs relating to the site acquisition, costs of surveys of the sites, costs of relocation assistance under state and federal law, and other costs incidental to the site acquisition.*"

7. Page 1, by inserting after line 24 the following section:

"Sec. ..... Notwithstanding the provisions of section two hundred ninety-one point thirteen (291.13) of the Code, unencumbered funds collected from the levy authorized in section two hundred ninety-seven point five (297.5) of the Code prior to July 1, 1976 may be expended for the purposes listed in section one (1) of this Act."

PATCHETT of Johnson, Chair

Monroe of Des Moines, from the committee on state government, submitted the following report:

MR. SPEAKER: Your committee on state government to whom was referred **Senate File 476,** a bill for an act to provide for the licensing of

speech pathologists and audiologists and to establish an examining board, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

MONROE of Des Moines, Chair

AMENDMENTS FILED

H—5049

Amend House File 1038 as follows:

1. Page 3, by adding after line 4 the following new section:

"Sec. 3. Salaries of employees of agencies appropriated funds under this Act as they exist on June 30, 1976 shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost of living adjustment. This section shall not apply to employees for whom the general assembly specifically provides a salary rate.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of $33,699, or so much thereof as is necessary to carry out the provisions of this section.

SCHROEDER of **Pottawattamie**

H—5051

Amend House File 1038 as follows:

1. Page 3, by inserting after line 7 the following:

"Sec. 4. *NEW SECTION.* Chapter twenty-eight (28), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 5. *NEW SECTION.* Chapter one hundred seventy-three (173), Code 1975, is hereby repealed effective July 1, 1982.

Sec. 6. *NEW SECTION.* Chapter one hundred seventy-nine (179), Code 1975, is hereby repealed effective July 1, 1984.

Sec. 7. *NEW SECTION.* A representative of the boards and commissions abolished by section four (4), five (5) and six (6), of this Act, shall appear before the appropriate committees of the house and the senate upon call by the respective committee chairs prior to January 30 of the year that the board or commission is to be abolished. The committees may recommend to their respective houses that the effective date of abolishment of the boards and commissions be extended.

HARGRAVE of Johnson

H—5052

Amend House File 1038 as follows:

1. Page 2, by striking line 8 and inserting in lieu thereof "cellaneous purposes .....$1,714,913".

2. Page 2, by inserting after line 21 the following:

"c. The Iowa development commission shall allocate from funds appropriated by paragraph a of this subsection not to exceed one hundred fifty thousand (150,000) dollars for the establishment and operation of an overseas industrial and trade office."

HALVORSON of Clayton

H—5056

Amend House File 1038 as follows:

1. Page 3, by inserting after line 7 the following new section:

"Sec. 4. Notwithstanding the Acts of the Sixty-third General Assembly, 1970 Session, chapter one thousand two hundred eighty-six (1286), section five (5), chapter twenty-eight H (28H), of the Code, is repealed effective July 1, 1977."

PERKINS of Greene

H—5054

Amend House File 1082 as follows:

1. Page 1, by adding after line 24 the following new section:

"Sec. 2. Salaries of employees of agencies appropriated funds under this Act as they exist on June 30, 1976 shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost of living adjustment. This section shall not apply to employees for whom the general assembly specifically provides a salary rate.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of $8,655, or so much thereof as is necessary to carry out the provisions of this section."

SCHROEDER of Pottawattamie

H—5050

Amend Senate File 454, as passed by the Senate and reprinted, as follows:

1. Page 1, by inserting after line 10 the following new section:

"Sec. 3. Section ninety-nine point one (99.1), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

99.1 HOUSES OF PROSTITUTION OR OTHER NUISANCES. Whoever shall erect, establish, continue, maintain, use, own, or lease any building, erection, or place used for the purpose of *sexual contact*, lewdness, assignation, prostitution or gambling, or pool selling as defined by section 726.6 is guilty of a nuisance, and the building, erection, or place, or the ground itself, in or upon which such *sexual contact*,

lewdness, assignation, prostitution, or gambling, or pool selling as defined by section 726.6 is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are also declared a nuisance and shall be enjoined and abated as hereinafter provided."

KREAMER of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 4:45 p.m., until 10:00 a.m., Wednesday, January 28, 1976.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day—Twelfth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, JANUARY 28, 1976

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

Prayer was offered by the Honorable Elmer Den Herder, State Representative from Sioux County.

The Journal of Tuesday, January 27, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steven Kruse, Huxley, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass on request of Danker of Pottawattamie; Byerly of Polk on request of Nielsen of Polk.

SPECIAL PRESENTATION

Lipsky of Linn escorted to the Speaker's station and presented Kelly Stoltzfus, Iowa's 1976 Easter Seal Sweetheart, and her parents, Clete and Connie Stoltzfus, from Cedar Rapids. The Linn County youngster is a victim of cerebral palsy and represents the over 14,000 Iowans of all ages with physical and multiple handicaps assisted last year by the Easter Seal Society of Iowa. She will be traveling throughout the state to seek support for the annual Easter Seal Fund campaign to be held March 8-April 18.

Special people in Kelly's life are her sisters, Lori, 13, and Vicki, 7. She was accompanied in the House by her sisters and grandparents, Mr. and Mrs. Paul Hershberger of Wellman.

Kelly has undergone heel and leg operations in 1973 and 1975 and walks with the assistance of long leg braces. She also has a hearing loss resulting from ear infections and uses a hearing aid.

Despite the inconveniences of multiple handicaps, Kelly is a cheerful, happy and busy child and "everybody's friend." She attends lower elementary classes at Cedar Rapids Taylor School where she particularly likes her "teacher and math." She likes to ride her bicycle which helps to strengthen her legs; loves listening to her record player and has learned to play the melodica.

The House rose and extended its welcome to Kelly who expressed her thanks.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Seventeen government students from Y.J.B. High School, Jamaica, Iowa, accompanied by Miss Chris Condon. By Hutchins of Guthrie.

PETITIONS FILED

The following petitions were received and placed on file:

By Kreamer of Polk from seventy-three constituents favoring passage of House File 79 relating to the regulation of the practice of massage and providing a penalty.

By Millen of Van Buren from ten constituents of the Birmingham, Iowa, Methodist Church, opposing House File 1058, a bill to legalize prostitution; and favoring House File 1008, a bill to raise the legal age for purchasing alcoholic beverages.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 757, 785, 1003, Senate Files 74, 476, 479, under Rule 36.

INTRODUCTION OF BILLS

House File 1096, by Spear, a bill for an act relating to the administration of small estates.

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

House File 1097, by committee on education, a bill for an act relating to the confidentiality of certain records.

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

House File 1098, by committee on education, a bill for an act relating to the authority of the board of regents to administer trusts.

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

House File 1099, by Stromer, a bill for an act controlling the take-over of businesses under certain conditions and providing penalties.

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

House File 1100, by Byerly, a bill for an act to establish an Iowa research foundation, to prescribe its duties, and to make an appropriation.

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

House File 1101, by Lipsky, a bill for an act to create a department of maternal and child health.

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

House File 1102, by Byerly, a bill for an act relating to the safety of persons working in manholes and providing a penalty.

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

House File 1103, by Spear, a bill for an act relating to unfair employment practices by the state or its political subdivisions.

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

House File 1104, by Cusack, a bill for an act relating to obscene material depicting or describing sadomasochistic abuse and providing penalties.

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

House File 1105, by Brandt, a bill for an act relating to surveyors' plats and providing a penalty.

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

House File 1106, by Byerly, a bill for an act relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly.

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

House File 1107, by Miller of Buchanan, a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases.

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

House File 1108, by Brunow, a bill for an act relating to the refunding of cash bail.

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

House File 1109, by Hutchins, a bill for an act to amend provisions dealing with lights displayed on authorized emergency vehicles.

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

House File 1110, by Lipsky, a bill for an act relating to bikeways.

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

House File 1111, by West, Danker, Brockett, Wyckoff, Husak, Daggett, Bortell, Miller of Buchanan, Wulff, Tofte, Branstad, Harper, McElroy, Halvorson, Jordan, Woods, Nealson of Muscatine, Evans, Koogler, Tauke, Byerly, Lageschulte, Pellett, Newhard, Miller of Cerro Gordo, Egenes, Hutchins, Hinkhouse, Dieleman, Millen, Schroeder, Miller of Calhoun, Baker, Scheelhaase, Perkins, Bennett, Caffrey, Drake, Hansen and Welden, a bill for an act making an appropriation for the construction of an additional nursing care facility and for renovation of certain facilities at the Iowa veterans home.

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

House File 1112, by Newhard, a bill for an act relating to the possession, receipt, and transportation of firearms by persons convicted of felonies and providing penalties.

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

House File 1113, by Crabb and Scheelhaase, a bill for an act appropriating funds for certain legal fees.

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

House File 1114, by Junker, a bill for an act increasing the penalty for hunting from or with airplanes or snowmobiles.

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

House File 1115, by committee on ways and means, a bill for an act establishing budget hearing procedures and budget expenditure guidelines for political subdivisions of this state.

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

HOUSE FILE 373 WITHDRAWN

Branstad of Winnebago asked and received unanimous consent to withdraw **House File 373** from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

House File 243, a bill for an act relating to absences of public employees for medically-related disability.

Also: That the Senate has on January 26, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 542, a bill for an act relating to lobbyists.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 243

H—5058

Amend House File 243, as amended and passed by the House, as follows:

1. Page 1, line 30, by striking the word "included".
2. Page 1, by striking lines 31, 32, and 33.
3. Page 1, line 34, by striking the words "absence shall not be".

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

CONSIDERATION OF BILLS

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 1038**, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River

parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission.

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five present, fifteen absent.

Monroe of Des Moines offered the following amendment H—5042 filed by him and moved its adoption:

H—5042

Amend House File 1038, page 1, line 18, by striking the figures "65,300" and inserting in lieu thereof: "55,300".

Amendment H—5042 lost.

Halvorson of Clayton offered amendment H—5052 filed by him. Division was requested as follows:

H—5052

Amend House File 1038 as follows:

H—5052A

1. Page 2, by striking line 8 and inserting in lieu thereof "cellaneous purposes .....$1,714,913".

H—5052B

2. Page 2, by inserting after line 21 the following:

"c. The Iowa development commission shall allocate from funds appropriated by paragraph a of this subsection not to exceed one hundred fifty thousand (150,000) dollars for the establishment and operation of an overseas industrial and trade office."

Halvorson of Clayton moved the adoption of amendment H—5052A.

Roll call was requested by Halvorson of Clayton and Tofte of Winneshiek.

On the question "Shall amendment H—5052A be adopted?"

The ayes were, 33:

Bennett	Drake	Kreamer	Readinger
Bittle	Egenes	Lageschulte	Schroeder
Bortell	Evans	Lindeen	Stromer
Brockett	Gentleman	Lipsky	Tauke
Clark	Halvorson	McElroy	Tofte
Crabb	Hansen	Menke	Varley
Crawford	Harvey	Millen	West
Daggett	Junker	Nealson	Wulff
Den Herder			

The nays were, 62:

Anderson	Griffee	Krause	Pavich
Avenson	Hargrave	Lonergan	Perkins
Baker	Harper	Mennenga	Poncy
Bina	Hennessey	Middleswart	Rinas
Brandt	Higgins	Middleton	Scheelhaase
Branstad	Hines	Miller, A. V.	Small
Brunow	Hinkhouse	Miller, K. D.	Spencer
Connors	Horn	Miller, O. L.	Spradling
Cusack	Howell	Monroe	Svoboda
Danker	Hullinger	Newhard	Walter
Dieleman	Husak	Nielsen	Welden
Doyle	Hutchins	Norland	Wells
Dunton	Jesse	Oakley	Woods
Dyrland	Jochum	O'Halloran	Wyckoff
Fitzgerald	Jordan	Patchett	Mr. Speaker
Gilloon	Koogler		

Absent or not voting, 4:

Byerly	Caffrey	Pellett	Spear

Amendment H—5052A lost.

Halvorson of Clayton asked for unanimous consent to withdraw amendment H—5052B.

Objection was raised.

Halvorson of Clayton moved that amendment H—5052B be withdrawn.

Halvorson of Clayton asked for unanimous consent to withdraw his motion.

Objection was raised.

Halvorson of Clayton moved that his motion to withdraw amendment H—5052B be withdrawn.

Oakley of Clinton rose on a point of inquiry that the request for withdrawal of the motion did not need House approval under Section 272 of Mason's Manual of Legislative Procedure.

The Speaker ruled the point well taken and the Halvorson motion to withdraw amendment H—5052B was withdrawn.

Halvorson of Clayton asked for unanimous consent to amend line 6 of amendment H—5052B by striking the word "shall" and inserting the word "may".

Objection was raised.

Halvorson of Clayton moved the adoption of amendment H—5052B.

Amendment H—5052B lost.

(House File 1038 pending at adjournment and placed under unfinished business.)

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Chief Clerk:

STATE COMMISSION ON THE STATUS OF WOMEN

The Annual Report of the Commission on the Status of Women for the year 1975.

STATE OF DELAWARE GENERAL ASSEMBLY

A copy of House Joint Resolution 34 declaring that the people shall have the right to alter or abolish state government and federal government; and affirming that it is not only their right, but their duty, to throw off abusive and oppressive government, adopted by the House of Representatives of the State of Delaware January 21, 1976.

EXPLANATION OF VOTE

Due to adverse weather and road conditions, I was delayed Monday morning, January 26, 1976. Had I been present, I would have voted "aye" on House Concurrent Resolution 103, House File 1044, and House File 1037, and "nay" on the motion to table House Concurrent Resolution 103.

CUSACK of Scott

REPORTS OF COMMITTEES

Hutchins of Guthrie, from the committee on county government, submitted the following reports:

MR. SPEAKER: Your committee on county government to whom was referred **House File 694**, a bill for an act authorizing a periodic independent audit of counties, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5057

Amend House File 694, page 1, line 18, by inserting after the word "state." the following: "*A board of supervisors electing to have the financial condition and transactions of the county examined by private certified or registered accountants shall notify the auditor of state of its intention at least six months before the beginning of the fiscal year to be examined and such examination shall be in lieu of an examination by the auditor of state for that fiscal year. However,*

the examination by private certified or registered accountants shall not preclude an examination or investigation of specific financial practices or transactions by the auditor of state."

HUTCHINS of Guthrie, Chair

Also:

MR. SPEAKER: Your committee on county government to whom was referred **House File 1009**, a bill for an act relating to the effective date of special assessments, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HUTCHINS of Guthrie, Chair

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following report:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 845**, a bill for an act relating to duties to disabled persons and providing penalties, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

JESSE of Polk, Chair

Higgins of Scott, from the committee on human resources, submitted the following report:

MR. SPEAKER: Your committee on human resources to whom was referred **Senate File 387**, a bill for an act relating to liability for the performance of or refusal to perform abortions, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HIGGINS of Scott, Chair

AMENDMENTS FILED

H—5060

Amend House File 747 as follows:

1. Page 1, line 13, by striking the words "COST ON PROPORTIONATE BASIS—TAX LEVY" and inserting in lieu thereof the words "ALTERNATIVE TAX LEVIES".

2. Page 1, line 16, by striking the word "on" and inserting in lieu thereof the words "not exceeding six and three-fourths cents per thousand dollars of".

3. Page 1, line 18, by striking the words "or on" and inserting in lieu thereof the words "and of".

4. Page 1, by striking lines 20 and 21 and inserting in lieu thereof the words "acquisition or maintenance of a sanitary disposal project or, as an alternative, an annual property tax not exceeding

an amount equal to".

5. Page 1, line 22, by striking the word "a" and inserting in lieu thereof the word "such".

6. Page 1, line 23, by striking the word "The" and inserting in lieu thereof the words "If one or more cities agree to participate, the".

SPEAR of Lee

H—5063

Amend House File 785 as follows:

1. Page 1, line 6, by inserting after the word "days" the words ", except such places as are used by churches, fraternal societies, and civic organizations which engage in the serving of food for five consecutive days or less".

2. Page 3, line 25, by inserting after the word "applicant" the words ", *except that such license shall not apply to churches, fraternal societies, and civic organizations which engage in the serving of food for five consecutive days or less*".

3. Page 4, by striking lines 10 through 29.

4. Page 4, by striking line 35.

5. Page 5, by striking lines 1 through 35.

6. Page 6, by striking lines 1 through 10.

7. Page 6, lines 25 and 26, by striking the words "[each calendar year] *every six months*" and inserting in lieu thereof the words "each calendar year".

8. Page 6, by striking lines 31 through 35.

9. Page 7, by striking lines 1 through 23.

HUTCHINS of Guthrie
PERKINS of Greene
HULLINGER of Decatur
BAKER of Buena Vista

H—5059

Amend House File 1080 as follows:

1. Page 1, by adding after line 31 the following new section:

"Sec. 3. Salaries of employees of agencies appropriated funds under this Act as they exist on June 30, 1976 shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost of living adjustment. This section shall not apply to employees for whom the general assembly specifically provides a salary rate.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of $823,847, or so much thereof as is necessary to carry out the provisions of this section."

SCHROEDER of Pottawattamie

H—5061

Amend House File 1080 as follows:

1. Page 1, line 24, by striking the word *"Employing"* and inserting in lieu thereof the words *"To employ"*.

JUNKER of Woodbury

H—5062

Amend House File 1081 as follows:

1. Page 2, after line 13 by adding the following new section:

"Sec. 3. Salaries of employees of agencies appropriated funds under this Act as they exist on June 30, 1976 shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost of living adjustment. This section shall not apply to employees for whom the general assembly specifically provides a salary rate.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of $128,610, or so much thereof as is necessary to carry out the provisions of this section."

SCHROEDER of Pottawattamie

H—5064

Amend Senate File 217 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, after line 14, by inserting the following section:

"Sec. 3. Section twenty-eight A point one (28A.1), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Wherever used in this chapter, "public agency" or "public agencies" includes all of the foregoing, and "meeting" or "meetings" includes all meetings of every kind *which are called to order and at which action is taken*, regardless of where the meeting is held[, and whether formal or informal]."

2. By renumbering the remaining sections.

HINKHOUSE of Cedar
WYCKOFF of Benton

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:40 p.m. until 10:00 a.m., Thursday, January 29, 1976.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day—Thirteenth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, JANUARY 29, 1976

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

Prayer was offered by the Reverend Raymond Moore, pastor of the First United Methodist Church, Dunlap, Iowa.

The Journal of Wednesday, January 28, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Hawkins, Clarion, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass on request of Danker of Pottawattamie.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

A group of students from Graceland College, Lamoni, Iowa, including Nancy Hile, Senate page from last year, accompanied by Mr. Knutson, Mr. Outhouse and Mr. Johnson. By Hullinger of Decatur.

Thirty-five students from Western Iowa Tech Community College, Sioux City, Iowa, accompanied by Mrs. Goldhorn and Mrs. Roberts. By Doyle of Woodbury.

PETITIONS FILED

The following petitions were received and placed on file:

By Evans of Grundy from one hundred forty-six constituents supporting the Commission for the Blind and its director, Kenneth Jernigan.

By Scheelhaase of Woodbury from the City Council of the City of Sioux City, Iowa, resolution S—29192 opposing any state imposed "ceiling" on the budgets of municipalities in the state of Iowa.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 694, 845, 1009, and Senate File 387, under Rule 36.

INTRODUCTION OF BILLS

House File 1116, by Harper, Crabb, McElroy, Varley, Drake, Bina, Danker, Bennett, Nealson of Muscatine, Harvey, Tauke, Lageschulte, Tofte, Miller of Calhoun, Hansen, Pellett, Kreamer, Miller of Buchanan, Bortell, Wyckoff, Halvorson, Byerly, Husak, Menke, Perkins, Schroeder, Horn, Griffee and Walter, a bill for an act relating to required participation in an alternative employment program as a condition of receiving public assistance.

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

House File 1117, by Koogler, a bill for an act relating to the reduction of general fund cash reserves of political subdivisions of this state.

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

House File 1118, by Newhard, a bill for an act relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners.

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

House File 1119, by Gilloon, a bill for an act relating to the hours of work and rate of pay of precinct election board members.

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

House File 1120, by Miller of Buchanan, a bill for an act relating to the liability of a bank for dishonored checks.

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

SENATE MESSAGES CONSIDERED

Senate File 455, a bill for an act providing for a fee for the collection of special city assessments.

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

Senate File 484, a bill for an act relating to the regulation of noise emission from motor vehicles by cities.

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

Senate File 512, a bill for an act relating to quarterly reporting by certain state agencies to certain standing committees of the general assembly.

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

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1121, by committee on appropriations, a bill for an act making a supplemental appropriation to the department of social services for medical assistance.

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

House File 1122, by Cusack, Caffrey, Husak and Higgins, a bill for an act authorizing drug product selection by a registered pharmacist under certain circumstances.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 28, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1060, a bill for an act relating to references to the internal revenue code in the computation of individual and corporate income tax.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the immediate consideration of **House File 1121,** a bill for an act making a supplemental appropriation to the department of social services for medical assistance.

Avenson of Fayette in the chair at 4:20 p.m.

Speaker Cochran in the chair at 4:35 p.m.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1121)

The ayes were, 90:

Anderson	Egenes	Junker	Pavich
Avenson	Evans	Koogler	Perkins
Baker	Fitzgerald	Krause	Poncy
Bennett	Gentleman	Lageschulte	Readinger
Bina	Gilloon	Lindeen	Rinas
Bittle	Griffee	Lipsky	Scheelhaase
Bortell	Halvorson	Lonergan	Schroeder
Brandt	Hansen	McElroy	Small
Brunow	Hargrave	Mennenga	Spencer
Byerly	Harper	Middleswart	Spradling
Caffrey	Harvey	Middleton	Stromer
Clark	Hennessey	Millen	Svoboda
Crabb	Higgins	Miller, A. V.	Tauke
Crawford	Hines	Miller, K. D.	Tofte
Cusack	Hinkhouse	Miller, O. L.	Varley
Daggett	Horn	Monroe	Walter
Danker	Howell	Newhard	Wells
Den Herder	Hullinger	Nielsen	West
Dieleman	Husak	Norland	Woods
Doyle	Hutchins	Oakley	Wulff
Drake	Jesse	O'Halloran	Wyckoff
Dunton	Jochum	Patchett	Mr. Speaker
Dyrland	Jordan		

The nays were, 6:

Branstad	Kreamer	Nealson	Welden
Brockett	Menke		

Absent or not voting, 3:

Connors	Pellett	Spear

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

IMMEDIATE MESSAGE
(House File 1121)

Cusack of Scott asked and received unanimous consent that **House File 1121** be immediately messaged to the Senate.

UNFINISHED BUSINESS

The House resumed consideration of **House File 1038**, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River,

parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission.

Schroeder of Pottawattamie offered the following amendment H—5049 filed by him and moved its adoption:

H—5049

Amend House File 1038 as follows:

1. Page 3, by adding after line 4 the following new section:

"Sec. 3. Salaries of employees of agencies appropriated funds under this Act as they exist on June 30, 1976 shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost of living adjustment. This section shall not apply to employees for whom the general assembly specifically provides a salary rate.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of $33,699, or so much thereof as is necessary to carry out the provisions of this section.

Roll call was requested by Schroeder of Pottawattamie and Harvey of Scott.

On the question "Shall amendment H—5049 be adopted?"

The ayes were, 28:

Bennett	Drake	Junker	Nealson
Bortell	Egenes	Kreamer	Readinger
Brockett	Evans	Lindeen	Schroeder
Clark	Gentleman	Lipsky	Tauke
Crabb	Halvorson	McElroy	Tofte
Crawford	Hansen	Menke	Varley
Daggett	Harvey	Millen	Wulff

The nays were, 64:

Anderson	Dyrland	Jordan	Pavich
Avenson	Fitzgerald	Koogler	Perkins
Baker	Gilloon	Krause	Poncy
Bina	Hargrave	Lageschulte	Rinas
Bittle	Harper	Lonergan	Scheelhaase
Brandt	Hennessey	Mennenga	Small
Branstad	Higgins	Middleswart	Spencer
Brunow	Hines	Middleton	Spradling
Byerly	Hinkhouse	Miller, A. V.	Svoboda
Caffrey	Horn	Miller, K. D.	Walter
Cusack	Howell	Miller, O. L.	Welden
Danker	Hullinger	Monroe	Wells
Den Herder	Husak	Newhard	West
Dieleman	Hutchins	Norland	Woods
Doyle	Jesse	O'Halloran	Wyckoff
Dunton	Jochum	Patchett	Mr. Speaker

Absent or not voting, 7:

Connors	Nielsen	Pellett	Stromer
Griffee	Oakley	Spear	

Amendment H—5049 lost.

Perkins of Greene asked and received unanimous consent to withdraw amendment H—5044 filed by him on January 26, 1976, and found on page 127 of the House Journal.

Perkins of Greene offered the following amendment H—5056 filed by him:

H—5056

Amend House File 1038 as follows:
1. Page 3, by inserting after line 7 the following new section:
"Sec. 4. Notwithstanding the Acts of the Sixty-third General Assembly, 1970 Session, chapter one thousand two hundred eighty-six (1286), section five (5), chapter twenty-eight H (28H), of the Code, is repealed effective July 1, 1977."

Evans of Grundy rose on a point of order that amendment H—5056 was not germane.

The Speaker ruled the point not well taken and amendment H—5056 germane.

Perkins of Greene moved the adoption of amendment H—5056.

Amendment H—5056 was adopted.

Hargrave of Johnson offered the following amendment H—5051 filed by him:

H—5051

Amend House File 1038 as follows:
1. Page 3, by inserting after line 7 the following:
"Sec. 4. *NEW SECTION.* Chapter twenty-eight (28), Code 1975, is hereby repealed effective July 1, 1980.
Sec. 5. *NEW SECTION.* Chapter one hundred seventy-three (173), Code 1975, is hereby repealed effective July 1, 1982.
Sec. 6. *NEW SECTION.* Chapter one hundred seventy-nine (179), Code 1975, is hereby repealed effective July 1, 1984.
Sec. 7. *NEW SECTION.* A representative of the boards and commissions abolished by sections four (4), five (5) and six (6), of this Act, shall appear before the appropriate committees of the house and the senate upon call by the respective committee chairs prior to January 30 of the year that the board or commission is to be abolished. The committees

may recommend to their respective houses that the effective date of abolishment of the boards and commissions be extended.

Husak of Tama offered the following amendment H—5065, to amendment H—5051, filed by him from the floor:

H—5065

Amend the Hargrave amendment H—5051, to House File 1038, filed January 27, 1976, as follows:

1. By striking all of lines 9, 10 and 11.

Junker of Woodbury rose on a point of order that amendment H—5051 was not germane.

The Speaker ruled the point not well taken and amendment H—5051 germane.

Husak of Tama moved the adoption of amendment H—5065, to amendment H—5051.

Amendment H—5065 was adopted.

Division of amendment H—5051 was requested as follows:

Lines 4 and 5 to be amendment H—5051A, lines 6 through 8 to be amendment H—5051B and lines 9 through 21 to be amendment H—5051C.

Hargrave of Johnson moved the adoption of amendment H—5051A.

Roll call was requested by Varley of Adair and McElroy of Fremont.

On the question "Shall amendment H—5051A be adopted?"

The ayes were, 27:

Bina	Hargrave	Koogler	Rinas
Brunow	Higgins	Krause	Schroeder
Cusack	Hines	Middleton	Tauke
Doyle	Howell	Monroe	Walter
Dyrland	Jesse	Nielsen	Wells
Fitzgerald	Jochum	Patchett	Mr. Speaker
Gilloon	Jordan	Pavich	

The nays were, 66:

Anderson	Byerly	Drake	Harvey
Avenson	Caffrey	Dunton	Hennessey
Baker	Clark	Egenes	Hinkhouse
Bennett	Crabb	Evans	Horn
Bittle	Crawford	Gentleman	Hullinger
Bortell	Daggett	Griffee	Husak
Brandt	Danker	Halvorson	Hutchins
Branstad	Den Herder	Hansen	Junker
Brockett	Dieleman	Harper	Kreamer

Lageschulte	Millen	Perkins	Tofte
Lindeen	Miller, A. V.	Poncy	Varley
Lipsky	Miller, K. D.	Readinger	Welden
Lonergan	Miller, O. L.	Scheelhaase	West
McElroy	Nealson	Spencer	Woods
Menke	Newhard	Spradling	Wulff
Mennenga	Norland	Svoboda	Wyckoff
Middleswart	O'Halloran		

Absent or not voting, 6:

Connors	Pellett	Spear	Stromer
Oakley	Small		

Amendment H—5051A lost.

Hargrave of Johnson moved the adoption of amendment H—5051B.

Roll call was requested by Varley of Adair and Crabb of Crawford.

On the question "Shall amendment H—5051B be adopted?"

The ayes were, 42:

Avenson	Dunton	Jordan	O'Halloran
Baker	Dyrland	Junker	Patchett
Bina	Fitzgerald	Koogler	Pavich
Brandt	Gilloon	Krause	Perkins
Brunow	Hargrave	Kreamer	Rinas
Byerly	Harvey	Lipsky	Small
Caffrey	Higgins	Middleton	Tauke
Connors	Hines	Miller, K. D.	Walter
Cusack	Horn	Miller, O. L.	Wells
Doyle	Jesse	Monroe	Mr. Speaker
Drake	Jochum		

The nays were, 50:

Anderson	Evans	McElroy	Scheelhaase
Bennett	Gentleman	Menke	Schroeder
Bittle	Halvorson	Mennenga	Spencer
Bortell	Hansen	Middleswart	Spradling
Branstad	Harper	Millen	Svoboda
Brockett	Hinkhouse	Miller, A. V.	Tofte
Clark	Howell	Nealson	Varley
Crabb	Hullinger	Newhard	Welden
Crawford	Husak	Nielsen	West
Daggett	Hutchins	Norland	Woods
Danker	Lageschulte	Poncy	Wulff
Den Herder	Lindeen	Readinger	Wyckoff
Dieleman	Lonergan		

Absent or not voting, 7:

Egenes	Hennessey	Pellett	Stromer
Griffee	Oakley	Spear	

Amendment H—5051B lost.

The Speaker ruled amendment H—5051C as amended not in order.

Avenson of Fayette moved that the bill be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1038)

The ayes were, 90:

Anderson	Drake	Jordan	Norland
Avenson	Dunton	Junker	O'Halloran
Baker	Dyrland	Koogler	Patchett
Bennett	Fitzgerald	Krause	Pavich
Bina	Gentleman	Kreamer	Perkins
Bittle	Gilloon	Lageschulte	Poncy
Bortell	Griffee	Lindeen	Readinger
Brandt	Halvorson	Lipsky	Scheelhaase
Branstad	Hansen	Lonergan	Schroeder
Brockett	Hargrave	McElroy	Small
Brunow	Harper	Menke	Spencer
Byerly	Harvey	Mennenga	Spradling
Caffrey	Hennessey	Middleswart	Svoboda
Clark	Higgins	Middleton	Tofte
Connors	Hines	Millen	Varley
Crabb	Hinkhouse	Miller, A. V.	Welden
Crawford	Horn	Miller, K. D.	Wells
Cusack	Howell	Miller, O. L.	West
Daggett	Hullinger	Monroe	Woods
Danker	Husak	Nealson	Wulff
Den Herder	Hutchins	Newhard	Wyckoff
Dieleman	Jesse	Nielsen	Mr. Speaker
Doyle	Jochum		

The nays were, 3:

Rinas	Tauke	Walter

Absent or not voting, 6:

Egenes	Oakley	Spear	Stromer
Evans	Pellett		

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

APPROPRIATIONS CALENDAR

House File 1080, a bill for an act relating to the appropriation of funds to legislative agencies and making appropriations to agencies involved in the legislative process, was taken up for consideration.

Junker of Woodbury offered the following amendment H—5061 filed by him and moved its adoption:

H—5061

Amend House File 1080 as follows:

1. Page 1, line 24, by striking the word "*Employing*" and inserting in lieu thereof the words "*To employ*".

Amendment H—5061 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5059 filed by him and moved its adoption:

H—5059

Amend House File 1080 as follows:

1. Page 1, by adding after line 31 the following new section:

"Sec. 3. Salaries of employees of agencies appropriated funds under this Act as they exist on June 30, 1976 shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost of living adjustment. This section shall not apply to employees for whom the general assembly specifically provides a salary rate.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of $823,847, or so much thereof as is necessary to carry out the provisions of this section."

Roll call was requested by Schroeder of Pottawattamie and Tauke of Dubuque.

On the question "Shall amendment H—5059 be adopted?"

The ayes were, 28:

Bennett	Crawford	Hansen	Nealson
Bittle	Daggett	Junker	Readinger
Bortell	Danker	Kreamer	Schroeder
Brockett	Drake	Lindeen	Tauke
Byerly	Evans	Lipsky	Tofte
Clark	Gentleman	McElroy	Varley
Crabb	Halvorson	Menke	Wulff

The nays were, 61:

Anderson	Griffee	Krause	Perkins
Avenson	Hargrave	Lageschulte	Poncy
Baker	Harper	Lonergan	Rinas
Bina	Hennessey	Mennenga	Scheelhaase
Brandt	Higgins	Middleswart	Small
Branstad	Hinkhouse	Middleton	Spencer
Brunow	Horn	Miller, A. V.	Spradling
Caffrey	Howell	Miller, K. D.	Svoboda
Cusack	Hullinger	Miller, O. L.	Walter
Den Herder	Husak	Monroe	Welden
Dieleman	Hutchins	Newhard	Wells
Doyle	Jesse	Norland	West
Dunton	Jochum	O'Halloran	Woods
Dyrland	Jordan	Patchett	Wyckoff
Fitzgerald	Koogler	Pavich	Mr. Speaker
Gilloon			

Absent or not voting, 10:

Connors	Hines	Oakley	Spear
Egenes	Millen	Pellett	Stromer
Harvey	Nielsen		

Amendment H—5059 lost.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1080)

The ayes were, 90:

Anderson	Drake	Jordan	Patchett
Avenson	Dunton	Junker	Pavich
Baker	Dyrland	Kreamer	Perkins
Bennett	Evans	Lageschulte	Poncy
Bina	Fitzgerald	Lindeen	Readinger
Bittle	Gentleman	Lipsky	Rinas
Bortell	Gilloon	Lonergan	Scheelhaase
Brandt	Griffee	McElroy	Schroeder
Branstad	Halvorson	Menke	Small
Brockett	Hansen	Mennenga	Spencer
Brunow	Hargrave	Middleswart	Spradling
Byerly	Harper	Middleton	Svoboda
Caffrey	Hennessey	Millen	Tofte
Clark	Higgins	Miller, A. V.	Varley
Connors	Hines	Miller, K. D.	Walter
Crabb	Hinkhouse	Miller, O. L.	Welden
Crawford	Horn	Monroe	Wells
Cusack	Howell	Nealson	West
Daggett	Hullinger	Newhard	Woods
Danker	Husak	Nielsen	Wulff
Den Herder	Hutchins	Norland	Wyckoff
Dieleman	Jesse	O'Halloran	Mr. Speaker
Doyle	Jochum		

The nays were, 2:

Harvey	Tauke

Absent or not voting, 7:

Egenes	Krause	Pellett	Stromer
Koogler	Oakley	Spear	

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

RULE 32 INVOKED
(House File 785)

Husak of Tama invoked Rule 32 on **House File 785.**

House File 785 presently on the regular calendar was referred to the committee on **ways and means.**

MOTION FOR REFERRAL WITHDRAWN

Middleswart of Warren moved that **House File 757** be removed from the regular calendar and rereferred to the committee on natural resources.

Middleswart of Warren asked and received unanimous consent to withdraw his motion.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 39 **Ways and means**
Relating to the imposition of the inheritance tax on a power of appointment.

S. B. 40 **Ways and means**
Relating to the reporting of stock transfers for inheritance tax purposes.

S. B. 41 **Ways and means**
To exempt tangible personal property and taxable services used by relief agencies from the sales and use tax.

S. B. 42 **Ways and means**
Relating to the sales and use tax on returnable containers.

S. B. 43 **Ways and means**
Relating to the deduction of debts for inheritance tax purposes.

S. B. 44 **Ways and means**
Relating to the determination of that portion of jointly held property which shall be excluded from the estate for inheritance tax purposes.

S. B. 45 **Ways and means**
Relating to the allowance of property taxes paid as an inheritance tax deduction.

S. B. 46 **Ways and means**
Relating to the filing requirements for information returns for tax purposes.

S. B. 47 **Ways and means**
To correct an internal code reference under the individual income tax law.

S. B. 48 **Ways and means**
To correct certain references in the law relating to the use tax.

S. B. 49 **Ways and means**
Relating to accumulated distributions of trusts under

the individual income tax and making the Act retroactive.

S. B. 50 Commerce
Relating to regulation of electric utility rates and service areas by the state commerce commission.

S. B. 51 Commerce
Relating to joint exercise of governmental powers for the financing of electric power generation and transmission facilities.

S. B. 52 Ways and means
Clarifies the law relating to the collection of taxes during the changeover from a January 1–December 31 fiscal year to a July 1–June 30 fiscal year and specifies that the taxes due during the extended fiscal year were for an eighteen-month period.

S. B. 53 Transportation
Relating to hearings on applications for certificates of public convenience and necessity by motor vehicle certificated carriers.

S. B. 54 Transportation
Relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads.

S. B. 55 Education
Relating to the regulation of bicycles by the state board of regents.

REPORTS OF COMMITTEES

Krause of Palo Alto, from the committee on transportation, submitted the following reports:

MR. SPEAKER: Your committee on transportation to whom was referred **House File 3**, a bill for an act relating to the use of reflectorized materials on bicycles, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5068
1 Amend House File 3 by striking lines 1 through

26 and inserting in lieu thereof the following:
"Section 1. Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new section:
NEW SECTION. A person shall not operate or sell at retail any bicycle for use on any street or highway in this state unless the bicycle is equipped with reflective surfaces that shall be visible during the hours of darkness from a distance of five hundred feet from the front and three hundred feet from the sides and rear when viewed under lawful low beam head lamps under normal atmospheric conditions on a straight, level, unlighted roadway. The use of reflectors on bicycles required under this Act shall be in addition to lights required under section three hundred twenty-one point three hundred ninety-seven (321.397) of the Code.
The commissioner of public safety shall approve or disapprove the types of reflective materials required by this section and issue rules and regulations establishing performance standards for such reflective materials and publish lists of the types of the reflective surfaces which have been approved.
Sec. 2. The provisions of this Act shall become effective January 1, 1977."

KRAUSE of Palo Alto, Chair

Also:

MR. SPEAKER: Your committee on transportation to whom was referred **House File 303**, a bill for an act to allow contracts for haying on the medians of interstate highways, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5069
Amend House File 303 as follows:
1. Page 1, by striking lines 1 through 6 and inserting in lieu thereof the following:
"Section 1. Chapter three hundred six (306), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred sixty-three (163), is amended by adding the following new sections:
NEW SECTION. LIABILITY FOR HAY MOWED ON STATE ROAD AND HIGHWAY RIGHT-OF-WAY. The state and its political subdivisions and their agents and employees owe no duty of care to keep ditches or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating mowing equipment as provided for by this Act, or to give any warning of a dangerous condition, use, structure, or activity on such premises

to persons who enter for the purposes of removing hay as provided for by this Act. The state and its political subdivisions and their agents and employees shall not be liable to persons injured due to the failure of persons authorized to mow and remove hay from road and highway right-of-way to exercise due care in such removal as provided by this Act.

NEW SECTION. On roads other than the fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and the state, the landowner or lessee may harvest grasses grown on the right-of-way of a road adjacent to his property after June fifteenth of each year.

Sec. 2. Chapter three hundred six A (306A), Code 1975, is amended by adding the following new section:

NEW SECTION. On roads other than the fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and the state, the landowner or lessee may harvest grasses grown on the right-of-way of a road adjacent to his property after June fifteenth of each year.

Sec. 3. Chapter three hundred seven A (307A) Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters one hundred sixty-six (166) and one hundred sixty-seven (167), is amended by adding the following new section:

NEW SECTION. The commission may let contracts for the harvesting of grasses on the right-of-way or median of any fully controlled-access, divided, multilaned highway including the national system of interstate highways designated by the federal highway

Page 2

administration and the state. The commission shall adopt rules, pursuant to chapter seventeen A (17A) of the Code, as are necessary to assure the safety of persons operating vehicles on the highway and persons harvesting grasses on the right-of-way and median.

Sec. 4. Section three hundred seventeen point eleven (317.11), Code 1975, is amended to read as follows:

317.11 WEEDS ON ROADS OR HIGHWAYS. The board of supervisors shall destroy noxious weeds growing in secondary roads, and the state department of transportation shall destroy noxious weeds growing on primary roads. [Nothing herein shall prevent the landowner from harvesting, in proper season, the grass grown on the road along his land.] *On roads other than the fully-controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and the state, the landowner or lessee may harvest*

grasses grown on the right-of-way of a road adjacent to his property after June fifteenth of each year."

KRAUSE of Palo Alto, Chair

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following report:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 836**, a bill for an act relating to the civil rights commission, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5067

Amend House File 836 as follows:

1. Page 1, by striking lines 8 through 10.

2. Page 1, line 24, by inserting after the word "court." the words "The commission shall respond to the complainants request within thirty days of receipt of the request."

3. By renumbering the remaining sections to accord with this amendment.

JESSE of Polk, Chair

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 1059**, a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

NORLAND of Worth, Chair

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1094**, a bill for an act making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1121**, a bill for an act making a supplemental appropriation to the department of social services for medical assistance, and begs leave to report it has had the same under consideration and has instructed me to

report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1030**, a bill for an act appropriating funds to the governor, lieutenant governor, and the council of state governments, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

RULE 27 OF THE TEMPORARY RULES OF THE HOUSE

H—5084

Amend Rule 27 of the Temporary Rules of the House as adopted by the House during the Sixty-sixth General Assembly, 1975 session, line 3, by inserting after the word "House" the following: "or interim study committee of the Sixty-sixth General Assembly".

COMMITTEE ON RULES
FITZGERALD of Webster, Chair

H—5076

Amend House File 239 as follows:

1. Page 1, by striking lines 3 through 6 and inserting in lieu thereof the following:

"*NEW SECTION.* PROCEDURE FOR SEVERANCE OF CERTAIN LAND FROM DRAINAGE DISTRICTS. Land may be severed from an established drainage district, in which the improvement has been constructed, by the procedure established by this section. This procedure shall not be available with respect to a levee district, and".

2. Page 1, line 8, by striking the word "the" and inserting in lieu thereof the words "a drainage".

3. Title, line 2, by striking the words "or levee".

SPEAR of Lee

H—5066

Amend House File 303 as follows:

Amend the title page, line 1, by striking the words "medians of" and line 2, by striking all of line 2 and inserting in lieu thereof "right-of-way of highways".

KRAUSE of Palo Alto

H—5072

Amend H—5063, filed by Hutchins et al., to House File 785 as follows:

1. Page 1, line 6, by inserting after the word "less" the words "and sites, except restaurants, that are used for nutrition programs operated pursuant to Title forty-two (42), chapter thirty-five (35), sections three thousand forty-five (3045) through three thousand forty-five i (3045i) of the United States Code".

2. Page 1, line 11, by inserting after the word *"less"* the words *"and sites, except restaurants, operating nutrition programs pursuant to Title forty-two (42), chapter thirty-five (35), sections three thousand forty-five (3045) through three thousand forty-five i (3045i) of the United States Code"*.

MILLER of Buchanan

H—5081

Amend House File 785 as follows:

1. Page 5, by inserting after line 34 the following section:

"Sec. ..... Section one hundred seventy point twenty-nine (170.29), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

170.29 BEDDING. Every bed, bunk, cot, or other sleeping place in a hotel, motel, or motor inn shall be supplied with under sheets, top sheets, and pillow slips. The sheets shall be of sufficient width and length to completely cover the mattress. The pillow slips and sheets after being used by any guest shall be washed and sanitized, or disposed of, and a clean set furnished each succeeding guest. The other bedding shall be thoroughly aired and kept clean at all times. All mattresses, quilts, blankets, pillows, sheets, comforters, and other bedding which have become worn or insanitary so as to be unfit for use as bedding shall be condemned by an inspector and shall not be used again."

2. Renumber the sections to comply with this amendment.

MIDDLESWART of Warren
HANSEN of O'Brien

H—5082

Amend House File 785 as follows:

1. Page 6, by inserting after line 34 the following:

"Sec. ..... Chapter one hundred ninety-two (192), Code 1975, is amended by adding the following new section:

NEW SECTION. MILK PLANT FEES. A municipal corporation shall not charge a milk plant any fee unless the municipal corporation has contracted with the secretary of agriculture to conduct inspections pursuant to chapter one hundred ninety-two (192) of

the Code and the milk plant is located within the municipal corporation's boundaries."

2. Renumber the sections to comply with this amendment.

MIDDLESWART of Warren
HANSEN of O'Brien

H—5083

Amend House File 785 as follows:

1. Page 6, line 12, by inserting after the word "paragraphs" the words "one (1), two (2), and".

2. Page 6, line 12, by striking the words "and four (4)".

3. Page 6, by inserting after line 13 the following:

"No person, *except restaurants, grocery stores, holders of beer permits and liquor control licenses who sell food, delicatessens, and similar places,* shall operate an establishment without first obtaining a license from the department. The license fee for each establishment[, excluding restaurants and grocery stores,] per year or any part of a year shall be:

1. For all meat and poultry slaughtered or otherwise prepared not exceeding twenty thousand pounds per year for sale, resale, or custom, twenty-five dollars.

2. For all meat and poultry slaughtered or otherwise prepared in excess of twenty thousand pounds per year for sale [or], resale, *or custom,* fifty dollars."

4. Page 6, by striking lines 31 through 34.

5. Page 6, by inserting before line 35 the following sections:

"Sec. ..... Section one hundred ninety-six point three (196.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

196.3 DEFINITIONS. For the purposes of this chapter:

1. "Dealer" means a person who buys, sells, handles, and merchandises eggs.

2. "Department" means the department of agriculture.

3. "Eggs unfit for human food" means eggs classified as loss or inedible and deemed unfit for human food as defined by the United States standards and grades of eggs.

4. "Person" means "person" as defined by subsection thirteen (13) of section four point one (4.1) of the Code.

5. "Processor" means a person who stores or converts shell eggs to liquid, frozen, or dried form.

6. "Producer" means a person who sells only eggs produced exclusively by his own flock direct to consumers.

7. "Retailer" means a person who sells eggs directly to consumers.

8. "Secretary" means the secretary of agriculture.

Sec. ..... Section one hundred ninety-six point four (196.4), Code 1975, is amended to read as follows:

196.4 LICENSE. Every person, *except retailers and producers,* engaged in the business of buying, selling, receiving, or dealing in eggs shall obtain a license.

Sec. ..... Section one hundred ninety-six point five (196.5), Code 1975, is amended to read as follows:

196.5 [PRODUCERS AND] *CERTAIN EGGS OF* HATCHERIES EXEMPTED. [Producers who sell only eggs produced exclusively by their own flocks, and sold direct to consumers, shall not be required to procure a license.]

Hatcheries shall obtain a license for eggs purchased over and above the eggs used for hatching purposes. Eggs to be used for hatching are exempt from the candling and grading provisions of this chapter. All cases of eggs shall be properly labeled and clearly identified in such manner as the department of agriculture may prescribe."

6. Page 7, line 24, by striking the figure "(170.7)" and inserting in lieu thereof the figure "(170.7),".

7. Page 7, line 25, by striking the word "and".

8. Page 7, line 25, by inserting after the word "(191A.5)," the words "one hundred ninety-two point one (192.1), one hundred ninety-two point two (192.2), one hundred ninety-two point three (192.3), one hundred ninety-two point four (192.4), and one hundred ninety-six point nine (196.9),".

9. Renumber the sections to comply with this amendment.

MIDDLESWART of Warren
HANSEN of O'Brien

H—5074

Amend House File 1041 as follows:

Page 1, by striking lines 12 through 16.

KREAMER of Polk

H—5073

Amend House File 1047 as follows:

1. Page 1, line 20, by striking the word "advantage".

2. Page 1, by striking all of line 21 and inserting in lieu thereof the following: "benefit a non-public over a public purpose. In the event that the local governing body finds such a disproportionate benefit, it may pass the proposed ordinance only after a referendum held according

to the provisions of section three hundred eighty-four point twenty-six (384.26), subsections 2, 3 and 4, Code 1975."

HIGGINS of Scott

H—5078

Amend House File 1081 as follows:

1. Page 2, by inserting after line 17 the following:

"Sec. 4. *NEW SECTION.* Chapter four hundred seventy-four (474), Code 1975, is hereby repealed effective July 1, 1981.

Sec. 5. *NEW SECTION.* Chapter twenty-nine (29), Code 1975, is hereby repealed effective July 1, 1981.

Sec. 6. *NEW SECTION.* A representative of the boards and commissions abolished by sections four (4) and five (5), of this Act, shall appear before the appropriate committees of the house and senate upon call by the respective committee chairs prior to January 30 of the year that the board or commission is to be abolished. The committees may recommend to their respective houses that the effective date of abolishment of the boards and commissions be extended."

HARGRAVE of Johnson

H—5079

Amend House File 1082 as follows:

1. Page 1, by inserting after line 27 the following:

"Sec. 3. *NEW SECTION.* Chapter one hundred sixteen (116), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 4. *NEW SECTION.* Chapter one hundred eighteen (118), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 5. *NEW SECTION.* Chapter one hundred fourteen (114), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 6. *NEW SECTION.* Chapter one hundred twenty (120), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 7. *NEW SECTION.* Chapter one hundred eighteen A (118A), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 8. *NEW SECTION.* Chapter one hundred seventeen (117), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 9. *NEW SECTION.* A representative of the boards and commissions abolished by sections three (3), four (4), five (5), six (6), seven (7), and eight, of this Act, shall appear before the appropriate committees of the house and senate upon call by the respective committee chairs prior to January 30 of the year that the board or commission is to

be abolished. The committees may recommend to their respective houses that the effective date of abolishment of the boards and commissions be extended.

HARGRAVE of Johnson

H—5070

Amend House File 1094 as follows:

1. Page 3, by adding after line 34 the following new section:

"Sec. 4. Salaries of employees of agencies appropriated funds under this Act as they exist on June 30, 1976 shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost of living adjustment This section shall not apply to employees for whom the general assembly specifically provides a salary rate.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of $113,346, or so much thereof as is necessary to carry out the provisions of this section."

SCHROEDER of Pottawattamie

H—5080

Amend House File 1094 as follows:

1. Page 4, by inserting after line 3 the following:

"Sec. 5. *NEW SECTION.* Chapter four hundred fifty-five A (455A), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 6. *NEW SECTION.* Chapter four hundred sixty-seven A (467A), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 7. *NEW SECTION.* Chapter one hundred seven (107), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 8. *NEW SECTION.* Chapter three hundred five (305), Code 1975, is hereby repealed effective July 1, 1980.

Sec. 9. *NEW SECTION.* A representative of the boards and commissions abolished by sections five (5), six (6), seven (7), and eight (8) of this Act, shall appear before the appropriate committees of the house and senate upon call by the respective committee chairs prior to January 30 of the year that the board or commission is to be abolished. The committees may recommend to their respective houses that the effective date of abolishment of the boards and commissions be extended.

HARGRAVE of Johnson

H—5077

Amend House File 1115, page 1, line 13, by inserting

after the word "subdivision" the words ", excluding the amount of moneys collected or received from property taxes and other sources for the paying of interest and principal on any indebtedness authorized by law".

DAGGETT of Adams

H—5075

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 13B, by inserting after line 36 the following new subsection:

"The person kills a peace officer, correctional officer, public employee, or hostage while such person is imprisoned in a county jail or correctional institution under the jurisdiction of the department of social services."

SPEAR of Lee
NEWHARD of Jones

H—5071

Amend Senate File 387 as passed by the Senate as follows:

1. Page 1, line 6, by inserting after the word "procedures" the words ", except in an emergency when medically necessary to save the life of the mother".

2. Page 1, by striking everything after the period in line 15, and all of lines 15A, 15B, 15C and 15D.

3. Page 1, line 19, by inserting after the word "abortion" the words ", except in an emergency when medically necessary to save the life of the mother".

4. Page 1, line 22 by inserting after the word "hospital" the following: ", except if the mother dies as a result of the refusal to provide medical care".

GENTLEMAN of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:45 until 10:00 a.m., Friday, January 30, 1976.

JOURNAL OF THE HOUSE

Nineteenth Calendar Day—Fourteenth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, JANUARY 30, 1976

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

Prayer was offered by the Reverend Frederick W. Strickland, pastor of the Corinthian Baptist Church, Des Moines, Iowa.

The Journal of Thursday, January 29, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spencer of Clay on request of Tofte of Winneshiek; Oakley of Clinton on request of Tauke of Dubuque; Egenes of Story on request of Hennessey of Delaware; Lonergan of Boone on request of Monroe of Des Moines.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 3, 303, 836, 1059, 1094, 1121 and Senate File 1030, under Rule 36.

PETITION FILED

The following petition was received and placed on file:

By Brunow of Appanoose from twenty-six constituents, favoring changing Chapter 725 of the Iowa Code, relating to sale or distribution of sex related materials.

INTRODUCTION OF BILLS

House File 1123, by Pellett, a bill for an act relating to noxious weeds.

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

House File 1124, by Harper, a bill for an act relating to the filing of amendments by members of the general assembly.

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

House File 1125, by Halvorson and Avenson, a bill for an act to provide reimbursement to taxing districts to replace tax revenues which will not be available because of the purchase of land by the state and making an appropriation.

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

House File 1126, by Spear, a bill for an act to alter the provisions for sick leave allowable to state employees.

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

House File 1127, by Spear, a bill for an act to alter the provisions for sick leave allowable to public school employees.

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

House File 1128, by Junker, a bill for an act to provide an alternative to membership in the Iowa public employees' retirement system.

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

House File 1129, by Daggett, Hutchins, Pellett, Perkins, Hullinger, Danker and Bortell, a bill for an act relating to the joint financing of water supply systems by public agencies.

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

House File 1130, by Wells, Spradling, Anderson, Lipsky, Howell, Dieleman, Daggett, Stromer, Den Herder, Lindeen, Middleswart, Halvorson, Mennenga, Schroeder, Wulff, Lageschulte, Pellett, Poncy, Dunton, Cusack and Hennessey, a bill for an act regulating smoking in public places and at public meetings and providing a penalty.

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

House File 1131, by Lipsky and Higgins, a bill for an act relating to children in need of assistance.

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

House File 1132, by Lipsky, McElroy and O'Halloran, a bill for an act to require the offering of courses in child development and family life education in all public high schools in the state.

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

House File 1133, by Harper, a bill for an act relating to animal-drawn vehicles and providing a penalty.

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

House File 1134, by duplicatory inspection requirements study committee, a bill for an act relating to certain authority of the industrial commissioner.

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

House File 1135, by duplicatory inspection requirements study committee, a bill for an act relating to certain boards of arbitration.

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

House File 1136, by duplicatory inspection requirements study committee, a bill for an act relating to licenses for food establishments and inspections of food and food establishments.

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

House File 1137, by duplicatory inspection requirements study committee, a bill for an act relating to fees which certain municipal corporations charge milk plants.

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

House File 1138, by duplicatory inspection requirements study committee, a bill for an act relating to the fee for motor vehicle inspection.

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

House File 1139, by duplicatory inspection requirements study committee, a bill for an act relating to bedding sanitation in hotels, motels, and motor inns.

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

House File 1140, by duplicatory inspection requirements study committee, a bill for an act relating to licenses for meat and poultry, milk, and eggs.

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

SENATE MESSAGE CONSIDERED

Senate File 1060, a bill for an act relating to references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 30, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1121, a bill for an act providing for an appropriation to the Department of Social Services for medical assistance.

Also: That the Senate has on January 28, 1976, passed the following bill in which the concurrence of the House is asked:

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

STEVEN C. CROSS, Secretary

CONSIDERATION OF AMENDMENT TO THE TEMPORARY RULES OF THE HOUSE

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of amendment to the temporary rules of the House and offered amendment H—5084 as follows:

H—5084

Amend Rule 27 of the Temporary Rules of the House as adopted by the House during the Sixty-sixth General Assembly, 1975 session, line 3, by inserting after the word "House" the following: "or interim study committee of the Sixty-sixth General Assembly".

Fitzgerald of Webster moved the adoption of amendment H—5084.

A non-record roll call was requested.

The ayes were 80, nays 0.

Amendment H—5084 was adopted.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

House File 1081, a bill for an act relating to the funding of the Iowa state commerce commission and the department of public defense and making appropriations, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5062 filed by him and moved its adoption:

H—5062

Amend House File 1081 as follows:

1. Page 2, after line 13 by adding the following new section:

"Sec. 3. Salaries of employees of agencies appropriated funds under this Act as they exist on June 30, 1976 shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost of living adjustment. This section shall not apply to employees for whom the general assembly specifically provides a salary rate.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of $128,610, or so much thereof as is necessary to carry out the provisions of this section."

Amendment H—5062 lost.

Hargrave of Johnson asked and received unanimous consent to withdraw amendment H—5078 filed by him on January 29, 1976, and found on page 173 of the House Journal.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1081)

The ayes were, 85:

Avenson	Evans	Krause	Pellett
Baker	Fitzgerald	Kreamer	Poncy
Bennett	Gentleman	Lageschulte	Readinger
Bina	Gilloon	Lindeen	Rinas
Bittle	Halvorson	Lipsky	Scheelhaase
Brandt	Hansen	McElroy	Schroeder
Brockett	Hargrave	Menke	Spear
Brunow	Harper	Mennenga	Spradling
Byerly	Harvey	Middleswart	Stromer
Caffrey	Hennessey	Middleton	Svoboda
Clark	Hines	Millen	Tauke
Connors	Hinkhouse	Miller, A. V.	Tofte
Crabb	Howell	Miller, K. D.	Varley
Crawford	Hullinger	Miller, O. L.	Walter
Cusack	Husak	Monroe	Welden
Daggett	Hutchins	Nealson	Wells
Danker	Jesse	Newhard	West
Den Herder	Jochum	Norland	Woods
Doyle	Jordan	O'Halloran	Wulff
Drake	Junker	Patchett	Wyckoff
Dunton	Koogler	Pavich	Mr. Speaker
Dyrland			

The nays were, none.

Absent or not voting, 14:

Anderson	Egenes	Lonergan	Perkins
Bortell	Griffee	Nielsen	Small
Branstad	Higgins	Oakley	Spencer
Dieleman	Horn		

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

House File 1082, a bill for an act making an appropriation from the general fund of the state to regulatory boards and commissions governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture, and real estate, was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5054 filed by him on January 27, 1976, and found on page 140 of the House Journal.

Hargrave of Johnson asked and received unanimous consent to withdraw amendment H—5079 filed by him on January 29, 1976, and found on pages 173 and 174 of the House Journal.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1082)

The ayes were, 88:

Avenson	Fitzgerald	Krause	Perkins
Baker	Gentleman	Kreamer	Poncy
Bennett	Gilloon	Lageschulte	Readinger
Bina	Griffee	Lindeen	Rinas
Bittle	Halvorson	Lipsky	Scheelhaase
Brandt	Hansen	McElroy	Schroeder
Brockett	Hargrave	Menke	Small
Brunow	Harper	Mennenga	Spear
Byerly	Harvey	Middleswart	Spradling
Caffrey	Hennessey	Middleton	Stromer
Clark	Hines	Millen	Svoboda
Connors	Hinkhouse	Miller, A. V.	Tauke
Crabb	Horn	Miller, K. D.	Tofte
Crawford	Howell	Miller, O. L.	Varley
Cusack	Hullinger	Monroe	Walter
Daggett	Husak	Nealson	Welden
Danker	Hutchins	Newhard	Wells
Den Herder	Jesse	Norland	West
Doyle	Jochum	O'Halloran	Woods
Drake	Jordan	Patchett	Wulff
Dunton	Junker	Pavich	Wyckoff
Dyrland	Koogler	Pellett	Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Anderson	Dieleman	Higgins	Oakley
Bortell	Egenes	Lonergan	Spencer
Branstad	Evans	Nielsen	

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

House File 1094, a bill for an act making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey, was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5070 filed by him on January 29, 1976, and found on page 174 of the House Journal.

Hargrave of Johnson asked and received unanimous consent to withdraw amendment H—5080 filed by him on January 29, 1976, and found on page 174 of the House Journal.

Speaker pro tempore Jesse in the chair at 11:00 a.m.

Avenson of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1094)

The ayes were, 90:

Avenson	Dyrland	Koogler	Perkins
Baker	Evans	Krause	Poncy
Bennett	Fitzgerald	Kreamer	Readinger
Bina	Gentleman	Lageschulte	Rinas
Bittle	Gilloon	Lindeen	Scheelhaase
Bortell	Griffee	Lipsky	Schroeder
Brandt	Halvorson	McElroy	Small
Brockett	Hansen	Menke	Spear
Brunow	Hargrave	Mennenga	Spradling
Byerly	Harper	Middleswart	Stromer
Caffrey	Harvey	Middleton	Svoboda
Clark	Hennessey	Millen	Tauke
Cochran	Higgins	Miller, A. V.	Tofte
Connors	Hines	Miller, K. D.	Varley
Crabb	Hinkhouse	Miller, O. L.	Walter
Crawford	Horn	Monroe	Welden
Cusack	Howell	Nealson	West
Daggett	Hullinger	Newhard	Woods
Danker	Husak	Norland	Wulff
Den Herder	Hutchins	O'Halloran	Wyckoff
Doyle	Jochum	Patchett	Mr. Speaker (Jesse)
Drake	Jordan	Pavich	
Dunton	Junker	Pellett	

The nays were, none.

Absent or not voting, 9:

Anderson	Egenes	Nielsen	Spencer
Branstad	Lonergan	Oakley	Wells
Dieleman			

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

REREFERRED TO COMMITTEE ON EDUCATION
(House File 1097)

Patchett of Johnson asked and received unanimous consent that **House File 1097** presently on the regular calendar be rereferred to the committee on **education.**

WAYS AND MEANS CALENDAR

SENATE FILE 1060 SUBSTITUTED FOR HOUSE FILE 1083

Norland of Worth asked and received unanimous consent to substitute Senate File 1060 for House File 1083.

Senate File 1060, a bill for an act relating to references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive, was taken up for consideration.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1060)

The ayes were, 88:

Avenson	Dyrland	Koogler	Perkins
Baker	Evans	Krause	Poncy
Bennett	Fitzgerald	Kreamer	Readinger
Bina	Gentleman	Lageschulte	Rinas
Bittle	Gilloon	Lindeen	Scheelhaase
Bortell	Halvorson	Lipsky	Schroeder
Brandt	Hansen	McElroy	Small
Brockett	Hargrave	Menke	Spear
Brunow	Harper	Mennenga	Spradling
Byerly	Harvey	Middleswart	Stromer
Caffrey	Hennessey	Middleton	Svoboda
Clark	Higgins	Millen	Tauke
Cochran	Hines	Miller, A. V.	Tofte
Connors	Hinkhouse	Miller, K. D.	Varley
Crabb	Horn	Miller, O. L.	Walter
Crawford	Howell	Monroe	Welden
Cusack	Hullinger	Newhard	West
Daggett	Husak	Norland	Woods
Danker	Hutchins	O'Halloran	Wulff
Den Herder	Jochum	Patchett	Wyckoff
Doyle	Jordan	Pavich	Mr. Speaker (Jesse)
Drake	Junker	Pellett	
Dunton			

The nays were, none.

Absent or not voting, 11:

Anderson	Egenes	Nealson	Spencer
Branstad	Griffee	Nielsen	Wells
Dieleman	Lonergan	Oakley	

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

HOUSE FILE 1083 WITHDRAWN

Pavich of Pottawattamie asked and received unanimous consent to withdraw **House File 1083** from further consideration by the House.

CONSIDERATION OF BILLS

REGULAR CALENDAR

(House File 757 Referred to Committee on Ways and Means)

House File 757, a bill for an act relating to service fees for issuing hunting and fishing licenses, with report of committee recommending amendment and passage, was taken up for consideration.

Middleswart of Warren asked and received unanimous consent to withdraw amendment H—5053 filed by the committee on natural resources on January 27, 1976, and found on page 137 of the House Journal.

Schroeder of Pottawattamie invoked Rule 32 on House File 757.

Hinkhouse of Cedar asked for unanimous consent to suspend Rule 32.

Objection was raised.

Hinkhouse of Cedar moved that Rule 32 be suspended for the consideration of House File 757.

Hinkhouse of Cedar asked and received unanimous consent to withdraw his motion and House File 757 was referred to the committee on **ways and means.**

House File 1003, a bill for an act relating to restricting the ownership of farming land by corporations, with report of committee recommending passage, was taken up for consideration.

Scheelhaase of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1003)

The ayes were, 71:

Anderson	**Byerly**	**Doyle**	**Griffee**
Avenson	**Caffrey**	**Drake**	**Halvorson**
Baker	**Cochran**	**Dunton**	**Hargrave**
Bennett	**Connors**	**Dyrland**	**Harper**
Bina	**Crawford**	**Evans**	**Hennessey**
Brandt	**Cusack**	**Fitzgerald**	**Higgins**
Brunow	**Dieleman**	**Gilloon**	**Hines**

Hinkhouse	McElroy	Patchett	Spradling
Horn	Menke	Pavich	Stromer
Howell	Middleswart	Pellett	Svoboda
Hullinger	Middleton	Perkins	Tauke
Husak	Miller, A. V.	Poncy	Tofte
Hutchins	Miller, K. D.	Readinger	Varley
Jochum	Miller, O. L.	Rinas	Walter
Jordan	Monroe	Scheelhaase	Woods
Koogler	Newhard	Schroeder	Wyckoff
Krause	Norland	Small	Mr. Speaker
Lindeen	O'Halloran	Spear	(Jesse)

The nays were, 19:

Bittle	Daggett	Junker	Nealson
Bortell	Danker	Kreamer	Welden
Brockett	Den Herder	Lageschulte	West
Clark	Gentleman	Mennenga	Wulff
Crabb	Harvey	Millen	

Absent or not voting, 9:

Branstad	Lipsky	Nielsen	Spencer
Egenes	Lonergan	Oakley	Wells
Hansen			

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

MOTION TO RECONSIDER LOST

Husak of Tama asked for unanimous consent that House File 1003 be immediately messaged to the Senate.

Objection was raised.

Husak of Tama moved to reconsider the vote by which House File 1003 passed the House.

A non-record roll call was requested.

The ayes were 27, nays 57.

The motion lost.

COMMUNICATION FROM THE CHIEF JUSTICE OF THE SUPREME COURT

The following reports were filed by the Honorable C. Edwin Moore, Chief Justice of the Supreme Court of Iowa:

IN THE MATTER OF THE RULES OF CIVIL PROCEDURE	)))	REPORT OF THE SUPREME COURT

TO THE 1976 REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursant to sections 684.18 and 684.19, Code 1975, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in the existing Rules of Civil Procedure as follows:

Rule 33. CROSS-PETITIONS.

That Rule 33 be stricken and the following substituted:

"33. CROSS-CLAIM AGAINST CO-PARTY. A pleading may state as a cross-claim any claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter either of the original action or a counter-claim therein or relating to any property that is the subject matter of the original action. Such cross-claim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant."

Rule 65. GENERAL APPEARANCE.

That Rule 65 be stricken and the following substituted:

"65. APPEARANCES. An attorney making an appearance shall, either by filing written appearance or by signature to the first pleading or motion filed by the attorney, clearly indicate the attorney or attorneys in charge of the case and shall not sign in the name of a firm only."

Rule 66. SPECIAL APPEARANCE.

That Rule 66 be stricken and the following substituted:

"66. SPECIAL APPEARANCE. A defendant may appear specially for the sole purpose of attacking the jurisdiction of the court, but only before taking any part in a hearing or trial of the case, personally or by attorney, or filing a motion, written appearance, or pleading. The special appearance shall be in writing, filed with the clerk and shall state the grounds thereof. If the special appearance is erroneously overruled, defendant may plead to the merits or proceed to trial without waiving such error."

Rule 69. PLEADINGS DEFINED.

That Rule 69 be stricken and the following substituted:

"69. GENERAL RULES OF PLEADING.

(a) Claims for Relief. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim or third party claim, shall contain (1) a short and plain statement of any matter needed to justify venue or jurisdiction, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief to which he deems himself entitled. Relief in the alternative or of several different types may be demanded.

(b) Pleading to be Concise and Direct; Consistency. (1) Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleadings or motions are required. (2) A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has regardless of consistency and whether based on legal or equitable grounds. 'Pleadings' as used in these rules do not include motions."

Rule 70. PETITION.

That Rule 70 be stricken and the following substituted:

"70. PETITION. The petition shall state whether it is at law or in equity."

Rule 74. CROSS-PETITION—JUDGMENT.

That Rule 74 be stricken and the following substituted:

"74. CROSS-CLAIM, CROSS-PETITION—JUDGMENT. Any cross-claim under Rule 33 or cross-petition under Rule 34, and the answer and reply to it, shall be governed by these rules. Where judgment in the original case can be entered without prejudice to the rights in issue under a cross-petition, cross-claim or counterclaim, it shall not be delayed thereby."

Rule 79. NUMBERED DIVISIONS AND PARAGRAPHS.

That Rule 79 be stricken and the following substituted:

"79. PARAGRAPHS; SEPARATE STATEMENTS. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth."

Rule 85(a). MOTIONS.

That Rule 85(a) be stricken and the following substituted:

"85(a). MOTIONS. Motions attacking a pleading must be served before responding to a pleading or, if no responsive pleading is required by these rules, upon motion made by a party within 20 days after the service of the pleading on such party."

Rule 85(b). PLEADING.

That Rule 85(b) be stricken and the following substituted:

"85(b). PLEADING. Answer to a petition must be served on or before the appearance date prescribed in accordance with Rule 53. A party served with a pleading stating a cross-claim against the party shall serve an answer thereto within 20 days after the service of the pleading upon the party. The plaintiff shall serve a reply to a counterclaim in the answer within 20 days after service of the answer, or if a reply is ordered by the court, within 20 days after service of the order, unless the order otherwise directs."

Rule 85(c). REPLY.

That Rule 85(c) be stricken and the following substituted:

"85(c). TIME AFTER FILING MOTIONS. The service of a motion permitted under these rules alters these periods of time as follows, unless a different time is fixed by order of the court:

(1) If the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within ten days after notice of the court's action;

(2) If the court grants a motion for a more specific statement, the responsive pleading shall be served within ten days after the service of the more specific statement; provided, however, unless the parties stipulate in writing otherwise, the filing of a motion for additional time shall delay the responsive pleading for a period of ten days after the service of the motion unless within such time the court orders otherwise."

Rule 85(d). ANSWER OR REPLY TO AMENDMENTS.

That Rule 85(d) be stricken and the following substituted:

"85(d). RESPONSE TO AMENDMENTS. A party shall plead in

response to an amended pleading within the time remaining for response to the original pleading or within ten days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders."

Rule 88. AMENDMENTS.

That Rule 88 be stricken and the following substituted:

"88. AMENDMENTS. A party may amend a pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend a pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires."

Rule 89. MAKING AND CONSTRUING AMENDMENTS.

That the second sentence of Rule 89 be stricken and the following substituted:

"Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against him, the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him."

Rule 90. SUPPLEMENTAL PLEADING.

That Rule 90 be stricken and the following substituted:

"90. SUPPLEMENTAL PLEADINGS. By leave of court, upon reasonable notice and upon such terms as are just, or by written consent of the adverse party, a party may serve and file a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Leave may be granted even though the original pleading is defective in its statement of a claim for relief or defense. No responsive pleading to the supplemental pleading is required unless the court, upon its own motion or the motion of a party, so orders, specifying the time therefor."

Rule 124.1 STIPULATIONS REGARDING DISCOVERY PROCEDURE.

That the phrase "may be made only with the approval of the court" be stricken from the last portion of Rule 124.1 and the following substituted:

"must be filed with the court and may be superseded by court order, in which event the time shall be extended to 20 days after notice of the court's action".

Rule 126. INTERROGATORIES TO PARTIES.

That the second paragraph of Rule 126(a) be stricken.

Rule 336. HOW TAKEN.

That the following words be stricken from Rule 336(c):

"; but no delay in so doing shall affect the validity of the appeal if the copy is filed before the abstract on such appeal is filed under rule 340(a)".

Rule 381. FORMS.

That the following Rule 381 be adopted:

"381. FORMS. The forms contained in the Appendix of Forms following this rule are for use and are sufficient under the Iowa Rules of Civil Procedure, excluding the rules appearing in division XVI. The Supreme Court shall have the power to prescribe forms for use under the rules appearing in division XVI."

APPENDIX OF FORMS

1. FORM OF ORIGINAL NOTICE FOR PERSONAL SERVICE.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s),	) _____	No. _____
	) (Insert "LAW"	
vs.	) or "EQUITY.")	
Defendant(s).	) ORIGINAL NOTICE	

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is _____ _____, whose address is _____, Iowa _____.

You are further notified that unless you appear thereto and defend in the Iowa District Court for _____ County, at the county courthouse in _____, Iowa, within 20 days after the service of this original notice upon you, judgment by default will be rendered against you for the relief demanded in the petition.

(SEAL)

_____

CLERK OF THE ABOVE COURT

_____ County Courthouse

_____, Iowa _____.

NOTE: Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

2. FORM OF ORIGINAL NOTICE AGAINST A NONRESIDENT MOTOR VEHICLE OWNER OR OPERATOR UNDER § 321.500, THE CODE.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s),	_____ (Insert "LAW" or "EQUITY.")	No. _____
vs.		
Defendant(s).	ORIGINAL NOTICE	

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is _____ _____, whose address is _____, Iowa _____.

You are further notified that unless you appear thereto and defend in the Iowa District Court for _____ County, at the courthouse in _____, Iowa, before noon of the sixtieth day following the filing of this notice with the director of transportation of this state, default will be entered and judgment rendered against you by the court.

(SEAL)

_____
CLERK OF THE ABOVE COURT
_____ County Courthouse
_____, Iowa _____.

NOTE: Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

3. FORM OF ORIGINAL NOTICE AGAINST FOREIGN CORPORATION OR NONRESIDENT UNDER §617.3, THE CODE.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s),	) _____ (Insert "LAW" or "EQUITY.")	No. _____
vs.	)	
Defendant(s).	) ORIGINAL NOTICE	

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is _____, whose address is _____, Iowa _____.

You are further notified that unless you appear thereto and defend in the Iowa District Court for _____ County, at the courthouse in _____, Iowa, within 60 days following the filing of this notice with the secretary of state of the state of Iowa, default will be entered and judgment rendered against you by the court.

(SEAL)

_____
CLERK OF THE ABOVE COURT
_____ County Courthouse
_____, Iowa _____.

NOTE: Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. **IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87).** The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

4. FORM OF ORIGINAL NOTICE FOR PUBLICATION.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Plaintiff(s),	) _____ (Insert "LAW" or "EQUITY.")	No. _____
vs.	)	
Defendant(s).	) ORIGINAL NOTICE	

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, which petition prays [1] _____. The plaintiff's attorney is _____, whose address is _____ _____, Iowa _____.

You are further notified that unless you appear thereto and defend in the Iowa District Court for _____ County, at the courthouse in _____, Iowa, on or before the[2] _____ day of _____, 19__, judgment by default will be rendered against you for the relief demanded in the petition.

(SEAL)

_____
CLERK OF THE ABOVE COURT
_____ County Courthouse
_____, Iowa _____.

NOTE: Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

[(1) Here make a general statement of the cause or causes of action and the relief demanded, and, if for money, the amount thereof (Rule 50).

(2) Date inserted here must not be less than 20 days after the day of the last publication of the original notice (Rule 53).]

5. DIRECTIONS FOR SERVICE OF ORIGINAL NOTICE

COMPLETE ONE OF THESE DIRECTIONS FOR EACH INDIVIDUAL, COMPANY, CORPORATION, ETC. TO BE SERVED.

DIRECTIONS FOR SERVICE OF ORIGINAL NOTICE

TO: Sheriff _____ County OR, TO: _____
_____ Court House _____
_____, Iowa _____

Serve: _____

At: _____

ON COMPLETION OF SERVICE NOTIFY: _____

Special Instructions or Information Relating to Service: _____

_____

_____

NAME AND SIGNATURE OF ATTORNEY
OR OTHER ORIGINATOR: _____

BY: _____

DATE: _____ TELEPHONE No. _____

DEPOSIT FOR COST OF SERVICE

☐ Deposit Waived

☐ Deposit for $ _____ required and receipt thereof acknowledged.

_____
Clerk of Court

Respectfully submitted,
THE SUPREME COURT OF IOWA
C. EDWIN MOORE, Chief Justice

Des Moines, Iowa
January 30, 1976

ACKNOWLEDGEMENT

I, David L. Wray, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on this 30th day of January, 1976 of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Civil Procedure.

DAVID L. WRAY
Chief Clerk of the House of Representatives,
1976 Regular Session of the
Sixty-Sixth General Assembly of the
State of Iowa.

COMMUNICATION FROM THE SUPERINTENDENT OF BANKING

There is on file in the office of the Chief Clerk, in accordance with the provisions of Section 2, subsection 3 of Senate File 536, 1975 Acts of the Sixty-sixth General Assembly, the EFT report from the Superintendent of Banking, including findings and recommendations with respect to the potential use of satellite facilities in Iowa.

HOUSE CONCURRENT RESOLUTION 104
By Administration Committee

Whereas, Section two point eleven (2.11) of the Code provides that "The compensation of the chaplains, officers and employees of the general assembly shall be fixed by joint action of the house and senate by resolution at the opening of each session, or as soon thereafter as conveniently can be done.", *Now Therefore,*

Be It Resolved by the House, the Senate Concurring, That the compensation of the chief clerk of the house; David L. Wray shall be twenty thousand (20,000) dollars for the period commencing January 12, 1976, and ending January 9, 1977; that the compensation of the secretary of the senate; Stephen C. Cross shall be nineteen thousand (19,000) dollars for the period commencing January 12, 1976, and ending January 9, 1977; and that the compensation of the assistant secretary of the senate, David L. Charles, shall be seventeen thousand (17,000) dollars, for the period commencing January 12, 1976, and ending January 9, 1977.

Be It Further Resolved, That the compensation of the other officers and employees of the sixty-sixth general assembly is set, effective from January 12, 1976, until January 9, 1977, in accordance with the following salary schedule.

Page 2

IOWA GENERAL ASSEMBLY
SALARY SCHEDULE

#5	#6	#7	#8	#9	#10
4,524.00	4,732.00	4,966.00	5,174.00	5,408.00	5,668.00

	174.00	182.00	191.00	199.00	208.00	218.00
	2.18	2.28	2.39	2.49	2.60	2.73
	#11	#12	#13	#14	#15	#16
	5,928.00	6,240.00	6,526.00	6,812.00	7,124.00	7,436.00
	228.00	240.00	251.00	262.00	274.00	286.00
	2.85	3.00	3.14	3.28	3.43	3.58
	#17	#18	#19	#20	#21	#22
	7,722.00	8,060.00	8,450.00	8,840.00	9,256.00	9,698.00
	297.00	310.00	325.00	340.00	356.00	373.00
	3.71	3.88	4.06	4.25	4.45	4.66
	#23	#24	#25	#26	#27	#28
	10,166.00	10,660.00	11,154.00	11,700.00	12,220.00	12,792.00
	391.00	410.00	429.00	450.00	470.00	492.00
	4.89	5.13	5.36	5.63	5.88	6.15
	#29	#30				
	13,390.00	14,014.00	14,690.00	15,132.00	15,886.00	16,692.00
	515.00	539.00	565.00	582.00	611.00	642.00
	6.44	6.74	7.06	7.28	7.64	8.03
	17,524.00	18,382.00	19,318.00			
	674.00	707.00	743.00			
	8.43	8.84	9.29			

In this schedule each numbered block shall be the yearly, bi-weekly and hourly compensation for the pay grade of the number heading the block. Except for secretaries to senators and clerks to representatives, within each grade there shall be eight steps numbered "1" through "8". In the above schedule the steps for all grades are determined in the following manner. Each numbered block is counted as the "1" step for

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that grade. The next higher block is counted as the "2" step; the next higher block is the "3" step; the next higher block is the "4" step; the next higher block is the "5" step; the next higher block is the "6" step; the next higher block is the "7" step; and the next higher block is the "8" step.

Be It Further Resolved, That in the event the salary schedule for employees of the State of Iowa as promulgated by the merit employment commission pursuant to section 19A.9(2), Code 1975, is revised upward at any time during the sixty-sixth general assembly, such revised schedule shall simultaneously be adopted for the compensation of officers and employees of the sixty-sixth general assembly assigned a grade by this resolution.

Be It Further Resolved, That the officers and employees of the sixty-sixth general assembly be placed in the following pay grades:

OFFICERS AND EMPLOYEES OF THE HOUSE

18	Assistant Chief Clerk and Reading Clerk	Grade 29
19	Legal Counsel	Grade 30
20	Executive Secretary to Speaker	Grade 22
21	Research Assistant to Speaker	Grade 24
22	Research Assistant to Majority Leader	Grade 24
23	Research Assistant to Minority Leader	Grade 24
24	Counsel or Admin. Assistant to Majority Caucus	Grade 25
25	Counsel or Admin. Assistant to Minority Caucus	Grade 25

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1	Research Assistants	Grade 22
2	Executive Secretary to Chief Clerk	Grade 22
3	Clerk to Chief Clerk	Grade 14
4	Public Information Office Director	Grade 25
5	Clerk to Public Information Office Director	Grade 17
6	Supervisor of Clerks	Grade 20
7	Journal Editor	Grade 22
8	Journal Clerk	Grade 16
9	Finance Clerk	Grade 20
10	Assistant Finance Clerk	Grade 12
11	Engrossing Clerk	Grade 17
12	Assistant to the Legal Counsel and Enrolling Clerk	Grade 17
13	Assistant to the Legal Counsel	Grade 17
14	Terminal Operator	Grade 17
15	Supply Clerk	Grade 12
16	Swing Clerk	Grade 13
17	Switchboard Operator	Grade 13
18	Clerk to Representative	Grade 12
19	Bill Clerk	Grade 12
20	Assistant Bill Clerk	Grade 11
21	File Clerk	Grade 8
22	Postmaster	Grade 10
23	Sergeant-at-Arms	Grade 15
24	Assistant Sergeant-at-Arms	Grade 13
25	Doorkeepers	Grade 9

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1	Porter	Grade 8
2	Cloakroom Attendant	Grade 8
3	Pages	Grade 6
4	Aide to Public Information Office (2 maximum)	$2.20/hr.
5	OFFICERS AND EMPLOYEES OF THE SENATE	
6	Legal Counsel	Grade 30
7	Administrative Assistant to Majority Leader	Grade 25
8	Administrative Assistant to Minority Leader	Grade 25
9	Research Assistant to Majority Leader	Grade 24
10	Research Assistant to Minority Leader	Grade 24
11	Research Assistants	Grade 22
12	Executive Secretary to the Secretary	Grade 22
13	Secretary to the Secretary of the Senate	Grade 18
14	Journal Editor	Grade 22
15	Journal Clerk	Grade 16
16	Assistant to the Legal Counsel	Grade 17
17	Finance Clerk	Grade 20
18	Engrossing Clerk	Grade 17

Enrolling Clerk and Terminal Operator ..... Grade 19
Records and Supply Clerk ..... Grade 17
Special Clerk ..... Grade 14
Switchboard Operator ..... Grade 13
Secretaries to Senators ..... Grade 12
Bill Clerk ..... Grade 12
Assistant Bill Clerk ..... Grade 11

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Postmaster ..... Grade 10
Sergeant-at-Arms ..... Grade 15
Assistant Sergeant-at-Arms ..... Grade 13
Chief Doorkeeper ..... Grade 10
Control Board Operator ..... Grade 10
Doorkeeper ..... Grade 9
Porter ..... Grade 8
Cloakroom Attendant ..... Grade 8
Pages ..... Grade 6

LEGISLATIVE INDEXING EMPLOYEES

Supervisor of Legislative Indexing ..... Grade 18
Assistant Supervisor of Legislative Indexing ..... Grade 16
Index Clerk ..... Grade 13
Assistant Index Clerk ..... Grade 11

JOINT EMPLOYEES

Mail Carrier ..... Grade 9
Law Library Clerk ..... Grade 9
Secretary to Human Resources Committee
Staff under contract with Legis/50 ..... Grade 15

BUILDINGS AND GROUNDS EMPLOYEES

Matron ..... Grade 9
Elevator Operator ..... Grade 8
Parking Attendant ..... Grade 9
Night Watchman ..... Grade 7

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LEGISLATIVE SERVICE BUREAU EMPLOYEES

Senior Bill Clerk ..... Grade 15
Bill Clerk ..... Grade 13
Proofreader ..... Grade 15
Assistant Bill Clerk ..... Grade 10

Be It Further Resolved, **That temporary officers and employees of the general assembly, other than secretaries to senators and clerks to representatives shall be eligible for mobility within pay steps at the discretion of the chief clerk of the house and the secretary of the senate, and subject to the approval of the house committee on administration or the senate committee on rules and administration, as the case may be, in accord with the following schedule:**

1) Step 1 ..... During the first legislative session
2) Step 2 ..... After one legislative session's experience
3) Step 3 ..... After two legislative sessions' experience
4) Step 4 ..... After four legislative sessions' experience
5) Step 5 ..... After six legislative sessions' experience
6) Step 6 ..... After eight legislative sessions' experience
7) Step 7 ..... After ten legislative sessions' experience

Be It Further Resolved, **That the entrance salary for**

temporary officers and employees shall be at Step 1 in the grade of the position held. Such officer or employee may be hired above the entrance step if possessing outstanding and

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unusual experience for the position, provided the entrance is not beyond step 3. Such officer or employee who is hired above the entrance step shall be mobile above that step in the same period of time as other officers or employees in that same step. An officer or employee who is moved to then another position from any temporary or permanent position may be considered for partial or full credit for their experience in the former position in determining the step in the new grade.

Temporary employees, other than secretaries to senators or clerks to representatives, who are employed during the interim, may, for the purposes of mobility within pay steps through step 6, be given credit at the conclusion of an interim period for a session's experience if at least one hundred days are actually worked during the interim. Days worked during the interim may be cumulated from interim to interim as long as such employee continues to work each intervening session.

Be It Further Resolved, **That secretaries to senators and clerks to representatives shall all be placed in grade 12. That grade in the salary schedule shall be the "1" step for the secretaries. Step 2 and succeeding numbered steps shall be the next and succeeding higher steps. Secretaries and clerks shall be eligible for an unlimited number of steps at the discretion of the chief clerk of the house and the secretary of the senate and subject to approval of the house committee on administration or the senate committee on rules and administration, as the case may be, based on the following:**

1. One additional step for each of the first and second legislative sessions completed.

2. One additional step beyond those provided for in **subparagraph one, for each of the fourth, sixth, eighth,**

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and tenth legislative sessions completed.

3. One additional step upon the passage of an eighty (80) word-per-minute stenographic examination.

4. One additional step if a secretary or clerk to a ranking majority or minority member of a committee, unless steps are granted as provided in subparagraph five (5) or six (6) of this paragraph.

5. Two additional steps if a secretary or clerk to a committee, or appropriations subcommittee or assistant floor leader and one additional step for each such position held beyond the first position.

6. Three additional steps for a secretary to a senator or clerk to a representative who is a

majority or minority floor leader, speaker pro tempore or president pro tempore.

Be It Further Resolved, That employees who work on a part-time basis shall be compensated at the scheduled hourly rate for their pay grade and step. While assisting interim committees they shall be compensated at the scheduled hourly rate for grade 16 at whatever step they would otherwise be entitled to, unless the grade at which they are during the session is less than 16, in which case they shall be compensated at that low grade and appropriate step.

Be It Further Resolved, That permanent officers and employees of the general assembly shall be eligible for mobility within pay steps—at the discretion of the chief clerk of the house and the secretary of the senate, and subject to the approval of the house committee on administration or the senate committee on rules and administration, as the case may be—in accord with the following schedule:

1) Step 1 ..... Starting step
2) Step 2 ..... After six calendar months of actual employment
3) Step 3 ..... After one calendar year of actual employment
4) Step 4 ..... After two calendar years of actual employment
5) Step 5 ..... After three calendar years of actual employment
6) Step 6 ..... After four calendar years of actual employment
7) Step 7 ..... After six calendar years of actual employment
8) Step 8 ..... After eight calendar years of actual employment

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

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

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

b. Written justification, setting forth in detail the nature of the exceptionally meritorious service rendered, must be submitted to the senate rules and administration committee or house administration committee and approved in advance of granting the pay increase;

c. No more than one exceptionally meritorious service pay increase may be granted in any twelve-month period.

Be It Further Resolved, That the senate rules and administration committee and the house administration committee shall both hire officers and employees for their respective bodies and fill any vacancies which may occur, to be effective at such time as they shall set. The committee shall report the names of those it has hired for the positions specified in this resolution or the filling

Page 12

of any vacancies on the next legislative day or, if such action is during the interim, on the first day the senate or house shall convene. Any action by the senate or house to amend or disapprove a report or a portion of a report shall be effective the day after the action.

The chief clerk of the house shall submit to the house committee on administration and the secretary of the senate shall submit to the senate committee on rules and administration the list of the names, or amendments thereto, of officers and employees designated permanent and those designated temporary and recommended pay step for each officer and employee. Such list shall include recommendations for the pay step for those officers or employees hired above the entrance step, or moved from one staff position to another, or with prior experience as a clerk or secretary. Each respective committee shall approve or amend the list of permanent and temporary recommended pay steps and publish said list in the journal. The secretary of the senate and the chief clerk of the house shall set the period of employment of temporary employees under such direction as the senate rules and administration committee and the house administration committee may provide.

Be It Further Resolved, That permanent employees of the general assembly shall receive vacation allowances, sick leave, health and accident insurance, life insurance, and disability income insurance as are provided for full-time

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permanent state employees. The computations shall be maintained by the finance clerks in each house and coordinated with the state comptroller.

Be It Further Resolved, That the chairman of the rules and administration committee of the senate and the chairman of the administration committee in the house each appoint three (3) members to a joint subcommittee on administration to study possible alternative methods of providing compensation for the officers and employees of the house and senate. This committee shall be instructed to report its

findings to the members of the legislative council on or before November 1, 1976. The joint subcommittee is authorized to meet three times in the interim and such additional times as may be authorized by the legislative council.

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

Be It Further Resolved, That the provisions of this Act, are to be applied retroactively to January 12, 1976.

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Be It Further Resolved, That House Concurrent Resolution Five (5) is superseded by this Resolution.

Laid over under Rule 25.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House Files 1081, 1082 and 1094 and Senate File 1060. Had I been present, I would have voted "aye."

DIELEMAN of Marion

SUBCOMMITTEE ASSIGNMENTS

House File 55
State Government
Small, Chair
McElroy
Junker

House File 113
Labor and Industrial Relations
Jochum, Chair
Pavich
Brockett

House File 132
Commerce
Walter, Chair
Tauke
Krause

House File 151
Commerce
Walter, Chair
Tauke
Krause

House File 170
State Government
Svoboda, Chair
Bittle
Hines

House File 198
State Government
Woods, Chair
Connors
Junker

House File 200
State Government
Patchett, Chair
Monroe
Drake

House File 201
Commerce
Hennessey, Chair
Bina
Brockett

House File 232
Commerce
Tauke, Chair
Doyle
Walter

House File 247
Commerce
Walter, Chair
Doyle
Tauke

House File 249
Commerce
Walter, Chair
Doyle
Tauke

House File 254
Commerce
Hennessey, Chair
Bina
Brockett

House File 256
Energy
Varley, Chair
Cusack
Readinger

House File 259
Energy
Varley, Chair
Cusack
Readinger

House File 260
Commerce
Krause, Chair
Walter
Tauke

House File 261
Commerce
Hennessey, Chair
Bina
Brockett

House File 270
Commerce
Bina, Chair
Egenes
Evans

House File 271
Energy
Varley, Chair
Cusack
Readinger

House File 299
Labor and Industrial Relations
Horn, Chair
Jochum
Menke

House File 302
Labor and Industrial Relations
Caffrey, Chair
Wells
Branstad

House File 305
Commerce
Walter, Chair
Doyle
Tauke

House File 316
Commerce
Brockett, Chair
Lonergan
Evans

House File 320
Commerce
Bina, Chair
Egenes
Evans

House File 330
Commerce
Hennessey, Chair
Evans
Jordan

House File 338
State Government
Junker, Chair
Connors
Dieleman

House File 342
Commerce
Doyle, Chair
Krause
Millen

House File 350
Commerce
Brockett, Chair
Bina
Lonergan

House File 354
State Government
Crawford, Chair
Dieleman
Brandt

House File 355
Commerce
Bina, Chair
Evans
Lonergan

House File 377
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 379
Commerce
Halvorson, Chair
Hennessey
Jordan

House File 400
Labor and Industrial Relations
Gilloon, Chair
Poncy
Brockett

House File 423
Commerce
Halvorson, Chair
Brockett
Walter

House File 444
Labor and Industrial Relations
Wells, Chair
Jochum
West

House File 445
Labor and Industrial Relations
Wells, Chair
Jochum
West

House File 453
Labor and Industrial Relations
Horn, Chair
Jochum
Menke

House File 454
Commerce
Hennessey, Chair
Lonergan
Evans

House File 487
Commerce
Hennessey, Chair
Bina
Brockett

House File 500
Commerce
Brockett, Chair
Bina
Hennessey

House File 508
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 509
Labor and Industrial Relations
Poncy, Chair
Jochum
Brockett

House File 520
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 529
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 544
Commerce
Bina, Chair
Egenes
Jordan

House File 549
Labor and Industrial Relations
Miller of Cerro Gordo, Chair
Pavich
Daggett

House File 551
Commerce
Brockett, Chair
Bina
Hennessey

House File 555
Commerce
Small, Chair
Krause
Evans
Bina
Kreamer
Egenes
Hennessey

House File 564
Commerce
Krause, Chair
Small
Brockett

House File 569
Commerce
Jordan, Chair
Doyle
McElroy

House File 586
Commerce
Egenes, Chair
Lonergan
Walter

House File 601
Commerce
Bina, Chair
Halvorson
McElroy

House File 612
Commerce
Kreamer, Chair
Doyle
Millen
Jesse
Jordan

House File 616
Commerce
Walter, Chair
Tauke
Krause

House File 618
Commerce
Egenes, Chair
Brockett
McElroy

House File 636
Commerce
Krause, Chair
Halvorson
Lonergan

House File 637
Commerce
Bina, Chair
Brockett
Hennessey

House File 638
Commerce
Hennessey, Chair
Lonergan
Evans

House File 645
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 648
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 650
Commerce
Bina, Chair
Brockett
Hennessey

House File 660
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 662
Commerce
Kreamer, Chair
McElroy
Bina

House File 669
Commerce
Brockett, Chair
Evans
Walter

House File 674
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 675
Commerce
Krause, Chair
McElroy
Brockett

House File 681
Labor and Industrial Relations
Connors, Chair
Horn
West

House File 687
Commerce
Krause, Chair
Walter
Tauke

House File 690
Commerce
Krause, Chair
Walter
Tauke

House File 703
Commerce
Hennessey, Chair
Brockett
Lonergan

House File 706
County Government
Spradling, Chair
Spear
Pellett

House File 708
Commerce
Krause, Chair
Walter
Tauke

House File 710
Commerce
Krause, Chair
Walter
Tauke

House File 711
Commerce
Krause, Chair
Walter
Tauke

House File 714
Commerce
Krause, Chair
Walter
Tauke

House File 715
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 721
Labor and Industrial Relations
Jochum, Chair
Pavich
Branstad

House File 727
Commerce
Small, Chair
Bina
Brockett
Evans
Halvorson
Hennessey
Kreamer
Lonergan
Jordan
Tauke

House File 730
Commerce
Lonergan, Chair
Evans
Tauke

House File 731
Commerce
Small, Chair
Bina
Brockett
Evans
Halvorson
Hennessey
Kreamer
Lonergan
Jordan
Tauke

House File 732
Commerce
Hennessey, Chair
Lonergan
Evans

House File 737
Commerce
Lonergan, Chair
Halvorson
Doyle

House File 755
Commerce
Jordan, Chair
Krause
Walter

House File 810
Labor and Industrial Relations
Wells, Chair
Gilloon
West

House File 829
Commerce
Walter, Chair
Krause
Tauke

House File 830
Commerce
Walter, Chair
Krause
Tauke

House File 832
Commerce
Tauke, Chair
Krause
Walter

House File 859
Commerce
Krause, Chair
Egenes
Evans

House File 1001
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 1015
State Government
Woods, Chair
Dieleman
Bittle

House File 1030
Commerce
Brockett, Chair
Krause
Lonergan

House File 1034
Judiciary and Law Enforcement
Newhard, Chair
Gentleman
Brandt

House File 1035
Transportation
Brunow, Chair
Drake
Krause

House File 1045
Transportation
Krause, Chair
Brunow
Drake

House File 1046
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Evans

House File 1047
Cities
Connors, Chair
Junker
Bina
Spear
Lindeen

House File 1048
Judiciary and Law Enforcement
Higgins, Chair
Brandt
Clark

House File 1051
Agriculture
Harper, Chair
Lageschulte
Miller of Calhoun

House File 1052
Cities
Anderson, Chair
Rinas
Harvey

House File 1053
Transportation
Brunow, Chair
Drake
Krause

House File 1054
Commerce
Tauke, Chair
Evans
Bina

House File 1055
Labor and Industrial Relations
Connors, Chair
Horn
West

House File 1056
Judiciary and Law Enforcement
Oakley, Chair
Bittle
Jesse

House File 1058
Judiciary and Law Enforcement
Gentleman, Chair
Middleton
Higgins

House File 1060
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 1063
Judiciary and Law Enforcement
Higgins, Chair
Brandt
Clark

House File 1064
Labor and Industrial Relations
Caffrey, Chair
Pavich
McElroy

House File 1068
Judiciary and Law Enforcement
Jesse, Chair
Newhard
Oakley

House File 1070
Transportation
Krause, Chair
Brunow
Drake

House File 1071
Transportation
Krause, Chair
Brunow
Drake

House File 1072
State Government
Brandt, Chair
Dieleman
Hines
McElroy
Junker
Drake
Monroe

House File 1074
Judiciary and Law Enforcement
Oakley, Chair
Bittle
Jesse

House File 1075
Agriculture
Hutchins, Chair
Danker
Svoboda

House File 1077
Agriculture
Svoboda, Chair
Lindeen
Hinkhouse

House File 1078
Judiciary and Law Enforcement
Gentleman, Chair
Hennessey
Woods

House File 1087
Agriculture
Hinkhouse, Chair
Pellett
Danker

House File 1088
Agriculture
Miller of Calhoun, Chair
Lindeen
Lageschulte

House File 1089
Agriculture
Howell, Chair
Pellett
Bennett
Jordan
Koogler

House File 1091
Ways and Means
Middleton, Chair
Bina
Danker

House File 1107
Ways and Means
Miller of Buchanan, Chair
Clark
Jochum
Branstad
Howell
Gentleman
Walter

House File 1114
Natural Resources
Branstad, Chair
Middleswart
Varley

House Joint Resolution 1001
Judiciary and Law Enforcement
Poncy, Chair
Lageschulte
Spencer

House Concurrent Resolution 32
Labor and Industrial Relations
Caffrey, Chair
Connors
Branstad

Senate File 2
Commerce
Lonergan, Chair
Egenes
Jordan

Senate File 136
Judiciary and Law Enforcement
Hennessey, Chair
Jesse
Poncy

Senate File 288
State Government
Brandt, Chair
Svoboda
Drake

Senate File 390
Commerce
Hennessey, Chair
Lonergan
Evans

Senate File 487
Commerce
Hennessey, Chair
Bina
Brockett

Senate File 503
Commerce
Walter, Chair
Krause
Tauke

Senate File 546
State Government
Junker, Chair
Brandt
Harvey

Senate File 554
Cities
Miller of Cerro Gordo, Chair
Rinas
Harvey
Nealson of Muscatine
Walter

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S. B. 29
Natural Resources
Scheelhaase, Chair
Spencer
Millen

S. B. 30
Natural Resources
Hines, Chair
Pellett
Millen

S. B. 35
Natural Resources
Koogler, Chair
Avenson
Tofte

S. B. 36
County Government
Miller of Calhoun, Chair
Lindeen
Tauke

S. B. 38
County Government
Baker, Chair
Danker
Bortell

S. B. 39
Ways and Means
Miller of Buchanan, Chair
Clark
Jochum
Branstad
Howell
Gentleman
Walter

S. B. 40
Ways and Means
Miller of Buchanan, Chair
Clark
Jochum
Branstad
Howell
Gentleman
Walter

S. B. 41
Ways and Means
Dieleman, Chair
Danker
Harvey
Howell
Middleton

S. B. 42
Ways and Means
Dieleman, Chair
Danker
Harvey
Howell
Middleton

S. B. 43
Ways and Means
Miller of Buchanan, Chair
Clark
Jochum
Branstad
Howell
Gentleman
Walter

S. B. 44
Ways and Means
Miller of Buchanan, Chair
Clark
Jochum
Branstad
Howell
Gentleman
Walter

S. B. 45
Ways and Means
Miller of Buchanan, Chair
Clark
Jochum
Branstad
Howell
Gentleman
Walter

S. B. 46
Ways and Means
Norland, Chair
Bina
Dyrland
Egenes
Harvey
Svoboda
West

S. B. 47
Ways and Means
Norland, Chair
Bina
Dyrland
Egenes
Harvey
Svoboda
West

S. B. 48
Ways and Means
Pavich, Chair
Spradling
Nealson of Muscatine

S. B. 49
Ways and Means
Norland, Chair
Bina
Dyrland
Egenes
Harvey
Svoboda
West

S. B. 52
Ways and Means
Bittle, Chair
Norland
Dieleman

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1029**, a bill for an act making appropriations to miscellaneous state agencies including the committee on the employment of the handicapped, the Iowa housing finance authority, the board of medical examiners,

the board of nurse examiners, the board of parole, the board of pharmacy examiners, the Spanish-American war veterans and the commission on the status of women, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1032,** a bill for an act appropriating funds to the Iowa state arts council and the academy of science, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1033,** a bill for an act appropriating funds from the Iowa public employees' retirement system fund to the employment security commission for costs of the administration of the Iowa public employees' retirement system, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1034,** a bill for an act making an appropriation to the employment security commission for Iowa public employees' retirement system administration for increased costs of professional services, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1035,** a bill for an act providing a salary range for the director of the Iowa real estate commission, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—5085

Amend House File 757 as follows:

1. Page 1, lines 15 and 16, by striking the words: *"The amount of the service fee shall be printed on each license."*

2. Page 1, line 19, by striking the word *"may"* and inserting in lieu thereof the word *"shall"*.

3. Page 1, line 20, by inserting after the word *"license"* the words *"or returned to the county general fund"*.

HINKHOUSE of Cedar

H—5086

Amend House File 785 as follows:

1. Page 1, by inserting before line 1 the following sections:

"Sec. ..... Section one hundred seventy point one (170.1), subsection six (6) Code 1975, as amended by the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section seventeen (17) and chapter one hundred twenty-nine (129), section one (1), is amended by striking the section and inserting in lieu thereof the following:

6. "Food establishment" shall include any building, room, basement, or other place, used as a bakery, confectionery, cannery, dairy, creamery, cheese factory, retail grocery, meat market, or other place in which food is kept, produced, prepared, or distributed for commercial purposes for off the premise consumption, except those premises covered by a current class "A" beer permit issued under chapter one hundred twenty-three (123) of the Code. Food establishment shall not include a packinghouse or slaughterhouse.

Sec. ..... Section one hundred seventy point one (170.1), Code 1975, is amended by striking subsection seven (7)."

2. Page 4, by inserting after line 3 the following sections:

"Sec. ..... Section one hundred seventy point twelve (170.12), Code 1975, is amended to read as follows:

170.12 FLOORS. The floors in every food establishment shall be made of some suitable nonabsorbent and impermeable material, approved by the department, which can be flushed and washed clean with water. [All new slaughterhouses shall be constructed with cement, vitrified brick, tile, or other impervious material floors and killing beds.]

Sec. ..... Section one hundred seventy point thirteen (170.13), Code 1975, is amended to read as follows:

170.13 INTERIOR FINISH. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, [slaughterhouse,] and restaurant or hotel kitchen, shall be made of some suitable material approved by the department, and shall be either oil painted so that they can be washed clean, or they shall be kept well limewashed."

3. Page 6, by inserting before line 11 the following sections:

"Sec. ..... Chapter one hundred seventy (170), Code 1975, is amended by adding the following new

Page 2

section:

NEW SECTION. This chapter shall not be construed to require the licensing of establishments or inspection of food and establishments licensed or inspected pursuant to chapter one hundred eighty-nine A (189A) of the Code.

Sec. ..... Section one hundred eighty-nine A point two (189A.2), subsection thirty-two (32), Code 1975, is amended to read as follows:

32. "Establishment" means all premises where animals or poultry are slaughtered or otherwise prepared, either for custom, resale, or retail, for food purposes, meat or poultry canneries, sausage factories, smoking or curing operations, [restaurants, grocery stores,] brokerages, cold storage plants, and similar places. *"Establishment" does not mean a restaurant, as defined in chapter one hundred seventy (170) of the Code, or a grocery store."*

4. Page 6, by inserting after line 21 the following section:

"Sec. ..... Chapter one hundred eighty-nine A (189A), Code 1975, is amended by adding the following new section:

NEW SECTION. This chapter shall not be construed to require the licensing or inspection of food establishments licensed or inspected pursuant to chapter one hundred seventy (170) of the Code."

5. Renumber sections to comply with this amendment.

MIDDLESWART of Warren
HANSEN of O'Brien

H—5087

Amend House File 785 as follows:

1. Page 1, by inserting after line 20 the following new subsection:

"NEW SUBSECTION. 13. "Municipal corporation" means a political subdivision of this state."

2. Page 1, line 25, by inserting after the word "agriculture" the words *"or authorized municipal corporation"*.

3. Page 2, line 12, by inserting after the word "department" the words *"or authorized municipal corporation"*.

4. Page 2, line 13, by striking the word "it" and inserting in lieu therof the words "[it] *the department"*.

5. Page 2, line 25, by inserting after the word "agriculture" the words *"or authorized municipal*

corporation".

6. Page 4, line 1, by striking the words "*shall be*".

7. Page 4, by striking line 2 and inserting in lieu thereof the words "*agriculture shall be paid to the treasurer of state and*".

8. Page 4, line 3, by inserting after the word "*state.*" the words "*Fees collected by an authorized municipal corporation shall be retained for use by the authorized municipal corporation.*"

9. Page 4, by inserting before line 4 the following section:

"Sec. ..... Section one hundred seventy point eight (170.8), Code 1975, is amended to read as follows:

170.8 REVOCATION. Any license issued under this chapter may be revoked by the department *or authorized municipal corporation* for violation by the licensee of any provision of this chapter or any rules of the department."

10. Page 5, by inserting before line 35 the following section:

"Sec. ..... Section one hundred seventy point thirty-seven (170.37), Code 1975, is amended to read as follows:

170.37 INCREASE OF RATES. The rate posted under section 170.36 shall not be increased until sixty days' notice of the proposed increase has been given to the department *or authorized municipal corporation.*"

11. Page 6, line 2, by inserting after the word "department" the words "*or authorized municipal corporation*".

12. Page 6, by inserting after line 10 the following sections:

"Sec..... Section one hundred seventy point forty-

Page 2

seven (170.47), Code 1975, is amended to read as follows:

170.47 INSPECTION UPON COMPLAINT. Upon receipt of a verified complaint, signed by any patron of any hotel, restaurant, or food establishment, stating facts showing such place to be in an insanitary condition, the department *or authorized municipal corporation* shall cause an examination to be made. If the complaint is found to be justifiable, the actual expenses necessarily incurred in making such inspection shall be charged and collected from the person conducting such place; but if such complaint is found to be without reasonable grounds, the actual expense necessarily incurred in making such inspection shall be collected from the person or persons making the complaint.

Sec. ..... Chapter one hundred seventy (170), Code 1975, is amended by adding the following new section:

NEW SECTION. The secretary of agriculture has

sole and exclusive authority to license and inspect all restaurants, food establishments, and hotels. Municipal corporations shall not license or inspect restaurants, food establishments, or hotels except as provided in this chapter. If a municipal corporation makes application to the secretary for authority to issue such licenses and conduct such inspections, the secretary, upon finding that such municipal corporation has qualified personnel to perform the licensing and inspections, shall enter into agreements with the municipal corporation providing for such licensing and inspection. All licenses shall be issued and all inspections shall be conducted in accordance with rules established by the secretary pursuant to chapter seventeen A (17A) of the Code.

When licenses are issued and inspections conducted by a municipal corporation under this chapter in a manner which the secretary deems consistent with the provisions of this chapter, the secretary shall accept such procedures in lieu of administration of the provisions of this chapter by the state, within the jurisdiction involved. If a municipal corporation acts in a manner which is inconsistent with the provisions of this chapter, the secretary may rescind the agreement with the municipal corporation after reasonable notice and an opportunity for a hearing, and shall revoke the licensing and inspection authority in the jurisdiction."

13. Renumber the sections to comply with this amendment.

MIDDLESWART of Warren
HANSEN of O'Brien

H—5088

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 63, line 28, by inserting after the word "material" the words "applicable to minors".

2. Page 63, line 32, by inserting after the word "materials" the words "to minors".

3. Page 63, by inserting after line 35 the following:

"Any governing body of a city or county may enact an ordinance regulating the dissemination or exhibition of obscene material to adults. Such ordinance shall:

1. Contain the provisions of section two thousand eight hundred one (2801), subsections two (2), three (3), four (4), five (5), and seven (7) of this division.

2. Define obscene material as any material depicting or describing the genitals, sex acts, masturbation, excretory functions or sado-masochistic abuse which the average person, taking the material as a whole and applying contemporary community standards with

respect to what is suitable material for adults, would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political or artistic value.

3. Not impose a penalty greater than those imposed by this division."

SPEAR of Lee
DIELEMAN of Marion
LINDEEN of Henry
WELLS of Linn
HANSEN of O'Brien
HOWELL of Floyd
MENNENGA of Clinton
EVANS of Grundy
KREAMER of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 12:09 p.m. until 10:00 a.m., Monday, February 2, 1976.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day—Fifteenth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, FEBRUARY 2, 1976

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

Prayer was offered by the Reverend Clyde King, pastor of the First United Methodist Church, Toledo, Iowa.

The Journal of Friday, January 30, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Walter Dean, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek for the week of February 2, 1976, on request of Hansen of O'Brien; Jordan of Linn for the week of February 2, 1976, on request of Miller of Buchanan; McElroy of Fremont on request of Varley of Adair; Rinas of Linn on request of Junker of Woodbury; Egenes of Story on request of West of Marshall.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committee on Senate Files 1029, 1032, 1033, 1034 and 1035, under Rule 36.

PRESENTATION OF IOWA'S JUNIOR MISS

Poncy of Wapello escorted to the Speaker's station and presented Jane Stemmerman, Iowa's Junior Miss for 1976, from Cedar Falls. Jane will be competing in the national contest in Mobile, Alabama, in May.

The House rose and extended its welcome and Jane expressed her thanks.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-seven sixth, seventh and eighth grade students from Peoria Christian School, Mahaska County, accompanied by Robert De Jager. By Dieleman of Marion.

PETITION FILED

The following petition was received and placed on file:

By Harper of Davis from twenty-two residents of Ottumwa, favoring retaining bus service in the city of Ottumwa and seeking state aid for such purpose.

INTRODUCTION OF BILLS

House File 1141, by committee on appropriations, a bill for an act appropriating funds to the state conservation commission to carry out various programs under the commission.

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

House File 1142, by committee on appropriations, a bill for an act making appropriations to the state department of health for the funding of the state department of health and various programs under the department.

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

House File 1143, by Cusack and Newhard, a bill for an act relating to the immunization of persons attending elementary or secondary schools or institutions of higher education and to the authority of the state department of health to modify immunization requirements for admission to school.

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

House File 1144, by Dyrland, Jochum, Tauke, Gilloon, Griffee, Hennessey, Halvorson, Anderson, Spradling, Den Herder, Avenson, Dieleman, Stromer, Caffrey, Perkins, Wulff, Doyle and Kreamer, a bill for an act relating to the transportation of all elementary and secondary school pupils.

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

House File 1145, by Schroeder, a bill for an act relating to the election of directors of area education agencies.

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

House File 1146, by Spear, a bill for an act relating to deposits of city funds in certain banks.

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

House File 1147, by Connors, Jochum and Brandt, a bill for an act relating to elections conducted for certification of an employee organization.

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

House File 1148, by Perkins, Poncy, Hargrave, Caffrey, Jochum, Harvey, Wells, Hutchins, Bina, Branstad, Koogler, Woods, Avenson, Husak, Krause, Nielsen of Polk, Schroeder, Horn, Jesse, Baker and Fitzgerald, a bill for an act to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership.

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

CONSIDERATION OF BILLS

REGULAR CALENDAR

Senate File 74, a bill for an act relating to the use of tax money for purchase and improvement of schoolhouse sites, with report of committee recommending amendment and passage, was taken up for consideration.

Poncy of Wapello offered the following amendment H—5055 filed by the committee on education and moved its adoption:

H—5055

Amend Senate File 74, as amended and passed by the Senate, as follows:

1. Page 1, line 5, by striking the words "at their" and inserting in lieu thereof the words "[at their]".

2. Page 1, by striking lines 6, 7, and 8, and inserting in lieu thereof the words "[regular meeting in July, or at a special meeting called for that purpose between the time designated for such regular meeting and the third Monday in August,] *by February first of each year* certify an amount".

3. Page 1, line 13, by inserting after the word "district" the words "*as specified by the directors*".

4. Page 1, line 15, by striking the words "*but is not limited to*".

5. Page 1, line 20, by striking the words "*fixed playground apparatus*".

6. Page 1, by inserting after line 24 the following

paragraph:

"For the purpose of this section, "purchase of sites" includes legal costs relating to the site acquisition, costs of surveys of the sites, costs of relocation assistance under state and federal law, and other costs incidental to the site acquisition."

7. Page 1, by inserting after line 24 the following section:

"Sec. ..... Notwithstanding the provisions of section two hundred ninety-one point thirteen (291.13) of the Code, unencumbered funds collected from the levy authorized in section two hundred ninety-seven point five (297.5) of the Code prior to July 1, 1976 may be expended for the purposes listed in section one (1) of this Act."

Amendment H—5055 was adopted.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 74)

The ayes were, 65:

Anderson	Dyrland	Kreamer	Poncy
Baker	Evans	Lindeen	Readinger
Bennett	Gentleman	Lipsky	Scheelhaase
Bittle	Gilloon	Menke	Small
Brandt	Griffee	Mennenga	Spear
Branstad	Halvorson	Middleswart	Spencer
Brunow	Hansen	Miller, A. V.	Spradling
Byerly	Hargrave	Miller, O. L.	Stromer
Caffrey	Harper	Monroe	Svoboda
Clark	Higgins	Newhard	Tauke
Connors	Hines	Norland	Varley
Crawford	Hinkhouse	Oakley	Walter
Cusack	Horn	O'Halloran	Wells
Daggett	Jochum	Patchett	Woods
Danker	Junker	Pavich	Wyckoff
Den Herder	Krause	Pellett	Mr. Speaker
Doyle			

The nays were, 22:

Bina	Dunton	Hutchins	Perkins
Bortell	Fitzgerald	Koogler	Schroeder
Brockett	Harvey	Lageschulte	Welden
Crabb	Hennessey	Millen	West
Dieleman	Hullinger	Miller, K. D.	Wulf
Drake	Husak		

Absent or not voting, 12:

Avenson	Jesse	McElroy	Nielsen
Egenes	Jordan	Middleton	Rinas
Howell	Lonergan	Nealson	Tofte

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

HOUSE FILE 57 WITHDRAWN

Daggett of Adams asked and received unanimous consent to withdraw **House File 57** from further consideration by the House.

CONSIDERATION OF BILLS

Senate File 476, a bill for an act to provide for the licensing of speech pathologists and audiologists and to establish an examining board, with report of committee recommending passage, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—3848 filed by him and Small of Johnson and moved its adoption:

H—3848

Amend Senate File 476 as follows:

1. Page 2, line 6, by inserting after the word "dealer" the words "or holder of a temporary permit".

2. Page 2, line 15, by striking the words "in hospitals, clinics, offices,".

3. Page 2, line 16, by striking the words "and other health facilities".

4. Page 2, by adding the following new subsection after line 21:

"*NEW SUBSECTION.* Audiometric tests administered pursuant to the United States Occupational Safety and Health Act of 1970 or chapter eighty-eight (88) of the Code, and in accordance with regulations issued thereunder, by employees of a person engaged in business, including the state of Iowa, its various departments, agencies, and political subdivisions, solely to employees of such employer, while acting within the scope of their employment."

5. Page 2, line 25, by striking the words "However, a".

6. Page 2, by striking lines 26 through 30 and inserting in lieu thereof the following:

"*NEW UNNUMBERED PARAGRAPH.* A person exempted from the provisions of this Act by this section shall not use the title speech pathologist or audiologist or any title or device indicating or representing in any manner that the person is a speech pathologist or is an audiologist; provided, a hearing aid dealer licensed under chapter one hundred fifty-four A (154A) of the Code may use the title "certified hearing aid audiologist" when granted by the national hearing aid society; and provided, persons who meet the requirements of subsection one (1) of section three (3) of this Act who are certified by the department of public instruction as speech clinicians may use the title speech pathologist and persons who meet the requirements of subsection two (2) of section

three (3) of this Act who are certified by the department of public instruction as hearing clinicians may use the title audiologist, while acting within the scope of their employment."

7. By renumbering subsection as necessary.

Amendment H—3848 was adopted.

By unanimous consent, the following corrective amendment H—5090, filed by Small of Johnson from the floor, was adopted:

H—5090

Amend Senate File 476, as passed by the Senate, as follows:

1. Page 8, line 7, by striking the numerals "1976" and inserting in lieu thereof the numerals "1977".

Bortell of Madison invoked Rule 32 on Senate File 476.

The Speaker ruled that Rule 32 was not in order.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 476)

The ayes were, 79:

Anderson	Gilloon	Lageschulte	Perkins
Avenson	Griffee	Lindeen	Poncy
Bina	Halvorson	Lipsky	Readinger
Bittle	Hansen	Lonergan	Scheelhaase
Brandt	Hargrave	Menke	Small
Branstad	Harper	Mennenga	Spear
Brockett	Hennessey	Middleswart	Spencer
Brunow	Higgins	Millen	Spradling
Caffrey	Hines	Miller, A. V.	Stromer
Clark	Hinkhouse	Miller, K. D.	Svoboda
Crawford	Horn	Miller, O. L.	Tauke
Cusack	Howell	Monroe	Varley
Daggett	Hullinger	Nealson	Walter
Danker	Husak	Newhard	Wells
Den Herder	Hutchins	Norland	West
Dieleman	Jochum	Oakley	Woods
Doyle	Junker	O'Halloran	Wulff
Drake	Koogler	Patchett	Wyckoff
Dyrland	Krause	Pavich	Mr. Speaker
Evans	Kreamer	Pellett	

The nays were, 10:

Baker	Byerly	Gentleman	Schroeder
Bennett	Crabb	Harvey	Welden
Bortell	Fitzgerald		

Absent or not voting, 10:

Connors	Jesse	Middleton	Rinas
Dunton	Jordan	Nielsen	Tofte
Egenes	McElroy		

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

REREFERRED TO COMMITEE ON AGRICULTURE
(Senate File 479)

Husak of Tama asked and received unanimous consent that **Senate File 479**, presently on the regular calendar, be rereferred to the committee on **agriculture.**

CONSIDERATION OF BILLS

House File 694, a bill for an act authorizing a periodic independent audit of counties, was taken up for consideration.

Hennessey of Delaware asked and received unanimous consent to withdraw amendment H—3928 filed by him on May 21, 1975, and found on page 1893 of the House Journal.

Hargrave of Johnson offered the following amendment H—5057 filed by the committee on county government:

H—5057

Amend House File 694, page 1, line 18, by inserting after the word "state." the following: "*A board of supervisors electing to have the financial condition and transactions of the county examined by private certified or registered accountants shall notify the auditor of state of its intention at least six months before the beginning of the fiscal year to be examined and such examination shall be in lieu of an examination by the auditor of state for that fiscal year. However, the examination by private certified or registered accountants shall not preclude an examination or investigation of specific financial practices or transactions by the auditor of state.*"

Avenson of Fayette in the chair at 11:33 a.m.

Hansen of O'Brien rose on a point of order that a fiscal note be obtained on House File 694.

The Speaker ruled the point not well taken and a fiscal note not required.

Hargrave of Johnson moved the adoption of amendment H—5057.

Amendment H—5057 was adopted.

Hargrave of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 694)

The ayes were, 58:

Anderson	Dieleman	Horn	Patchett
Baker	Doyle	Howell	Pavich
Bina	Dyrland	Hullinger	Pellett
Bittle	Evans	Hutchins	Perkins
Bortell	Fitzgerald	Jochum	Scheelhaase
Brandt	Gentleman	Lageschulte	Schroeder
Brockett	Gilloon	Lipsky	Small
Brunow	Halvorson	Lonergan	Spencer
Byerly	Hargrave	Mennenga	Spradling
Caffrey	Harper	Middleswart	Svoboda
Cochran	Harvey	Millen	Tauke
Connors	Hennessey	Miller, A. V.	Wells
Crawford	Higgins	Miller, O. L.	Mr. Speaker (Avenson)
Cusack	Hines	Newhard	
Den Herder	Hinkhouse	O'Halloran	

The nays were, 29:

Bennett	Husak	Monroe	Varley
Branstad	Junker	Nealson	Walter
Clark	Koogler	Oakley	Welden
Daggett	Krause	Poncy	West
Danker	Lindeen	Readinger	Woods
Drake	Menke	Spear	Wulff
Griffee	Miller, K. D.	Stromer	Wyckoff
Hansen			

Absent or not voting, 12:

Crabb	Jesse	McElroy	Norland
Dunton	Jordan	Middleton	Rinas
Egenes	Kreamer	Nielsen	Tofte

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

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1149, by transportation finance study committee, a bill for an act relating to transportation providing for certain

changes to railroad regulation laws and striking certain obsolete language.

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

House File 1150, by adult penal and correctional systems study committee, a bill for an act relating to community-based correctional programs and services.

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

House File 1151, by public boards and commissions study committee, a bill for an act relating to appointed public officials.

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

House File 1152, by adult penal and correctional systems study committee, a bill for an act to convert the Mount Pleasant mental health institute to a medium security correctional institution.

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

House File 1153, by duplicatory inspection requirements study committee, a bill for an act relating to state environmental policy.

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

House File 1154, by duplicatory inspection requirements study committee, a bill for an act relating to certain boiler inspections.

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

House File 1155, by committee on county government, a bill for an act relating to the certification of deputy assessors.

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

House File 1156, by Gilloon, a bill for an act relating to the issuance of environmental impact statements and environmental permits.

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

House File 1157, by committee on state government a bill for an act relating to the licensing and regulation of social workers and master social workers, the deposit of license fees for purposes of administration, and providing penalties for violations.

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

House File 1158, by employment security law study committee, a bill for an act relating to the Iowa employment security law

providing for changes in partial unemployment and contribution calculations.

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

House File 1159, by employment security law study committee, a bill for an act relating to unemployment benefits of employees of the state and its political subdivisions.

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

House File 1160, by employment security law study committee, a bill for an act to establish a department of employment security and to abolish the employment security commission.

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

SENATE MESSAGES CONSIDERED

Senate File 542, a bill for an act relating to lobbyists and providing penalties.

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

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

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

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

The House resumed session, Speaker Cochran in the chair.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 104

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the immediate consideration of **House Concurrent Resolution 104,** filed on January 30, 1976, and found on pages 194 through 201 of the House Journal.

Husak of Tama offered the following amendment H—5097 filed by Husak, Hullinger, Wyckoff, Crabb, West, Junker, Scheelhaase, Miller of Cerro Gordo, Brandt, Perkins, Pellett and Lonergan from the floor and moved its adoption:

H—5097

Amend House Concurrent Resolution 104, found on page 194 of the House Journal, as follows:

1. Page 4, line 18, by striking the figures "12" and inserting in lieu thereof the figures "13".

2. Page 5, line 23, by striking the figures

"12" and inserting in lieu thereof the figures "13".
3. Page 8, line 23, by striking the figures
"12" and inserting in lieu thereof the figures "13".

Roll call was requested by Harper of Davis and Kreamer of Polk.

Under the provisions of Rule 71, Avenson of Fayette refrained from voting.

On the question "Shall amendment H—5097 be adopted?"

The ayes were, 57:

Anderson	Gilloon	Koogler	Pavich
Bina	Griffee	Krause	Perkins
Brandt	Halvorson	Lindeen	Poncy
Brunow	Hargrave	Lipsky	Scheelhaase
Byerly	Hennessey	Lonergan	Schroeder
Caffrey	Higgins	Mennenga	Small
Connors	Hinkhouse	Middleswart	Spradling
Crabb	Horn	Miller, A. V.	Svoboda
Cusack	Hullinger	Miller, O. L.	Walter
Dieleman	Husak	Monroe	Wells
Doyle	Hutchins	Newhard	West
Dunton	Jesse	Norland	Woods
Dyrland	Jochum	O'Halloran	Wyckoff
Evans	Junker	Patchett	Mr. Speaker
Fitzgerald			

The nays were, 28:

Baker	Daggett	Harvey	Pellett
Bennett	Danker	Kreamer	Spencer
Bittle	Dan Herder	Lageschulte	Stromer
Bortell	Drake	Menke	Tauke
Branstad	Gentleman	Millen	Varley
Brockett	Hansen	Nealson	Welden
Crawford	Harper	Oakley	Wulff

Absent or not voting, 14:

Avenson	Howell	Miller, K. D.	Rinas
Clark	Jordan	Nielsen	Spear
Egenes	McElroy	Readinger	Tofte
Hines	Middleton		

Amendment H—5097 was adopted.

Schroeder of Pottawattamie offered amendment H—5100 filed by him from the floor and requested division of the amendment as follows:

H—5100
Amend House Concurrent Resolution 104 as printed in the January 30, 1976 Journal of the House as follows:

H—5100A
1. Page 8, by striking lines 26 through 31 and inserting in lieu thereof the following: "steps. The senate committee on rules and administration or

the house committee on administration shall take into consideration the following items in determining pay for secretaries:".

H—5100B

2. Page 9, line 5, by inserting after the word "committee," the words "or subcommittee of a committee on appropriations,".

H—5100C

3. Page 9, after line 7, insert the following:
"5. One additional step if a secretary or clerk to an assistant floor leader."
4. Page 9, lines 9 and 10, by striking the words "or assistant floor leaders".

H—5011D

5. Renumber the remaining subsections.

Stromer of Hancock invoked Rule 32 on House Concurrent Resolution 104.

The Speaker ruled that Rule 32 would not be in order. The Speaker further ruled that Rule 32 applies to bills only.

Schroeder of Pottawattamie moved the adoption of amendment H—5100A.

Amendment H—5100A was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—5100B.

Amendment H—5100B lost.

Schroeder of Pottawattamie moved the adoption of amendment H—5100C.

A non-record roll call was requested.

The ayes were 41, nays 39.

Amendment H—5100C was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—5100D.

Amendment H—5100D was adopted.

Mennenga of Clinton offered the following amendment H—5098 filed by him from the floor and moved its adoption:

H—5098

Amend House Concurrent Resolution 104, found

on page 194 of the House Journal, as follows:

1. Page 9, by inserting after line 3 the following new subsection:

"4. One additional step if a secretary or clerk to senator or representative responsible for the chaplain of the day."

2. By renumbering the subsections to conform to this amendment.

A non-record roll call was requested.

The ayes were 38, nays 43.

Amendment H—5098 lost.

Doyle of Woodbury offered the following amendment H—5101 filed by him from the floor and moved its adoption:

H—5101

Amend House Concurrent Resolution 104, found on page 194 of the House Journal of January 30, 1976, as follows:

1. Page 9, by striking lines 20 through 23 and inserting in lieu thereof the following: "rate for grade 16."

Amendment H—5101 was adopted.

Patchett of Johnson offered the following amendment H—5091 filed by him from the floor and moved its adoption:

H—5091

Amend House Concurrent Resolution 104, as found on page 194 of the House Journal, as follows:

1. Page 13, by inserting after line 3 the following:

"*Be It Further Resolved,* That interns participating in the legislative intern program approved by the Legislative Council, except those enrolled in schools within Polk County, shall be paid mileage. Such mileage shall be computed at the rate of fifteen (15) cents per mile for not more than one (1) round-trip per month between the school in which each intern is enrolled and the State Capitol. Payment shall only be for trips actually made and paid each two weeks. The distance claimed between their school and the State Capitol shall be approved by either the Senate Rules and Administration Committee or the House Administration Committee, as appropriate."

Roll call was requested by Patchett of Johnson and Tauke of Dubuque.

On the question "Shall amendment H—5091 be adopted?"

The ayes were, 31:

Avenson	Hargrave	Jochum	Small
Byerly	Harvey	Mennenga	Svoboda
Crawford	Hennessey	Monroe	Tauke
Cusack	Hines	Newhard	Walter
Dyrland	Horn	Norland	Wells
Fitzgerald	Howell	Patchett	West
Gilloon	Hutchins	Pavich	Mr. Speaker
Griffee	Jesse	Poncy	

The nays were, 53:

Anderson	Den Herder	Husak	Oakley
Baker	Dieleman	Junker	O'Halloran
Bennett	Doyle	Koogler	Pellett
Bina	Drake	Lageschulte	Perkins
Bittle	Dunton	Lindeen	Scheelhaase
Bortell	Evans	Lipsky	Schroeder
Brandt	Gentleman	Lonergan	Spencer
Branstad	Halvorson	Menke	Spradling
Brunow	Hansen	Middleswart	Varley
Caffrey	Harper	Millen	Welden
Connors	Higgins	Miller, A. V.	Woods
Crabb	Hinkhouse	Miller, O. L.	Wulff
Daggett	Hullinger	Nealson	Wyckoff
Danker			

Absent or not voting, 15:

Brockett	Krause	Miller, K. D.	Spear
Clark	Kreamer	Nielsen	Stromer
Egenes	McElroy	Readinger	Tofte
Jordan	Middleton	Rinas	

Amendment H—5091 lost.

Monroe of Des Moines offered the following amendment H—5102 filed by him from the floor and moved its adoption:

H—5102

Amend House Concurrent Resolution 104, found on page 194 of the House Journal as follows:

1. Page 4, line 12, by striking the numeral "17" and inserting in lieu thereof the numeral "18".

2. Page 4, line 13, by striking the numeral "17" and inserting in lieu thereof the numeral "18".

Amendment H—5102 was adopted.

Doyle of Woodbury offered the following amendment H—5089 filed by him from the floor and moved its adoption:

H—5089

Amend House Concurrent Resolution 104, found on page 194 of the House Journal as follows:

1. Page 14, line 2, by striking the period and inserting in lieu thereof the following: ", provided that no officers or employees employed under its provisions at the time this resolution is

adopted shall be compensated less under this resolution than under House Concurrent Resolution Five (5)."

Amendment H—5089 was adopted.

Welden of Hardin offered the following amendment H—5094 filed by him from the floor and moved its adoption:

H—5094

Amend House Concurrent Resolution 104 as follows:

Page 14, by adding after line 2 the following new paragraph:

"Be It Further Resolved, That the amount expended under this Resolution shall not exceed 102 percent of the amounts expended for the same purposes under House Concurrent Resolution 5 prior to January 12, 1976."

Roll call was requested by Welden of Hardin and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5094 be adopted?"

The ayes were, 37:

Avenson	Drake	Junker	Pellett
Baker	Dunton	Koogler	Schroeder
Bennett	Evans	Lageschulte	Spencer
Bittle	Gentleman	Lindeen	Stromer
Bortell	Griffee	Lipsky	Tauke
Branstad	Halvorson	Menke	Varley
Crabb	Hansen	Millen	Welden
Crawford	Harper	Nealson	West
Daggett	Harvey	Oakley	Wulff
Danker			

The nays were, 47:

Anderson	Fitzgerald	Jesse	Pavich
Bina	Gilloon	Jochum	Perkins
Brandt	Hargrave	Krause	Poncy
Brunow	Hennessey	Lonergan	Scheelhaase
Byerly	Higgins	Mennenga	Spradling
Caffrey	Hines	Middleswart	Svoboda
Connors	Hinkhouse	Miller, A. V.	Walter
Cusack	Horn	Miller, O. L.	Wells
Den Herder	Howell	Monroe	Woods
Dieleman	Hullinger	Newhard	Wyckoff
Doyle	Husak	O'Halloran	Mr. Speaker
Dyrland	Hutchins	Patchett	

Absent or not voting, 15:

Brockett	Kreamer	Nielsen	Small
Clark	McElroy	Norland	Spear
Egenes	Middleton	Readinger	Tofte
Jordan	Miller, K. D.	Rinas	

Amendment H—5094 lost.

(House Concurrent Resolution 104 pending at adjournment.)

SPONSOR ADDED
(House File 1070)

Svoboda of Iowa requested that she be added as a sponsor of **House File 1070.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House Files 1081, 1082 and 1094 and Senate File 1060. Had I been present, I would have voted "aye."

ANDERSON of Jasper

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 56 **Transportation**
Relating to motor vehicle fuel tax.

S. B. 57 **State government**
Relating to employees of the General Assembly.

AMENDMENTS FILED

H—5107

Amend House Concurrent Resolution 104, found on page 194 of the House Journal, as follows:

1. Page 13, by striking lines 17 through 23 and inserting in lieu thereof the following:

"*Be It Further Resolved,* That the house administration committee and the senate rules and administration committee, for their respective bodies, shall be responsible for providing from the membership and the employees a person to officiate at the opening of the daily session.

Legislators and employees who wish to lead their respective bodies in prayer at the opening of the daily sessions may do so. A list for such purposes shall be on file in the office of the Chief Clerk and the office of the Secretary of the Senate."

NEWHARD of Jones

H—5103

Amend House File 836 as follows:

Page 1, line 7, after the word "Code." insert the following:

"If an employee of the state files a complaint under this chapter such employee shall not be allowed

to file a complaint under chapter nineteen A (19A) of the Code. If a complaint is filed under chapter nineteen A (19A) of the Code, a complaint shall not be allowed to be filed under this chapter."

BRANDT of Black Hawk

H—5108

Amend House File 1048 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point four hundred eighty-two (321.482), Code 1975, is amended to read as follows:

321.482 PENALTIES FOR MISDEMEANOR. It is a misdemeanor for any person to do any act forbidden or to fail to perform any act required by any of the provisions of this chapter unless any such violation is by this chapter or other law of this state declared to be a felony. Chapter 232 shall have no application in the prosecution of *first and second* offenses committed in violation of this chapter which are punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days. *In the case of third and subsequent such offenses by a person under the age of eighteen, the juvenile court and the criminal court shall have concurrent jurisdiction over the person.*

In no case may a person under the age of eighteen, convicted of a violation of any provision of this chapter, be punished by imprisonment.

Every person *eighteen years of age or older* convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days. *Every person under the age of eighteen convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars.*"

HIGGINS of Scott

H—5092

Amend House File 1058 as follows:

1. Page 5, by inserting after line 4 the following new section:

"Sec. 19. *NEW SECTION.* This Act shall become effective thirty days after the director of the department of revenue reports to the general assembly that at least fifty per cent of those persons listing their occupation, for income tax purposes, as prostitutes are male."

SVOBODA of Iowa

H—5095

Amend House File 1115 as follows:

1. Page 2, lines 20 and 21, by striking the words "affected by the budget" and inserting in lieu thereof the word "residents".

2. Page 2, line 23, by striking the words "affected by the budget" and inserting in lieu thereof the word "residents".

3. Page 2, line 26, by striking the words "affected by the budget" and inserting in lieu thereof the word "residents".

4. Page 2, by inserting after line 35 the following: "In the case of a city having a population of two hundred or less, a publication may be made as provided in section three hundred sixty-two point three (362.3), subsection two (2), of the Code."

5. Page 4, by inserting after line 14 the following:

"Sec. ..... DUTIES OF STATE COMPTROLLER. As soon as practicable after the effective date of this Act, the state comptroller shall give notice of the requirements of this Act and distribute such forms as required to the governing bodies of the political subdivisions of this state."

6. By renumbering sections to comply with this amendment.

BINA of Scott
SPRADLING of Sioux
WYCKOFF of Benton
NORLAND of Worth
WEST of Marshall
NEALSON of Muscatine
CLARK of Lee

H—5096

Amend House File 1116 as follows:

1. Page 4, line 32, by striking "(249.16)" and inserting in lieu thereof "(249C.16)".

HARPER of Davis

H—5093

Amend Senate File 85, as passed by the Senate and reprinted, as follows:

1. Page 11, by striking lines 14 through 19.

WYCKOFF of Benton

H—5106

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 58, line 19, by striking the word "no" and inserting in lieu thereof the word "nor".

2. Page 58, line 25, by striking the words "town or the trustees of any township" and inserting in lieu thereof the words "the county board of

supervisors".

3. Page 58, line 29, by striking the words ", town, or township authorities" and inserting in lieu thereof the words "or such county board of supervisors".

SPEAR of Lee

H—5105

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 257, line 35, by striking the word "contri-" and inserting in lieu thereof the word "[contri-]".

2. Page 258, lines 1 through 3, by striking the words "bute to the campaign fund of any political party, or to the campaign fund of any person who is a candidate for election or appointment to any political office," and inserting in lieu thereof the words "[bute to the campaign fund of any political party, or to the campaign fund of any person who is a candidate for election or appointment to any political office,".

SPEAR of Lee

H—5104

Amend Senate File 85, as passed by the Senate and reprinted, as follows:

1. Page 11, by striking lines 14 through 19.

BRANSTAD of Winnebago

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:03 p.m. until 10:00 a.m., Tuesday, February 3, 1976.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day—Sixteenth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, FEBRUARY 3, 1976

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

Prayer was offered by the Reverend Tom Allen, pastor of the First Federated Church, Des Moines, Iowa.

The Journal of Monday, February 2, 1976, was approved.

SPECIAL PRESENTATION

Caffrey of Polk presented to the House James H. Bowhay, Regional Director, and Alec Sutherland, from the Midwestern Office, Council of State Governments.

PETITIONS FILED

The following petitions were received and placed on file:

By Gentleman of Polk from thirty-five Polk County residents favoring passage of House File 79, regulating the practice of massage and providing a penalty.

By Readinger of Polk from seventeen constituents opposing House File 1058, relating to the licensing of prostitution and providing penalties.

By Spencer of Clay from twenty-five residents of Clay County favoring changing the age to purchase alcoholic beverages from eighteen to nineteen years or older.

By Hennessey of Delaware from nine constituents supporting Senate File 205, relating to the teacher fair dismissal law.

By Varley of Adair from nineteen residents of House District 57 favoring Senate File 67, regulating the practice of massage and providing a penalty.

INTRODUCTION OF BILLS

House File 1161, by Newhard, a bill for an act to define certain additional substances as controlled substances, and to amend the Iowa uniform controlled substances act to permit the board of pharmacy examiners to add to, delete from or alter the classification of the list of controlled substances established by that act.

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

House File 1162, by Higgins, a bill for an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committed to the state training school for boys or the state training school for girls.

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

House File 1163, by discriminatory employment practices study committee, a bill for an act relating to public employment.

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

House File 1164, by discriminatory employment practices study committee, a bill for an act relating to affirmative action programs of political subdivisions.

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

House File 1165, by employment of the unemployed study committee, a bill for an act amending certain programs for elderly, handicapped and low income persons.

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

House File 1166, by adult penal and correctional systems study committee, a bill for an act relating to the insanity of a defendant during trial.

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

House File 1167, by public boards and commissions study committee, a bill for an act to make the appointment of the director of the office for planning and programming subject to Senate confirmation.

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

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford for the afternoon session on request of Husak of Tama; Byerly of Polk for the afternoon session on request of Woods of Polk; Daggett of Adams for the afternoon session and February 4, 1976, on request of Bortell of Madison.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on January 30, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 798, a bill for an act to provide for change of sex on birth certificates.

Also: That the Senate has on January 29, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 863, a bill for an act relating to workmen's compensation laws.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 863

H—5121

Amend House File 863, as amended and passed by the House, as follows:

1. Page 1, by striking line 35, and inserting in lieu thereof ", the primary purpose of which, although not necessarily the stated purpose, is farming or ownership of agricultural land, and".

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

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

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

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

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

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

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

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

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

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

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

13. Page 14, line 4, by striking the word "their" and inserting in lieu thereof the words "his or her".

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

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

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

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"86.12 FAILURE TO REPORT. The industrial commissioner may require any employer to supply the information required by section eighty-six point ten (86.10) of the Code or to file a report required by section eighty-six point eleven (86.11) of the Code, by written demand sent to the employer's last known address. Upon failure to supply such information or file such report within twenty days, the employer may".

17. Page 15, by striking line 1.

18. Page 15, line 4, by striking the words "if the facts justify it".

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

20. Page 15, line 10, by inserting after the word "such" the words "finding and".

21. Page 15, line 15, by inserting after the word "the" the words "finding and".

22. Page 15, line 31, by inserting after the word "injury" the words "in the same manner and to the same extent as an employer under this section".

23. Page 15, by striking lines 32 through 35.

24. Page 16, after line 15, by inserting the following section:

"Sec. ..... Sections eighty-six point fifteen (86.15), and eighty-six point sixteen (86.16), Code 1975, are repealed."

25. Page 16, line 18, by inserting after the figure "86.17" the word *"ARBITRATION"*.

26. Page 16, line 18, by inserting after the word "HEARINGS" the words *"Petitions for arbitration shall be heard before a deputy industrial commissioner. Such hearings shall be conducted pursuant to the provisions of chapter seventeen A (17A) of the Code for contested cases."*

27. Page 16, lines 18 and 19 by striking the words "or the board of arbitration" and inserting in lieu thereof the words "[or the board of arbitration]".

28. Page 16, lines 21 and 22 by striking the words "or the board of arbitration" and inserting in lieu thereof the words "[or the board of arbitration]".

29. Page 16, after line 30, by inserting the following sections:

"Sec. ..... Section eighty-six point eighteen (86.18), Code 1975, is amended to read as follows:

86.18 LIBERAL RULES OF EVIDENCE. [While sitting as a board of arbitration, or when] *When* conducting

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a hearing on review, or in making any investigation or inquiry, [neither the board of arbitration nor] the commissioner or his deputies shall *not* be bound by common law or statutory rules of evidence or by technical or formal rules of procedure; but they shall hold such arbitrations, or conduct such hearings and make such investigations and inquiries in such manner as is best suited to ascertain and conserve the substantial rights of all parties thereto. Process and procedure under this chapter shall be as summary as reasonably may be.

Sec. ..... Section eighty-six point nineteen (86.19), Code 1975, is amended to read as follows:

86.19 APPOINTMENT OF REPORTER. The industrial commissioner, or one of his deputies, may appoint a shorthand reporter to report the proceedings of any hearing before the commissioner, or one of his deputies, [or board of arbitration,] and fix the reasonable amount of compensation for such service, which amount shall be taxed as other costs. Any such reporter shall faithfully and accurately report any proceeding for which he or she shall be employed.

Sec. ..... Section eighty-six point twenty-one (86.21), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The deposition of any witness may be taken and used as evidence in any hearing pending before a [board of arbitration or] the industrial commissioner or one of his deputies in compensation proceedings.

Sec. ..... Section eighty-six point twenty-three (86.23), Code 1975, is amended to read as follows:

86.23 FINDINGS OF [ARBITRATION BOARD OR] DEPUTY COMMISSIONER FILED. The decision of a deputy industrial commissioner [or board of arbitration,] together with a statement or certificate of evidence submitted at the hearing, the findings of fact, rulings of law, and any other matters pertinent to questions arising at such hearing, shall be filed in the office of the industrial commissioner."

30. Page 16, lines 34 and 35, by striking the words "or board of arbitration" and inserting **in lieu thereof the words ["or board of arbitration]".**

31. Page 17, line 7, by striking the words "or board of arbitration" and inserting in lieu **thereof the words "[or board of arbitration]".**

32. Page 17, line 10, by striking line 10 and inserting in lieu thereof the words "[the board, or] may remand it to the [board] *deputy*".

33. Page 17, line 16, by striking the words "Additional evidence" and inserting in lieu there-

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of the words "[Additional evidence] *Evidence*".

34. Page 17, line 27, by inserting after the word "mail" the words *"with return receipt requested"*.

35. Page 18, line 10, by striking the words "or board of arbitration" and inserting in lieu **thereof the words "[or board of arbitration]".**

36. Page 18, after line 17, by inserting the following sections:

Sec. ..... Section eighty-six point thirty-eight (86.38), Code 1975, is amended to read as follows:

86.38 EXAMINATION BY PHYSICIAN—FEE. The industrial commissioner may appoint a duly qualified, impartial physician to examine the injured employee and make report. The fee for this service shall be five dollars, to be paid by the industrial commissioner, together with traveling expenses, but the commissioner may allow additional reasonable amounts in extraordinary cases. Any physician so examining any injured employee shall not be prohibited from testifying before the industrial commissioner, [board of arbitration,] or any other person, commission, or court, as to the results of his examination or the condition of the injured employee.

Sec. ..... Section eighty-six point forty (86.40), Code 1975, is amended to read as follows:

86.40 [COMPENSATION OF ARBITRATORS COSTS] *COSTS.* [The arbitrators except the commissioner shall each

receive five dollars as a fee for services, but the industrial commissioner may allow additional reasonable amounts in extraordinary cases. The fees shall be paid by the employer, who may deduct an amount equal to one-half the sum from any compensation found due the employee]. All [other] costs incurred in the hearing before [a board of arbitration] or the commissioner shall be taxed in the discretion of [such board or] the commissioner [as the case may be.]

Sec. ..... Section eighty-six point forty-one (86.41), Code 1975, is amended to read as follows:

86.41 WITNESS FEES. Witness fees and mileage on hearings before [an arbitration board] or the industrial commissioner shall be the same as in the district court.

Sec. ..... Section eighty-six point forty-two (86.42), Code 1975, is amended to read as follows:

86.42 JUDGMENT BY DISTRICT COURT ON AWARD. Any party in interest may present a certified copy of an order or decision of the commissioner, [or an award of a board of arbitration] from which no petition for review has been filed within the time

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allowed therefor, or a memorandum of agreement approved by the commissioner, and all papers in connection therewith, to the district court of the county in which the injury occurred, whereupon said court shall render a decree or judgment in accordance therewith and cause the clerk to notify the parties. Such decree or judgment, in the absence of a petition for judicial review of the decision of the industrial commissioner, shall have the same effect and in all proceedings in relation thereto shall thereafter be the same as though rendered in a suit duly heard and determined by said court."

37. Page 19, by striking lines 1 and 2 and inserting in lieu thereof "Within thirty days after voluntary payments are begun, the employer or insurance carrier shall file a notice with".

38. Page 19, line 18, by striking the word "with" and inserting in lieu thereof the word "and".

39. Page 19, line 18, by inserting after the word "denial" the words "shall be".

40. Page 19, line 19, by inserting after the word "mail" the words "with return receipt requested".

41. Page 19, line 24, by striking the words "of section" and inserting in lieu thereof the words "of time allowed under section".

42. Page 19, line 27, by striking the word "in" and inserting in lieu thereof the word "within".

43. Page 19, line 27, by striking the word "shall" and inserting in lieu thereof the word

"must".

44. Page 19, line 28, by striking the word "within".

45. Page 19, line 30, by striking the word "if" and inserting in lieu thereof the word "is".

46. Page 20, line 4, by striking the figure "1976" and inserting in lieu thereof the figure "1977".

47. Page 20, line 5, by striking the figure "1976" and inserting in lieu thereof the figure "1977".

48. Page 20, line 9, by striking the figure "1976" and inserting in lieu thereof the figure "1977".

49. Page 20, line 9, by striking the word "such" and inserting in lieu thereof the word "that".

50. Page 20, by inserting after line 10 the following section:

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"Sec. ..... The Code editor is directed to strike the words "workmen's compensation" wherever they appear in the Code and insert in lieu thereof the words "workers' compensation"."

51. Amend the title, line 1, by inserting after the word "laws" the words "and providing a civil penalty".

52. By redesignating sections as necessary.

HOUSE CONCURRENT RESOLUTION 105
By Employment of the Unemployed Study Committee

Whereas, there are many Iowans who have skills and talents to offer the state who are barred from state employment because their circumstances do not permit them to accept a full-time job; and

Whereas, one remedy for this situation is flexibly scheduled job opportunities including part-time, gliding and tandem positions with fringe benefits offered on a sliding scale; and

Whereas, statistics indicate that flexible scheduling does work and that the system provides advantages to the employer in terms of productivity and morale and to potential employees, who are primarily women, elderly, handicapped and students in need of employment; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the heads of all state agencies are requested to make reasonable efforts to offer employment within their respective agencies on a flexible hours basis, which employment shall provide sliding scale fringe benefits to flexitime employees and shall not impede normal agency oper-

ations.
Be It Further Resolved, That the governor of the state of Iowa is requested to direct the heads of all state agencies to investigate and develop a plan as soon as is feasible for offering a reasonable number of positions within their respective agencies on a flexible hours basis, which plan shall address the problems created by flexible scheduling for employee fringe benefits and agency operations; and

Page 2

Be It Further Resolved, That the governor or his designee is requested to report to the general assembly concerning the content and progress of state agency plans and efforts to offer flexibly scheduled job opportunities.

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

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 104

The House resumed consideration of **House Concurrent Resolution 104,** filed on January 30, 1976, and found on pages 194 through 201 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H—5109 filed by him from the floor and moved its adoption:

H—5109

Amend House Concurrent Resolution 104, found on page 194 of the House Journal, as follows:
1. Page 4, line 2, by striking the figures "22" and inserting in lieu thereof the figures "23".
2. Page 4, line 4, by striking the figures "25" and inserting in lieu thereof the figures "23".
3. Page 4, line 7, by striking the figures "22" and inserting in lieu thereof the figures "23".
4. Page 4, line 8, by striking the figures "16" and inserting in lieu thereof the figures "17".
5. Page 4, line 11, by striking the figures "17" and inserting in lieu thereof the figures "18".
6. Page 4, line 15, by striking the figures "12" and inserting in lieu thereof the figures "13"
7. Page 4, line 16, by striking the figures "13" and inserting in lieu thereof the figures "14".

Amendment H—5109 lost.

Harper of Davis offered the following amendment H—5110 filed by her and Monroe of Des Moines from the floor and moved its adoption.

H—5110

Amend House Concurrent Resolution 104, found

on page 194 of the House Journal as follows:
1. Page 5, line 3 by striking the numeral "6" and inserting in lieu thereof the numeral "7".
2. Page 6, line 9, by striking the numeral "6" and inserting in lieu thereof the numeral "7".

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 39, nays 47.

Amendment H—5110 lost.

Newhard of Jones offered the following amendment H—5107 filed by him:

H—5107

Amend House Concurrent Resolution 104, found on page 194 of the House Journal, as follows:
1. Page 13, by striking lines 17 through 23 and inserting in lieu thereof the following:
"Be It Further Resolved, That the house administration committee and the senate rules and administration committee, for their respective bodies, shall be responsible for providing from the membership and the employees a person to officiate at the opening of the daily session.
Legislators and employees who wish to lead their respective bodies in prayer at the opening of the daily sessions may do so. A list for such purposes shall be on file in the office of the Chief Clerk and the office of the Secretary of the Senate."

Bortell of Madison offered the following amendment H—5112, to amendment H—5107, filed by him from the floor and moved its adoption:

H—5112

Amend the Newhard amendment H—5107 to House Concurrent Resolution 104 as follows:
By striking lines 8 through 15 and inserting in lieu thereof the following: "shall be responsible for providing a person to officiate at the opening of the daily session, which person may be paid an expense payment of not more than ten dollars for officiating in each house of the general assembly and mileage fixed at the rate of not more than fifteen cents per mile to and from the state capitol."

Amendment H—5112 was adopted.

Newhard of Jones moved the adoption of amendment H—5107, as amended.

Roll call was requested by Spencer of Clay and Lageschulte of Bremer.

On the question "Shall amendment H—5107, as amended, be adopted?"

The ayes were, 36:

Anderson	Hines	McElroy	Oakley
Brandt	Horn	Menke	Patchett
Crawford	Husak	Mennenga	Poncy
Drake	Jesse	Middleton	Rinas
Dyrland	Jochum	Millen	Scheelhaase
Fitzgerald	Koogler	Miller, O. L.	Small
Gentleman	Krause	Monroe	Tauke
Halvorson	Lindeen	Nealson	Walter
Harper	Lipsky	Newhard	Welden

The nays were, 52:

Avenson	Dieleman	Hullinger	Perkins
Baker	Doyle	Hutchins	Readinger
Bennett	Dunton	Junker	Schroeder
Bina	Egenes	Kreamer	Spencer
Bortell	Evans	Lageschulte	Spradling
Branstad	Gilloon	Lonergan	Svoboda
Brockett	Griffee	Middleswart	Varley
Brunow	Hansen	Miller, A. V.	Wells
Caffrey	Hargrave	Nielsen	West
Clark	Harvey	Norland	Woods
Connors	Hennessey	O'Halloran	Wulff
Danker	Hinkhouse	Pavich	Wyckoff
Den Herder	Howell	Pellett	Mr. Speaker

Absent or not voting, 11:

Bittle	Cusack	Jordan	Stromer
Byerly	Daggett	Miller, K. D.	Tofte
Crabb	Higgins	Spear	

Amendment H—5107, as amended, lost.

Doyle of Woodbury offered the following amendment H—5119 filed by him from the floor and moved its adoption:

H—5119

Amend House Concurrent Resolution 104, found on page 194 of the House Journal, as follows:

1. Page 14, by inserting after line 2 the following:

"*Be It Further Resolved.* That the provisions of this resolution shall be construed to effectuate the purposes thereof. If any provision of this resolution or its application is held to be invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provisions or applications, and to this end the provisions of this resolution are declared to be severable.".

Amendment H—5119 was adopted.

Stromer of Hancock moved to reconsider the vote by which

amendment H—5098 failed to be adopted by the House on February 2, 1976.

The motion lost.

Tauke of Dubuque rose on a point of parliamentary inquiry referring to Rule 71 and Part 5 of the House Code of Ethics, relating to financial interest.

The Speaker ruled this would be the judgment of each individual member.

Fitzgerald of Webster moved the previous question on House Concurrent Resolution 104 and all motions and amendments filed thereto.

Varley of Adair rose on a point of order that the Fitzgerald motion was not in order.

The Speaker ruled the point not well taken.

A non-record roll call was requested.

The ayes were 57, nays 31.

The motion prevailed.

Doyle of Woodbury moved the adoption of House Concurrent Resolution 104.

Roll call was requested by Tauke of Dubuque and Lageschulte of Bremer.

Rule 70 was invoked.

Under the provisions of Rule 71, the following members refrained from voting: Bortell, Stromer, Avenson, Middleswart, Millen, Pellett, Howell, Connors, Nielsen of Polk, Den Herder, Doyle, Fitzgerald, Gilloon and Speaker Cochran.

On the question "Shall House Concurrent Resolution 104 be adopted?"

The ayes were, 47:

Anderson	Hennessey	Lonergan	Poncy
Bina	Higgins	Mennenga	Rinas
Brandt	Hines	Middleton	Scheelhaase
Brunow	Hinkhouse	Miller, A. V.	Schroeder
Caffrey	Horn	Miller, O. L.	Small
Cusack	Hullinger	Monroe	Spradling
Dieleman	Husak	Newhard	Svoboda
Dunton	Hutchins	Norland	Walter
Dyrland	Jesse	O'Halloran	Wells
Griffee	Jochum	Patchett	Woods
Hargrave	Krause	Pavich	Wyckoff
Harper	Lindeen	Perkins	

The nays were, 30:

Baker	Egenes	Kreamer	Readinger
Bennett	Evans	Lageschulte	Spencer
Branstad	Gentleman	Lipsky	Tauke
Brockett	Halvorson	McElroy	Varley
Clark	Hansen	Menke	Welden
Crawford	Harvey	Nealson	West
Danker	Junker	Oakley	Wulff
Drake	Koogler		

Absent or not voting, 22:

Avenson	Daggett	Jordan	Pellett
Bittle	Den Herder	Middleswart	Spear
Bortell	Doyle	Millen	Stromer
Byerly	Fitzgerald	Miller, K. D.	Tofte
Connors	Gilloon	Nielsen	Mr. Speaker
Crabb	Howell		

The resolution, having failed to receive a constitutional majority, lost.

MOTION TO RECONSIDER
(House Concurrent Resolution 104)

I move to reconsider the vote by which House Concurrent Resolution 104 failed to be adopted by the House on February 3, 1976.

BAKER of Buena Vista

COMMUNICATION FROM THE SECRETARY OF STATE

February 2, 1976

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1033 was published in The Sioux City Journal, Sioux City, Iowa, January 25, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa, January 24, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, February 2. Had I been present, I would have voted "aye" on Senate Files 74 and 476 and "nay" on House File 694.

McELROY of Fremont

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 58 **Transportation**
To create an aeronautics division and a river trans-

portation division within the state department of transportation.

S. B. 59 **Natural resources**
Relating to public improvements bond and conditions.

S. B. 60 **Transportation**
Relating to a vehicle anti-theft law and providing penalties.

S. B. 61 **Transportation**
Relating to motor vehicles and vehicle regulations.

S. B. 62 **Energy**
Relating to the identification of gasoline storage containers and prohibiting certain conduct under penalty of law.

S. B. 63 **Energy**
Relating to self-service gasoline station operators and providing a penalty for violations.

S. B. 64 **Education**
Relating to the functions of the state psychopathic hospital at the state university of Iowa and to change its title to the state psychiatric hospital.

REPORTS OF COMMITTEES

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1141**, a bill for an act appropriating funds to the state conservation commission to carry out various programs under the commission, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1142**, a bill for an act making appropriations to the state department of health for the funding of the state department of health and various programs under the department, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Monroe of Des Moines, from the committee on state government, submitted the following report:

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

MONROE of Des Moines, Chair

AMENDMENTS FILED

H—5115

Amend House File 1075 as follows:

1. Page 5, line 4, by striking the words "the department of public safety and".

2. Page 5, lines 13 and 14, by striking the words "or the department of public safety".

3. Page 5, lines 14 and 15, by striking the words "and the department of public safety".

4. Page 5, line 29, by inserting after the word "health;" the words "the board of pharmacy examiners;".

5. Page 5, line 33, by striking the words "a doctor of toxicology;".

LIPSKY of Linn

H—5114

Amend House File 1115 as follows:

1. Page 2, by striking lines 1 through 10, inclusive.

2. Page 3, line 23, by striking the figures and words "1976 and ending June 30, 1977" and inserting in lieu thereof the figures and words "1977 and ending June 30, 1978".

3. Page 4, line 17, by striking the figures and words "1976" and July 1, 1977" and inserting in lieu thereof the figures and words "1977 and July 1, 1978".

4. Page 4, by striking lines 18 through 22, inclusive.

NEALSON of Muscatine

H—5116

Amend House File 1125 as follows:

1. Page 1, line 8, by inserting after the words "of the" the words "Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand twenty-six (1026), section two (2) and the".

2. Page 1, line 14, after the word "commission" insert the words "and the department of revenue".

3. Page 1, after line 21 insert the following:

"The department of revenue shall assess the land subject to the provisions of this Act and such assessment shall be based upon the market value of the land at the time of purchase and subsequent assessments performed in the manner provided under section four

hundred forty-one point twenty-one (441.21) of the Code and at the same time as other real property is assessed pursuant to section four hundred twenty-eight point four (428.4) of the Code, and as equalized by the director of revenue. However, the assessment shall not include the value of capital improvements made subsequent to the date of purchase by the state conservation commission."

HALVORSON of Clayton

H—5120

Amend House File 1157, page 4, line 24, by inserting after the word "work" the words "or a related field".

HIGGINS of Scott

H—5122

Amend House File 1157 as follows:

1. Page 1, by striking lines 13 through 20 and inserting in lieu thereof the following:

"2. "Social Work" means the specialized profession within the human service field composed of persons who have met the requirements for licensure specified in this Act.

3. "Social Worker" means a person licensed to practice social work under the provisions of this Act.

4. "Social Work Practice" means the disciplined application of accepted social work values, principles and methods by persons licensed under the provisions of this Act and done for compensation to effect change in human behavior and promote improved social and individual functioning, and to effect improvement in the social condition of individuals, families, groups, organizations and communities."

2. Page 1, line 22, by striking the words "or hold himself".

3. Page 1, by striking line 23.

4. Page 1, by striking lines 26 through 35 and inserting in lieu thereof the following:

"Nothing in this Act shall be construed to prevent individuals not licensed under the provisions of this Act from working within their respective professions or occupations if they do not hold themselves out to the public by any title as being a social worker or as being engaged in the practice of social work."

5. Page 2, by striking lines 1 and 2.

HIGGINS of Scott
SVOBODA of Iowa
MILLER of Cerro Gordo

H—5113

Amend Senate File 85, as passed by the Senate and reprinted as follows:

1. Page 421, line 31, by striking the following: "one hundred sixty point fourteen (160.14),"

EVANS of Grundy

H—5118

Amend amendment H—3977 to Senate File 387, as amended and passed by the Senate by striking all of lines 5 through 33 and inserting in lieu thereof the following:

Section 1. *NEW SECTION.* LIABILITY OF PERSONS REFUSING TO PERFORM ABORTIONS. An individual who may lawfully perform, assist, or participate in medical procedures which will result in an abortion shall not be required against his religious beliefs or moral convictions to perform, assist, or participate in a direct manner in such procedures except in an emergency when medically necessary to save the life of the mother. A person shall not discriminate against another individual in any way, including but not limited to employment, promotion, advancement, transfer, licensing, education, training, or granting of hospital privileges or staff appointments, because of the individual's participation or refusal to participate in the recommendation, performance, or assistance in the performance of medical procedures which will result in an abortion, except in an emergency when medically necessary to save the life of the mother. For the purposes of this Act, "abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus.

Sec. 2. *NEW SECTION.* LIABILITY OF HOSPITALS REFUSING TO PERFORM ABORTIONS. A hospital shall not be required to permit the performance of an abortion, except in an emergency when medically necessary to save the life of the mother. The refusal to permit such procedures shall not be grounds for civil liability to any person nor a basis for any disciplinary or other recriminatory action against the hospital. The provisions of this section shall not apply to any hospital which is supported, maintained, and controlled by public authority.

Sec. 3. *NEW SECTION.* INQUIRY CONCERNING PARTICIPATION IN ABORTONS. Nothing in this Act shall prohibit any hospital which permits the performance of abortions from inquiring whether an employee, prospective employee, person with staff privileges, or prospective person with staff privileges would advance a religious belief or moral conviction for refusal to participate in an abortion or has participated in the past in medical procedures which have resulted in abortions before such a person is hired for service in or assigned to that part of a hospital where abortion patients are cared for or abortion procedures are conducted.

SCHROEDER of Pottawattamie

H—5117

Amend Senate File 1063, as passed by the Senate, as follows:

1. Page 1, line 12, by striking the words *"or deputy assessor"*.

2. Page 1, line 17, by inserting after the period the following: *"A deputy assessor possessing such a certificate shall be considered eligible to remain in his or her present position."*

HUTCHINS of Guthrie

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:37 p.m. until 10:00 a.m., Wednesday, February 4, 1976.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day—Seventeenth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, FEBRUARY 4, 1976

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

Prayer was offered by the Reverend Dr. Lloyd Gustafson, interim pastor of the United Church of Christ, Garner, Iowa.

The Journal of February 3, 1976, was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Daggett of Adams from twenty-two constituents opposing the provision against trapping of wild animals in the proposed Criminal Code Revision.

By Bina of Scott from sixty-five constituents favoring passage of House File 79, relating to the regulation of the practice of massage, the establishment of a massage technicians examining board, and standards for massage establishments.

By Bittle of Polk from fifteen constituents favoring House File 79, relating to the regulation of the practice of massage.

By Miller of Calhoun, for the Bo-Coon Athletic Conference schools, namely: Battle Creek, Crestland, Galva, Lake View-Auburn, Lohrville, Lytton, Newell-Providence, Pomeroy, Schaller and Wall Lake supporting Senate File 1008, to raise the legal age for drinking alcoholic beverages to age nineteen.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 1141, 1142 and Senate File 546, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 2, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on February 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 204, a bill for an act relating to registration of motor vehicles.

Also: That the Senate has on February 2, 1976, concurred in House amendment to and passed the following bill in which the concurrence of the House is asked:

Senate File 240, a bill for an act relating to undesirable fish.

Also: That the Senate has on February 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1055, a bill for an act to legalize and validate the proceedings of the Board of Supervisors of Jasper County, Iowa.

Also: That the Senate has on February 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1063, a bill for an act relating to the certification of deputy assessors.

Also: That the Senate has on February 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by physically handicapped.

Also: That the Senate has on February 2, 1976, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 26 urging congress to appropriate funds in the undertaking of the inspection and replacement of bridges.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 576

H—5126

Amend House File 576 as passed by the House,
page 1, line 4, by adding after the word "car,"
the words "motorcycle,".

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF WILLIAM R. KENDRICK MEMORIAL

Crabb of Crawford, chairman of the William R. Kendrick Memorial Committee, escorted to the Speaker's station and presented the following committee members: The Honorable Maurice Baringer, Treasurer of State; the Honorable Richard Welden, state Representative; Mrs. Dolores Abels, and the Honorable James Caffrey, state Representative.

Representative Crabb reported on the memorial fund and presented to the House, in memory of Mr. Kendrick, a plaque honoring Chief Clerks of the House.

Speaker Cochran accepted the plaque on behalf of the House.

INTRODUCTION OF BILLS

House File 1168, by Koogler, a bill for an act relating to the payment of unemployment compensation benefits and assistance under the aid to dependent children program.

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

House File 1169, by Cusack, a bill for an act relating to the design of electronic voting systems which may be approved for use in Iowa.

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

House File 1170, by Griffee, a bill for an act specifying the date from which a special assessment becomes a lien on property.

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

House File 1171, by Walter, a bill for an act relating to credit transactions, amending the Iowa consumer credit code to permit changing the terms of an open-end account after a thirty day notification to each customer.

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

House File 1172, by Griffee and Cusack, a bill for an act relating to the sale of aerosol sprays and providing penalties.

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

House File 1173, by Junker, Schroeder, Miller of Buchanan and Tofte, a bill for an act to modify interest rates charged on past due property tax payments.

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

House File 1174, by Doyle, a bill for an act to establish an Iowa council for children and district councils.

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

House File 1175, by Hinkhouse, Wyckoff, Tofte, Hullinger, Harper, Hansen, Koogler, Miller of Buchanan, Halvorson, Evans, Jordan, Menke, Bortell and Scheelhaase, a bill for an act requiring the department of social services to make periodic reports to county boards of supervisors concerning the department's expenditures within the respective counties.

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

House File 1176, by Wyckoff, Miller of Buchanan and Avenson, a bill for an act relating to the installation of limited access diagonal highways and highway placement.

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

House File 1177, by Woods, a bill for an act relating to the registration of mobile homes.

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

House File 1178, by Cusack, a bill for an act relating to the advertising of tobacco, alcoholic liquors, and proprietary medicines.

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

House File 1179, by Spear, a bill for an act relating to intoxication as a cause for removal from office.

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

House File 1180, by Junker, a bill for an act relating to attorney fees in a malpractice action.

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

House File 1181, by Higgins and Cusack, a bill for an act relating to prohibiting the practice of red-lining by banks and savings and loan associations.

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

House File 1182, by Junker and Doyle, a bill for an act to require the division of child and family services of the department of social services to make its services available to its clients on specified state holidays.

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

House File 1183, by Junker and Scheelhaase, a bill for an act relating to motor vehicles and providing for certain weight limitations for farm tractors pulling trailers and vehicle combination limitations.

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

House File 1184, by duplicatory inspection requirements study committee, a bill for an act relating to reviews conducted in health care facilities.

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

CONSIDERATION OF BILLS

WAYS AND MEANS CALENDAR

House File 1059, a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund, with report of committee recommending passage, was taken up for consideration.

Danker of Pottawattamie offered the following amendment H—5125 filed by him from the floor and moved its adoption:

H—5125

Amend House File 1059 as follows:

1. Page 2, by inserting after line 2 the following:

"The county auditor shall not certify an amount of money to be raised by property taxes for the extension district for the fiscal year beginning July 1, 1977 and each succeeding fiscal year in excess of the amount of money raised by property taxes for the fiscal year beginning July 1, 1976. The difference between the amount of money raised from the property tax levy and within the levy limitations imposed by this section, and the amount of money raised from the property tax levy for the fiscal year beginning July 1, 1976, shall be paid to the county treasurer to be credited to the county agricultural extension education fund by the state comptroller from funds appropriated by this section.

On or before August 1, 1977 and each year thereafter, the county auditor shall prepare a statement listing the amount of money raised by a property tax levy for the county agricultural extension education fund for the fiscal year beginning July 1, 1976 and the amount of money certified by the extension council for the current fiscal year.

The amount due each extension council shall be paid by the state comptroller not later than November 1, 1977 and each year thereafter, drawn upon warrants payable to the respective county treasurers.

There is appropriated from the general fund of the state an amount sufficient to carry out the provisions of this section."

2. Amend the title, line 2, by inserting after the word "fund" the words "and making an appropriation".

Roll call was requested by Danker of Pottawattamie and Harvey of Scott.

On the question "Shall amendment H—5125 be adopted?"

The ayes were, 31:

Bennett	Danker	Lageschulte	Scheelhaase
Bittle	Egenes	Lindeen	Schroeder
Bortell	Evans	Menke	Spradling
Branstad	Gentleman	Millen	Stromer
Brockett	Halvorson	Nealson	Tauke
Byerly	Hansen	Nielsen	West
Crabb	Harvey	Pellett	Wulff
Crawford	Kreamer	Readinger	

The nays were, 59:

Anderson	Gilloon	Krause	Patchett
Avenson	Griffee	Lipsky	Pavich
Baker	Hargrave	Lonergan	Perkins
Bina	Harper	McElroy	Poncy
Brandt	Hennessey	Mennenga	Small
Brunow	Higgins	Middleswart	Spear
Caffrey	Hines	Middleton	Spencer
Clark	Hinkhouse	Miller, A. V.	Svoboda
Connors	Horn	Miller, K. D.	Varley
Dieleman	Hullinger	Miller, O. L.	Walter
Doyle	Husak	Monroe	Welden
Drake	Hutchins	Newhard	Woods
Dunton	Jochum	Norland	Wyckoff
Dyrland	Junker	Oakley	Mr. Speaker
Fitzgerald	Koogler	O'Halloran	

Absent or not voting, 9:

Cusack	Howell	Jordan	Tofte
Daggett	Jesse	Rinas	Wells
Den Herder			

Amendment H—5125 lost.

Baker of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1059)

The ayes were, 87:

Anderson	Bortell	Byerly	Crawford
Avenson	Brandt	Caffrey	Cusack
Baker	Branstad	Clark	Danker
Bennett	Brockett	Connors	Den Herder
Bina	Brunow	Crabb	Dieleman

Doyle	Hinkhouse	Middleswart	Schroeder
Drake	Horn	Middleton	Small
Dunton	Hullinger	Millen	Spear
Dyrland	Husak	Miller, A. V.	Spencer
Egenes	Hutchins	Miller, K. D.	Spradling
Evans	Jochum	Miller, O. L.	Stromer
Fitzgerald	Junker	Monroe	Svoboda
Gilloon	Koogler	Nealson	Tauke
Griffee	Krause	Newhard	Varley
Halvorson	Kreamer	Norland	Walter
Hansen	Lageschulte	Oakley	Welden
Hargrave	Lindeen	O'Halloran	West
Harper	Lipsky	Patchett	Woods
Harvey	Lonergan	Pavich	Wulff
Hennessey	McElroy	Pellett	Wyckoff
Higgins	Menke	Perkins	Mr. Speaker
Hines	Mennenga	Scheelhaase	

The nays were, 5:

Bittle	Nielsen	Poncy	Readinger
Gentleman			

Absent or not voting, 7:

Daggett	Jesse	Rinas	Wells
Howell	Jordan	Tofte	

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

REGULAR CALENDAR
(House File 845 Deferred)

House File 845, a bill for an act relating to duties to disabled persons and providing penalties, was taken up for consideration.

Brandt of Black Hawk offered the following amendment H—5127 filed by her from the floor and moved its adoption:

H—5127

Amend House File 845 as follows:
1. Page 2, by striking lines 26 through 29.

Amendment H—5127 was adopted.

Brandt of Black Hawk asked for unanimous consent that House File 845 be deferred.

Objection was raised.

Brandt of Black Hawk moved that House File 845 be deferred and that the bill retain its place on the calendar.

The motion prevailed.

HOUSE FILE 1009 DEFERRED

Doyle of Woodbury asked and received unanimous consent

that **House File 1009** be deferred and that the bill retain its place on the **calendar.**

House File 1098, a bill for an act relating to the authority of the board of regents to administer trusts, was taken up for consideration.

Dyrland of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1098)

The ayes were, 87:

Anderson	Dyrland	Koogler	Pavich
Avenson	Egenes	Krause	Pellett
Baker	Evans	Kreamer	Perkins
Bennett	Fitzgerald	Lageschulte	Poncy
Bina	Gentleman	Lindeen	Readinger
Bittle	Gilloon	Lipsky	Scheelhaase
Bortell	Griffee	Lonergan	Small
Brandt	Halvorson	McElroy	Spear
Branstad	Hansen	Menke	Spencer
Brockett	Hargrave	Mennenga	Spradling
Brunow	Harper	Middleswart	Stromer
Byerly	Harvey	Middleton	Svoboda
Caffrey	Hennessey	Millen	Tauke
Clark	Higgins	Miller, A. V.	Varley
Connors	Hinkhouse	Miller, K. D.	Walter
Crabb	Horn	Miller, O. L.	Welden
Crawford	Hullinger	Monroe	Wells
Cusack	Husak	Newhard	Woods
Dieleman	Hutchins	Norland	Wulff
Doyle	Jesse	Oakley	Wyckoff
Drake	Jochum	O'Halloran	Mr. Speaker
Dunton	Junker	Patchett	

The nays were, 4:

Danker	Nealson	Nielsen	Schroeder

Absent or not voting, 8:

Daggett	Hines	Jordan	Tofte
Den Herder	Howell	Rinas	West

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

APPROPRIATIONS CALENDAR

Senate File 1030, a bill for an act appropriating funds to the governor, lieutenant governor, and the council of state governments, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1030)

The ayes were, 89:

Anderson	Egenes	Kreamer	Pavich
Avenson	Evans	Lageschulte	Pellett
Baker	Fitzgerald	Lindeen	Perkins
Bennett	Gentleman	Lipsky	Poncy
Bina	Gilloon	Lonergan	Readinger
Bittle	Griffee	McElroy	Scheelhaase
Bortell	Halvorson	Menke	Schroeder
Brandt	Hansen	Mennenga	Small
Branstad	Hargrave	Middleswart	Spear
Brockett	Harper	Middleton	Spencer
Brunow	Harvey	Millen	Spradling
Byerly	Hennessey	Miller, A. V.	Stromer
Caffrey	Higgins	Miller, K. D.	Svoboda
Clark	Hinkhouse	Miller, O. L.	Tauke
Connors	Horn	Monroe	Varley
Crabb	Hullinger	Nealson	Walter
Crawford	Husak	Newhard	Welden
Cusack	Hutchins	Nielsen	Wells
Danker	Jesse	Norland	Woods
Dieleman	Jochum	Oakley	Wulff
Doyle	Junker	O'Halloran	Wyckoff
Drake	Koogler	Patchett	Mr. Speaker
Dunton			

The nays were, 1:

Dyrland

Absent or not voting, 9:

Daggett	Howell	Krause	Tofte
Den Herder	Jordan	Rinas	West
Hines			

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

EXPLANATION OF VOTE

I am voting against House File 1059 for the reason that it is inconsistent with the legislation proposed to this General Assembly to consolidate county funds and limit expenditures. If legislation is passed in either of these areas, this bill should be reviewed to make certain that this General Assembly does not adopt inconsistent provisions into law.

BITTLE of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented

to the Governor for his approval on this 4th day of February, 1976: House Files 59 and 1121.

DAVID L. WRAY,
Chief Clerk of the House

Report adopted.

REPORTS OF COMMITTEES

Monroe of Des Moines, from the committee on state government, submitted the following report:

MR. SPEAKER: Your committee on state government to whom was referred **Senate File 288**, a bill for an act to repeal the procedure for establishment of a convention to ratify amendments to the Constitution of the United States, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

MONROE of Des Moines, Chair

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following report:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **Senate File 524**, a bill for an act relating to business corporations, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5129

Amend Senate File 524, as amended and passed by the Senate, as follows:

1. Page 2, by inserting after line 8 the following:

"Sec. ..... Section four hundred ninety-six A point thirty-four (496A.34), unnumbered paragraph one (1), Code 1975, is amended by striking the paragraph and inserting in lieu thereof the following:

All corporate powers shall be exercised by or under the authority of, and the business and affairs of a corporation shall be managed under the direction of, a board of directors consisting of one or more members, except as may be otherwise provided in this chapter or in the articles of incorporation. If any such provision is made in the articles of incorporation, the powers and duties conferred or imposed upon the board of directors by this chapter shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation. Directors need not be residents of this state or shareholders of the corporation unless the articles of incorporation or bylaws so require. The articles of incorporation or bylaws may prescribe other qualifications for directors. The board of directors shall have authority

to fix the compensation of directors unless otherwise provided in the articles of incorporation.

A director shall perform the duties of a director, including the duties as a member of any committee of the board upon which such director may serve, in good faith, in a manner such director reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. In performing such duties, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by: (1) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented; (2) Counsel, public accountants or other persons as to matters which the director reasonably believes to be within such person's professional or expert competence; or, (3) A committee of the board upon which such director does not serve, duly designated in accordance with the provision of the articles of incorporation or the bylaws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence. However such director shall not be

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considered to be acting in good faith if such director has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs such duties shall not have liability by reason of being or having been a director of the corporation.

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken, unless the dissent of such director is entered in the minutes of the meeting, such director files a written dissent to such action with the secretary of the meeting before the meeting's adjournment, or such director forwards such dissent by registered or certified mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action."

2. Page 3, by inserting after line 2 the following:

"Sec. ..... Section four hundred ninety-six A point thirty-nine (496A.39), Code 1975, is amended to read as follows:

496A.39 EXECUTIVE COMMITTEE. If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the full board of directors, may designate from

among its members an executive committee and one or more other committees each of which, to the extent provided in such resolution or in the articles of incorporation or the bylaws of the corporation, shall have and may exercise all the authority of the board of directors, [but] *except that* no such committee shall have the authority [of the board of directors in reference to amending the articles of incorporation, adopting a plan of merger or consolidation, recommending to the shareholders the sale, lease, exchange or other disposition of all or substantially all the property and assets of the corporation otherwise than in the usual and regular course of its business, recommending to the shareholders a voluntary dissolution of the corporation or a revocation thereof, or amending the bylaws of the corporation. The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed by law] *to: (1) declare dividends or distributions; (2) approve or recommend to shareholders actions or proposals required by this chapter to be approved by shareholders; (3) designate*

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candidates for the office of director, for purposes of proxy solicitation or otherwise, or fill vacancies on the board of directors or any committee thereof; (4) amend the bylaws; (5) approve a plan of merger not requiring shareholder approval; (6) reduce surplus; (7) authorize or approve the reacquisition of shares unless pursuant to a general formula or method specified by the board of directors; or, (8) authorize or approve the issuance or sale of, or any contract to issue or sell, shares or designate the terms of a series of a class of shares. However, the board of directors, having acted regarding general authorization for the issuance or sale of shares, or any contract for issuance or sale, and, in the case of a series, the designation for issuance or sale, may, pursuant to a general formula or method specified by the board by resolution or by adoption of a stock option or other plan, authorize a committee to fix the terms of any contract for the sale of the shares and to fix the terms upon which such shares may be issued or sold, including, without limitation, the price, the dividend rate, provisions for redemption, sinking fund, conversion, voting or preferential rights, and provisions for other features of a class of shares, or a series of a class of shares, with full power in such committee to adopt any final resolution setting forth all the terms and to authorize the statement of the terms of a series for filing with the secretary of state under this chapter.

Neither the designation of any such committee,

the delegation to it of authority, nor action by such committee pursuant to such authority shall alone constitute compliance by any member of the board of directors, not a member of the committee in question, with such director's responsibility to act in good faith, in a matter such director reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances."

3. Page 3, by inserting after line 19 the following:

"Sec. ..... Section four hundred ninety-six A point forty-four (496.44), Code 1975, is amended to read as follows:

496A.44 LIABILITY OF DIRECTORS AND OFFICERS IN CERTAIN CASES. In addition to any other liabilities imposed by law upon directors and officers of a corporation, *a director shall be liable in the following circumstances, unless the director complies with the standard provided in this chapter for*

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performance of the duties of directors:

1. [Directors of a corporation] *A director* who [vote] *votes* for or [assent] *assents* to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders [in willful or negligent violation of] *contrary to* the provisions of this chapter or [of] *to* any restrictions contained in the articles of incorporation, shall be [jointly and severally] liable to the corporation *jointly and severally with all other directors so voting or assenting* for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this chapter or of the restrictions in the articles of incorporation.

2. [Directors of a corporation] *A director* who [vote] *votes* for or [assent] *assents* to the purchase of [its] *the corporation's* own shares [in willful or negligent violation of] *contrary to* the provisions of this chapter or [of] *to* any restrictions contained in the articles of incorporation, shall be [jointly and severally] liable to the corporation *jointly and severally with all other directors so voting or assenting* for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been paid therefor without a violation of the provisions of this chapter or of the restrictions in the articles of incorporation.

3. [The directors of a corporation] *A director* who [vote] *votes* for or [assent] *assents* to any distribution of assets of a corporation to its shareholders during

the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all unknown debts, obligations, and liabilities of the corporation shall be [jointly and severally] liable to the corporation *jointly and severally with all other directors so voting or assenting* for the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged.

[A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall

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forward such dissent by registered or certified mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

A director shall not be liable under subsections 1, 2, or 3 of this section if the director relied and acted in good faith upon financial statements of the corporation, represented to the director to be correct by the president or the officer of such corporation having charge of its books of account, or stated in a written report by an independent public or certified public accountant or firm of such accountants fairly to reflect the financial condition of such corporation, nor shall the director be so liable if in good faith in determining the amount available for any such dividend or distribution the director considered the assets to be of their book value.] If an officer willfully or negligently submits an incorrect financial statement to a director or directors, and board of directors action, contrary to the provisions of this chapter or of any restrictions in the articles of incorporation, is taken in reliance thereon, the officer shall be liable to the same extent as if the officer were a director voting for or assenting to such action. No [director or] officer shall be deemed to be negligent within the meaning of this section if the [director or] officer exercised that diligence, care and skill which an ordinarily prudent person *in a like position* would [exercise] *use* under similar circumstances.

Any director against whom a claim shall be asserted under or pursuant to this section for the payment of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders

who accepted or received any such dividend or assets, knowing such dividend or distribution to have been made in violation of the provisions of this chapter or of any restrictions in the articles of incorporation, in proportion to the amounts received by them respectively, and to contribution from any other director found to be similarly liable.

Any action seeking to impose liability under this section, other than liability for contribution, shall be commenced only within five years of the action complained of and not thereafter."

JESSE of Polk, Chair

AMENDMENTS FILED

H—5123

Amend the Temporary Rules of the House, as adopted by the Sixty-sixth General Assembly, 1975 session, as follows:

1. Rule 71, line 2, by inserting after the period the following: "No member shall deem it appropriate to participate in debate on that question, nor to vote on any other part of that question from a point when an individual feels he should invoke the rule upon himself."

GRIFFEE of Chickasaw
DRAKE of Muscatine
MONROE of Des Moines
ANDERSON of Jasper

H—5124

Amend House File 645 as follows:

1. Page 1, by striking from lines 21 and 22 the words "the period ending on the date of its maturity" and inserting in lieu thereof the words "[the period ending on the date of its maturity]".

2. Page 1, line 25 by inserting after the word "[state]" the words "*a period of not more than thirty years*".

NEWHARD of Jones

H—5130

Amend House File 650 as follows:

1. Page 1, line 4, by inserting before the word "officer" the word "*executive*".

2. Page 1, line 6, by inserting before the word "officer" the word "*executive*".

3. Page 1, by striking lines 7 and 8 and inserting in lieu thereof the following: "1 of section 524.904, not exceeding [thirty thousand dollars], *in the aggregate:*

(1) The amount the bank is permitted to lend pursuant to section five hundred twenty-four point nine hundred five (524.905), subsection two (2) of

the Code if, at the time such obligation".

4. Page 1, line 11, by striking all after the word "residence" and inserting in lieu thereof the words ", and [such] *if at the time the loan is made no other loan by the bank to the officer under authority of this paragraph is outstanding; and*".

5. Page 1, by striking line 19 and inserting in lieu thereof the words "to an *executive* officer of such state bank, nor shall an *executive* officer of".

6. Page 1, line 29, by inserting after the word "an" the word "*executive*".

7. Page 1, by inserting after line 32 the following new section:

"Sec. 2. Section five hundred twenty-four point seven hundred six (524.706), subsection one (1), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. For the purposes of this subsection, the term "executive officer" means every officer of a state bank who participates or has authority to participate, otherwise than in the capacity of a director, in major policy-making functions of the bank, regardless of whether he has an official title or whether his title contains a designation of assistant and regardless of whether he is serving without salary or other compensation. The chairman of the board, the president, every vice president, the cashier, secretary, and treasurer of a state bank are assumed to be executive officers, unless, by resolution of the board of directors or by the bank's bylaws, but subject to contrary notice by the superintendent as provided for in section five hundred twenty-four point seven hundred one (524.701) of the Code, any such officer is excluded from participation in major policy-making functions, otherwise than in the capacity of a director of the bank, and he does not actually participate therein."

NEWHARD of Jones
WEST of Marshall

H—5132

Amend House File 845 as follows:

1. Page 4, by striking line 13, and inserting in lieu thereof the following: "not more than thirty days."

DOYLE of Woodbury

H—5135

Amend Senate File 85, as passed by the Senate and reprinted, as follows:

1. Page 17, by inserting after line 6 the following new section:

"Sec. ..... *NEW SECTION.* ASSAULT ON A PEACE OFFICER. A person commits an aggravated misdemeanor if he commits an assault as defined in section eight hundred one (801) of this division

on any peace officer who is acting within the scope of his duty or authority."

NEALSON of Muscatine
KREAMER of Polk

H—5134

Amend Senate File 85 as amended and passed by the Senate and reprinted as follows:

1. Page 55, by inserting after line 10 the following new section:

Sec. ..... *NEW SECTION.* RECEIPT, TRANSPORTATION, AND POSSESSION OF FIREARMS AND OFFENSIVE WEAPONS BY FELONS. If a person is convicted in a state or federal court of any felony, and that person subsequently possesses, receives, or transports or causes to be transported a firearm or offensive weapon, that person shall be guilty of a class C felony.

If a person is convicted in a state or federal court of any misdemeanor where a firearm or offensive weapon is used in the commission of the misdemeanor, and that person subsequently possesses, receives, or transports or causes to be transported a firearm or offensive weapon, that person shall be guilty of a class C felony.

The provisions of this Section shall not apply to a person who is pardoned by the President of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or offensive weapons."

NEALSON of Muscatine
KREAMER of Polk

H—5133

Amend Senate File 85, as passed by the Senate and reprinted, as follows:

1. Page 217A, line 23, by striking the words "forcible felony" and inserting in lieu thereof the words "public offense".

2. Page 217A, line 25, by striking the words "forcible felony" and inserting in lieu thereof the words "public offense".

3. Page 217A, line 29, by striking the words "forcible felony" and inserting in lieu thereof the words "public offense".

4. Page 229, line 20, by inserting after the word "felony" the words "or to a person who during the commission of any public offense displayed a firearm in a threatening manner".

KREAMER of Polk
NEALSON of Muscatine

H—5128

Amend Senate File 387, as passed by the Senate, as follows:

1. Page 1, by striking lines 15B through 15D and inserting in lieu thereof the following: "the treatment of serious physical condition requiring emergency medical treatment necessary to save the life of a mother."

ANDERSON of Jasper

H—5131

Amend Senate File 387 as amended and passed by the Senate as follows:

1. Page 1, by adding after line 22 the following new section:

"Sec. 3. *NEW SECTION.* INQUIRY CONCERNING PARTICIPATION IN ABORTIONS. Nothing in this Act shall prohibit any hospital which permits the performance of abortions from inquiring whether an employee, prospective employee, person with staff privileges, or prospective person with staff privileges would advance a religious belief or moral conviction for refusal to participate in an abortion or has participated in the past in medical procedures which have resulted in abortions before such a person is hired for service in or assigned to that part of a hospital where abortion patients are cared for or abortion procedures are conducted."

OAKLEY of Clinton

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 4:53 p.m.until 10:00 a.m., Thursday, February 5, 1976.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day—Eighteenth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, FEBRUARY 5, 1976

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

Prayer was offered by the Reverend Father Kenneth Gehling, pastor of St. John's Catholic Church, Independence, Iowa.

The Journal of Wednesday, February 4, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of Bortell of Madison.

PRESENTATION OF VISITORS

Evans of Grundy presented to the House Uwe Wilcke, a foreign exchange student from West Germany, now living in Conrad, Iowa, with his adopted parents, Mr. and Mrs. Wood.

The Speaker announced the following visitors were present in the House chamber:

Twenty students from the Audio-Visual Club, Clarinda, Iowa, accompanied by Ken Stites. By Daggett of Adams.

PETITIONS FILED

The following petitions were received and placed on file:

By Bortell of Madison from eighty-five constituents from Warren County, requesting legislation be passed to prohibit deer hunting on roads or ditches along roads and no shooting over roadways.

By McElroy of Fremont from sixteen constituents favoring the passage of Senate File 205, relating to the issuance, continuation and termination of teachers' contracts.

By Krause of Palo Alto from sixty-five constituents favoring proposed legislation in which no doctor, nurse, medical practitioner or hospital could be forced to participate in an abortion procedure.

By Cochran of Webster from one hundred forty-four residents of Humboldt County favoring changing the age to purchase alcoholic beverages from eighteen to nineteen years of age.

By Nielsen of Polk from five thousand six hundred thirty-eight constituents requesting that the Saylorville Dam be filled with water and the use of the facilities begun without further delay.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on Senate Files 288 and 524, under Rule 36.

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House recovened, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 3, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1072, a bill for an act making an appropriation to judicial courts and agencies.

STEVEN C. CROSS, Secretary

HOUSE FILE 711 WITHDRAWN

Howell of Floyd asked and received unanimous consent to withdraw **House File 711** from further consideration by the House.

CONSIDERATION OF BILLS

REGULAR CALENDAR

Senate File 387, a bill for an act relating to liability for the performance of or refusal to perform abortions, with report of committee recommending passage, was taken up for consideration.

Gentleman of Polk offered the following amendment H—3977 filed by her:

H—3977

Amend Senate File 387 as amended and passed by the Senate as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* PERSON NOT REQUIRED TO PERFORM OR ASSIST IN AN ABORTION. Any person who may lawfully perform or assist in an abortion and who states in writing his or her moral or religious objections to abortion shall not be required to participate in an abortion. A person shall not discriminate against any individual in any way, including but not limited to employment, promotion, advancement, transfer, licensing, education, training or the granting of hospital privileges or staff appointments, because of a person's participation in or refusal to participate in recommending, performing or assisting in an abortion procedure.

For the purposes of this Act "abortion" means a medical procedure which has as its sole and primary purpose the termination of a human pregnancy, but does not include a medical procedure to remove a dead fetus or produce a live birth nor does it include medical care which has as its purpose the treatment of a serious pathological or psychological condition.

Sec. 2. *NEW SECTION.* LIABILITY FOR REFUSING TO PERFORM AN ABORTION. A hospital, which is not controlled, maintained and supported by a public authority, shall not be required to permit the performance of an abortion, as defined in section one (1) of this Act. The refusal to permit such procedures shall not be grounds for civil liability to any person nor a basis for a disciplinary or other recriminatory action against the hospital."

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—4153, to amendment H—3977, filed by him on June 10, 1975, and found on pages 2318 and 2319 of the House Journal.

Schroeder of Pottawattamie offered amendment H-5118, to amendment H—3977, filed by him and requested division as follows:

H—5118

Amend amendment H—3977 to Senate File 387, as amended and passed by the Senate by striking all of lines 5 through 33 and inserting in lieu thereof the following:

H—5118A

Section 1. *NEW SECTION.* LIABILITY OF PERSONS

REFUSING TO PERFORM ABORTIONS. An individual who may lawfully perform, assist, or participate in medical procedures which will result in an abortion shall not be required against his religious beliefs or moral convictions to perform, assist, or participate in a direct manner in such procedures except in an emergency when medically necessary to save the life of the mother. A person shall not discriminate against another individual in any way, including but not limited to employment, promotion, advancement, transfer, licensing, education, training, or granting of hospital privileges or staff appointments, because of the individual's participation or refusal to participate in the recommendation, performance, or assistance in the performance of medical procedures which will result in an abortion, except in an emergency when medically necessary to save the life of the mother. For the purposes of this Act, "abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus.

Sec. 2. *NEW SECTION.* LIABILITY OF HOSPITALS REFUSING TO PERFORM ABORTIONS. A hospital shall not be required to permit the performance of an abortion, except in an emergency when medically necessary to save the life of the mother. The refusal to permit such procedures shall not be grounds for civil liability to any person nor a basis for any disciplinary or other recriminatory action against the hospital. The provisions of this section shall not apply to any hospital which is supported, maintained, and controlled by public authority.

H—5118B

Sec. 3. *NEW SECTION.* INQUIRY CONCERNING PARTICIPATION IN ABORTIONS. Nothing in this Act shall prohibit any hospital which permits the performance of abortions from inquiring whether an employee, prospective employee, person with staff privileges, or prospective person with staff privileges would advance a religious belief or moral conviction for refusal to participate in an abortion or has participated in the past in medical procedures which have resulted in abortions before such a person is hired for service in or assigned to that part of a hospital where abortion patients are cared for or abortion procedures are conducted.

Schroeder of Pottawattamie moved the adoption of amendment H—5118A, to amendment H—3977.

Roll call was requested by Readinger of Polk and Gentleman of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5118A, to amendment H—3977, be adopted?"

The ayes were, 45:

Bennett	Evans	McElroy	Pellett
Bittle	Gentleman	Menke	Scheelhaase
Brandt	Gilloon	Mennenga	Schroeder
Brockett	Halvorson	Middleton	Small
Byerly	Harper	Millen	Svoboda
Clark	Hines	Miller, A. V.	Tauke
Connors	Horn	Nealson	Tofte
Crabb	Jesse	Newhard	Walter
Crawford	Jochum	Nielsen	Welden
Danker	Lageschulte	Oakley	West
Dunton	Lindeen	O'Halloran	Mr. Speaker
Egenes			

The nays were, 52:

Anderson	Dyrland	Junker	Perkins
Avenson	Fitzgerald	Koogler	Poncy
Baker	Griffee	Krause	Readinger
Bina	Hansen	Kreamer	Rinas
Bortell	Hargrave	Lipsky	Spear
Branstad	Harvey	Lonergan	Spencer
Brunow	Hennessey	Middleswart	Spradling
Caffrey	Higgins	Miller, K. D.	Stromer
Cusack	Hinkhouse	Miller, O. L.	Varley
Den Herder	Howell	Monroe	Wells
Dieleman	Hullinger	Norland	Woods
Doyle	Husak	Patchett	Wulff
Drake	Hutchins	Pavich	Wyckoff

Absent or not voting, 2:

Daggett	Jordan

Amendment H—5118A lost.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5118B.

Gentleman of Polk asked and received unanimous consent to withdraw amendment H—3977, and amendment H—3942 filed by her on May 23, 1975, and found on page 1937 of the House Journal.

Gentleman of Polk offered amendment H—5071 filed by her. Division was requested as follows:

H—5071

Amend Senate File 387 as passed by the Senate as follows:

H—5071A

1. Page 1, line 6, by inserting after the word "procedures" the words ", except in an emergency when medically necessary to save the life of the mother".

2. Page 1, by striking everything after the period in line 15, and all of lines 15A, 15B, 15C and 15D.

3. Page 1, line 19, by inserting after the word "abortion" the words ", except in an emergency when medically necessary to save the life of the mother".

H—5071B

4. Page 1, line 22 by inserting after the word "hospital" the following: ", except if the mother dies as a result of the refusal to provide medical care".

Brunow of Appanoose rose on a point of order that amendment H—5071A was not germane.

The Speaker ruled the point not well taken and amendment H—5071A germane.

Gentleman of Polk moved the adoption of amendment H—5071A.

Roll call was requested by Gentleman of Polk and Brunow of Appanoose.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5071A be adopted?"

The ayes were, 48:

Avenson	Drake	Jesse	Oakley
Bennett	Dunton	Jochum	O'Halloran
Bittle	Egenes	Lageschulte	Patchett
Brandt	Evans	Lindeen	Pellett
Brockett	Gentleman	McElroy	Schroeder
Byerly	Gilloon	Menke	Small
Clark	Halvorson	Mennenga	Svoboda
Connors	Hargrave	Middleton	Tauke
Crabb	Harper	Millen	Tofte
Crawford	Hines	Miller, A. V.	Walter
Cusack	Hinkhouse	Nealson	West
Danker	Horn	Newhard	Mr. Speaker

The nays were, 48:

Anderson	Griffee	Kreamer	Rinas
Baker	Hansen	Lipsky	Scheelhaase
Bina	Harvey	Lonergan	Spear
Bortell	Hennessey	Middleswart	Spencer
Branstad	Higgins	Miller, K. D.	Spradling
Brunow	Howell	Miller, O. L.	Stromer
Caffrey	Hullinger	Monroe	Varley
Den Herder	Husak	Norland	Welden
Dieleman	Hutchins	Pavich	Wells
Doyle	Junker	Perkins	Woods
Dyrland	Koogler	Poncy	Wulff
Fitzgerald	Krause	Readinger	Wyckoff

Absent or not voting, 3:

Daggett	Jordan	Nielsen

Amendment H—5071A lost.

Gentleman of Polk asked and received unanimous consent to withdraw amendment H—5071B.

Schroeder of Pottawattamie asked for unanimous consent to take up for consideration out of order amendment H—5128.

Objection was raised.

Schroeder of Pottawattamie moved to defer action on pending amendments to consider amendment H—5128.

The motion prevailed.

Anderson of Jasper offered the following amendment H—5128 filed by him:

H—5128

Amend Senate File 387, as passed by the Senate, as follows:

1. Page 1, by striking lines 15B through 15D and inserting in lieu thereof the following: "the treatment of serious physical condition requiring emergency medical treatment necessary to save the life of a mother."

Caffrey of Polk rose on a point of order that inasmuch as amendment H—5071A failed to be adopted, amendment H—5128 was not germane.

The Speaker ruled the point not well taken and amendment H—5128 germane.

By unanimous consent, the following corrective amendment H—5141, to amendment H—5128, filed by Anderson of Jasper from the floor, was adopted:

H—5141

Amend amendment H—5128 to Senate File 387, as passed by the Senate, as follows:

1. Page 1, line 5, by inserting after the word "of" the word "a".

Anderson of Jasper moved the adoption of amendment H—5128, as amended.

Roll call was requested by Brunow of Appanoose and Oakley of Clinton.

On the question "Shall amendment H—5128, as amended, be adopted?"

The ayes were, 53:

Anderson	Dunton	Lageschulte	O'Halloran
Avenson	Egenes	Lindeen	Patchett
Bennett	Evans	McElroy	Pellett
Brandt	Fitzgerald	Menke	Rinas
Brockett	Gilloon	Mennenga	Schroeder
Byerly	Griffee	Middleton	Small
Clark	Halvorson	Millen	Svoboda
Connors	Harper	Miller, A. V.	Tauke
Crabb	Hines	Nealson	Tofte
Crawford	Hinkhouse	Newhard	Walter
Cusack	Horn	Nielsen	Welden
Danker	Jesse	Norland	West
Den Herder	Jochum	Oakley	Mr. Speaker
Drake			

The nays were, 42:

Baker	Hansen	Kreamer	Readinger
Bina	Harvey	Lipsky	Scheelhaase
Bittle	Hennessey	Lonergan	Spencer
Bortell	Higgins	Middleswart	Spradling
Branstad	Howell	Miller, K. D.	Stromer
Brunow	Hullinger	Miller, O. L.	Varley
Caffrey	Husak	Monroe	Wells
Dieleman	Hutchins	Pavich	Woods
Doyle	Junker	Perkins	Wulff
Dyrland	Koogler	Poncy	Wyckoff
Gentleman	Krause		

Absent or not voting, 4:

Daggett	Hargrave	Jordan	Spear

Amendment H—5128, as amended, was adopted.

Bina of Scott offered the following amendment H—5137 filed by Bina, Brandt and Hargrave from the floor and moved its adoption:

H—5137

Amend Senate File 387 as follows:

1. Page 1, by striking lines 16 through 22.

Roll call was requested by Bina of Scott and Tauke of Dubuque.

On the question "Shall amendment H—5137 be adopted?"

The ayes were, 8:

Bina	Byerly	Crawford	Hines
Brandt	Crabb	Gentleman	Koogler

The nays were, 83:

Anderson	Brunow	Doyle	Griffee
Avenson	Caffrey	Drake	Halvorson
Baker	Clark	Dunton	Hansen
Bennett	Connors	Dyrland	Harper
Bittle	Cusack	Egenes	Harvey
Bortell	Danker	Evans	Hennessey
Branstad	Den Herder	Fitzgerald	Higgins
Brockett	Dieleman	Gilloon	Hinkhouse

Horn	Lonergan	O'Halloran	Svoboda
Howell	McElroy	Patchett	Tauke
Hullinger	Menke	Pellett	Tofte
Husak	Mennenga	Perkins	Varley
Hutchins	Middleswart	Poncy	Walter
Jesse	Miller, A. V.	Readinger	Welden
Jochum	Miller, K. D.	Rinas	Wells
Junker	Miller, O. L.	Scheelhaase	West
Krause	Monroe	Schroeder	Woods
Kreamer	Nealson	Small	Wulff
Lageschulte	Newhard	Spencer	Wyckoff
Lindeen	Nielsen	Spradling	Mr. Speaker
Lipsky	Oakley	Stromer	

Absent or not voting, 8:

Daggett	Jordan	Millen	Pavich
Hargrave	Middleton	Norland	Spear

Amendment H—5137 lost.

Schroeder of Pottawattamie offered the following amendment H—5142 filed by him from the floor and moved its adoption:

H—5142

Amend Senate File 387 as amended and passed by the Senate as follows:

1. Page 1, by striking lines 13 through 15 and inserting in lieu thereof:

"For purposes of this Act the term "abortion" means a medical procedure which has as its sole and primary purpose the termination of a human pregnancy, but does not include a medical procedure to remove a dead fetus or produce a live birth nor does it include an emergency medical procedure which has as its primary purpose the preservation of the pregnant person's life and may, incident to such medical procedure, cause the termination of a pregnancy. Abortion does".

Roll call was requested by Schroeder of Pottawattamie and Brunow of Appanoose.

On the question "Shall amendment H—5142 be adopted?"

The ayes were, 17:

Bennett	Danker	Horn	Newhard
Brandt	Drake	McElroy	Nielsen
Connors	Gentleman	Middleton	O'Halloran
Crabb	Hines	Nealson	Schroeder
Crawford			

The nays were, 78:

Anderson	Branstad	Cusack	Egenes
Avenson	Brockett	Den Herder	Evans
Baker	Brunow	Dieleman	Fitzgerald
Bina	Byerly	Doyle	Gilloon
Bittle	Caffrey	Dunton	Griffee
Bortell	Clark	Dyrland	Halvorson

Hansen	Koogler	Norland	Stromer
Hargrave	Krause	Oakley	Svoboda
Harper	Kreamer	Patchett	Tauke
Harvey	Lageschulte	Pavich	Tofte
Hennessey	Lindeen	Pellett	Varley
Higgins	Lipsky	Perkins	Walter
Hinkhouse	Lonergan	Poncy	Welden
Howell	Menke	Readinger	Wells
Hullinger	Mennenga	Rinas	West
Husak	Middleswart	Scheelhaase	Woods
Hutchins	Miller, A. V.	Small	Wulff
Jesse	Miller, K. D.	Spencer	Wyckoff
Jochum	Miller, O. L.	Spradling	Mr. Speaker
Junker	Monroe		

Absent or not voting, 4:

Daggett	Jordan	Millen	Spear

Amendment H—5142 lost.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—4208 filed by him on June 11, 1975, and found on page 2363 of the House Journal.

Oakley of Clinton asked and received unanimous consent to withdraw amendment H—5131 filed by him on February 4, 1976, and found on page 267 of the House Journal.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 387).

The ayes were, 93:

Anderson	Egenes	Krause	Pellett
Avenson	Evans	Kreamer	Perkins
Baker	Fitzgerald	Lageschulte	Poncy
Bennett	Gilloon	Lindeen	Readinger
Bina	Griffee	Lipsky	Rinas
Bittle	Halvorson	McElroy	Scheelhaase
Bortell	Hansen	Menke	Schroeder
Branstad	Hargrave	Mennenga	Small
Brockett	Harper	Middleswart	Spencer
Brunow	Harvey	Middleton	Spradling
Byerly	Hennessey	Millen	Stromer
Caffrey	Higgins	Miller, A. V.	Svoboda
Clark	Hines	Miller, K. D.	Tauke
Connors	Hinkhouse	Miller, O. L.	Tofte
Crabb	Horn	Monroe	Varley
Crawford	Howell	Nealson	Walter
Cusack	Hullinger	Newhard	Welden
Danker	Husak	Nielsen	Wells
Den Herder	Hutchins	Norland	West
Dieleman	Jesse	Oakley	Woods
Doyle	Jochum	O'Halloran	Wulff
Drake	Junker	Patchett	Wyckoff
Dunton	Koogler	Pavich	Mr. Speaker
Dyrland			

The nays were, 3:

Brandt	Gentleman	Lonergan

Absent or not voting, 3:

Daggett	Jordan	Spear

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

MOTION TO RECONSIDER PREVAILED AND TABLED
(Senate File 387)

Brunow of Appanoose moved to reconsider the vote by which Senate File 387 passed the House and that the motion to reconsider be tabled.

A non-record roll call was requested.

The ayes were 73, nays 16.

The motion prevailed.

HOUSE RESOLUTION 103
By Krause of Palo Alto

Whereas, the city of Emmetsburg is nearing their annual St. Patrick's celebration March 12, 13 and 14; and

Whereas, Sylvester Barrett, T.D., spokesman on Transportation and Power in the Irish Parliament will be honored at this celebration; *Now, Therefore,*

Be It Resolved by the House of Representatives, that the membership of the House of Representatives of the Sixty-sixth General Assembly of the State of Iowa extends its heartiest congratulations to the city of Emmetsburg, Iowa in commemoration of their sixteenth year of observance of St. Patrick's Day; and

Be It Further Resolved, that a copy of this resolution be forwarded to the mayor, the city council and the citizens of Emmetsburg by the Chief Clerk of the House.

Laid over under Rule 25.

SPONSOR ADDED
(House File 1008)

Evans of Grundy requested that he be added as a sponsor of House File 1008.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 65 Agriculture

Relating to slaughter livestock purchasers, and mod-

ifying the method of certifying that a purchaser has established financial responsibility under federal law.

S. B. 66 Agriculture
Relating to the business of the slaughtering of livestock and amending the method of determining the required amount of a bond.

S. B. 67 Agriculture
Relating to the vaccination of female calves for bovine brucellosis.

S. B. 68 Transportation
Making an appropriation to the railroad assistance fund.

S. B. 69 Transportation
Relating to airports and aeronautics and providing for a fee.

REPORTS OF COMMITTEES

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 121**, a bill for an act relating to the taxation of coin-operated laundries, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

NORLAND of Worth, Chair

Small of Johnson, from the committee on commerce, submitted the following report:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 124**, a bill for an act to establish the license and qualifications of real estate apprentice salesmen, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended in accordance with amendment H—3238, filed March 6, 1975, and when so amended the bill do pass.**

SMALL of Johnson, Chair

Middleswart of Warren, from the committee on natural resources, submitted the following report:

MR. SPEAKER: Your committee on natural resources to whom was referred **House File 1129**, a bill for an act relating to the joint financing of water supply systems by public agencies, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

MIDDLESWART of Warren, Chair

AMENDMENTS FILED

H—5136

Amend the Senate amendment, H—5121, to House File 863, as amended and passed by the House as follows:

1. Page 1, by inserting after line 28 the following:

" ..... Page 5, by striking lines 16 through 31, and inserting in lieu thereof the following:

"For purposes of this section, the employer is obliged to furnish reasonable services and supplies to treat an injured employee. The employee has the right to choose the care. The employer's physician can require periodic observation to follow medical progress of the employee and correspond with the employee's designated practitioner in any area which could facilitate better treatment. If the employer's physician disagrees with the manner of treatment and progress of the employee, the employer may request alternate care. If the employer and employee cannot agree on such alternate care, the commissioner may, upon application and reasonable proof of the necessity therefore, allow and order other care." "

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

MILLER OF Buchanan

H—5138

Amend Senate File 1063, as passed by the Senate, as follows:

1. Page 1, by inserting after line 21, the following new section:

"Sec. ..... Section four hundred forty-one point two (441.2), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. The chairman of the conference board may be authorized by a two-thirds vote of the members, to approve all claims pertaining to the office of the assessor."

DEN HERDER of Sioux

H—5144

Amend House File 1115 as follows:

1. Page 2, lines 33 and 34, by striking the words "a newspaper having general circulation throughout the political subdivision" and inserting in lieu thereof the following: "the same newspaper or newspapers in which the budget was published".

HUTCHINS of Guthrie
HANSEN of O'Brien

H—5143

Amend House File 1157, page 1, line 25, by inserting

after the word "Act." the following: "However, the provisions of this Act shall not apply to persons employed by the state of Iowa or by its political subdivisions."

HANSEN of O'Brien
BITTLE of Polk
WELDEN of Hardin
MILLER of Buchanan
KREAMER of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:39 p.m. until 10:00 a.m., Friday, February 6, 1976.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day—Nineteenth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, FEBRUARY 6, 1976

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

Prayer was offered by the Reverend Ronald Babbitt, Department Chaplain, American Legion, and pastor of the Congregational Church, Sibley, Iowa.

The Journal of Thursday, February 5, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Vern Schlaser, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gentleman of Polk on request of Gilloon of Dubuque; Cusack of Scott on request of Dyrland of Clayton; Oakley of Clinton on request of Tauke of Dubuque.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Eighty members of the Linn County 4-H, accompanied by Keith Westercamp and Tom McCormick. By Lipsky of Linn.

Forty fifth grade students from Western Hills School, West Des Moines, Iowa, accompanied by Mrs. Huggins and Mrs. Liggett. By Bittle of Polk.

PETITION FILED

The following petition was received and placed on file:

By Howell of Floyd from twenty-two constituents against inclusion in the revised Criminal Code any section which would prohibit trapping in the state of Iowa.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 121, 124 and 1129, under Rule 36.

INTRODUCTION OF BILLS

House File 1185, by adult penal and correctional systems study committee, a bill for an act to provide a midshift meal to employees of the correctional institutions.

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

House File 1186, by adult penal and correctional systems study committee, a bill for an act relating to security arrangements for inmates from other institutions at the state university hospital.

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

House File 1187, by public boards and commissions study committee, a bill for an act to abolish certain boards, committees and councils.

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

House File 1188, by transportation finance study committee, a bill for an act relating to transportation funding by providing for the reallocation of certain sales and use tax revenues to the road use tax fund and by increasing vehicle registration fees.

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

House File 1189, by transportation finance study committee, a bill for an act to appropriate moneys from the general fund of the state to the road use tax fund and the street construction fund of the cities.

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

House File 1190, by duplicatory inspection requirements study committee, a bill for an act relating to state department of health inspectors.

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

House File 1191, by duplicatory inspection requirements study committee, a bill for an act relating to certain department of agriculture trust funds.

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

House File 1192, by duplicatory inspection requirements study committee, a bill for an act relating to licensing and inspecting restaurants, food establishments, taverns, hotels, motels, and motor inns.

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

House File 1193, by adult penal and correctional systems study committee, a bill for an act relating to access to information by the citizens' aide.

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

House File 1194, by adult penal and correctional systems study committee, a bill for an act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation.

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

House File 1195, by duplicatory inspection requirements study committee, a bill for an act relating to gas, gasoline, and motor fuel inspectors.

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

House File 1196, by duplicatory inspection requirements study committee, a bill for an act relating to concession booths at a fair or carnival.

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

House File 1197, by transportation finance study committee, a bill for an act relating to the levying of a tax to aid railroads within a district established to aid railroads.

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

House File 1198, by duplicatory inspection requirements study committee, a bill for an act relating to jurisdiction over septic tanks.

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

House File 1199, by Brandt, a bill for an act relating to the privacy of an employee and providing a penalty.

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

House File 1200, by committee on ways and means, a bill for

an act relating to the assessment date, collection period, and delinquency dates of property taxes.

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

House File 1201, by committee on education, a bill for an act relating to requirements for completion of driver's education courses.

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

House File 1202, by Hines, a bill for an act appropriating funds to the state board of regents for the construction of a turbine generator and auxiliaries at the Iowa state university of science and technology.

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

House File 1203, by Horn, a bill for an act to reduce all property valuations as of January 1, 1975, to the valuation of the property as of January 1, 1974.

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

House File 1204, by Cusack, Dunton, Hargrave, Brunow, Griffee, Avenson and Horn, a bill for an act relating to the transfer of funds between state departments, institutions and agencies.

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

House File 1205, by Hines, a bill for an act appropriating funds to the state board of regents for remodeling the veterinary medicine quadrangle at the Iowa state university of science and technology.

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

House File 1206, by Brandt, a bill for an act relating to insurance practices that may adversely affect members of one sex.

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

House File 1207, by West, a bill for an act relating to the determination of actual value of agricultural property for tax purposes.

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

House File 1208, by Hansen and Harper, a bill for an act providing a reward to persons materially aiding in enforcing a duty of child support and providing a penalty.

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

House File 1209, by Brandt, O'Halloran, Krause, Egenes and Tauke, a bill for an act providing for part-time career employment for state employees.

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

House File 1210, by Brunow and Millen, a bill for an act relating to retention from payment on public contracts and escrow agreements.

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

House File 1211, by O'Halloran, Griffee, Dunton, Newhard, Millen, Hargrave, Lipsky, Varley, Horn, Wyckoff, McElroy, Rinas, Junker, Miller of Buchanan, Mennenga, Hinkhouse, Woods, Cusack, Harper, Howell, Scheelhaase, Jochum, Perkins, Higgins, Harvey, Bennett, Dieleman, Gentleman, Brandt, Doyle, Welden, Lonergan, Jesse, Svoboda, Small and Hullinger, a bill for an act relating to the practice of nursing and providing for disciplinary procedures.

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

House File 1212, by committee on state government, a bill for an act requiring professional and occupational licensees to participate in continuing education as a condition of license renewal or inactive licensee reentry, delegating rule-making authority, eliminating mandatory annual renewal of licenses, and providing for legislative review of professional and occupational examining board activities.

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

House File 1213, by Harper, Gentleman, Tauke, Doyle, Brockett, Evans and Nealson of Muscatine, a bill for an act to provide a maximum statute of limitations for actions for injuries arising out of improvements to real property.

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

House File 1214, by Cusack, a bill for an act to provide a postal allowance for members of the general assembly.

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

House File 1215, by Millen, a bill for an act establishing a fee for use of certain state parks and recreational areas.

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

House File 1216, by committee on appropriations, a bill for

an act appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department.

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

House File 1217, by committee on appropriations, a bill for an act appropriating funds to the capitol planning commission for a central energy plant.

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

House File 1218, by committee on appropriations, a bill for an an act making an appropriation to the state board of regents for a seeds laboratory.

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

House File 1219, by adult penal and correctional systems study committee, a bill for an act relating to the Iowa security medical facility.

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

House File 1220, by Koogler and Harper, a bill for an act relating to payment of the costs of the care, maintenance, and treatment of alcoholics and persons suffering the effects of alcohol, and providing an appropriation.

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

SENATE MESSAGES CONSIDERED

Senate File 204, a bill for an act relating to registration of motor vehicles.

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

Senate File 547, a bill for an act relating to the financing of levees and drainage districts.

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

Senate File 1055, a bill for an act to legalize and validate the proceedings of the Board of Supervisors of Jasper County, Iowa, in their appointment of Kenneth L. Whitehead, Jasper County Attorney, as full-time Jasper County Attorney from part-time status, on the 15th day of July, 1975, and raising his annual salary from $12,500.00 to $22,500.00 effective the 1st day of August, 1975, and declaring the validity of said actions and authorizing

the issuance and payment of said annual salary of $22,500.00 to said Jasper County Attorney commencing on the 1st day of August, 1975, and declaring that said contractual appointment of Kenneth L. Whitehead as full-time Jasper County Attorney and the $22,500.00 salary commensurate with said change in status of the Jasper County Attorney shall constitute a valid and binding obligation upon Jasper County, Iowa.

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

Senate File 1063, a bill for an act relating to the certification of deputy assessors.

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

Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty.

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

Senate File 1072, a bill for an act making an appropriation to judicial courts and agencies.

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

HOUSE CONCURRENT RESOLUTION 106
By Fitzgerald

Be It Resolved by the House, the Senate Concurring, That a joint convention of the two houses of the Sixty-sixth General Assembly be held in the House chamber on Thursday, February 12, 1976, at 1:00 p.m.

Be It Further Resolved, That Senator Gene W. Glenn, a student on the life and works of Abraham Lincoln, be invited to deliver an address in observance of Lincoln's birthday.

Laid over under Rule 25.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1029, a bill for an act making appropriations to miscellaneous state agencies including the committee on the employment of the handicapped, the Iowa housing finance author-

ity, the board of medical examiners, the board of nurse examiners, the board of parole, the board of pharmacy examiners, the Spanish-American war veterans and the commission on the status of women, with report of committee recommending passage, was taken up for consideration.

Den Herder of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1029)

The ayes were, 87:

Anderson	Egenes	Krause	Pellett
Avenson	Evans	Kreamer	Poncy
Baker	Fitzgerald	Lageschulte	Readinger
Bennett	Gilloon	Lindeen	Rinas
Bina	Griffee	Lipsky	Scheelhaase
Bittle	Halvorson	Lonergan	Schroeder
Bortell	Hansen	McElroy	Spear
Brandt	Hargrave	Menke	Spencer
Brockett	Harper	Mennenga	Spradling
Brunow	Hennessey	Middleswart	Stromer
Byerly	Higgins	Middleton	Svoboda
Caffrey	Hines	Millen	Tauke
Clark	Hinkhouse	Miller, A. V.	Tofte
Crabb	Horn	Miller, K. D.	Varley
Crawford	Howell	Miller, O. L.	Walter
Daggett	Hullinger	Monroe	Wells
Danker	Husak	Newhard	West
Den Herder	Hutchins	Nielsen	Woods
Dieleman	Jesse	Norland	Wulff
Drake	Jochum	O'Halloran	Wyckoff
Dunton	Junker	Patchett	Mr. Speaker
Dyrland	Koogler	Pavich	

The nays were, 4:

Harvey	Nealson	Perkins	Welden

Absent or not voting, 8:

Branstad	Cusack	Gentleman	Oakley
Connors	Doyle	Jordan	Small

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the day on request of Wyckoff of Benton.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1032, a bill for an act appropriating funds to the

Iowa state arts council and the academy of science, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1032)

The ayes were, 88:

Anderson	Dyrland	Koogler	Perkins
Avenson	Egenes	Krause	Poncy
Baker	Evans	Kreamer	Readinger
Bennett	Fitzgerald	Lageschulte	Rinas
Bina	Gilloon	Lindeen	Scheelhaase
Bittle	Griffee	Lipsky	Schroeder
Bortell	Halvorson	Lonergan	Spear
Brandt	Hansen	McElroy	Spencer
Brockett	Hargrave	Menke	Spradling
Brunow	Harper	Mennenga	Stromer
Byerly	Harvey	Middleton	Svoboda
Caffrey	Hennessey	Millen	Tauke
Clark	Higgins	Miller, O. L.	Tofte
Connors	Hines	Monroe	Varley
Crabb	Hinkhouse	Nealson	Walter
Crawford	Horn	Newhard	Welden
Daggett	Howell	Nielsen	Wells
Danker	Hullinger	Norland	West
Den Herder	Husak	O'Halloran	Woods
Dieleman	Hutchins	Patchett	Wulff
Drake	Jesse	Pavich	Wyckoff
Dunton	Jochum	Pellett	Mr. Speaker

The nays were, 1:

Miller, K. D.

Absent or not voting, 10:

Branstad	Gentleman	Middleswart	Oakley
Cusack	Jordan	Miller, A. V.	Small
Doyle	Junker		

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

Senate File 1033, a bill for an act appropriating funds from the Iowa public employees' retirement system fund to the employment security commission for costs of the administration of the Iowa public employees' retirement system, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1033)

The ayes were, 91:

Anderson	Egenes	Kreamer	Perkins
Avenson	Evans	Lageschulte	Poncy
Baker	Fitzgerald	Lindeen	Readinger
Bennett	Gilloon	Lipsky	Rinas
Bina	Griffee	Lonergan	Scheelhaase
Bittle	Halvorson	McElroy	Schroeder
Bortell	Hansen	Menke	Spear
Brandt	Hargrave	Mennenga	Spencer
Brockett	Harper	Middleswart	Spradling
Brunow	Harvey	Middleton	Stromer
Byerly	Hennessey	Millen	Svoboda
Caffrey	Higgins	Miller, A. V.	Tauke
Clark	Hines	Miller, K. D.	Tofte
Connors	Hinkhouse	Miller, O. L.	Varley
Crabb	Horn	Monroe	Walter
Crawford	Howell	Nealson	Welden
Daggett	Hullinger	Newhard	Wells
Danker	Husak	Nielsen	West
Den Herder	Hutchins	Norland	Woods
Dieleman	Jesse	O'Halloran	Wulff
Drake	Jochum	Patchett	Wyckoff
Dunton	Koogler	Pavich	Mr. Speaker
Dyrland	Krause	Pellett	

The nays were, none.

Absent or not voting, 8:

Branstad	Doyle	Jordan	Oakley
Cusack	Gentleman	Junker	Small

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

Senate File 1034, a bill for an act making an appropriation to the employment security commission for Iowa public employees' retirement system administration for increased costs of professional services, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1034)

The ayes were, 88:

Anderson	Caffrey	Egenes	Higgins
Avenson	Clark	Evans	Hines
Baker	Connors	Fitzgerald	Horn
Bennett	Crabb	Gilloon	Howell
Bina	Crawford	Griffee	Hullinger
Bittle	Daggett	Halvorson	Husak
Bortell	Den Herder	Hansen	Hutchins
Brandt	Dieleman	Hargrave	Jesse
Brockett	Drake	Harper	Jochum
Brunow	Dunton	Harvey	Koogler
Byerly	Dyrland	Hennessey	Krause

Kreamer	Miller, A. V.	Pellett	Tauke
Lageschulte	Miller, K. D.	Perkins	Tofte
Lindeen	Miller, O. L.	Poncy	Varley
Lipsky	Monroe	Readinger	Walter
Lonergan	Nealson	Rinas	Welden
McElroy	Newhard	Scheelhaase	Wells
Menke	Nielsen	Schroeder	West
Mennenga	Norland	Spear	Woods
Middleswart	O'Halloran	Spencer	Wulff
Middleton	Patchett	Stromer	Wyckoff
Millen	Pavich	Svoboda	Mr. Speaker

The nays were, 2:

Danker	Hinkhouse

Absent or not voting, 9:

Branstad	Gentleman	Junker	Small
Cusack	Jordan	Oakley	Spradling
Doyle			

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

Senate File 1035, a bill for an act providing a salary range for the director of the Iowa real estate commission, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1035)

The ayes were, 86:

Anderson	Fitzgerald	Lindeen	Poncy
Avenson	Gilloon	Lipsky	Readinger
Baker	Griffee	Lonergan	Rinas
Bennett	Halvorson	McElroy	Scheelhaase
Bina	Hansen	Menke	Schroeder
Bittle	Hargrave	Mennenga	Spear
Bortell	Harper	Middleswart	Spencer
Brandt	Harvey	Middleton	Spradling
Brunow	Hennessey	Millen	Stromer
Byerly	Higgins	Miller, A. V.	Svoboda
Caffrey	Hinkhouse	Miller, K. D.	Tauke
Clark	Horn	Miller, O. L.	Tofte
Connors	Howell	Monroe	Varley
Crabb	Hullinger	Newhard	Walter
Crawford	Husak	Nielsen	Welden
Daggett	Hutchins	Norland	Wells
Den Herder	Jesse	O'Halloran	West
Drake	Jochum	Patchett	Woods
Dunton	Koogler	Pavich	Wulff
Dyrland	Krause	Pellett	Wyckoff
Egenes	Kreamer	Perkins	Mr. Speaker
Evans	Lageschulte		

The nays were, 8:

Brockett	Danker	Nealson

Absent or not voting, 10:

Branstad	Doyle	Jordan	Oakley
Cusack	Gentleman	Junker	Small
Dieleman	Hines		

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

House File 1141, a bill for an act appropriating funds to the state conservation commission to carry out various programs under the commission, was taken up for consideration.

Avenson of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1141)

The ayes were, 89:

Anderson	Egenes	Lageschulte	Perkins
Avenson	Evans	Lindeen	Poncy
Baker	Fitzgerald	Lipsky	Readinger
Bennett	Gilloon	Lonergan	Rinas
Bina	Griffee	McElroy	Scheelhaase
Bittle	Halvorson	Menke	Schroeder
Bortell	Hansen	Mennenga	Spear
Brandt	Hargrave	Middleswart	Spencer
Brockett	Harper	Middleton	Spradling
Brunow	Harvey	Millen	Stromer
Byerly	Hennessey	Miller, A. V.	Svoboda
Caffrey	Hines	Miller, K. D.	Tauke
Clark	Hinkhouse	Miller, O. L.	Tofte
Connors	Horn	Monroe	Varley
Crabb	Howell	Nealson	Walter
Crawford	Hullinger	Newhard	Welden
Daggett	Husak	Nielsen	Wells
Danker	Hutchins	Norland	West
Den Herder	Jesse	O'Halloran	Woods
Dieleman	Jochum	Patchett	Wulff
Drake	Koogler	Pavich	Wyckoff
Dunton	Kreamer	Pellett	Mr. Speaker
Dyrland			

The nays were, none.

Absent or not voting, 10:

Branstad	Gentleman	Junker	Oakley
Cusack	Higgins	Krause	Small
Doyle	Jordan		

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

HOUSE FILE 3 DEFERRED

Harper of Davis asked and received unanimous consent that **House File 3** be deferred and that the bill **retain its place on the calendar.**

REGULAR CALENDAR

(House File 303 Deferred)

House File 303, a bill for an act to allow contracts for haying on the medians of interstate highways, with report of committee recommending amendment and passage, was taken up for consideration.

Koogler of Mahaska offered the following amendment H—5069 filed by the committee on transportation:

H—5069

Amend House File 303 as follows:

1. Page 1, by striking lines 1 through 6 and inserting in lieu thereof the following:

"Section 1. Chapter three hundred six (306), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred sixty-three (163), is amended by adding the following new sections:

NEW SECTION. LIABILITY FOR HAY MOWED ON STATE ROAD AND HIGHWAY RIGHT-OF-WAY. The state and its political subdivisions and their agents and employees owe no duty of care to keep ditches or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating mowing equipment as provided for by this Act, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons who enter for the purposes of removing hay as provided for by this Act. The state and its political subdivisions and their agents and employees shall not be liable to persons injured due to the failure of persons authorized to mow and remove hay from road and highway right-of-way to exercise due care in such removal as provided by this Act.

NEW SECTION. On roads other than the fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and the state, the landowner or lessee may harvest grasses grown on the right-of-way of a road adjacent to his property after June fifteenth of each year.

Sec. 2. Chapter three hundred six A (306A), Code 1975, is amended by adding the following new section:

NEW SECTION. On roads other than the fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and the state, the landowner or lessee may harvest grasses grown on the right-of-way of a road adjacent to his property after June fifteenth of each year.

Sec. 3. Chapter three hundred seven A (307A), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters one hundred sixty-six (166) and one hundred sixty-seven (167), is amended by adding the following new section:

NEW SECTION. The commission may let contracts for the harvesting of grasses on the right-of-way or median of any fully controlled-access, divided, multilaned highway including the national system of interstate highways designated by the federal highway

Page 2

administration and the state. The commission shall adopt rules, pursuant to chapter seventeen A (17A) of the Code, as are necessary to assure the safety of persons operating vehicles on the highway and persons harvesting grasses on the right-of-way and median.

Sec. 4. Section three hundred seventeen point eleven (317.11), Code 1975, is amended to read as follows:

317.11 WEEDS ON ROADS OR HIGHWAYS. The board of supervisors shall destroy noxious weeds growing in secondary roads, and the state department of transportation shall destroy noxious weeds growing on primary roads. [Nothing herein shall prevent the landowner from harvesting, in proper season, the grass grown on the road along his land.] *On roads other than the fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and the state, the landowner or lessee may harvest grasses grown on the right-of-way of a road adjacent to his property after June fifteenth of each year.*"

Koogler of Mahaska asked and received unanimous consent that **House File 303** be deferred and that the bill **retain its place on the calendar.**

(Amendment H—5069 pending.)

APPROPRIATIONS CALENDAR

House File 1142, a bill for an act making appropriations to the state department of health for the funding of the state department of health and various programs under the department, was taken up for consideration.

Den Herder of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1142)

The ayes were, 81:

Anderson	Dyrland	Jochum	Pellett
Avenson	Egenes	Koogler	Perkins
Baker	Evans	Krause	Readinger
Bennett	Fitzgerald	Lindeen	Rinas
Bina	Gilloon	Lipsky	Scheelhaase
Bittle	Griffee	Lonergan	Schroeder
Bortell	Halvorson	McElroy	Spear
Brandt	Hansen	Menke	Spencer
Brockett	Hargrave	Mennenga	Spradling
Brunow	Harper	Middleswart	Stromer
Byerly	Hennessey	Millen	Svoboda
Caffrey	Higgins	Miller, A. V.	Tauke
Clark	Hines	Miller, K. D.	Varley
Connors	Hinkhouse	Miller, O. L.	Walter
Crabb	Horn	Monroe	Wells
Crawford	Howell	Newhard	West
Daggett	Hullinger	Norland	Woods
Den Herder	Husak	O'Halloran	Wulff
Dieleman	Hutchins	Patchett	Wyckoff
Drake	Jesse	Pavich	Mr. Speaker
Dunton			

The nays were, 5:

Harvey	Lageschulte	Nealson	Welden
Kreamer			

Absent or not voting, 13:

Branstad	Gentleman	Middleton	Poncy
Cusack	Jordan	Nielsen	Small
Danker	Junker	Oakley	Tofte
Doyle			

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on the afternoon of February 3 and on February 4 and 5 as I was in the hospital for minor surgery. Had I been present, I would have voted "aye" on House Files 1059, 1098 and Senate Files 1030 and 387, and "nay" on House Concurrent Resolution 104.

DAGGETT of Adams

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 6, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 59, an act exempting certain military personnel from obtaining a hunting or fishing license.

House File 1121, an act making a supplemental appropriation to the Department of Social Services for medical assistance.

Senate File 240, an act relating to undesirable fish.

Senate File 1060, an act relating to references to the Internal Revenue Code in the computation of individual and corporate income tax and the franchise tax and making the act retroactive.

SUBCOMMITTEE ASSIGNMENTS

House File 88
Natural Resources
Wyckoff, Chair
Varley
Millen

House File 449
Energy
Griffee, Chair
Jochum
Howell
Varley
Evans

House File 492
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

House File 557
Ways and Means
Bina, Chair
Wyckoff
Nealson of Muscatine
Spradling
Clark

House File 611
County Government
Spradling, Chair
Hutchins
West

House File 656
Energy
Doyle, Chair
Wells
Oakley
Den Herder
Evans
Jochum

House File 750
Ways and Means
Bina, Chair
Wyckoff
Nealson of Muscatine
Spradling
Clark

House File 757
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

House File 781
State Government
Hines, Chair
Connors
Drake

House File 785
Ways and Means
Husak, Chair
Baker
Hutchins
Danker
Bennett

House File 1004
Commerce
Small, Chair
Bina
Brockett
Evans
Halvorson
Hennessey
Lonergan
Jordan
Tauke

House File 1023
State Government
Hines, Chair
Junker
Svoboda

House File 1027
State Government
Monroe, Chair
Hines
Brandt
Drake
Crawford

House File 1028
State Government
Svoboda, Chair
Norland
Monroe
Bittle
Crawford

House File 1029
State Government
Small, Chair
Woods
Crawford

House File 1032
State Government
Monroe, Chair
Woods
Harvey

House File 1062
State Government
Brandt, Chair
Monroe
Bittle

House File 1065
State Government
Bittle, Chair
Hines
Brandt

House File 1066
State Government
Small, Chair
Woods
Harvey

House File 1069
Commerce
Krause, Chair
Walter
Evans

House File 1085
State Government
Svoboda, Chair
Norland
Monroe
Bittle
Crawford

House File 1090
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

House File 1093
Commerce
Hennessey, Chair
Lonergan
Evans

House File 1096
Judiciary and Law Enforcement
Bittle, Chair
Nielsen of Polk
Poncy

House File 1097
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

House File 1101
State Government
Woods, Chair
Dieleman
Harvey

House File 1102
Labor and Industrial Relations
Gilloon, Chair
Miller of Cerro Gordo
Daggett

House File 1103
Labor and Industrial Relations
Miller of Cerro Gordo, Chair
Poncy
Daggett

House File 1104
Judiciary and Law Enforcement
Jesse, Chair
Oakley
Newhard
Gentleman
Nielsen of Polk

House File 1105
Cities
Miller of Cerro Gordo, Chair
Rinas
Harvey
Nealson of Muscatine
Walter

House File 1106
State Government
McElroy, Chair
Svoboda
Hines

House File 1108
Judiciary and Law Enforcement
Middleton, Chair
Oakley
Nielsen of Polk

House File 1109
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 1110
Transportation
Harper, Chair
Gilloon
Wulff

House File 1112
Judiciary and Law Enforcement
Hennessey, Chair
Nealson of Muscatine
Poncy

House File 1117
Cities
Clark, Chair
Newhard
Anderson
Lipsky
Dieleman

House File 1118
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 1122
State Government
Patchett, Chair
Monroe
Drake

House File 1123
Agriculture
Hinkhouse, Chair
Danker
Crabb

House File 1126
State Government
Connors, Chair
Crawford
Dieleman

House File 1127
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 1128
State Government
Junker, Chair
Brandt
Connors

House File 1129
Natural Resources
Perkins, Chair
Millen
Hinkhouse

House 1130
State Government
Woods, Chair
Monroe
Drake

House File 1132
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

House File 1133
Transportation
Harper, Chair
Gilloon
Wulff

House File 1134
State Government
Hines, Chair
McElroy
Connors

House File 1135
Labor and Industrial Relations
Caffrey, Chair
Gilloon
Menke

House File 1136
Agriculture
Hinkhouse, Chair
Miller of Calhoun
Crabb
Lageschulte

House File 1137
Agriculture
Hinkhouse, Chair
Miller of Calhoun
Crabb
Lageschulte

House File 1139
Agriculture
Hinkhouse, Chair
Miller of Calhoun
Crabb
Lageschulte

House File 1140
Agriculture
Hinkhouse, Chair
Miller of Calhoun
Crabb
Lageschulte

House File 1144
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

House File 1145
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 1146
Cities
Clark, Chair
Newhard
Anderson
Lipsky
Dieleman

House File 1147
Labor and Industrial Relations
Caffrey, Chair
Pavich
McElroy

House File 1148
Judiciary and Law Enforcement
Oakley, Chair
Newhard
Woods

House File 1151
State Government
Svoboda, Chair
Norland
Monroe
Bittle
Crawford

House File 1160
Labor and Industrial Relations
Connors, Chair
Caffrey
Branstad

House File 1161
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 1166
Judiciary and Law Enforcement
Middleton, Chair
Brandt
Oakley

House File 1167
State Government
Svoboda, Chair
Norland
Monroe
Bittle
Crawford

House Joint Resolution 1002
State Government
Monroe, Chair
Fitzgerald
Bittle

Senate File 454
State Government
Norland, Chair
Dieleman
Monroe
Harvey
Junker

Senate File 484
Cities
Connors, Chair
Junker
Bina
Spear
Lindeen

Senate File 512
Natural Resources
Pellett, Chair
Halvorson
Hinkhouse

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S. B. 55
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

S. B. 59
Natural Resources
Middleswart, Chair
O'Halloran
Millen

S. B. 62
Energy
Hullinger, Chair
Perkins
Griffee
Gentleman
Welden

S. B. 63
Energy
Hullinger, Chair
Perkins
Griffee
Gentleman
Welden

S. B. 64
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 70 **Transportation**
To establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code.

S. B. 71 **Natural resources**
Relating to standards for water well construction and pumping equipment installation; to the certification and regulation of contractors involved in these fields and to provide penalties and making an appropriation.

S. B. 72 **Cities**
Establishing an Iowa building code, including a housing code and fire safety regulations, and providing penalties for violations.

S. B. 73 **Cities**
To itemize on the property tax bill the dollar amount which will go to various governmental subdivisions, (i.e. school districts, cities, counties and AEA).

S. B. 74 **Cities**
Relating to initiative and referendum for city government.

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the followings reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1216**, a bill for an act appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1217**, a bill for an act appropriating funds to the capitol planning commission for a central energy plant, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1218**, a bill for an act making an appropriation to the state board of regents for a seeds laboratory, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1031**, a bill for an act appropriating funds for the financing of programs under the administration of the Iowa employment security commission, the industrial commissioner, and the public employment relations board, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—5147

Amend the amendment, H—5068, to House File 3, page 1, by inserting after line 25 the following:

"This section shall not apply to a sidewalk bicycle. A sidewalk bicycle is a bicycle with a maximum height of not more than twenty-five inches, including the seat raised to its maximum height."

HENNESSEY of Delaware

H—5145

Amend Senate File 546, as amended and passed by the Senate, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter one hundred forty (140), Code 1975, is amended by adding the following new section:

NEW SECTION. Employees of the state department of health for venereal disease investigation shall use their personal vehicles in the performance of their official duties if the commissioner determines that it is necessary for an unmarked vehicle to be used. Any employee required to use an unmarked vehicle for conducting venereal disease investigation shall receive a mileage reimbursement at the rate of fifteen cents per mile for the use of the employee's personal vehicle in the performance of the employee's official duties."

2. Amend the title, line 1, by striking all of such title after the word "Act" and inserting in lieu thereof the words "relating to the use of unmarked motor vehicles for venereal disease investigations."

WYCKOFF of Benton

H—5150

Amend House File 1115 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* DEFINITIONS.

1. "Base year" means the preceding fiscal year.

2. "Political subdivision" means a city, county or any other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation except a school corporation subject to the provisions of chapter four hundred forty-two (442) of the Code.

3. "Limited budget" means that part of the budget including amendments for all funds of a political subdivision of this state which is used to pay salaries or wages of the public officers or employees including the obligations of the political subdivision for pension or retirement systems or unemployment compensation and the obligations of the political subdivision under the United States Social Security Act.

4. "Allowable growth" means a maximum increase in the proposed expenditures in the limited budget of a political subdivision for a fiscal year equal to nine percent of the proposed expenditures in the certified limited budget of such political subdivision for the base year.

Sec. 2. *NEW SECTION.* RESTRICTIONS ON EXPENDITURES—ALLOWABLE GROWTH. The proposed expenditures in the certified limited budget of a political subdivision, for the fiscal year commencing July 1, 1976 and for each fiscal year thereafter, shall not exceed the proposed expenditures in the certified limited budget of that political subdivision for the base year, plus the allowable growth for that political subdivision.

Sec. 3. *NEW SECTION.* PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED. The provisions of this Act shall not be construed as removing or otherwise affecting the property tax levy limitations otherwise provided by law for any fund, account, or program in the budget of a political subdivision.

Sec. 4. *NEW SECTION.* BUDGET APPEAL NOT AFFECTED. The provisions of this Act shall not be construed to prohibit or affect a protest filed with the state appeal board against the budget of a political subdivision subject to the provisions of this Act.

Sec. 5. *NEW SECTION.* SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the provisions of this Act shall apply to special chartered cities. The state appeal board may adopt such rules relating to budget forms and procedures as the state

Page 2

appeal board deems necessary to carry out the provisions of this Act regarding special charter cities.

Sec. 6. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Webster City Freeman-Journal, a newspaper published in Webster City, Iowa, and in the Story City Herald, a newspaper published in Story City, Iowa."

2. Amend the title, lines 1 and 2, by striking the words "budget hearing procedures and budget expenditure guidelines for" and inserting in lieu thereof the words "limitations on certain budget expenditures of".

EGENES of Story

H—5148

Amend House File 1217 as follows:

1. Page 1, line 2, by striking the words "capitol planning commission" and inserting in lieu thereof the words "general services department".

BROCKETT of Marshall

H—5151

Amend House Joint Resolution 1002 as follows:

1. Page 2, line 24, by inserting after the period the following: "In addition, the secretary of state is requested to send a certified copy to the clerk of the United States House of Representatives and to the secretary of the United States Senate."

CRABB of Crawford

H—5149

Amend the Temporary Rules of the House as follows:

1. By adding the following new paragraph to Rule 36:

"The release of a decision of a court of competent jurisdiction or an attorney general's opinion, effecting a proposed Act which may become a law of Iowa, such Act shall not be debated on the day of or the day following such release of information relating thereto."

SCHROEDER of Pottawattamie

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 12:01 p.m. until 10:00 a.m., Monday, February 9, 1976.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day—Twentieth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, FEBRUARY 9, 1976

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

Prayer was offered by the Reverend H. J. Thomas, pastor of the Union Baptist Church, Des Moines, Iowa.

The Journal of Friday, February 6, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patrick Kain, New Hampton, Iowa.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Thirty-three fifth grade students from Western Hills School, West Des Moines, Iowa, accompanied by Paul Linn. By Bittle of Polk.

PETITION FILED

The following petition was received and placed on file:

By Spencer of Clay from eighty-three residents of Clay County favoring changing the age to purchase alcoholic beverages from eighteen to nineteen years or older.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 1216, 1217, 1218 and Senate File 1031, under Rule 36.

COMMUNICATIONS

The following communications were received:

The families of Representative John Connors and Representative Bert Fullerton acknowledge with grateful appreciation your kind expressions of sympathy.

INTRODUCTION OF BILLS

House File 1221, by Welden, Millen, Oakley, Stromer, Drake, Schroeder, Tauke, Tofte, Menke, Varley, Lageschulte, Gentleman, Crawford, Branstad, Nealson of Muscatine, Wulff, Kreamer, Readinger, Egenes, Evans, West, Bortell, Halvorson, Daggett, Lindeen, Danker, Junker, Harvey, Hansen, Brockett, Crabb, Bittle, Den Herder, Bennett, McElroy, Lipsky and Pellett, a bill for an act providing for the orderly and timely adjournment of the general assembly by providing a procedure for adjournment and an expense and pay plan for members of the general assembly commensurate with a shortened legislative session.

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

House File 1222, by Baker, a bill for an act relating to the share of the decedent's estate passing to the surviving spouse under intestate succession.

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

House File 1223, by Gilloon, a bill for an act to provide for the allocation to counties from the secondary road fund and the farm-to-market road fund.

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

House File 1224, by Hennessey, Daggett, Brockett and Bina, a bill for an act relating to the compensation of persons suffering loss as a result of medical malpractice.

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

House File 1225, by Oakley, a bill for an act permitting for participation by attorneys in a legal service plan.

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

House File 1226, by Wells, a bill for an act relating to loans made by a credit union to its director.

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

House File 1227, by Lipsky, a bill for an act to provide limited tax incentives for the improvement of certain property by allowing a four-year tax moratorium for improvements to buildings

and to provide a one-year state income tax deduction for the actual amount paid for an improvement made in 1976 to a building up to a maximum of two thousand dollars retroactive to January 1, 1976.

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

House File 1228, by Lipsky, Wells and Horn, a bill for an act to establish special prekindergarten programs and to provide for their financing.

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

House File 1229, by Daggett, a bill for an act relating to hunting and subjecting violators to a penalty.

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

House File 1230, by public boards and commissions study committee, a bill for an act transferring the functions of the war surplus commodities board to the department of general services.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1064, a bill for an act to abolish certain boards, committees and councils.

STEVEN C. CROSS, Secretary

SENATE AMENDMENTS CONSIDERED

Crabb of Crawford called up for consideration **House File 24,** a bill for an act relating to public pay toilets and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5047

Amend House File 24, as amended and passed by the House, as follows:

1. Page 1, line 3, by striking the words "access to or".

The motion prevailed and the House concurred in the Senate amendment H—5047.

Crabb of Crawford moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 24)

The ayes were, 84:

Anderson	Drake	Jochum	Perkins
Baker	Dunton	Jordan	Readinger
Bennett	Dyrland	Koogler	Rinas
Bina	Egenes	Krause	Scheelhaase
Bittle	Evans	Lageschulte	Schroeder
Bortell	Fitzgerald	Lindeen	Small
Brandt	Gentleman	Lipsky	Spear
Branstad	Gilloon	Menke	Spencer
Brockett	Griffee	Mennenga	Spradling
Brunow	Halvorson	Middleswart	Stromer
Byerly	Hansen	Middleton	Svoboda
Caffrey	Harper	Miller, A. V.	Tauke
Connors	Higgins	Miller, K. D.	Tofte
Crabb	Hines	Miller, O. L.	Varley
Crawford	Hinkhouse	Nealson	Walter
Cusack	Horn	Newhard	Wells
Daggett	Howell	Norland	West
Danker	Hullinger	Oakley	Woods
Den Herder	Husak	Patchett	Wulff
Dieleman	Hutchins	Pavich	Wyckoff
Doyle	Jesse	Pellett	Mr. Speaker

The nays were, 5:

Avenson	Kreamer	Poncy	Welden
Harvey			

Absent or not voting, 10:

Clark	Junker	Millen	Nielsen
Hargrave	Lonergan	Monroe	O'Halloran
Hennessey	McElroy		

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

Patchett of Johnson called up for consideration **House File 243,** a bill for an act relating to absences of public employees for medically-related disability, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5058

Amend House File 243, as amended and passed by the House, as follows:

1. Page 1, line 30, by striking the word "included".

2. Page 1, by striking lines 31, 32, and 33.

3. Page 1, line 34, by striking the words "absence shall not be".

The motion prevailed and the House concurred in the Senate amendment H—5058.

Patchett of Johnson moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 81:

Anderson	Egenes	Jordan	Perkins
Avenson	Evans	Koogler	Poncy
Baker	Fitzgerald	Krause	Readinger
Bennett	Gentleman	Kreamer	Rinas
Bina	Gilloon	Lageschulte	Scheelhaase
Bortell	Griffee	Lindeen	Schroeder
Brandt	Halvorson	Lipsky	Small
Brockett	Hansen	Menke	Spear
Brunow	Harper	Mennenga	Spencer
Byerly	Harvey	Middleswart	Spradling
Caffrey	Higgins	Middleton	Stromer
Crabb	Hines	Miller, A. V.	Svoboda
Crawford	Hinkhouse	Miller, K. D.	Tauke
Cusack	Horn	Miller, O. L.	Varley
Daggett	Howell	Newhard	Walter
Den Herder	Hullinger	Norland	Wells
Dieleman	Husak	Oakley	West
Doyle	Hutchins	Patchett	Woods
Drake	Jesse	Pavich	Wulff
Dunton	Jochum	Pellett	Mr. Speaker
Dyrland			

The nays were, 6:

Bittle	Danker	Welden	Wyckoff
Branstad	Nealson		

Absent or not voting, 12:

Clark	Hennessey	McElroy	Nielsen
Connors	Junker	Millen	O'Halloran
Hargrave	Lonergan	Monroe	Tofte

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

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 3, a bill for an act relating to the use of reflectorized materials on bicycles, with report of committee recommending amendment and passage, was taken up for consideration.

Krause of Palo Alto offered the following amendment H—5068 filed by the committee on transportation:

H—5068

Amend House File 3 by striking lines 1 through 26 and inserting in lieu thereof the following:

"Section 1. Chapter three hundred twenty-one

(321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new section:

NEW SECTION. A person shall not operate or sell at retail any bicycle for use on any street or highway in this state unless the bicycle is equipped with reflective surfaces that shall be visible during the hours of darkness from a distance of five hundred feet from the front and three hundred feet from the sides and rear when viewed under lawful low beam head lamps under normal atmospheric conditions on a straight, level, unlighted roadway. The use of reflectors on bicycles required under this Act shall be in addition to lights required under section three hundred twenty-one point three hundred ninety-seven (321.397) of the Code.

The commissioner of public safety shall approve or disapprove the types of reflective materials required by this section and issue rules and regulations establishing performance standards for such reflective materials and publish lists of the types of the reflective surfaces which have been approved.

Sec. 2. The provisions of this Act shall become effective January 1, 1977."

Hennessey of Delaware offered the following amendment H—5147, to amendment H—5068, filed by him and moved its adoption:

H—5147

Amend the amendment, H—5068, to House File 3, page 1, by inserting after line 25 the following:

"This section shall not apply to a sidewalk bicycle. A sidewalk bicycle is a bicycle with a maximum height of not more than twenty-five inches, including the seat raised to its maximum height."

Amendment H—5147 was adopted.

Krause of Palo Alto asked and received unanimous consent that House File 3 be temporarily deferred.

(Amendment H—5068, as amended, pending.)

House File 836, a bill for an act relating to the civil rights commission, with report of committee recommending amendment and passage, was taken up for consideration.

Brandt of Black Hawk offered the following amendment H—5103 filed by her and moved its adoption:

H—5103

Amend House File 836 as follows:

Page 1, line 7, after the word "Code." insert the

following:

"If an employee of the state files a complaint under this chapter such employee shall not be allowed to file a complaint under chapter nineteen A (19A) of the Code. If a complaint is filed under chapter nineteen A (19A) of the Code, a complaint shall not be allowed to be filed under this chapter."

Amendment H—5103 was adopted.

Brandt of Black Hawk offered amendment H—5067 filed by the committee on judiciary and law enforcement. Division was requested as follows:

H—5067

Amend House File 836 as follows:

H—5067A

1. Page 1, by striking lines 8 through 10.

H—5067B

2. Page 1, line 24, by inserting after the word "court." the words "The commission shall respond to the complainants request within thirty days of receipt of the request."

3. By renumbering the remaining sections to accord with this amendment.

Brandt of Black Hawk moved the adoption of amendment H—5067A.

Amendment H—5067A lost.

Brandt of Black Hawk moved the adoption of amendment H—5067B.

Amendment H—5067B was adopted.

Brandt of Black Hawk offered the following amendment H—3716 filed by her and moved its adoption:

H—3716

Amend House File 836, page 1, line 24, by inserting after the period the sentence "The provisions of section six hundred one A point fourteen (601A.14) of the Code relating to confidentiality of information in a complaint filed with the commission shall not apply to the disclosure of information under this section."

Amendment H—3716 was adopted.

Brandt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 836)

The ayes were, 62:

Anderson	Fitzgerald	Koogler	Pellett
Avenson	Gentleman	Krause	Poncy
Baker	Gilloon	Lageschulte	Readinger
Bina	Griffee	Lipsky	Rinas
Brandt	Hargrave	Mennenga	Scheelhaase
Brunow	Harper	Middleswart	Small
Byerly	Hennessey	Middleton	Spear
Caffrey	Hines	Miller, A. V.	Spencer
Clark	Hinkhouse	Miller, O. L.	Spradling
Connors	Horn	Monroe	Svoboda
Crawford	Howell	Newhard	Tauke
Cusack	Husak	Norland	Walter
Dieleman	Jesse	O'Halloran	Wells
Doyle	Jochum	Patchett	Wulff
Dyrland	Jordan	Pavich	Mr. Speaker
Evans	Junker		

The nays were, 34:

Bennett	Dunton	Lonergan	Schroeder
Bittle	Egenes	McElroy	Stromer
Branstad	Halvorson	Menke	Tofte
Brockett	Hansen	Millen	Varley
Crabb	Harvey	Miller, K. D.	Welden
Daggett	Hullinger	Nealson	West
Danker	Hutchins	Oakley	Woods
Den Herder	Kreamer	Perkins	Wyckoff
Drake	Lindeen		

Absent or not voting, 3:

Bortell	Higgins	Nielsen

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

The House resumed consideration of **House File 3**, a bill for an act relating to the use of reflectorized materials on bicycles, and amendment H—5068, as amended.

Krause of Palo Alto offered the following amendment H—5157, to amendment H—5068, filed by Krause, Kreamer, Harper and Gilloon from the floor and moved its adoption:

H—5157

Amend H-5068 to House File 3 as follows:

1. Page 1, by striking lines 7 and 8 and inserting in lieu thereof the following:

"*NEW SECTION.* A person shall not sell any bicycle for use on any street or highway".

2. Page 1, by striking lines 26 and 27.

Amendment H—5157 was adopted.

(House File 3 and amendment H—5068, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1231, by Miller of Buchanan, a bill for an act relating to duration of agreements relating to joint law enforcement.

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

House File 1232, by Crabb, Doyle, Newhard, Lipsky and Spear, a bill for an act relating to the use of proceeds from the sale of livestock or agricultural products by an institution under the control of the department of social services.

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

House File 1233, by Spear, a bill for an act relating to a minimum enrollment for school districts.

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

House File 1234, by Harper, Halvorson, McElroy, Millen, Miller of Buchanan, Tofte and Wyckoff, a bill for an act to exempt certain industrial materials and equipment from retail sales and use taxes.

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

House File 1235, by Junker, Welden, Tofte, Miller of Buchanan, Millen, Halvorson, Middleswart, Evans, Harvey and Hutchins, a bill for an act relating to unemployment compensation law providing for the striking of a certain provision relating to unemployment compensation payments for voluntary quits.

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

House File 1236, by Bina, a bill for an act relating to violations of official traffic control devices when personal injury, property damage, or death do not occur, and providing a penalty.

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

House File 1237, by Schroeder, a bill for an act relating to requirements for budget approval of area education agencies.

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

House File 1238, by Egenes, Varley, Danker, Daggett, Nealson of Muscatine, West, Crabb, Bennett, Bortell, Wulff, Halvorson and Millen, a bill for an act relating to payment by the attorney general of court related costs and expenses.

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

House File 1239, by Halvorson, Wyckoff, Harper, Miller of Buchanan, Millen and Tofte, a bill for an act to allow a tax credit to individuals for the portion of corporate dividends upon which a tax has been paid by the corporation.

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

House File 1240, by Perkins, a bill for an act authorizing county boards of supervisors to adopt and implement a uniform rural address system.

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

House File 1241, by Perkins, a bill for an act requiring the use of mechanical ticket printers or similar devices by persons dispensing fuel oil or gasoline to consumer customers.

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

House File 1242, by Doyle, a bill for an act relating to public offenses chargeable upon uniform citation and complaint and providing for the scheduled fines and costs to be imposed for those offenses.

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

House File 1243, by Hennessey, Daggett, Bina and Brandt, a bill for an act relating to judgments in medical malpractice actions.

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

House File 1244, by Harvey, a bill for an act providing for executive and legislative overview and approval of administrative rules and relating to the Iowa administrative code.

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

House File 1245, by Hines and Crawford, a bill for an act to legalize and validate the proceedings of the city of Ames, in Story county, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa.

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

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

The House resumed session, Speaker Cochran in the chair.

UNANIMOUS CONSENT CALENDAR

Pursuant to Rule 26, we hereby request that House Resolution 103, filed February 5, 1976, and found on page 278 of the House Journal, be placed on the unanimous consent calendar.

KRAUSE of Palo Alto
RINAS of Linn
HUSAK of Tama

EXPLANATION OF VOTES

I was out of the House chamber Friday, February 6, 1976, attending a meeting on medical malpractice, and therefore missed voting on the following bills: Senate Files 1029, 1032, 1033, 1034 and 1035 and House Files 1141 and 1142. Had I been in the chamber, I would have voted "aye" on each of the bills.

DOYLE of Woodbury

I was necessarily absent from the House chamber when the vote was taken on House Files 24 and 243. Had I been present, I would have voted "aye."

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber on the morning of February 6. Had I been present, I would have voted "aye" on Senate File 1035.

DIELEMAN of Marion

SPONSORS ADDED

Cusack of Scott requested to be added as a sponsor to House File 1209.

Jordan of Linn requested to be added as a sponsor to House File 1203.

PROOF OF PUBLICATION

Published copy of House File 1245 and verified proof of publication of said bill in the Ames Daily Tribune, on January 27, 1976,

was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 75 County government
A joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

S. B. 76 Natural resources
Relating to civil damages for the taking of game or fur-bearing animals.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of February, 1976: House File 798.

DAVID L. WRAY,
Chief Clerk of the House

Report adopted.

AMENDMENTS FILED

H—5155

Amend House File 3 as follows:

1. Page 1, line 2, by inserting after the word "1975," the words "as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,".

2. Page 1, line 24, by inserting after the word "approved." the following:

"The provisions of this section shall apply to motor bicycles.

Sec. ..... Section three hundred twenty-one point one (321.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters sixty-seven (67) and one hundred seventy (170), is amended by adding the following new subsection:

NEW SUBSECTION. "Motor bicycle" means a two or more wheeled motor vehicle with an engine having a displacement no greater than fifty cubic centimeters as determined by the department and not capable of operation at a speed in excess of twenty-five miles per hour on level ground unassisted by human power."

3. Page 1, by inserting after line 24 the following:

"Sec. ..... Section three hundred twenty-one point one (321.1), subsection three (3), Code 1975, is

amended to read as follows:

3. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter [and a bicycle with motor attached] but excluding a tractor *and a motor bicycle.*

Sec. ..... Section three hundred twenty-one point thirty-four (321.34), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, *motor bicycle,* truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle.

Sec. ..... Section three hundred twenty-one point thirty-seven (321.37), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Registration plates issued for a motor vehicle other than a motorcycle, *motor bicycle* or a truck tractor shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof. The registration plate issued for a truck tractor shall be attached to the front thereof.

Page 2

Sec. ..... Section three hundred twenty-one point one hundred seventeen (321.117), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-one (171), section eleven (11), is amended to read as follows:

321.117 MOTORCYCLE AND HEARSE FEES. For all motorcycles *and motor bicycles* the annual fee shall be ten dollars. When said motorcycle *or motor bicycle* has been registered five times, the annual registration fee shall be five dollars. The annual registration fee for hearses shall be fifty dollars. Passenger car plates shall be issued for hearses.

Sec. ..... Section three hundred twenty-one point two hundred seventy-five (321.275), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The provisions of this section shall apply to motor bicycles.

Sec. ..... Section three hundred twenty-one point three hundred eighty-five (321.385), Code 1975, is amended to read as follows:

321.385 HEAD LAMPS ON MOTOR VEHICLES. Every motor vehicle other than a motorcycle *or motor bicycle* shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

Sec. ..... Section three hundred twenty-one point four hundred thirty (321.430), subsection one (1), Code 1975, is amended to read as follows:

1. Every motor vehicle, other than a motorcycle *or motor bicycle*, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so construed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

Sec. ..... Section three hundred twenty-one point four hundred thirty (321.430), subsection four (4), paragraph a, is amended to read as follows:

a. Any motorcycle *or motor bicycle.*"

4. Renumber sections and correct internal references in conformance with this amendment.

5. Amend the title, line 1, by striking the words "reflectorized materials on".

6. Amend the title, line 2, by inserting after

Page 3

the word "bicycles" the words "and motor bicycles".

HORN of Linn

H—5161

Amend the committee on transportation amendment H—5069, to House File 303, as follows:

1. Page 1, line 48, by striking the words "or median".

2. Page 2, lines 5 and 6, by striking the words "and median".

KRAUSE of Palo Alto

H—5158

Amend the Senate amendment H—5126, to House File 576, as follows:

1. Page 1, by striking lines 1, 2 and 3, and inserting in lieu thereof the following:

"1. Page 1, by striking lines 3 through 11 and inserting in lieu thereof the following:

Section 1. Chapter three hundred twenty-one (321), Code 1975, is amended by adding the following new section:

NEW SECTION. A person shall not drive or operate a new car or used car upon a public highway which has had the road clearance or center of gravity altered or modified in any manner which is prohibited by rules adopted by the director. The director shall adopt rules for determining which

vehicles may be granted an exemption from the provisions of this section.

Sec. 2. The provisions of this Act shall become effective July 1, 1977."

SCHROEDER of Pottawattamie
MILLER of Buchanan
LAGESCHULTE of Bremer
DRAKE of Muscatine

H—5170

Amend the Senate amendment H-5126 to House File 576 as follows:

Page 1, by striking lines 2 and 3 and inserting in lieu thereof the following: "as follows:

1. Page 1, line 4, by inserting after the second word "car," the word "motorcycle,".

2. Page 1, line 9, by inserting after the word "specifications" the following: "except those used cars which are twenty-five (25) years old or older".

3. Page 1, by inserting after line 9 the following:

"The department may by rule issue further exemptions of other classes of vehicles if it can be shown that the modification of the center of gravity is not detrimental to the safety features of the vehicle."

SPENCER of Clay
KRAUSE of Palo Alto
LAGESCHULTE of Bremer

H—5164

Amend House File 845 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* SHORT TITLE. This Act may be cited as the "Uniform Duties to Disabled Persons Act".

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Disabled condition" means the condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate.

2. "Disabled person" means a person in a disabled condition.

3. "Emergency symbol" means the caduceus inscribed within a six-barred cross used by the American medical association to denote emergency information.

4. "Identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency.

5. "Identifying card" means a card which bears the emergency symbol and the information needed in

an emergency.

6. "Peace officer" means a sheriff or deputy sheriff, policeman, or uniformed officer of the Iowa highway safety patrol.

7. "Reasonable search" means an examination of the disabled person to determine whether such person is wearing an identifying device around his or her neck or around his or her wrist or has an identifying device or card in his or her billfold or purse.

Sec. 3. *NEW SECTION.* IDENTIFYING DEVICES.

1. A person who suffers from epilepsy, diabetes, a cardiac condition, or any other type of illness that causes temporary blackouts, semiconscious periods, or complete unconsciousness, or who suffers from a condition requiring specific medication or medical treatment, is allergic to certain medications or items used in medical treatment, wears contact lenses, or is unable to communicate coherently or effectively in the English language, is authorized and encouraged to wear an identifying device.

2. Any person may carry an identification card bearing that person's name, type of medical conditon, physician's name, and other medical information.

Sec. 4. *NEW SECTION.* PEACE OFFICERS' DUTY.

1. A peace officer who finds a disabled person shall make a reasonable search of the disabled person to determine if he or she is wearing an identifying

Page 2

device or is carrying an identifying card. The peace officer is not required to make a reasonable search in a manner or to an extent that would appear to a reasonable person under the circumstances to cause an unreasonable risk of worsening the disabled person's condition. The reasonable search of the disabled person shall be conducted as soon as proper police procedures and proper emergency medical treatment will permit, but in all cases shall be performed prior to the person being placed in a detention facility.

2. A cause of action against a peace officer shall not arise from the peace officer making a reasonable search of the disabled person to locate an identifying device or identifying card, even though the person is not wearing an identifying device or carrying an identifying card.

3. A peace officer who determines or has reason to believe that a disabled person is suffering from an illness causing the condition shall promptly notify the person's physician, if practicable. If the officer is unable to ascertain the physician's identity or to communicate with the person, the officer shall make a reasonable effort to cause the disabled person to be transported immediately to a medical practitioner or to a facility where medical treatment is available.

If the officer believes it unduly dangerous to move the disabled person, the officer shall make a reasonable effort to obtain the assistance of a medical practitioner.

4. A search for an identifying device or an identifying card under this section is not a search incident to a lawful arrest and any item seized shall not be admissible in evidence in any criminal prosecution.

If the search under this section is made in conjunction with a search incident to a lawful arrest the admissibility of evidence seized shall not be affected.

Sec. 5. *NEW SECTION.* PENALTY. A person who with intent to deceive provides, wears, uses, or possesses a false identifying device or identification card or any person who violates a duty provided in section four (4) of this Act is guilty of a misdemeanor and upon conviction may be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days."

BRANDT of Black Hawk

H—5163

Amend House File 1115, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The maximum amount in dollars which may be levied by a city with a population of more than five hundred for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The general fund levy authorized pursuant to section three hundred eighty-four point one (384.1) of the Code.

2. The tax levy for the purpose of carrying out the terms of a contract for the use of a bridge by a city situated on a river over which a bridge has been built authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eight (8), of the Code.

3. The tax levy for the operation and maintenance of a municipal transit system and for the creation of a reserve fund for the system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection ten (10), of the Code.

4. The tax levy for the lease of a building or complex of buildings to be operated as a civic center authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eleven (11), of the Code.

5. The tax levy for operating and maintaining

a civic center owned by a city authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection twelve (12), of the Code.

6. The tax levy for planning a sanitary disposal system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection thirteen (13), of the Code.

7. The tax levy for an aviation authority authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fourteen (14), of the Code.

8. The tax levy for an authority for a joint city-county building authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fifteen (15), of the Code.

9. The tax levy for a levee improvement fund authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection sixteen (16), of the Code.

10. The tax levy to aid a railway authorized

Page 2

pursuant to section three hundred eighty-four point twelve (384.12), subsection seventeen (17), of the Code.

11. The tax levy to maintain an institution received by gift or devise authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eighteen (18), of the Code.

12. The tax levy to pay the premium costs on tort liability insurance authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection nineteen (19), of the Code.

13. The tax levy for the emergency fund authorized pursuant to section three hundred eighty-four point eight (384.8), of the Code.

Sec. 2. The maximum amount in dollars which may be levied by a county for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The tax levy for the emergency fund authorized pursuant to section twenty-four point six (24.6) of the Code.

2. The tax levy for the development, operation, and maintenance of a memorial building or monument authorized pursuant to section thirty-seven point eight (37.8) of the Code.

3. The tax levy for the purchase of voting machines authorized pursuant to section fifty-two point three (52.3) of the Code.

4. The tax levy for the county conservation board authorized pursuant to section one hundred eleven A point six (111A.6) of the Code.

5. The tax levy for indemnity payments and the inspection and testing program relating to bovine brucellosis eradication authorized pursuant to section one hundred sixty-four point twenty-three (164.23) of the Code.

6. The tax levy for the bovine tuberculosis eradication fund authorized pursuant to section one hundred sixty-five point eighteen (165.18) of the Code.

7. The tax levy for the fairground fund authorized pursuant to sections one hundred seventy-four point thirteen (174.13) and one hundred seventy-four point seventeen (174.17) of the Code.

8. The tax levy for the purpose of maintaining a county or multicounty juvenile home authorized pursuant to section two hundred thirty-two point twenty-two (232.22) of the Code.

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9. The tax levy for the veteran affairs fund authorized pursuant to section two hundred fifty point one (250.1) of the Code.

10. The tax levy for the poor fund authorized pursuant to sections two hundred fifty-two point forty-three (252.43) through two hundred fifty-two point forty-five (252.45) of the Code.

11. The tax levy for secondary road construction and maintenance authorized pursuant to section three hundred nine point seven (309.7) of the Code.

12. The tax levy for the road clearing fund authorized pursuant to section three hundred seventeen point nineteen (317.19) of the Code.

13. The tax levy for the purchase of weed eradicating equipment and materials authorized pursuant to section three hundred seventeen point twenty (317.20) of the Code.

14. The tax levy for an aviation authority authorized pursuant to section three hundred thirty A point fifteen (330A.15) of the Code.

15. The tax levy for the maintenance and improvement of cemeteries in the county authorized pursuant to section three hundred thirty-two point three (332.3) of the Code.

16. The tax levy for public disposal grounds authorized pursuant to section three hundred thirty-two point thirty-two (332.32) of the Code.

17. The tax levy for the county indemnification fund authorized pursuant to section three hundred thirty-two point thirty-eight (332.38) of the Code.

18. The tax levy for the operation, control, maintenance, and management of health centers authorized pursuant to section three hundred forty-six A point two (346A.2) of the Code.

19. The tax levy for the payment of claims for bounties on wild animals authorized pursuant to section

three hundred fifty point eight (350.8) of the Code.

20. The tax levy for the maintenance of a county library authorized pursuant to section three hundred fifty-eight B point thirteen (358B.13) of the Code.

21. The tax levy for the entering of contracts for the use of city libraries authorized pursuant to section three hundred fifty-eight B point eighteen (358B.18) of the Code.

22. The tax levy for ordinary county revenue and the election expense fund authorized pursuant to section four hundred forty-four point nine (444.9) of the Code.

23. The tax levy for the court expense fund authorized pursuant to section four hundred forty-

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four point ten (444.10) of the Code.

24. The tax levy for the county orphan fund authorized pursuant to section four hundred forty-four point eleven (444.11) of the Code.

25. The tax levy for the purpose of planning a sanitary disposal project or of paying interest and principal on bonds issued pursuant to section three hundred forty-six point twenty-three (346.23) of the Code which levy is authorized pursuant to section four hundred fifty-five B point eighty-one (455B.81) of the Code.

26. The tax levy for flood and erosion control projects authorized pursuant to section four hundred sixty-seven B point nine (467B.9) of the Code.

27. The tax levy for the maintenance of property received by a county by gift or devise authorized pursuant to section five hundred sixty-five point eight (565.8) of the Code.

Sec. 3. The maximum amount in dollars which may be levied by a special purpose district for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The tax levy by a benefited water district for the maintenance of the water system authorized pursuant to section three hundred fifty-seven point twenty-five (357.25) of the Code.

2. The tax levy by a benefited fire district to provide fire protection within the district authorized pursuant to section three hundred fifty-seven B point three (357B.3) of the Code and the levy authorized pursuant to section three hundred fifty-seven B point five (357B.5) of the Code which permits the county board of supervisors to continue the levy upon dissolution of the district until all debts and obligations of the dissolved district are paid.

3. The tax levy by a benefited street lighting

district authorized pursuant to section three hundred fifty-seven C point seven (357C.7) and three hundred fifty-seven C point eleven (357C.11) of the Code.

4. The tax levy authorized pursuant to section four hundred sixty-six point four (466.4) of the Code permitting a levy sufficient to raise the amount necessary for maintenance of a system to provide internal drainage necessary by the construction of a levee along a navigable stream forming a part of the boundary of the state.

5. The tax levy for a soil conservation district

Page 5

authorized pursuant to section four hundred sixty-seven A point twenty (467A.20) of the Code.

6. The tax levy authorized pursuant to section four hundred eighty-three point one (483.1) of the Code to provide aid to railroads.

Sec. 4. The maximum amount in dollars which may be levied by a public hospital for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The emergency tax levy authorized pursuant to section twenty-four point six (24.6) of the Code.

2. The tax levy for the operation, equipping, maintenance, improvement, and replacement of a county public hospital authorized pursuant to sections three hundred forty-seven point seven (347.7) and three hundred forty-seven point twenty-seven (347.27) of the Code.

3. The tax levy for the operation and maintenance of a county hospital authorized pursuant to section three hundred forty-seven A point three (347A.3) of the Code.

Sec. 5. The maximum amount in dollars which may be levied for the county agricultural extension education program authorized pursuant to section one hundred seventy-six A point ten (176A.10) of the Code for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent.

Sec. 6. The maximum amount in dollars which may be levied by a merged area school for general operations authorized pursuant to section two hundred eighty A point seventeen (280A.17) of the Code for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent.

Sec. 7. A political subdivision of the state subject to the provisions of this Act may initiate an appeal with the appropriate budget review committee

as designated in section nine (9) of this Act, based upon a natural disaster or any unusual circumstances, which creates the need for additional funds. The appropriate budget review committee may waive the maximum amount of dollars which may be levied under the provisions of this Act or the levy limitations provided by law.

Sec. 8. There is created a county budget review

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committee consisting of the following five members:

1. The state comptroller or his designee who shall serve as chairperson.

2. Three county officers appointed by the governor, one member selected from a county having an assessed valuation of:

a. Less than ninety-six million three hundred thousand dollars.

b. Ninety-six million three hundred thousand dollars or more but less than one hundred eighteen million five hundred twenty thousand dollars.

c. One hundred eighteen million five hundred twenty thousand dollars or more.

3. The certified public accountant appointed to the city finance committee under section three hundred eighty-four point thirteen (384.13) of the Code.

In addition to the circumstances creating a vacancy under section sixty-nine point two (69.2) of the Code, a vacancy shall exist when a county officer appointed under subsection two (2) of this section no longer holds a county office which qualifies such officer for appointment to this committee.

The county budget review committee shall meet at the call of the chairperson and adopt its own rules of procedure. The committee may hold public hearings. Actions taken or rules promulgated by the committee shall be subject to the provisions of chapter seventeen A (17A) of the Code.

The committee members, except the state comptroller and county officers who are full-time public officers, are entitled to a per diem of forty dollars for each day spent in the performance of committee duties and each member is entitled to reimbursement for his actual and necessary expenses incurred in performance of committee duties. The per diem and expenses shall be paid from funds appropriated to the state comptroller.

Sec. 9. The appropriate budget review committee to which a political subdivision may appeal is as follows:

1. The city finance committee created under section three hundred eighty-four point thirteen (384.13) of the Code for any city subject to the provisions of this Act.

2. The school budget review committee created

under section four hundred forty-two point twelve (442.12) of the Code for a merged area school created under chapter two hundred eighty A (280A) of the Code.

3. The county budget review committee for any other political subdivision of the state subject to

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provisions of this Act.

Sec. 10. Nothing in this Act shall be construed to prevent an appeal of a decision made by a budget review committee designated in section nine (9) of this Act to the state appeal board.

Sec. 11. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Eldora Herald-Index, a newspaper published in Eldora, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa."

2. Amend the title by striking everything after the word "Act" in line 1 and inserting in lieu thereof the words "relating to budgets of certain political subdivisions of the state by restricting the amount of dollars which can be raised by certain property tax levies, providing for appeals of limitations on property tax levies, imposing additional duties on the city finance committee and the school budget review committee, and creating a county budget review committee."

WEST of Marshall

H—5166

Amend House File 1145 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred seventy-three point eight (273.8), subsection one (1), Code 1975, is amended to read as follows:

1. BOARD OF DIRECTORS. The board of directors of an area education agency shall consist of the same number of directors as are authorized to serve on the board of the merged area under the provisions of chapter 280A, within the area being served by the area education agency. The members of the area education agency board shall be elected from director districts in the manner provided in this section. Each director shall serve a three-year term which expires on the first Monday in October[, except that directors elected at the initial election to take office on October 7, 1974, shall determine their respective terms by lot so that the terms of one-third of the members, as nearly as may be, shall expire on the first Monday of October of each succeeding year].

Sec. 2. Section two hundred seventy-three point eight (273.8), subsection two (2), Code 1975, is

amended by striking unnumbered paragraphs two (2) through six (6) and inserting in lieu thereof the following:

The governing board of an area education agency shall be a board of directors composed of one member elected from each director district in the area education agency by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the annual school elections for members whose terms expire on the first Monday in October following such elections. Vacancies on the board which occur more than ninety days prior to the next annual school election shall be filled at the next regular meeting of the board by appointment by the remaining members of the board. The members so chosen shall be a resident of the district in which the vacancy occurred and shall serve until the next annual school election, at which election a member shall be elected to fill the vacancy for the balance of the unexpired term. A vacancy shall be defined as in section two hundred seventy-seven point twenty-nine (277.29). No member shall serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

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Sec. 3. Terms of office of members of area education agency boards of directors serving on July 1, 1976 shall expire on October 4, 1976. Directors elected at the initial election on September 14, 1976 shall determine their respective terms by lot so that the terms of one-third of the members, as nearly as may be, shall expire on the first Monday in October of each succeeding year."

SPRADLING of Sioux

H—5162

Amend House File 1151 as follows:

1. Page 18, by striking line 6 and inserting in lieu thereof the following: "[chief executive of the league of Iowa municipalities, the]".

CLARK of Lee

H—5152

Amend House File 1157, page 7, by striking lines 17 through 32 and inserting in lieu thereof the following:

"An applicant for a license as a licensed social worker or a licensed master social worker who is employed on the effective date of this Act in a position for which a license would otherwise be required shall be granted a work permit as provided in section fifteen (15) of this Act. Such

applicants shall be exempted from any other requirements for a work permit. Work permits issued under this section shall not expire until the first issuance of licenses in 1978."

AVENSON of Fayette

H—5154

Amend House File 1157, page 4, line 27, by striking the words "for applicants who successfully complete" and inserting in lieu thereof the words "because of having successfully completed".

SVOBODA of Iowa

H—5167

Amend House Concurrent Resolution 104, found on page 194 of the House Journal, as follows:

1. Page 14, line 2, by inserting after "(5)" the following: "and Senate Concurrent Resolution Sixty-three (63)".

DOYLE of Woodbury

H—5168

Amend House Concurrent Resolution 104, found on page 194 of the House Journal, as follows:

1. Page 14, by inserting after line 2 the following:

"*Be It Further Resolved,* That it is the intent of the General Assembly, and it was the intent of the General Assembly at the time of the passage, of Senate Concurrent Resolution Sixty-three (63), that it have retroactive effect only.

DOYLE of Woodbury

H—5165

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 227A, by striking lines 5 through 9 and inserting in lieu thereof the following:

"Sec. 608. *NEW SECTION.* When an inmate is discharged, paroled, or placed on work release residing away from the institution, the warden or superintendent shall furnish the inmate, at state expense, transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan, appropriate clothing, and money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.

2. Upon being placed on work release residing away from the institution, fifty dollars.

3. Upon being discharged or paroled from an educational work release residing away from the institution, fifty dollars.

Those inmates receiving payment under subsections two (2) or three (3) of this section shall not be eligible for payment under subsection one (1) of this

section unless they are returned to the institution. The warden or superintendent shall maintain an account of all funds expended pursuant to this section."

2. Page 421, line 32, by inserting after the figure "(223.3)," the words "two hundred forty-five point fourteen (245.14),".

3. Page 421, line 34, by inserting after the figure "(246.23)," the words "two hundred forty-six point forty-four (246.44),".

SPEAR of Lee

H—5169

Amend Senate File 524, as amended and passed by the Senate, as follows:

1. Page 6, line 35, by inserting after the figures "*(496A.103)*" the words "*, subsection two (2) of section four hundred ninety-six A point one hundred forty-two (496A.142)*".

OAKLEY of Clinton

H—5160

Amend the committee on judiciary and law enforcement amendment H—5129, to Senate File 524 as passed by the Senate, as follows:

1. Page 1, line 46, by striking the word "the" and inserting in lieu thereof the word "a".

OAKLEY of Clinton

H—5153

Amend the committee on judiciary and law enforcement amendment H—5129 to Senate File 524, as amended and passed by the Senate, as follows:

1. Page 3, line 43, by striking "(496.44)" and inserting in lieu thereof "(496A.44)".

2. Page 4, line 36, by striking the word "unknown" and inserting in lieu thereof the word "known".

JESSE of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:36 p.m. until 10:00 a.m., Tuesday, February 10, 1976.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day—Twenty-first Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, FEBRUARY 10, 1976

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

Prayer was offered by the Reverend Delbert H. Dawes, pastor of the United Methodist Church, Maquoketa, Iowa.

The Journal of Monday, February 9, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Boeke, Osage, Iowa.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Thirty-five fifth and sixth grade students from Casey Elementary School, Casey, Iowa, accompanied by Mrs. Bassett and Miss Evans. By Varley of Adair, Hutchins of Guthrie and Pellett of Cass.

Ten students from Iowa Western Community College, Council Bluffs, Iowa, accompanied by Mike Knedler. By Pavich of Pottawattamie and Walter of Pottawattamie.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 6, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 736, a bill for an act relating to the reporting of accidents involving the transportation of hazardous materials.

Also: That the Senate has on February 6, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 74, a bill for an act relating to the use of tax money for purchase and improvement of schoolhouse sites.

Also: That the Senate has on February 6, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 476, a bill for an act to provide for the licensing of speech pathologists and audiologists and to establish an examining board.

Also: That the Senate has on February 6, 1976, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on February 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1089, a bill for an act making an appropriation to the moneys and credits replacement fund.

Also: That the Senate has on February 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1090, a bill for an act relating to the appropriation of the department of public safety made for the fiscal year beginning July 1, 1975.

STEVEN C. CROSS, Secretary

On motion by Fitzgerald of Webster, the House was recessed until 3:25 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1246, by Horn, a bill for an act relating to the powers of area vocational schools and area community colleges.

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

House File 1247, by Drake, Stromer, Varley, Danker, Lageschulte, Pellett, Daggett, Readinger, Egenes, Brockett, Lindeen, Nealson of Muscatine, West, Crabb, Bennett, Bortell, Gentleman, Wulff, Halvorson, Menke, Hansen, Den Herder, McElroy and Millen, a bill for an act making an appropriation to the railroad assistance fund.

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

House File 1248, by Halvorson, Millen and Tofte, a bill for an act to define computers and related types of equipment as personal property for purposes of property taxation.

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

House File 1249, by Millen, a bill for an act appropriating funds

to defer the expenses of certain ad hoc committees, councils and task forces.

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

House File 1250, by Wyckoff, Kreamer, Hansen and Miller of Buchanan, a bill for an act relating to gambling and lawful gambling as an exception thereto, and providing a tax and penalties, and providing for licensing, suspensions and revocations, and relating to reporting profits and injunctions in connection with gambling.

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

House File 1251, by Bina, a bill for an act authorizing the imposition of a countywide sales, services and use tax, appropriating the proceeds of such tax, providing property tax relief, and making the tax subject to applicable provisions of the Code, including violations.

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

House File 1252, by Daggett, Harvey, Lindeen, Nealson of Muscatine, West, Egenes, Crabb, Millen, Readinger, Bortell, Wulff, Halvorson, Tofte, Drake, Menke, McElroy, Hansen, Oakley and Varley, a bill for an act making an appropriation to the sewage works construction fund.

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

House File 1253, by Hansen, a bill for an act repealing the provision of the Iowa Consumer Credit Code which requires persons selling on both closed end and open end credit plans to give a notice of method of financing and rates every six months.

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

House File 1254, by West, Readinger, Brockett, Wulff, Halvorson, Menke, Crabb, Bortell, Drake, Millen, Stromer, Harvey and Nealson of Muscatine, a bill for an act relating to the reimbursement for property taxes paid and rent constituting property taxes paid to persons sixty-five years of age or older, certain persons fifty years of age or older, or totally disabled.

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

House File 1255, by Tauke and Gilloon, a bill for an act relating to the functions of area schools.

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

House File 1256, by committee on energy, a bill for an act relating to the identification of gasoline storage containers and prohibiting certain conduct under penalty of law.

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

House File 1257, by Jesse, Doyle, Kreamer, Bittle, Tauke, Oakley and Branstad, a bill for an act relating to the compensation of court reporters.

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

House File 1258, by Evans, a bill for an act relating to the provision of pathology services to county medical examiners by the university hospital at Iowa City.

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

House File 1259, by Hansen, Den Herder, McElroy, Crawford, Lipsky, Tauke, Welden, Halvorson, Wulff, Daggett, Harvey, Drake and Millen, a bill for an act relating to the composition of the board of parole and providing that a majority of the members of the board of parole shall constitute a quorum.

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

House File 1260, by Tauke and Halvorson, a bill for an act relating to the motor and special fuel gas tax as a percentage of the average wholesale cost per gallon.

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

SENATE MESSAGE CONSIDERED

Senate File 1064, a bill for an act to abolish certain boards, committees and councils.

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

HOUSE CONCURRENT RESOLUTION 107

By Committee on Agriculture

Whereas, the American farmer, through consistent and diligent effort, has increased the productivity of American agriculture; and

Whereas, the products of the American farm are a significant factor in providing food to the population of the world; and

Whereas, farmers are now facing restrictions on their right to engage in free trade in the international market place; and

Whereas, the situation now developing gives a clear confrontation of the principles of free trade opposed to government regulations; and

Whereas, involving agricultural products as tools of diplomacy in international relations can only result in hardships for American farmers with eventual repercussions throughout the entire American economy; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That we respectfully urge the President of the United States, officials of the administration, and the Congress of the United States, in their role in the conduct of foreign relations, refrain from treaties, agreements, or other instruments which impose artificial limitations upon the conduct of free trade in agricultural products. We further urge that such instruments in effect, or proposed in the future, be given the closest scrutiny in light of their potential adverse effects upon American farmers, and that the continuation of the policy of unwarranted intervention in the free market place be abandoned; and

Page 2

Be It Further Resolved, That copies of this resolution be forwarded to the President of the United States, all members of the Iowa Congressional delegation, the President of the United States Senate, and the Speaker of the United States House of Representatives.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 108

By Middleton, Jochum, Hutchins, Perkins, Hargrave, Poncy, Wulff, Gilloon, O'Halloran, Brandt, and Caffrey

Whereas, February is recognized as Black History Month; and

Whereas, the United States and the State of Iowa have been enriched by the combined and unified endeavors of all their people, including all minority groups, and their varied contributions; and

Whereas, the health and vigor of this nation and the representative form of government have been enhanced by members of the black race as well as other races; and

Whereas, it is only fitting in this bicentennial year to recognize and bring forth the achievements, contributions, enhancements, and development of the black race as well as other races; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the State of Iowa and the appropriate authorities of all private, parochial, and public schools observe February as Black History Month with emphasis on brotherhood and encourage in their selection

of educational materials continued attention to and consideration of the accomplishments and contributions of black people as well as other minority groups throughout history, and that the endeavors and goals set in the decades past be the challenge of the next one hundred years.

Laid over under Rule 25.

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

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

MOTION TO RECONSIDER PREVAILED
(House Concurrent Resolution 104)

Doyle of Woodbury called up for consideration the motion to reconsider **House Concurrent Resolution 104** relating to compensation of chaplains, officers and employees of the general assembly, filed on February 3, 1976, and moved to reconsider the vote by which House Concurrent Resolution 104 failed to be adopted by the House on February 3, 1976.

Roll call was requested by Kreamer of Polk and Tauke of Dubuque.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Nielsen of Polk refrained from voting.

On the question "Shall the vote by which House Concurrent Resolution 104 failed to be adopted be reconsidered?"

The ayes were, 56:

Anderson	Gilloon	Jochum	Perkins
Avenson	Griffee	Jordan	Poncy
Bina	Hargrave	Krause	Rinas
Brandt	Harper	Lonergan	Scheelhaase
Brunow	Hennessey	Mennenga	Small
Byerly	Higgins	Middleton	Spear
Caffrey	Hines	Miller, A. V.	Spencer
Connors	Hinkhouse	Miller, K. D.	Spradling
Cusack	Horn	Miller, O. L.	Svoboda
Dieleman	Howell	Monroe	Walter
Doyle	Hullinger	Newhard	Wells
Dunton	Husak	Norland	Woods
Dyrland	Hutchins	Patchett	Wyckoff
Fitzgerald	Jesse	Pavich	Mr. Speaker

The nays were, 37:

Baker	Den Herder	Kreamer	Pellett
Bennett	Egenes	Lageschulte	Schroeder
Bortell	Evans	Lindeen	Stromer
Branstad	Gentleman	Lipsky	Tauke
Brockett	Halvorson	McElroy	Tofte
Clark	Hansen	Menke	Varley
Crabb	Harvey	Millen	Welden
Crawford	Junker	Nealson	West
Daggett	Koogler	Oakley	Wulff
Danker			

Absent or not voting, 6:

Bittle	Middleswart	O'Halloran	Readinger
Drake	Nielsen		

The motion prevailed.

The House took up for consideration House Concurrent Resolution 104, found on pages 194 through 201 of the House Journal.

Brunow of Appanoose offered the following amendment H—5179 filed by him from the floor and moved its adoption:

H—5179

Amend House Concurrent Resolution 104 as follows:

1. Page 1, line 10, by striking "January 12, 1976" and inserting in lieu thereof "on the date of adoption of this resolution by both houses".

2. Page 1, lines 13 and 14, by striking "January 12, 1976" and inserting in lieu thereof "on the date of adoption of this resolution by both houses".

3. Page 1, line 17, by striking "January 12, 1976" and inserting in lieu thereof "on the date of adoption of this resolution by both houses".

Roll call was requested by Kreamer of Polk and Crabb of Crawford.

Rule 69 was invoked.

On the question "Shall amendment H—5179 be adopted?"

The ayes were, 63:

Anderson	Dieleman	Higgins	Krause
Avenson	Doyle	Hines	Lipsky
Baker	Dunton	Hinkhouse	Lonergan
Bina	Dyrland	Horn	Mennenga
Brandt	Fitzgerald	Howell	Middleton
Brunow	Gentleman	Hullinger	Millen
Byerly	Gilloon	Husak	Miller, A. V.
Caffrey	Griffee	Hutchins	Miller, K. D.
Clark	Hargrave	Jesse	Miller, O. L.
Connors	Harper	Jochum	Monroe
Cusack	Hennessey	Jordan	Newhard

Norland	Poncy	Spencer	Wells
Oakley	Rinas	Spradling	Woods
Patchett	Scheelhaase	Svoboda	Wyckoff
Pavich	Small	Tauke	Mr. Speaker
Perkins	Spear	Walter	

The nays were, 30:

Bennett	Egenes	Lageschulte	Readinger
Bortell	Evans	Lindeen	Schroeder
Branstad	Halvorson	McElroy	Stromer
Brockett	Hansen	Menke	Tofte
Crabb	Harvey	Nealson	Varley
Crawford	Junker	Nielsen	Welden
Daggett	Koogler	Pellett	Wulff
Danker	Kreamer		

Absent or not voting, 6:

Bittle	Drake	O'Halloran	West
Den Herder	Middleswart		

Amendment H—5179 was adopted.

Doyle of Woodbury offered the following amendment H—5167 filed by him and moved its adoption:

H—5167

Amend House Concurrent Resolution 104, found on page 194 of the House Journal, as follows:

1. Page 14, line 2, by inserting after "(5)" the following: "and Senate Concurrent Resolution Sixty-three (63)".

Amendment H—5167 was adopted.

Doyle of Woodbury offered the following amendment H—5168 filed by him and moved its adoption:

H—5168

Amend House Concurrent Resolution 104, found on page 194 of the House Journal, as follows:

1. Page 14, by inserting after line 2 the following:

"*Be It Further Resolved,* That it is the intent of the General Assembly, and it was the intent of the General Assembly at the time of the passage, of Senate Concurrent Resolution Sixty-three (63), that it have retroactive effect only.

Amendment H—5168 was adopted.

Doyle of Woodbury moved the adoption of House Concurrent Resolution 104.

Roll call was requested by Doyle of Woodbury and Wells of Linn.

Rule 70 was invoked.

Under the provisions of Rule 71, the following members refrained from voting: Millen, Stromer, Nielsen of Polk, Pellett, Bortell, Byerly and Den Herder.

On the question "Shall the resolution be adopted?" (H.C.R. 104)

The ayes were, 54:

Anderson	Griffee	Koogler	Perkins
Avenson	Hargrave	Krause	Poncy
Bina	Harper	Lonergan	Rinas
Brandt	Hennessey	Mennenga	Scheelhaase
Brunow	Higgins	Middleton	Small
Caffrey	Hines	Miller, A. V.	Spear
Connors	Hinkhouse	Miller, K. D.	Spradling
Cusack	Horn	Miller, O. L.	Svoboda
Dieleman	Hullinger	Monroe	Walter
Doyle	Husak	Newhard	Wells
Dunton	Hutchins	Norland	Woods
Dyrland	Jesse	Patchett	Wyckoff
Fitzgerald	Jochum	Pavich	Mr. Speaker
Gilloon	Jordan		

The nays were, 33:

Baker	Egenes	Kreamer	Readinger
Bennett	Evans	Lageschulte	Schroeder
Branstad	Gentleman	Lindeen	Spencer
Brockett	Halvorson	Lipsky	Tauke
Clark	Hansen	McElroy	Tofte
Crabb	Harvey	Menke	Varley
Crawford	Howell	Nealson	Welden
Daggett	Junker	Oakley	Wulff
Danker			

Absent or not voting, 12:

Bittle	Den Herder	Millen	Pellett
Bortell	Drake	Nielsen	Stromer
Byerly	Middleswart	O'Halloran	West

The motion prevailed and the resolution was adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, February 6, due to important consultations in Davenport regarding the future of certain juvenile justice programs and pressing needs of both the Commission on Aging for Senior Iowans and the Great River Bend Area Agency on Aging. Had I been present, I would have voted "aye" on the following bills: Senate Files 1029, 1032, 1033, 1034 and 1035, and House Files 1141 and 1142.

CUSACK of Scott

SPONSOR ADDED

Caffrey of Polk requested to be added as a sponsor to House File 1203.

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 77 Energy
Relating to the location and construction of major electric generating facilities and providing penalties.

S. B. 78 Energy
Creating an interagency coordinating council on radiation safety and prescribing its powers and duties.

S. B. 79 Education
Relating to the operation of external degree and nontraditional study programs.

S. B. 80 Education
To provide recreational, educational, and other community and social activities through the establishment of the community school as a center for such activities in cooperation with other community groups and pursuant to the needs, interests, and concerns of the community.

S. B. 81 Transportation
Relating to the requirement that a five-year road construction plan be prepared and adopted by cities with a population greater than five thousand.

S. B. 82 Agriculture
Relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides.

REPORTS OF COMMITTEES

Connors of Polk, from the committee on labor and industrial relations, submitted the following report:

MR. SPEAKER: Your committee on labor and industrial relations to whom was referred **House File 1147**, a bill for an act relating to elections conducted for certification of an employee organization, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

CONNORS of Polk, Chair

Higgins of Scott, from the committee on human resources, submitted the following reports:

MR. SPEAKER: Your committee on human resources to whom was referred **House File 1131**, a bill for an act relating to children in need of assistance, begs leave to report it has had the same under consideration

and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HIGGINS of Scott, Chair

Also:

MR. SPEAKER: Your committee on human resources to whom was referred **House File 1162,** a bill for an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committed to the state training school for boys or the state training school for girls, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HIGGINS of Scott, Chair

Small of Johnson, from the committee on commerce, submitted the following report:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 645,** a bill for an act relating to loans on residential real property by state banks, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

SMALL of Johnson, Chair

Krause of Palo Alto, from the committee on transportation, submitted the following report:

MR. SPEAKER: Your committee on transportation to whom was referred **House File 746,** a bill for an act relating to transportation of alcoholic liquors or beer, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5171

Amend House File 746, page 1, line 24, by inserting after the word *"not"* the word *"readily"*.

KRAUSE of Palo Alto, Chair

AMENDMENTS FILED

H—5174

Amend House File 124 as follows:

1. Page 12, line 32 by striking the figures "1976" and inserting in lieu thereof the figures "1977".

SCHROEDER of Pottawattamie

H—5175

Amend amendment H—3304 to House File 124 as follows:

1. Line 15 by striking the figures "1976" and

inserting in lieu thereof the figures "1977".
2. Line 16, by striking the figures "1976" and inserting in lieu thereof the figures "1977".

SCHROEDER of Pottawattamie

H—5173

Amend H—5164 to House File 845 as follows:
1. Page 2, by inserting after line 46 the following new section:
"Sec. ..... *NEW SECTION.* IMMUNITY FROM CIVIL LIABILITY. A peace officer shall not be civilly liable for his or her failure to perform any duty imposed by this Act."

BRANDT of Black Hawk

H—5177

Amend House File 1157, page 4, line 16, by inserting after the word "experience" the words ", or five years of full-time experience as a licensed social worker,".

HARGRAVE of Johnson

H—5172

Amend House File 1209 as follows:
1. Page 3, line 3, by inserting after the word "programs." the words "The state's contribution for insurance benefits for part-time career employees shall be prorated according to the average number of hours the employee works each week."

BRANDT of Black Hawk

H—5176

Amend House File 1212, page 2, by inserting after line 18 the following:
"y. The Iowa board of speech pathology and audiology examiners created pursuant to Senate File 476, as enacted by the Sixty-sixth General Assembly, 1976 Session."

BRANDT of Black Hawk

H—5178

Amend House File 1212 as follows:
1. Page 2, by striking all of line 4.

OAKLEY of Clinton

H—5180

Amend Senate File 546 as amended and passed by the Senate as follows:
1. Page 1, by inserting after line 17 the following new sections:
"Sec. ..... Section one hundred twenty-seven point

fifteen (127.15), Code 1975, is amended to read as follows:

127.15 REQUISITION BY DEPARTMENT. The state department of justice may, if the conveyance is such a one as may be used by said department in connection with its duties and the enforcement of the law, requisition said conveyance for said department and said requisition shall be delivered to the clerk of the district court of the county having jurisdiction of such conveyance, within ten days after the notice of judgment of forfeiture has been received by the bureau of investigation. *All requisitions of conveyances by the department of justice are subject to approval or disapproval by the director of the department of general services.* If said conveyance is not so requisitioned within ten days after the clerk of the district court has notified the department of justice of the judgment of forfeiture, then the conveyance shall be sold by the sheriff as provided in this chapter.

Sec. ..... Section one hundred twenty-seven point sixteen (127.16), Code 1975, is amended to read as follows:

127.16 ORDER FOR DELIVERY. When any such conveyance is requisitioned by the department of justice *pursuant to approval by the director of the department of general services,* the clerk of the district court shall immediately issue to the sheriff of the county or other officer having possession of said conveyance, an order directing that said conveyance be turned over to the state department of justice, or any of its duly commissioned agents directed by the attorney general to receive it.

Sec. ..... Section one hundred twenty-seven point nineteen (127.19), Code 1975, is amended to read as follows:

127.19 REQUISITION BY COUNTY OR CITY. The board of supervisors of a county or the council of any city in such county may apply to the department of justice that any motor vehicle seized in such county and requisitioned under sections 127.15 to 127.17, inclusive, be delivered to such board or council for use in performing official duties by officials and officers of the county or city. No officer of any county or city shall be allowed mileage for the performance

Page 2

of any official duty wherein he uses a publicly owned car. The department of justice [may] *shall* allow such application *as approved by the director of the department of general services* whereupon the automobile shall be delivered to the board of supervisors or to the council for use in accord with such application. Should the county and city both make application for

the same vehicle and the applications be granted, the vehicle shall be delivered to the public body whose officers first seized the vehicle.

Sec. ..... Section one hundred twenty-seven point twenty-three (127.23), Code 1975, is amended to read as follows:

127.23 OTHER STATE DEPARTMENTS. Any department of the state government needing a motor vehicle for official use may make written application therefor to the director of the department of general services. The director shall, if he determines that the department should have a motor vehicle, [by written application request] *direct* the department of justice to requisition a suitable motor vehicle for the applicant department whenever one is available, in the manner provided in this chapter. *The department of justice shall requisition such motor vehicles as directed by the director of the department of general services.* Whenever any department receives a motor vehicle under the provisions of this section, the department shall cause the court costs and all other costs incurred in connection with the confiscation and forfeiture of the motor vehicle to be paid to the clerk of the court or the sheriff of the proper county."

2. Strike page 2, line 24, through page 3, line 1, and insert in lieu thereof the following:

"Sec. ..... Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new section:

NEW SECTION. LABELING PUBLICLY OWNED MOTOR VEHICLES. All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of said vehicle. This label shall be designed to cover not less than one square foot of surface. This section shall not apply when approved by the director of the department of general services to any motor vehicle which shall be specifically assigned by the head of the department or office owning or controlling it, to enforcement of police regulations or to enforcement and control of venereal disease pursuant to chapters one hundred thirty-nine

Page 3

(139) and one hundred forty (140) of the Code. The department of justice shall not operate an unlabeled publicly owned motor vehicle.

Sec. ..... Section seven hundred forty point twenty-one (740.21), Code 1975, is repealed."

3. Amend the title, line 1, by striking the words "to exempt certain" and inserting in lieu thereof the words "relating to".

4. Amend the title, line 1, strike all after the

word "vehicles" and lines 2 and 3.
5. Renumber sections in conformance with this amendment.

MONROE of Des Moines
KREAMER of Polk
DOYLE of Woodbury
CUSACK of Scott
MILLER of Buchanan
BRUNOW of Appanoose
O'HALLORAN of Black Hawk
BRANDT of Black Hawk
HORN of Linn
BINA of Scott
CAFFREY of Polk
PATCHETT of Johnson
WELLS of Linn
SCHEELHAASE of Woodbury
SPEAR of Lee
KOOGLER of Mahaska
NORLAND of Worth
AVENSON of Fayette
BAKER of Buena Vista
HUSAK of Tama

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:58 p.m. until 10:00 a.m., Wednesday, February 11, 1976.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day—Twenty-second Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, FEBRUARY 11, 1976

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

Prayer was offered by the Reverend Roland Going, pastor of the Concordia Lutheran Church, Lake Park, Iowa.

The Journal of Tuesday, February 10, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. E. Jongewaard, Wesley, Iowa.

PETITION FILED

The following petition was received and placed on file:

By Hennessey of Delaware from eighteen constituents, teachers in the West Delaware School District of Manchester, favoring Senate File 205 relating to teacher fair dismissal.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 645, 746, 1131, 1147 and 1162, under Rule 36.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 9, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 812, a bill for an act to allow the governor to appoint the directors of certain commissions.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 812

H—5191

Amend House File 812 as passed by the House as follows:

1. Page 1, by striking lines 1 through 9.
2. Page 1, line 10, by striking the word and figure "Sec. 2." and inserting in lieu thereof the word and figure "Section 1.".
3. Page 1, line 14, by inserting after the word "commission." the words "The director shall serve at the pleasure of the governor.".
4. Page 1, line 15, by striking the figure "3." and inserting in lieu thereof the figure "2.".

ADOPTION OF HOUSE CONCURRENT RESOLUTION 106

Fitzgerald of Webster called up for consideration **House Concurrent Resolution 106** filed on February 6, 1976, and found on page 288 of the House Journal.

Fitzgerald of Webster offered the following amendment H—5181 filed by him from the floor and moved its adoption:

H—5181

Amend House Concurrent Resolution 106 as follows:
Page 1, line 4, by striking "1:00 p.m." and inserting in lieu thereof "10:00 a.m.".

Amendment H—5181 was adopted.

Fitzgerald of Webster moved the adoption of House Concurrent Resolution 106.

The motion prevailed and the resolution was adopted.

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 11, 1976, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 106, providing for a joint convention to observe Lincoln's birthday on February 12, 1976.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

House File 1218, a bill for an act making an appropriation to

the state board of regents for a seeds laboratory, was taken up for consideration.

Hines of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1218)

The ayes were, 96:

Anderson	Dyrland	Junker	Pellett
Avenson	Egenes	Koogler	Perkins
Baker	Evans	Krause	Poncy
Bennett	Fitzgerald	Lageschulte	Readinger
Bina	Gentleman	Lindeen	Rinas
Bittle	Gilloon	Lipsky	Scheelhaase
Bortell	Griffee	Lonergan	Schroeder
Brandt	Halvorson	McElroy	Small
Branstad	Hansen	Menke	Spear
Brockett	Hargrave	Mennenga	Spencer
Brunow	Harper	Middleswart	Spradling
Byerly	Harvey	Middleton	Stromer
Caffrey	Hennessey	Millen	Svoboda
Clark	Higgins	Miller, A. V.	Tauke
Crabb	Hines	Miller, K. D.	Tofte
Crawford	Hinkhouse	Miller, O. L.	Varley
Cusack	Horn	Monroe	Walter
Daggett	Howell	Nealson	Welden
Danker	Hullinger	Newhard	Wells
Den Herder	Husak	Nielsen	West
Dieleman	Hutchins	Oakley	Woods
Doyle	Jesse	O'Halloran	Wulff
Drake	Jochum	Patchett	Wyckoff
Dunton	Jordan	Pavich	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Connors	Kreamer	Norland

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

IMMEDIATE MESSAGE

(House File 1218)

Dunton of Keokuk asked and received unanimous consent that **House File 1218** be **immediately messaged** to the Senate.

REGULAR CALENDAR

SENATE FILE 1063 SUBSTITUTED FOR HOUSE FILE 1155

Hutchins of Guthrie asked and received unanimous consent to substitute Senate File 1063 for House File 1155.

Senate File 1063, a bill for an act relating to the certification of deputy assessors, was taken up for consideration.

Hutchins of Guthrie offered the following amendment H—5117 filed by him and moved its adoption:

H—5117

Amend Senate File 1063, as passed by the Senate, as follows:

1. Page 1, line 12, by striking the words *"or deputy assessor"*.

2. Page 1, line 17, by inserting after the period the following: *"A deputy assessor possessing such a certificate shall be considered eligible to remain in his or her present position."*

Amendment H—5117 was adopted.

Den Herder of Sioux offered the following amendment H—5138 filed by him:

H—5138

Amend Senate File 1063, as passed by the Senate, as follows:

1. Page 1, by inserting after line 21, the following new section:

"Sec. ..... Section four hundred forty-one point two (441.2), Code 1975, is amended by adding the following new paragraph:

***NEW PARAGRAPH.* The chairman of the conference board may be authorized by a two-thirds vote of the members, to approve all claims pertaining to the office of the assessor."**

Oakley of Clinton rose on a point of order that amendment H—5138 was not germane.

The Speaker ruled the point well taken and amendment H—5138 not germane.

Den Herder asked for unanimous consent to suspend the rules to consider amendment H—5138.

Objection was raised.

Den Herder of Sioux moved that the rules be suspended to consider amendment H—5138.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 35, nays 59.

The motion lost.

Miller of Buchanan asked and received unanimous consent that **Senate File 1063 be temporarily deferred.**

HOUSE FILE 1157 DEFERRED AND RETAINED

House File 1157, a bill for an act relating to the licensing and regulation of social workers and master social workers, the deposit of license fees for purposes of administration, and providing penalties for violations, was taken up for consideration.

Higgins of Scott offered the following amendment H—5122 filed by Higgins, et al., and moved its adoption:

H—5122

Amend House File 1157 as follows:

1. Page 1, by striking lines 13 through 20 and inserting in lieu thereof the following:

"2. "Social Work" means the specialized profession within the human service field composed of persons who have met the requirements for licensure specified in this Act.

3. "Social Worker" means a person licensed to practice social work under the provisions of this Act.

4. "Social Work Practice" means the disciplined application of accepted social work values, principles and methods by persons licensed under the provisions of this Act and done for compensation to effect change in human behavior and promote improved social and individual functioning, and to effect improvement in the social condition of individuals, families, groups, organizations and communities."

2. Page 1, line 22, by striking the words "or hold himself".

3. Page 1, by striking line 23.

4. Page 1, by striking lines 26 through 35 and inserting in lieu thereof the following:

"Nothing in this Act shall be construed to prevent individuals not licensed under the provisions of this Act from working within their respective professions or occupations if they do not hold themselves out to the public by any title as being a social worker or as being engaged in the practice of social work."

5. Page 2, by striking lines 1 and 2.

Amendment H—5122 was adopted.

Hansen of O'Brien offered the following amendment H—5143 filed by Hansen, et al., and moved its adoption:

H—5143

Amend House File 1157, page 1, line 25, by inserting

after the word "Act." the following: "However, the provisions of this Act shall not apply to persons employed by the state of Iowa or by its political subdivisions."

Roll call was requested by Harvey of Scott and Branstad of Winnebago.

On the question "Shall amendment H—5143 be adopted?"

The ayes were 55:

Avenson	Danker	Hutchins	Pellett
Baker	Den Herder	Jesse	Perkins
Bennett	Doyle	Jordan	Scheelhaase
Bina	Dunton	Junker	Schroeder
Bittle	Egenes	Lageschulte	Spear
Bortell	Evans	Lindeen	Spencer
Branstad	Fitzgerald	McElroy	Spradling
Brockett	Gilloon	Menke	Tofte
Brunow	Hansen	Mennenga	Varley
Byerly	Harper	Miller, K. D.	Welden
Caffrey	Hinkhouse	Miller, O. L.	West
Crabb	Horn	Newhard	Wyckoff
Cusack	Hullinger	Nielsen	Mr. Speaker
Daggett	Husak	Pavich	

The nays were, 35:

Anderson	Hargrave	Lonergan	Rinas
Brandt	Harvey	Middleton	Stromer
Clark	Hennessey	Miller, A. V.	Svoboda
Crawford	Higgins	Monroe	Tauke
Dieleman	Hines	Norland	Walter
Drake	Howell	Oakley	Wells
Dyrland	Jochum	Patchett	Woods
Gentleman	Krause	Poncy	Wulff
Halvorson	Lipsky	Readinger	

Absent or not voting, 9:

Connors	Kreamer	Millen	O'Halloran
Griffee	Middleswart	Nealson	Small
Koogler			

Amendment H—5143 adopted.

Fitzgerald of Webster asked and received unanimous consent that House File 1157 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **Senate File 1063**, a bill for an act relating to the certification of deputy assessors.

Hutchins of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1063)

The ayes were, 87:

Anderson	Dunton	Krause	Perkins
Baker	Egenes	Lageschulte	Poncy
Bennett	Evans	Lindeen	Rinas
Bina	Fitzgerald	Lipsky	Scheelhaase
Bittle	Halvorson	Lonergan	Schroeder
Bortell	Hansen	McElroy	Small
Brandt	Hargrave	Menke	Spear
Branstad	Harper	Mennenga	Spencer
Brockett	Harvey	Middleswart	Spradling
Brunow	Hennessey	Middleton	Stromer
Byerly	Higgins	Millen	Svoboda
Caffrey	Hines	Miller, A. V.	Tofte
Connors	Hinkhouse	Miller, K. D.	Varley
Crabb	Horn	Miller, O. L.	Walter
Crawford	Howell	Monroe	Welden
Cusack	Hullinger	Newhard	Wells
Daggett	Husak	Nielsen	West
Danker	Hutchins	Norland	Woods
Den Herder	Jesse	Oakley	Wulff
Dieleman	Jordan	Patchett	Wyckoff
Doyle	Junker	Pavich	Mr. Speaker
Drake	Koogler	Pellett	

The nays were, 8:

Avenson	Dyrland	Gilloon	Readinger
Clark	Gentleman	Jochum	Tauke

Absent or not voting, 4:

Griffee	Kreamer	Nealson	O'Halloran

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

IMMEDIATE MESSAGE
(Senate File 1063)

Hutchins of Guthrie asked and received unanimous consent that **Senate File 1063** be **immediately messaged** to the Senate.

HOUSE FILE 1155 WITHDRAWN

Hutchins of Guthrie asked and received unanimous consent to **withdraw House File 1155** from further consideration by the House.

HOUSE FILE 1039 WITHDRAWN

Dunton of Keokuk asked and received unanimous consent to **withdraw House File 1039** from further consideration by the House.

OFFICERS AND EMPLOYEES OF THE HOUSE
LIST OF PAY STEPS

		Step	
Assistant Chief Clerk and Reading Clerk	Robert F. Davies	C	Full-time
Legal Counsel	Dan L. Dudley	D	Full-time
Executive Secretary to Speaker	F. Ann Bernabe	D	Full-time
Research Assistant to Speaker	N. Kay Markell	C	Full-time
Research Assistant to Majority Leader	Terrie R. Groth	C	Full-time
Research Assistant to Minority Leader	Maryjo F. Welch	E	Full-time
Administrative Assistant to Majority Caucus	Joseph J. O'Hern	D	Session-only
Counsel to Minority Caucus	Gary Wolberg	A	Session-only
Research Assistant to Assistant Majority Leader	William C. Maloney	A	Session only
Research Assistant to Assistant Minority Leader	Sandra L. Githens	F	Session-only
Research Assistant to Speaker Pro Tempore	Robert D. Haug	A	Session-only
Research Assistant to Assistant Minority Leader	Darrel Branhagen	A	Session-only
Research Assistant to Ways and Means Chairman	Linda A. Tigges	E	Session-only
Public Information Office Director	Sharon R. Robinson	D	Full-time
Computer Terminal Operator	Janet Stevens	A	Full-time
Research Assistant to Appropriations Chairman	Michael J. Goedert	A	Session-only
House Research Assistant	Jay Honeycutt	A	Session-only
Executive Secretary to Chief Clerk	M. Maxine Mann	E	Full-time
Clerk to Chief Clerk	Cathy Kelly	B	Session-only
Clerk to Public Information Office Director	Linda W. Elliott	C	Full-time
Supervisor of Clerks	Evelyn K. Higginbottom	E	Session-only
Journal Editor	Elizabeth A. Isaacson	G	Full-time
Journal Clerk	Frances A. Stefani	B	Session-only
Assistant to the Legal Counsel	Elizabeth J. O'Connor	H	Full-time
Finance Clerk	Billie J. Walling	H	Full-time
Engrossing Clerk	Sally Blanton	C	Full-time
Assistant to the Legal Counsel and Enrolling Clerk	Pauline E. Kephart	H	Full-time
Supply Clerk	Virginia Rowen	A	Session-only
Swing Clerk	Catherine B. Holland	D	Session-only
Switchboard Operator	Betty C. Lawson	B	Session-only
Switchboard Operator	Donna L. Waters	G	Session-only
Bill Clerk	Phyllis J. Fraizer	H	Session-only
Assistant Bill Clerk	Madeline E. James	F	Session-only
File Clerk	Michelle Svejda	B	Session-only

		Step	
Postmaster	Ruth Spencer	A	Session-only
Sergeant-at-Arms	Ed McMillin	A	Session-only
Assistant Sergeant-at-Arms	John W. Russell	C	Session-only
Assistant Finance Clerk	Debra K. Rex	A	Full-time
Doorkeeper	Clarence O. Anderson	G	Session-only
Doorkeeper	Luman W. Bell	C	Session-only
Doorkeeper	Frank L. Christen	E	Session-only
Doorkeeper	Donald R. Emanuel	B	Session-only
Doorkeeper	Harold W. Johnson	B	Session-only
Doorkeeper	Russell Reeves	A	Session-only
Doorkeeper	Linda Johnson	A	Session-only
Porter	Calvin G. Pruitt	G	Full-time
Cloakroom Attendant	Bessie J. Bagby	B	Session-only
Page	Michael J. Becker	A	Session-only
Page	Kimberly K. Blunck	A	Session-only
Page	Brenda M. Burns	A	Session-only
Page	Michael T. Critelli	A	Session-only
Page	Nancy J. Gray	A	Session-only
Page	Victoria E. Haughton	A	Session-only
Page	Laura L. Higginbottom	A	Session-only
Page	Teresa Hutchins	A	Session-only
Page	Martin A. Levy	A	Session-only
Page	Janet Lyman	A	Session-only
Page	Paul Mikkelsen	A	Session-only
Page	Sheila Petsche	A	Session-only
Page	Michael D. Ralston	A	Session-only
Page	Karen A. Rollison	A	Session-only
Page	Jami Roth	A	Session-only
Page	Sandra K. Scheelhaase	A	Session-only
Page	Marlene Shainholtz	A	Session-only
Page	Julie M. Singelstad	A	Session-only
Page	Ann R. Taylor	A	Session-only
Page	Nancy Van Denover	A	Session-only
Page	Charles E. Wells	A	Session-only
Page	Don Willits	A	Session-only
Aide to Public Information Office	Virginia Lageschulte	$2.20 per hour	
Aide to Public Information Office	Bonnie Weaver	$2.20 per hour	

SUPPLEMENTAL REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Your committee on House administration reports the following resignations from the officers and employees of the House:

Earl I. Biting, Sr.—Assistant Sergeant-at-Arms, effective January 22, 1976

Robert E. Simpson—Research Assistant to Ways and Means Chair, effective January 22, 1976

Also:

MR. SPEAKER: Your committee on House administration reports the following appointments to the officers and employees of the House:

Michael J. Goedert—Research Assistant to Appropriations Chair, effective January 21, 1976

Linda A. Tigges—Research Assistant to Ways and Means Chair, effective February 3, 1976

John Russell—Assistant Sergeant-at-Arms, effective February 5, 1976

Linda Johnson—Doorkeeper, effective February 9, 1976

WELLS of Linn, Chair

SPONSOR WITHDRAWN

Hargrave of Johnson requested he be withdrawn as a sponsor of House File 121.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on the motion to reconsider House Concurrent Resolution 104, the adoption of amendment H—5179, and the adoption of House Concurrent Resolution 104. Had I been present, I would have voted "aye" on all of these.

O'HALLORAN of Black Hawk

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 83 Cities
Clarifying short term loans of cities.

S. B. 84 Cities
Relating to vacancy in elective city office.

S. B. 85 Cities
Clarifying the requirements for a proposed budget of a city.

S. B. 86 Cities
To amend financial provisions affecting cities and the entities in which cities are involved, by eliminating non-uniform bond procedures, correcting and clarifying budgeting provisions, modifying reporting requirements, clarifying interest and tax accounting requirements.

S. B. 87 Cities
To make corrections, clarify terminology, wording, and procedures, and eliminate conflicts in the city code.

S. B. 88 County government
Relating to the qualifications of a city or county assessor appointed to fill a vacancy which occurred prior to January 1, 1976.

REPORTS OF COMMITTEES

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following reports:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 1026,** a bill for an act relating to the appointment of conservators for veterans, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

JESSE of Polk, Chair

Also:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 1063,** a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

JESSE of Polk, Chair

Also:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 1148,** a bill for an act to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

JESSE of Polk, Chair

Monroe of Des Moines, from the committee on state government, submitted the following report:

MR. SPEAKER: Your committee on state government to whom was referred **House File 200,** a bill for an act relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state, and clarifying the right of a wholesale drug salesman to possess prescription drugs, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5197

Amend House File 200 as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred fifty-five point three (155.3), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. "Demonstrated bioavailability" is a term used to refer to the rate and extent of absorption of a drug or drug ingredient from a

specified dosage form, as reflected by the time-concentration curve of the drug or drug ingredient in the systemic circulation.

NEW SUBSECTION. "Manufacturer" means a person who prepares, compounds, processes or fabricates any prescription drug.

NEW SUBSECTION. "Packer" or "distributor" means a person who repackages or otherwise changes the container, wrapper or labeling of any prescription drug in furtherance of the distribution of the drug, but does not include a retailer who repackages a prescription drug at the time of sale to its ultimate consumer.

NEW SUBSECTION. "Brand name" or "trade name" means the registered trademark name given to a drug product or ingredient by its manufacturer, labeler or distributor.

NEW SUBSECTION. "Generic name" means the official title of a drug or drug ingredient published in an official compendium as defined in section two hundred three A point two (203A.2), subsection six (6), of the Code.

NEW SUBSECTION. The "finished dosage form" of a prescription drug is that form of the drug which is or is intended to be dispensed or administered to the patient, and which requires no further manufacturing or processing other than packaging, reconstituting and labeling.

Sec. 2. Section one hundred fifty-five point thirteen (155.13), subsection six (6), Code 1975, is amended to read as follows:

6. Substitution of a drug[,] *or* substance[, or brand] other than the drug[,] *or* substance [or brand] ordered in the prescription of a physician, dentist, podiatrist or veterinarian licensed by law.

Sec. 3. Chapter one hundred fifty-five (155), Code 1975, is amended by adding the following new section:

NEW SECTION. NONEQUIVALENT DRUG OR DRUG PRODUCT LIST. The board shall be responsible for designating drugs or drug products which, because of the lack

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of demonstrated bioavailability, would pose a substantial threat to the health, safety, and welfare of the people of Iowa if such drugs or drug products were subject to dispensing under the provisions of section four (4) of this Act. Within one hundred eighty days after the effective date of this Act, the board shall cause to be issued a list of those drugs or drug products which have been demonstrated as being nonequivalent and are not interchangeable as determined by the federal food and drug administration. The board shall mail a copy of the

nonequivalent drug or drug product list to each pharmacy registered with it and each physician, dentist, podiatrist and veterinarian licensed to practice in this state. Thereafter, the board shall from time to time make additions to or deletions from the nonequivalent drug or drug product list as determined by the federal food and drug administration. **Notification of such additions or deletions shall** be made promptly to each pharmacist registered with the board and each physician, dentist, podiatrist and veterinarian licensed to practice in this state.

Sec. 4. Chapter one hundred fifty-five (155), Code 1975, is amended by adding the following new section:

NEW SECTION. PRODUCT SELECTION BY PHARMACIST—RESTRICTIONS.

1. If a physician, dentist, podiatrist or veterinarian prescribes, either in writing or orally, a drug by its brand or trade name and does not specifically state that only that designated brand or trade name drug product is to be dispensed, and if the pharmacy to which the prescription is presented or communicated has in stock one or more other drug products with the same generic name and demonstrated bioavailability as the one prescribed, the pharmacist may exercise his or her professional judgment in the economic interest of the person purchasing the prescription by selecting a drug product generically **equivalent to but of equal or lesser cost than the** one prescribed for dispensing and sale to the person.

2. The pharmacist shall not dispense a generically equivalent drug product under this section if:

a. The prescriber indicates that no drug product selection shall be made; or

b. The person prescribing the prescription indicates that only the specific drug product prescribed is **to be dispensed; or**

c. The drug product to be dispensed is listed in the nonequivalent drug product list.

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Sec. 5. Section two hundred three A point two (203A.2), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. "Manufacturer" means a person who prepares, compounds, processes or fabricates any prescription drug.

NEW SUBSECTION. "Packer" or "distributor" means a person who repackages or otherwise changes the container, wrapper or labeling of any prescription drug in furtherance of the distribution of the drug or cosmetic, but does not include a retailer who repackages a drug or cosmetic at the time of sale to its ultimate consumer.

Sec. 6. Section two hundred three A point ten

(203A.10), subsection two (2), Code 1975, is amended to read as follows:

2. If in package form unless it bears a label containing (a) the name and place of business of the manufacturer[,] *and of the* packer[,] or distributor; and (b) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under clause "a" of this subsection reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board. *Any drug subject to and in compliance with section seven (7) of this Act shall be deemed in compliance with clause "a" of this subsection.*

Sec. 7. Chapter two hundred three A (203A), Code 1975, is amended by adding the following new section:

NEW SECTION. INFORMATION FILED AND PLACED ON LABELS. Any prescription drug, as defined in section one hundred fifty-five point three (155.3), subsection ten (10) of the Code, is misbranded unless:

1. The label sets forth:

a. The generic name of the drug, which shall be printed in a type size at least half as large as that used for the brand or trade name of the drug product; and

b. The name and place of business of the actual manufacturer of the finished dosage form of the drug and the name and place of business of the packer or distributor of the drug.

2. There has been filed with the board by the manufacturer packer or distributor of the drug a statement which is accurate with respect to the drug setting forth the information required by subsection one (1) of this section together with all additional information relating to demonstrated bioavailability, side effects, contraindications and effectiveness

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as may be required by rules of the board."

2. Amend the title by striking from line 4 the words "state, and" and by striking all of lines 5 and 6, and inserting in lieu thereof the word "state."

MONROE of Des Moines, Chair

AMENDMENTS FILED

H—5182

Amend House File 121 as follows:

1. Page 1, by adding after line 32 the following:

"Sec. 2. Section four hundred twenty-two point forty-two (422.42), subsection three (3), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Notwithstanding the foregoing provisions of this

subsection, the sale of newsprint and ink [delivered after the effective date of this Act] to any person[, firm or corporation] to be incorporated in or used in the printing of any newspaper, free newspaper or shoppers guide for publication in this state shall be considered as a sale at retail and such person[, firm or corporation] shall be deemed to be the consumer of such newsprint and ink and subject to the payment of sales tax. *The sale of foods exempt from the sales tax under section four hundred twenty-two point forty-five (422.45), subsection twelve (12), of the Code to any person to be sold by vending machines shall be considered as a sale at retail and such person shall be deemed the consumer of such foods and subject to the payment of sales tax.*

Sec. 3. Section four hundred twenty-two point forty-five (422.45), subsection twelve (12), Code 1975, is amended to read as follows:

12. Gross receipts from the sale of all foods for human consumption which are eligible for purchase with food coupons issued by the United States department of agriculture pursuant to regulations in effect on July 1, 1974, regardless of whether the retailer from which the foods are purchased is participating in the food stamp program. However, as used in this subsection, "foods" does not include meals prepared for immediate consumption on or off the premises of the retailer[, and does not include foods sold through vending machines].

Sec. 4. Section four hundred twenty-two point twenty-five (422.45), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred eleven (211), is amended by adding the following new subsection:

NEW SUBSECTION. Gross receipts from the sale of foods exempt from the sales tax under subsection twelve (12) of this section when dispensed by a vending machine."

2. Amend the title by striking the words "taxation of coin-operated laundries" and inserting in lieu thereof the words "retail sales tax".

BRANDT of Black Hawk

H—5184

Amend House File 121 as follows:

1. Page 1, line 9, by striking the words "car wash and wax;" and inserting in lieu thereof the following: "[car wash and wax;]".

BENNETT of Ida
EGENES of Story

H—5198

Amend House File 1063, page 4, by inserting after line 35 the following:

"Sec. ..... Chapter six hundred seventy-four (674), Code 1975, is amended by adding the following new section:

NEW SECTION. CHANGE OF CERTAIN MINOR CHILDREN'S NAMES. Notwithstanding section six hundred seventy-four point one (674.1) of the Code, if a natural parent has custody of his or her minor child and the child's legal surname is different from that of such natural parent, the parent may petition the district court in the manner prescribed by this chapter to have the child's surname changed to that of the natural parent having custody. Notice of the petition, either personal or constructive, shall be served upon the child's other natural parent. If the minor child is fourteen years of age or older, he or she shall file written consent to the proposed change of name."

BRANDT of Black Hawk

H—5195

Amend House File 1070 by striking everything after the enacting clause and inserting in lieu thereof the following:

Section 1. Section three hundred seven A point two (307A.2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters one hundred sixty-six (166) and one hundred sixty-seven (167), is amended by adding the following new subsection:

NEW SUBSECTION. Quadrennially beginning July 1, 1976, prepare, adopt and cause to be published the results of a study of all secondary, farm-to-market and local secondary roads in the state. The study shall be so designed to investigate present deficiencies and future twenty-year maintenance and construction needs of the roads and the ability of each applicable authority to meet the needs for the planning, construction, repair and maintenance of roads within their jurisdiction. The commission shall have the authority to gather information necessary to complete this study and shall be furnished such assistance from any state agency as necessary to prepare, update and publish prior to December thirty-first in even-numbered years the biennial report to be referred to as the "quadrennial needs study".

Sec. 2. Section three hundred twelve point three (312.3), subsection one (1), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

1. a. Apportion among the counties sixty percent of the allocation from the road use tax funds credited to the secondary road fund of the counties based upon the latest quadrennial update

of the twenty-year highway need study report developed by the state department of transportation referred to as the "quadrennial needs study" provided that a county shall not receive an amount allocated on the basis of needs that is less than that amount received for the fiscal year beginning July 1, 1975.

Forty percent of the allocation from the road use tax funds credited to the secondary road fund of counties shall be allocated among the counties in the proportion that the area of such county bears to the total area of the state.

Sec. 3. Section three hundred twelve point five (312.5), unnumbered paragraph (3), Code 1975, is amended to read as follows:

Need allotment farm-to-market road funds shall

Page 2

be allotted among the counties in the ratio that the needs of the farm-to-market roads in each county bear to the total needs of the farm-to-market roads in the state [for the twenty-year program developed by the automotive safety foundation and filed with the Iowa highway study committee created by chapter 426, Acts of the Fifty-eighth General Assembly, and which is on record at the department] *based upon the "quadrennial needs study" provided that a county shall not receive an allotment from the farm-to-market road funds based upon needs in an amount less than that amount received for the fiscal year beginning July 1, 1975.*

GILLOON of Dubuque

H—5192

Amend House File 1157 as follows:

1. Page 4, line 28, by striking the period and inserting in lieu thereof the following ", or".

BYERLY of Polk

H—5196

Amend House File 1157 as follows:

1. Page 4, by striking all after the second word "or" in line 25 and all of lines 26, 27 and 28.

BYERLY of Polk

H—5186

Amend House File 1212 as follows:

1. Page 3, by striking lines 9 and 10.

BRANDT of Black Hawk
MONROE of Des Moines
PATCHETT of Johnson

H—5190

Amend House File 1212 as follows:

1. Page 19, by striking lines 34 and 35.

2. Page 20, by striking lines 1 through 5 and inserting in lieu thereof the following:

"Sec. 34. This Act shall be effective on July 1, 1977."

BRANDT of Black Hawk

H—5194

Amend House File 1232 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred eighteen point seventy-four (218.74), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

218.74 SALE OF AGRICULTURAL PRODUCTS AND LEASE OF AGRICULTURAL PROPERTY. The proceeds from the lease of agricultural property and the sale of any livestock or agricultural product by any institution under the control of the department of social services shall be deposited with the treasurer of state and credited to a revolving account of the institution to be used for purchasing farm equipment and for farm operating expenses and repairs. This account shall not exceed fifty thousand dollars for each institution nor be subject to annual reversion. However, any amount in the account which exceeds fifty thousand dollars shall be credited to the general fund of the state."

2. Amend the title, line 1, by inserting after the word "from" the words "the lease of agricultural property and".

CRABB of Crawford

H—5185

Amend House File 1256 as follows:

1. Page 1, line 8, by striking the word "*five*" and inserting in lieu thereof the word "*six*".

2. Page 1, line 27, by striking the word "*five*" and inserting in lieu thereof the word "*six*".

TOFTE of Winneshiek

H—5189

Amend the committee on judiciary and law enforcement amendment H—5129, to Senate File 524, as amended and passed by the Senate, as follows:

1. Page 2, line 24, by striking the word "COMMITTEE" and inserting in lieu thereof the words "AND OTHER COMMITTEES".

2. Page 3, line 11, by striking the word ". However" and inserting in lieu thereof the word "; how-

ever".

3. Page 3, line 15, by striking the words "for issuance or" and inserting in lieu thereof the words "of the series".

4. Page 3, line 16, by striking the word "sale".

OAKLEY of Clinton

H—5193

Amend Senate File 524, as amended and passed by the Senate, page 6, line 33, by inserting after the word *"in"* the words *"section four hundred ninety-six A point two (496A.2) of the Code, in"*.

OAKLEY of Clinton

H—5183

Amend the Monroe, et al., amendment H—5180 to Senate File 546, as passed by the Senate, as follows:

1. Page 2, by striking lines 35 through 50, and **inserting in lieu thereof the following:**

"Sec. ..... Chapter one hundred forty (140), Code 1975, is amended by adding the following new section:

NEW SECTION. **Employees of the state department** of health for venereal disease investigation shall **use their personal vehicles in the performance of** their official duties if the commissioner determines that it is necessary for an unmarked vehicle to be used. Any employee required to use an unmarked vehicle for conducting venereal disease investigation shall receive a mileage reimbursement at the rate of fifteen cents per mile for the use of the employee's personal vehicle in the performance of the employee's official duties."

2. Page 3, by striking lines 1 through 3.

3. Amend the title, line 1, by striking everything after the word "Act", and by striking all of **lines 2 and 3 and inserting** in lieu thereof the following: "relating to the use of unmarked motor vehicles for venereal disease investigations and public-owned motor vehicles."

WYCKOFF of Benton

H—5187

Amend Senate File 546 as amended and passed by the Senate as follows:

Page 2, by striking line 33 and inserting in lieu thereof the words "enforcement [of police regulations] *and control*".

BAKER of Buena Vista
HORN of Linn

H—5188

Amend the amendment H—5180 to Senate File 546 as amended and passed by the Senate as follows:

Page 2, lines 48 and 49, by striking the words "enforcement of police regulations or to".

BAKER of Buena Vista
HORN of Linn

Note: **For explanation of brackets and italics see page 91 of the House Journal.**

On motion by Fitzgerald of Webster, the House adjourned at 5:17 p.m. until 9:45 a.m., Thursday, February 12, 1976.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day—Twenty-third Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, FEBRUARY 12, 1976

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

Prayer was offered by the Reverend John Clinton, pastor of the First Church of Iowa, Des Moines, Iowa.

The Journal of Wednesday, February 11, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. B. Dressler, Ida Grove, Iowa.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Fifteen National Honor Society students from Oelwein High School, Oelwein, Iowa, accompanied by Paul Doughty.

PETITIONS FILED

The following petitions were received and placed on file:

By Anderson of Jasper from twenty members of the Urban Mission Council of the United Methodist Church, urging support of an appropriation adequate to assure an increased level for ADC grants to Iowa families in need.

By Perkins of Greene from fifty-three constituents from the Manilla, Iowa, area opposing passage of the anti-trapping portion of Senate File 85, the criminal code revision bill.

By Gentleman of Polk from twenty residents of Polk County supporting the funding of ADC at one hundred percent of need.

By Gentleman of Polk from thirty-five residents of Polk County favoring passage of House File 79, regulating the practice of massage and providing a penalty.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 200, 1026, 1063 and 1148, under Rule 36.

INTRODUCTION OF BILLS

House File 1261, by Newhard, a bill for an act relating to eligibility of certain professions to form professional corporations.

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

House File 1262, by Nielsen of Polk, a bill for an act relating to the permissible age for qualifying for appointment as judicial magistrate.

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

House File 1263, by Jordan, a bill for an act relating to budgets of political subdivisions of the state by adjusting the valuations on property, establishing budget hearing procedures, and imposing certain limitations on budgets.

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

House File 1264, by Hansen, Dunton, Den Herder and Howell, a bill for an act relating to the definition of open-end credit as used in the Iowa Consumer Credit Code.

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

House File 1265, by Wyckoff, a bill for an act relating to the Iowa commission for the blind.

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

House File 1266, by West, Gentleman, Bortell, Brockett, Wulff, Tofte, Oakley, Drake, Pellett, Lindeen, Egenes, Bennett, Millen, Stromer and Varley, a bill for an act relating to budgets of certain political subdivisions of the state by restricting the amount of dollars which can be raised by certain property tax levies, providing for appeals of limitations on property tax levies, imposing additional duties on the city finance committee and the school budget review committee, and creating a county budget review committee.

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

House File 1267, by Halvorson, Millen and Tofte, a bill for an act relating to the deduction of federal corporate income tax

payments for computing taxable income for state corporate income tax purposes and making the Act retroactive.

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

House File 1268, by Hansen, Varley, Wyckoff, Junker, Welden, Den Herder, Crabb, Miller of Buchanan, Menke, Halvorson, Tofte, Miller of Calhoun and Nielsen of Polk, a bill for an act relating to qualifications to receive, and determination of, unemployment compensation benefits.

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

House File 1269, by Stromer, Hansen and Perkins, a bill for an act to provide a twenty percent refund for the motor fuel tax paid by an operator of a cement truck.

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

House File 1270, by Doyle, a bill for an act relating to determination of the base price of a motor vehicle for registration purposes.

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

House File 1271, by Spradling, Woods and Miller of Buchanan, a bill for an act relating to the licensing requirements for persons applying pesticides.

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

House File 1272, by Caffrey, a bill for an act relating to the licensing of insurance agents.

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

House File 1273, by Doyle, a bill for an act relating to the time of filing mechanic's liens by subcontractors.

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

House File 1274, by Spear, a bill for an act relating to determining time of membership service under the Iowa public employees' retirement system.

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

House File 1275, by Jordan, Miller of Buchanan, Rinas, Wyckoff, Krause, Hutchins, Hinkhouse, Scheelhaase, Danker, Bennett,

Tofte, Daggett and Miller of Cerro Gordo, a bill for an act relating to property taxation by revising the method of valuing property for tax purposes.

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

House File 1276, by Svoboda, Jochum, Horn, Tauke, Wyckoff, Husak, Drake, Hullinger, Gilloon, Branstad and Hennessey, a bill for an act to relieve counties of the duty to repay moneys loaned by the state to the counties for secondary road purposes in 1975.

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

House File 1277, by committee on county government, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol.

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

House File 1278, by committee on human resources, a bill for an act relating to certain reporting, licensing and confidentiality requirements pertaining to the Iowa drug abuse authority.

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

House File 1279, by committee on commerce, a bill for an act relating to liabilities arising out of the ownership, maintenance or use of certain motor vehicles, and providing mandatory benefits for victims of motor vehicle accidents without regard to fault, mandatory protection against loss due to liabilities, certain limitations in actions for damages arising out of the ownership, maintenance or use of motor vehicles, and administrative procedures, and providing penalties.

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

SENATE MESSAGES CONSIDERED

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

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

Senate File 1089, a bill for an act making an appropriation to the moneys and credits replacement fund.

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

Senate File 1090, a bill for an act relating to the appropriation of the department of public safety made for the fiscal year beginning July 1, 1975.

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

REREFERRED TO COMMITTEE ON TRANSPORTATION
(House File 303)

Koogler of Mahaska asked and received unanimous consent that **House File 303,** presently on the regular calendar, be rereferred to the committee on **transportation.**

REREFERRED TO COMMITTEE ON COMMERCE
(House File 1243)

The Speaker announced that **House File 1243,** previously referred to the committee on judiciary and law enforcement, was rereferred to the committee on **commerce.**

REREFERRED TO COMMITTEE ON HUMAN RESOURCES
(House File 1174)

The Speaker announced that **House File 1174,** previously referred to the committee on state government, was rereferred to the committee on **human resources.**

COMMITTEE TO NOTIFY THE SENATE

The hour for the joint convention having arrived, Griffee of Chickasaw moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed the following committee: Griffee of Chickasaw, Caffrey of Polk and Gentleman of Polk.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Griffee of Chickasaw, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

LINCOLN'S BIRTHDAY OBSERVANCE

In accordance with House Concurrent Resolution 6 duly adopted, the joint convention was called to order, President Neu presiding.

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

Senator Andersen of Woodbury moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to escort Senator Glenn to the rostrum to deliver an address in observance of Lincoln's birthday.

The motion prevailed and the President appointed as such committee Senators Andersen of Woodbury, Curtis of Cherokee and Redmond of Linn, on the part of the Senate, and Representatives Doyle of Woodbury, Husak of Tama and Drake of Muscatine, on the part of the House.

The committee waited upon Senator Glenn and escorted him to the Speaker's station.

President Neu introduced Senator Gene W. Glenn of Wapello County who addressed the joint convention as follows:

MR. PRESIDENT, MR. SPEAKER, DISTINGUISHED MEMBERS OF THE GENERAL ASSEMBLY, LADIES AND GENTLEMEN:

How appropriate that we honor the legacy of Lincoln during our Bicentennial Year. Who, more than this revered American, gave the sustenance of lasting cohesion to a people and a Nation fragmented by conflicting practices and principles?

"A house divided against itself cannot stand.

I believe that this government cannot endure permanently half slave and half free."

Thus did Abraham Lincoln eloquently cut to the heart of the fledgling democracy's dilemma. The institution of slavery, which subordinated black men and women to the status of chattels, could not be reconciled with the Constitution's nobler standards; nor could conscience longer condone such callous debasement of the human condition.

In the week before his issuance of the Emancipation Proclamation, a troubled Lincoln shared his concerns with Congressman John Covode. "I have studied that matter well; my mind is made up. . . . It must be done. I am driven to it."

Longfellow wrote that New Year's Day of 1863: "A great day. The President's Proclamation for Emancipation of Slaves in the rebel states, goes into effect. A beautiful day, full of sunshine, ending in a tranquil moonlight night. May it be symbolical."

Less beautiful did the edict appear in the insurrection areas. Property valued on the tax books at nearly $3 billion was confiscated by the stroke of Lincoln's pen. Could a more contentious consequence be conceived?

The moral issue merged with the political objective. In a letter dated August 22, 1862, Lincoln had set forth his paramount resolve:

> "I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored; the nearer the Union will be 'the Union as it was'. If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, *I* do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery."

Lest misunderstanding arise as to apparent ambivalence on the abolitionist question, he closed the letter in this manner:

> "I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men everywhere could be free."

Destiny's selection could hardly have been more random and less calculating. Life on the frontier was hardy, existence spartan. When Thomas Lincoln bought his second farm of 348½ acres on the South Fork of Nolin Creek, 18 miles southeast of Elizabethtown in Kentucky—for which he paid Isaac Bush $200 in cash and took on a small obligation due a former titleholder—creature comforts were scanty. In 1808 Tom Lincoln erected a cabin of logs on his land about two and a half miles from Hodgenville; the floor was dirt and a stick-clay chimney carried the fire smoke away.

With the aid of "the granny woman", Aunt Peggy Walters, a male child was born to Nancy Hanks and Thomas Lincoln, February 12, 1809. When asked what she was going to name him, Nancy responded: "Abraham, after his grandfather." She would die at the age of 34, leaving behind the nine-year-old Abe and twelve-year-old Sarah. Their lonesome days did not long endure; Thomas soon remarried, with his new wife bringing three children of her own into the one-room cabin. Modesty became sublimated to necessity, as eating, sleeping, washing and dressing took place in close proximity.

The young Lincoln's sparse education held no promise of future literary distinction; nor did the young gaunt giant glimpse his role in history. As he penned in his school sum book sheets:

> "Abraham Lincoln is my name
> And with my pen I wrote the same
> I wrote in both hast and speed
> And left it here for fools to read
> Abraham Lincoln his hand and pen
> He will be good but god knows when."

The theme of humility—near purposelessness—is recurrent through adolescence and young manhood. Paul Horgan captures it well in his

"Citizen of New Salem". "(Lincoln) assured those with whom he came in contact that he was a piece of floating driftwood; that after a winter of deep snow, he had come down the river with the freshet; borne along by the swelling waters, and aimlessly floating about he had accidentally lodged at New Salem . . ." His self-description was that of "a strange, friendless, uneducated, penniless boy, working on a flat boat—at ten dollars a month."

Self-doubt notwithstanding, following a stint in the military service during the Black Hawk War of 1832, the youthful Lincoln stood as a candidate for the Illinois Legislature from New Salem. Tall, gawky and rough looking, appearing much like the proverbial bumpkin, his competent speech-making gained him a surprising number of supporters and he fell but slightly short of success in a district where he had lived just over a year. Becoming a storekeeper to sustain himself, Lincoln commenced the study of law on the side. Mentor Graham, his schoolmaster, noted that "he was so studious he somewhat impaired his health and constitution"; other friends feared he "might bring on a mental derangement". But Lincoln persisted and his teacher proudly observed of the grown-up student: "I have taught in my life from four to six thousand pupils as a schoolmaster and no one has ever surpassed him in rapidly, quickly and well acquiring the rudiments and rules of English grammar."

The rude prairie frontier life demanded physical toughness; Lincoln's fame as a wrestler, jumper and runner rapidly grew. Rowan Herndon described him as "by fare the stoutest man that I ever took hold of," after he had seen him lift between 1,000 and 1,300 pounds of rock laid in a box. When he felled trees in the forest, observers thought his ax must be wielded by three men.

When his store failed, Lincoln secured appointment as postmaster and thereafter public surveyor. Again, Lincoln stood for the Legislature and on August 4, 1834, he was elected an Assemblyman of the Ninth General Assembly of the Illinois Legislature recording the highest vote cast for any candidate. Reelected in 1836, he debated and voted upon such familiar matters as the establishment of circuit courts, the powers of justices of the peace, questions of taxation, banking, incorporation of insurance companies, public roads, bridges, and education. During this term he acquired the reputation among his peers as "the smartest parliamentarian and cunningest 'log-roller'". In a joint statement with Assemblyman Dan Stone, his fellow townsman, Lincoln noted that "the institution of slavery is founded on both injustice and bad policy." His mind having been nurtured in the classics, his friendships broadened in the friendly environs of New Salem, his political skills and instincts honed in the Illinois Assembly; Lincoln now gained admittance to the practice of law and moved to Springfield where the Congress, the White House, and a rendezvous with history awaited him.

In his First Inaugural Address, delivered in 1861, Abraham Lincoln confronted the herculean task of maintaining the Union:

> "The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And, finally in 1787, one of the declared objects for

ordaining and establishing the Constitution was 'to form a more perfect Union'. . . .

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken; and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all of the States."

Lincoln alluded to the necessity of majority rule in governing:

"From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must or the Government must cease. There is no other alternative; for continuing the Government is acquiescence on one side or the other."

He extended the hand of friendship:

"We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection."

Lincoln's eloquent plea availed not and a bloodbath ensued between North and South that exacted the lives of some 620,000 Americans. With the end of the War in sight, Lincoln used the occasion of his Second Inaugural Address to heal the awful breach that had been opened:

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

The assassin's bullet that snuffed out this titan's life failed to deflect a people from the reconciliation he espoused. In the one hundred and ten years since that tragic event, the Nation's wounds have long since been healed and the cause of equal justice for all—though at times halting, sometimes strident—advanced beyond frontiers scarcely dreamed in Lincoln's day.

He would have delighted in this internal uplifting of the human condition; he would have marvelled at the scientific and economic progress attained; he would have wept at the colossal struggles America has endured abroad to remain free.

In this our Bicentennial Year, when we acknowledge the immeasurable contribution rendered by this honored American, may we rededicate ourselves to his magnificent injunction: "To do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Fitzgerald of Webster moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Cochran in the chair.

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

HOUSE RESOLUTION 104

By Hines, Perkins and Hutchins

Whereas, the administration under the guidance of President Ford is trying to cut the budget of the federal government by three hundred twelve million (312,000,000) dollars and these cuts include:

One hundred twenty-five million (125,000,000) dollars for rural water and sewer grants;

Delaying fifty million (50,000,000) dollar rural water and sewer grants until next year;

Twelve point three million (12.3) dollars from rural development;

Four point three million (4.3) dollars for rural fire protection;

Delaying ninety million (90,000,000) dollars for rural conservation programs for one year, and

Whereas, These cuts would cut this years water and sewer budget by seventy (70) percent, and

Whereas, The budget for these programs has already been passed by Congress and approved by the President, and

Whereas, These budget cuts show total disregard by the President for the state of Iowa and the voters of this state: *Now, Therefore,*

Be It Resolved by the House of Representatives, That the Iowa House of Representatives opposes these cuts and strongly urge the congressional delegation from Iowa to

Page 2

use every means available to oppose these budget cuts, and

Be It Further Resolved, That a copy of this resolution be forwarded to President Ford and all members of the Iowa Congressional delegation.

Laid over under Rule 25.

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

The House resumed session, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque, Hines of Story and Dyrland of Clayton for the afternoon session and Dyrland of Clayton for February 13, 1976, on request of Cusack of Scott.

CONSIDERATION OF BILLS

REGULAR CALENDAR

The House resumed consideration of **House File 1157,** a bill for an act relating to the licensing and regulation of social workers and master social workers, the deposit of license fees for purposes of administration, and providing penalties for violations.

Lipsky of Linn offered the following amendment H—5202 filed by her from the floor and moved its adoption:

H—5202

Amend House File 1157 as follows:
1. Page 1, line 25, by inserting after the period the following: "This Act shall apply only to those persons engaging in the independent practice of social work."

Roll call was requested by Svoboda of Iowa and Krause of Palo Alto.

Rule 69 was invoked.

On the question "Shall amendment H—5202 be adopted?"

The ayes were, 40:

Bennett	Daggett	Horn	Miller, O. L.
Bittle	Danker	Hullinger	Nealson
Bortell	Den Herder	Hutchins	Nielsen
Branstad	Dunton	Jesse	Oakley
Brockett	Egenes	Jordan	Pellett
Caffrey	Gilloon	Kreamer	Perkins
Clark	Halvorson	Lipsky	Tauke
Crabb	Hansen	Menke	Tofte
Crawford	Hargrave	Millen	Welden
Cusack	Harvey	Miller, K. D.	Wyckoff

The nays were, 44:

Anderson	Fitzgerald	Lageschulte	Scheelhaase
Avenson	Gentleman	Lindeen	Spear
Baker	Griffee	Lonergan	Spencer
Bina	Harper	McElroy	Spradling
Brandt	Hennessey	Middleswart	Stromer
Brunow	Hinkhouse	Miller, A. V.	Svoboda
Byerly	Howell	Monroe	Walter
Dieleman	Husak	Newhard	Wells
Doyle	Junker	Norland	West
Drake	Koogler	O'Halloran	Woods
Evans	Krause	Pavich	Mr. Speaker

Absent or not voting, 15:

Connors	Jochum	Poncy	Small
Dyrland	Mennenga	Readinger	Varley
Higgins	Middleton	Rinas	Wulff
Hines	Patchett	Schroeder	

Amendment H—5202 lost.

Hargrave of Johnson offered the following amendment H—5177 filed by him:

H—5177

Amend House File 1157, page 4, line 16, by inserting after the word "experience" the words ", or five years of full-time experience as a licensed social worker,".

Perkins of Greene moved that House File 1157 be referred to the committee on state government.

Roll call was requested by Drake of Muscatine and Svoboda of Iowa.

On the question "Shall House File 1157 be referred to the committee on state government?"

The ayes were, 25:

Baker	Clark	Higgins	Miller, O. L.
Bennett	Crabb	Hullinger	Nielsen
Bina	Egenes	Husak	Perkins
Bortell	Hansen	Hutchins	Tofte
Branstad	Hargrave	Kreamer	Welden
Brunow	Harvey	Lipsky	Wyckoff
Caffrey			

The nays were, 61:

Anderson	Fitzgerald	Lindeen	Poncy
Avenson	Gentleman	Lonergan	Readinger
Brandt	Gilloon	McElroy	Rinas
Brockett	Griffee	Menke	Scheelhaase
Byerly	Halvorson	Mennenga	Spencer
Connors	Harper	Middleswart	Spradling
Crawford	Hennessey	Miller, A. V.	Stromer
Cusack	Hinkhouse	Miller, K. D.	Svoboda
Daggett	Horn	Monroe	Tauke
Danker	Howell	Newhard	Walter
Den Herder	Jordan	Norland	Wells
Dieleman	Junker	O'Halloran	West
Doyle	Koogler	Patchett	Woods
Drake	Krause	Pavich	Wulff
Dunton	Lageschulte	Pellett	Mr. Speaker
Evans			

Absent or not voting, 13:

Bittle	Jochum	Nealson	Small
Dyrland	Middleton	Oakley	Spear
Hines	Millen	Schroeder	Varley
Jesse			

The motion lost.

Hargrave of Johnson moved the adoption of amendment H—5177.

A non-record roll call was requested.

The ayes were 53, nays 27.

Amendment H—5177 was adopted.

Higgins of Scott offered the following amendment H—5120 filed by him and moved its adoption:

H—5120

Amend House File 1157, page 4, line 24, by inserting after the word "work" the words "or a related field".

Amendment H—5120 was adopted.

Byerly of Polk offered the following amendment H—5196 filed by him and moved its adoption:

H—5196

Amend House File 1157 as follows:

1. Page 4, by striking all afer the second word "or" in line 25 and all of lines 26, 27 and 28.

Amendment H—5196 was adopted.

With the adoption of amendment H—5196, amendment H—5154 filed by Svoboda of Iowa on February 9, 1976, and found on page 328 of the House Journal, was out of order.

Byerly of Polk asked and received unanimous consent to withdraw amendment H—5192 filed by him on February 11, 1976, and found on page 361 of the House Journal.

Avenson of Fayette offered the following amendment H—5152 filed by him and moved its adoption:

H—5152

Amend House File 1157, page 7, by striking lines 17 through 32 and inserting in lieu thereof the following:

"An applicant for a license as a licensed social worker or a licensed master social worker who is employed on the effective date of this Act in a position for which a license would otherwise be required shall be granted a work permit as provided in section fifteen (15) of this Act. Such applicants shall be exempted from any other requirements for a work permit. Work permits issued under this section shall not expire until the first issuance of licenses in 1978."

Amendment H—5152 was adopted.

Spradling of Sioux offered the following amendment H—5203 filed by him from the floor and moved its adoption:

H—5203

Amend House File 1157 as follows:

1. Page 9, by inserting after line 28 the following new section:

"Sec..... Persons authorized to practice psychology, pursuant to chapter one hundred fifty-four B (154B) of the Code, shall be exempt from the provisions of this Act."

Amendment H—5203 was adopted.

Svoboda of Iowa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 1157)

The ayes were, 65:

Anderson	Griffee	Lageschulte	Poncy
Avenson	Halvorson	Lindeen	Rinas
Bina	Hargrave	Lipsky	Scheelhaase
Brandt	Harper	Lonergan	Small
Byerly	Hennessey	McElroy	Spencer
Clark	Higgins	Mennenga	Spradling
Connors	Hinkhouse	Middleswart	Stromer
Crawford	Horn	Millen	Svoboda
Cusack	Howell	Miller, A. V.	Tauke
Den Herder	Hullinger	Miller, K. D.	Tofte
Dieleman	Husak	Monroe	Walter
Doyle	Jesse	Newhard	Wells
Drake	Jordan	Norland	West
Dunton	Junker	O'Halloran	Woods
Evans	Koogler	Patchett	Wulff
Fitzgerald	Krause	Pavich	Mr. Speaker
Gilloon			

The nays were, 26:

Baker	Caffrey	Harvey	Oakley
Bennett	Crabb	Hutchins	Pellett
Bittle	Daggett	Kreamer	Perkins
Bortell	Danker	Menke	Schroeder
Branstad	Egenes	Miller, O. L.	Welden
Brockett	Gentleman	Nielsen	Wyckoff
Brunow	Hansen		

Absent or not voting, 8:

Dyrland	Jochum	Nealson	Spear
Hines	Middleton	Readinger	Varley

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

OBJECTION TO IMMEDIATE MESSAGE

Monroe of Des Moines asked for unanimous consent that House File 1157 be immediately messaged to the Senate.

Objection was raised.

SPECIAL ORDER
(Senate File 85)

Fitzgerald of Webster moved that **Senate File 85** be made a special order of business for 10:00 a.m., Tuesday, March 9, 1976.

A non-record roll call was requested.

The ayes were 54, nays 23.

The motion prevailed.

MOTION TO RECONSIDER LOST
(House File 1157)

Svoboda of Iowa moved to reconsider the vote by which **House File 1157** passed the House and that the motion to reconsider be tabled.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 47, nays 35.

The motion having failed to receive a constitutional majority, lost.

Svoboda of Iowa moved to reconsider the vote by which House File 1157 passed the House.

Harvey of Scott moved to defer action on the motion to reconsider House File 1157.

A non-record roll call was requested.

The ayes were 28, nays 40.

The motion to defer lost.

On the motion to reconsider the vote by which House File 1157 passed the House, a non-record roll call was requested.

The ayes were 27, nays 51.

The motion lost.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on amendment H—5143 to House File 1157. Had I been present, I would have voted "aye".

KOOGLER of Mahaska

I was necessarily absent from the House chamber when the vote was taken on amendment H—5143 to House File 1157 and on the final vote for Senate File 1063. Had I been present, I would have voted "nay" on amendment H—5143 to House File 1157 and "aye" on Senate File 1063.

O'HALLORAN of Black Hawk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 12, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 798, an act to provide for change of sex on birth certificates.

Senate File 1030, an act appropriating funds to the governor, lieutenant governor, and the council of state governments.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 89 Ways and means

To authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the Act retroactive.

S. B. 90 Ways and means

Relating to reimbursement for property taxes paid by claimants.

S. B. 91 Ways and means

Relating to the exemption of food for human consumption from sales and use taxes.

S. B. 92 Ways and means

Relating to the homestead tax credit.

S. B. 93 Transportation

Providing transportation planning assistance to political subdivisions and public and private providers of transportation services.

REPORTS OF COMMITTEES

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following report:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 1048**, a bill for an act to prohibit the jailing of juveniles for misdemeanor offenses committed in violation of chapter three hundred twenty-one (321) of the Code, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass**:

H—5206

Amend House File 1048 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point four hundred eighty-two (321.482), Code 1975, is amended to read as follows:

321.482 PENALTIES FOR MISDEMEANOR. It is a misdemeanor for any person to do any act forbidden or to fail to perform any act required by any of the provisions of this chapter unless any such violation is by this chapter or other law of this state declared to be a felony. Chapter 232 shall have no application in the prosecution of *first and second* offenses committed in violation of this chapter which are punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days. *In the case of third and subsequent such offenses by a person under the age of eighteen, the juvenile court and the criminal court shall have concurrent jurisdiction over the person.*

Every person *eighteen years of age or older* convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars or by imprisonnment for not more than thirty days. *Every person under the age of eighteen convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars.*"

JESSE of Polk, Chair

Middleswart of Warren, from the committee on natural resources, submitted the following report:

MR. SPEAKER: Your committee on natural resources to whom was referred **Senate File 1021**, a bill for an act relating to the alienation of preserves, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

MIDDLESWART of Warren, Chair

AMENDMENTS FILED

H—5209

Amend House File 121 as follows:

1. Page 1, by adding after line 32 the following:

"Sec. ..... Section four hundred twenty-two point forty-five (422.45), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred eleven (211), is amended by adding the following new subsection:

NEW SUBSECTION. Gross receipts of all sales of parking services by municipally-owned parking lots."

2. Amend the title by striking the words "taxation of coin-operated laundries" and inserting in lieu thereof the words "retail sales tax".

LIPSKY of Linn

H—5210

Amend House File 124 as follows:

1. Page 2, by inserting the following new section after line 17:

"Sec. ..... Section one hundred seventeen point seven (117.7), subsections 3 and 5, Code 1975, are amended to read as follows:

3. Nor shall the provisions of this chapter apply to an attorney, *who has completed a short course in real estate education of not less than thirty hours, pursuant to section one hundred seventeen point fifteen (117.15) of the Code,* admitted to practice in Iowa.

5. The acts of an auctioneer, *who has completed a short course in real estate education of not less than thirty hours pursuant to section one hundred seventeen point fifteen (117.15) of the Code,* in conducting a public sale or auction."

SCHROEDER of Pottawattamie

H—5211

Amend House File 124 as follows:

1. Page 2, by inserting the following new section after line 17:

"Sec. ..... Section one hundred seventeen point seven (117.7), Code 1975, is amended by striking subsections 3 and 5."

SCHROEDER of Pottawattamie

H—5204

Amend the Schroeder, et al., amendment H—5158, to the Senate amendment to House File 576, as follows:

1. By striking all of lines 3 through 17 and inserting in lieu thereof the following:

"Page 1, by striking lines 2 and 3 and inserting in lieu thereof the following: "as follows:

1. Page 1, line 4, by inserting after the

second word "car," the word "motorcycle,".

2. Page 1, line 9, by inserting after the word "specifications" the following: "except those used cars which are twenty-five (25) years old or older".

3. Page 1, by inserting after line 9 the following:

"The department may by rule issue further exemptions of other classes of vehicles if it can be shown that the modification of the center of gravity is not detrimental to the safety features of the vehicle."

SPENCER of Clay
LAGESCHULTE of Bremer
KRAUSE of Palo Alto

H—5201

Amend the Senate amendment H—5191 to House File 812, as passed by the House, as follows:

1. By striking all of lines 4 through 11 and inserting in lieu thereof the following:

"2. Page 1 by striking all of lines 10 through 20 and inserting in lieu thereof the following:

Section 1. The legislative council shall appoint an interim study committee to study the structure of the civil rights commission."

BRANDT of Black Hawk

H—5205

Amend House File 1063 as follows:

1. Page 1, by striking all of lines 1 through 13.

HULLINGER of Decatur

H—5199

Amend House File 1063 as follows:

1. Page 1, by striking everything after the period in line 9 and all of lines 10 through 13.

BRANDT of Black Hawk

H—5200

Amend amendment H—5198, to House File 1063, as follows:

1. By striking from lines 14, 15 and 16 the following: "Notice of the petition, either personal or constructive, shall be served upon the child's other natural parent." and inserting in lieu thereof the following: "Notice of the petition shall be served upon the child's other natural parent pursuant to Iowa Rules of Civil Procedure 56, 60, 60.1 or 62, or by certified letter mailed to the last known address."

BRANDT of Black Hawk

H—5207

Amend House File 1162 as follows:

1. Page 1, by inserting before line 1 the following sections:

"Sec. ..... Section two hundred eighty-nine point one (289.1), Code 1975, is amended to read as follows:

289.1 AUTHORIZATION. The board of directors in any school district situated in whole or in part in any city having a population of twelve thousand or over, in which there shall reside or be employed, or both, fifteen or more children over [fourteen] *sixteen* years of age and under [sixteen] *eighteen* years of age, who are not in regular attendance in a full-time day school and who have not graduated from a four-year approved high school, shall establish and maintain part-time schools, departments, or classes for such children. In districts situated in whole or in part in cities having less than twelve thousand population, the board may establish and maintain such schools. When such part-time schools have been established, all persons having custody of such children shall cause them to attend the same.

Sec. ..... Section two hundred eighty-nine point three (289.3), Code 1975, is amended to read as follows:

289.3 STANDARDS—TIME OF INSTRUCTION. Such part-time schools, departments, or classes, for the attendance of children over [fourteen] *sixteen* and under [sixteen] *eighteen* years of age, shall be organized in accordance with standards established by the state board for vocational education, and shall provide for not less than eight hours of instruction per week during the length of term for which public schools are established in the district. Such part-time schools, departments, or classes shall be held between the hours of eight o'clock a.m. and six o'clock p.m.

Sec. ..... Section two hundred ninety-nine point one (299.1), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any person having control of any child over seven and under [sixteen] *eighteen* years of age, in proper physical and mental condition to attend school, shall cause said child to attend some public school for at least twenty-four consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date, which date shall not be later than the first Monday in December.

Sec. ..... Section two hundred ninety-nine point two (299.2), Code 1975, is amended to read as follows:

299.2 EXCEPTIONS. Section 299.1 shall not apply

to any child:

1. Who is over the age of [fourteen] *sixteen* and is regularly employed.

[2. Whose educational qualifications are equal to those of pupils who have completed the eighth grade.]

[3] *2.* Who is excused for sufficient reason by any court of record or judge.

[4] *3.* While attending religious services or receiving religious instructions.

[5] *4.* Who is attending a private college preparatory school approved or probationally approved under the provisions of section 257.25, subsection 14.

5. Who is over the age of sixteen years and is enrolled and regularly attending vocational courses or high school completion courses at an area vocational school or any trade or vocational school which meets the conditions of section seven hundred thirteen A point six (713A.6) of the Code.

6. Who possesses a diploma stating that he has graduated from high school.

7. Who is enrolled in and attending classes on a part-time basis offered at an approved high school or a part-time school established pursuant to chapter two hundred eighty-nine (289) of the Code."

2. By renumbering sections as necessary.

HORN of Linn

H—5208

Amend House File 1212 as follows:

1. Page 9, by adding the following new section after line 4:

"Sec. ..... Section one hundred seventeen point seven (117.7), Code 1975, is amended by striking subsections 3 and 5."

SCHROEDER of Pottawattamie

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House **adjourned at** 6:15 p.m. until 10:00 a.m., Friday, February 13, 1976.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day—Twenty-fourth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, FEBRUARY 13, 1976

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

Prayer was offered by the Reverend Dr. Wayne Shoemaker, pastor of the Grace United Methodist Church, Des Moines, Iowa.

The Journal of Thursday, February 12, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dennis Walter, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oakley of Clinton on request of Schroeder of Pottawattamie; Rinas of Linn on request of Junker of Woodbury.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Thirteen fifth grade students from Faith Baptist Church, Cambridge, Iowa accompanied by Reverend Mason. By Crawford of Story.

Twenty-three fifth grade students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mrs. Boaswell. By Bittle of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Kreamer of Polk from thirty-five constitutents favoring House File 79, relating to the regulation of the practice of massage.

By Nielsen of Polk from twenty members of the Urban Mission Council of the United Methodist Church, favoring adequate funding levels for aid to dependent children.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House File 1048 and Senate File 1021, under Rule 36.

INTRODUCTION OF BILLS

House File 1280, by committee on human resources, a bill for an act to merge the division of alcoholism and the Iowa drug abuse authority into a single state chemical substances abuse agency effective July 1, 1977, and to require that the governor submit by January 17, 1977 initial proposals relative to the statutory provisions under which the merged agency will function.

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

House File 1281, by committee on energy, a bill for an act creating an interagency coordinating council on radiation safety and prescribing its powers and duties.

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

House File 1282, by committee on judiciary and law enforcement, a bill for an act relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed.

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

House File 1283, by committee on county government, a bill for an act relating to ways condemned by landowners having no access to the property.

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

House File 1284, by Husak and West, a bill for an act relating to property taxation by revising the method of valuing property for tax purposes.

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

House File 1285, by Svoboda, a bill for an act relating to establishment of historical preservation districts.

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

House File 1286, by Svoboda, a bill for an act relating to the remittance of hunting and fishing license fees collected by the county recorder.

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

House File 1287, by Hennessey, Gilloon, Miller of Buchanan, Jordan, Junker, Connors, Small, Spradling, Lindeen, West, Harper, Pavich, Lonergan and Husak, a bill for an act exempting certain sites used for nutrition programs for the elderly from restaurant licensing requirements.

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

House File 1288, by Mennenga, a bill for an act providing that salaries of juvenile probation officers established by the committee of district court judges shall be subject to the approval of the board of supervisors.

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

House File 1289, by Harvey, Hansen, Den Herder, Varley, Drake, Menke, Danker, Bennett, Readinger, Lageschulte, Pellett, Daggett, Lindeen, Nealson of Muscatine, West, Bortell, Egenes, Gentleman, Brockett, Wulff, Halvorson, Tofte, Branstad, Tauke, Lipsky, McElroy and Millen, a bill for an act prohibiting full-time state employees from receiving per diem for services on committees, boards, commissions or for similar service in addition to their regular compensation as state employees.

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

House File 1290, by Dieleman, a bill for an act amending the state building code by correcting procedures and penalties.

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

House File 1291, by Evans, a bill for an act relating to the sale price of grain at a bonded agricultural warehouse.

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

House File 1292, by Egenes, a bill for an act to provide an additional schedule penalty for certain motor vehicles exceeding the speed limit and assessed upon momentum.

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

House File 1293, by Spencer, a bill for an act relating to inheritance tax exemptions.

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

House File 1294, by Nielsen of Polk, a bill for an act relating to mechanic's liens.

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

House File 1295, by Hines, a bill for an act to make an appropriation from the general fund to the state board of regents to be used for remodeling and construction of a horticulture building at Iowa state university.

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

House File 1296, by Krause, a bill for an act relating to medical experimentation on humans, and providing penalties.

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

House File 1297, by Millen, a bill for an act relating to the functions of the area schools.

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

House File 1298, by Connors, Koogler, Caffrey, McElroy, Junker, Small and Hutchins, a bill for an act relating to the prohibition of toxic extinguishers.

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

House File 1299, by Bennett, a bill for an act to legalize proceedings taken by the county board of supervisors of Sac county relating to the purchase of certain land.

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

House File 1300, by Koogler and Daggett, a bill for an act relating to operating a motor vehicle while under the influence of alcohol or drugs and providing penalties.

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

House File 1301, by Svoboda, a bill for an act relating to the creation of benefited police districts.

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

House File 1302, by Millen, a bill for an act relating to the sales and use tax.

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

House File 1303, by Welden, Den Herder, Varley, Lageschulte, Pellett, Daggett, Lindeen, Halvorson, Tauke, Tofte, West, Crabb, Bennett, Bortell, Gentleman, Brockett, Wulff, Menke, Branstad and Millen, a bill for an act establishing the educational assistance fund and making an appropriation thereto for certain programs administered by the higher education facilities commission.

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

House File 1304, by Baker, a bill for an act to allow formerly vested members of the Iowa public employees' retirement system to purchase credits for previous service.

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

House File 1305, by Middleswart, a bill for an act relating to the substitution of full-time magistrates positions for part-time magistrate apportionments.

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

House File 1306, by Bina, a bill for an act relating to exceptions to the motor and special fuel excise tax.

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

House File 1307, by Bina, a bill for an act relating to credit for years of previous service under the Iowa public employees' retirement system.

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

House File 1308, by Brandt, a bill for an act relating to the retail sales tax on items sold in vending machines.

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

House File 1309, by Miller of Buchanan, Hines, Jordan, Danker, Branstad, Dyrland, Wyckoff, Tofte, Daggett, Hennessey, Miller of Cerro Gordo, Spradling, Howell, Small, Clark and McElroy, a bill for an act relating to determining the value of agricultural land for tax purposes.

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

House File 1310, by Hennessey, Wyckoff and Bortell, a bill for an act relating to the issuance of equalization orders on property assessments.

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

House File 1311, by Cusack, Svoboda, Harper, Hansen, Hargrave, Hinkhouse, Small and Patchett, a bill for an act providing for the transfer of titles to certain vehicles purchased by the commission on aging.

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

House File 1312, by Bina, a bill for an act authorizing cities and counties to impose local sales, services and use taxes, appropriating the proceeds, providing property tax relief, and making the taxes subject to applicable provisions of the Code, including penalties.

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

House File 1313, by committee on appropriations, a bill for an act abolishing the position of state medical examiner.

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

House Joint Resolution 1003, by committee on county government, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

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

HOUSE RESOLUTION 105

By Miller of Buchanan and Wyckoff

Whereas, the Archdiocesan Council of Catholic Women of the Archdiocese of Dubuque annually observes a "Week of Prayer" for the members of the General Assembly; and

Whereas, the Week of Prayer for this year is being held from February fifteenth through February twenty-first; and

Whereas, the Independence Deanery will hold a special mass for members of the General Assembly on Tuesday, February seventeenth at St. John's Church in Independence, Iowa with Reverend Donald Sweeney officiating; *Now, Therefore,*

Be It Resolved by the House of Representatives, That the members of the General Assembly express their appreciation for the Week of Prayer and for the special mass.

Laid over under Rule 25.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 108

Middleton of Black Hawk called up for consideration **House Concurrent Rosolution** 108 filed on February 10, 1976, and found

on pages 334 and 335 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

REGULAR CALENDAR

(Senate File 546 Deferred)

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

Wyckoff of Benton offered the following amendment H—5145 filed by him and moved its adoption:

H—5145

Amend Senate File 546, as amended and passed by the Senate, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter one hundred forty (140), Code 1975, is amended by adding the following new section:

NEW SECTION. Employees of the state department of health for venereal disease investigation shall use their personal vehicles in the performance of their official duties if the commissioner determines that it is necessary for an unmarked vehicle to be used. Any employee required to use an unmarked vehicle for conducting venereal disease investigation shall receive a mileage reimbursement at the rate of fifteen cents per mile for the use of the employee's personal vehicle in the performance of the employee's official duties."

2. Amend the title, line 1, by striking all of such title after the word "Act" and inserting in lieu thereof the words "relating to the use of unmarked motor vehicles for venereal disease investigations."

Roll call was requested by Junker of Woodbury and Schroeder of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5145 be adopted?"

The ayes were, 44:

Avenson	Bortell	Caffrey	Daggett
Baker	Brunow	Clark	Doyle
Bina	Byerly	Crabb	Dunton

Egenes	Horn	Menke	Nielsen
Fitzgerald	Howell	Mennenga	O'Halloran
Gilloon	Hullinger	Middleswart	Pellett
Hansen	Husak	Millen	Poncy
Hargrave	Hutchins	Miller, A. V.	Welden
Harper	Jordan	Miller, K. D.	Wells
Hennessey	Koogler	Miller, O. L.	Wyckoff
Hinkhouse	Kreamer	Nealson	Mr. Speaker

The nays were, 41:

Anderson	Evans	Lonergan	Spradling
Bennett	Halvorson	McElroy	Stromer
Bittle	Harvey	Middleton	Svoboda
Brandt	Hines	Monroe	Tauke
Brockett	Jesse	Newhard	Tofte
Connors	Jochum	Patchett	Varley
Crawford	Junker	Pavich	Walter
Danker	Lageschulte	Scheelhaase	West
Den Herder	Lindeen	Schroeder	Woods
Dieleman	Lipsky	Spear	Wulff
Drake			

Absent or not voting, 14:

Branstad	Griffee	Oakley	Rinas
Cusack	Higgins	Perkins	Small
Dyrland	Krause	Readinger	Spencer
Gentleman	Norland		

Amendment H—5145 was adopted.

With the adoption of amendment H—5145, the following amendments are out of order:

H—5180 filed by Monroe, et al., on February 10, 1976, and found on pages 341 through 344 of the House Journal.

H—5183 filed by Wyckoff of Benton on February 11, 1976, and found on page 363 of the House Journal.

H—5187 by Baker and Horn on February 11, 1976, and found on page 363 of the House Journal.

H—5188 filed by Baker and Horn on February 11, 1976, and found on pages 363 and 364 of the House Journal.

Junker of Woodbury moved that Senate File 546 be deferred and that the bill retain its place on the calendar.

A non-record roll call was requested.

The ayes were 44, nays 34.

The motion prevailed and Senate File 546 was deferred and retained.

Senate File 288, a bill for an act to repeal the procedure for

establishment of a convention to ratify amendments to the Constitution of the United States, with report of committee recommending passage, was taken up for consideration.

Brandt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

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

The ayes were, 81:

Anderson	Evans	Kreamer	Pellett
Avenson	Fitzgerald	Lageschulte	Perkins
Baker	Gilloon	Lindeen	Poncy
Bennett	Griffee	Lipsky	Scheelhaase
Bina	Halvorson	Lonergan	Small
Bortell	Hansen	McElroy	Spear
Brandt	Hargrave	Menke	Spradling
Brockett	Harper	Mennenga	Stromer
Byerly	Harvey	Middleswart	Svoboda
Caffrey	Hines	Millen	Tauke
Connors	Hinkhouse	Miller, A. V.	Tofte
Crabb	Horn	Miller, K. D.	Varley
Crawford	Howell	Miller, O. L.	Walter
Daggett	Hullinger	Monroe	Welden
Danker	Husak	Nealson	Wells
Den Herder	Hutchins	Nielsen	West
Dieleman	Jochum	Norland	Woods
Doyle	Jordan	O'Halloran	Wulff
Drake	Junker	Patchett	Wyckoff
Dunton	Koogler	Pavich	Mr. Speaker
Egenes			

The nays were, 3:

Brunow	Clark	Schroeder

Absent or not voting, 15:

Bittle	Gentleman	Krause	Readinger
Branstad	Hennessey	Middleton	Rinas
Cusack	Higgins	Newhard	Spencer
Dyrland	Jesse	Oakley	

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

SENATE FILE 524 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that **Senate File** 524 be **deferred** and that the bill retain its place on the calendar.

House File 1129, a bill for an act relating to the joint financing of water supply systems by public agencies, with report of committee recommending passage, was taken up for consideration.

Daggett of Adams moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1129)

The ayes were, 90:

Anderson	Evans	Kreamer	Pellett
Avenson	Fitzgerald	Lageschulte	Perkins
Baker	Gentleman	Lindeen	Poncy
Bennett	Gilloon	Lipsky	Readinger
Bina	Griffee	Lonergan	Scheelhaase
Bittle	Halvorson	McElroy	Schroeder
Bortell	Hansen	Menke	Small
Brandt	Hargrave	Mennenga	Spear
Brockett	Harper	Middleswart	Spradling
Brunow	Hennessey	Middleton	Stromer
Byerly	Hines	Millen	Svoboda
Caffrey	Hinkhouse	Miller, A. V.	Tauke
Clark	Horn	Miller, K. D.	Tofte
Connors	Howell	Miller, O. L.	Varley
Crabb	Hullinger	Monroe	Walter
Crawford	Husak	Nealson	Welden
Daggett	Hutchins	Newhard	Wells
Danker	Jesse	Nielsen	West
Dieleman	Jochum	Norland	Woods
Doyle	Jordan	O'Halloran	Wulff
Drake	Junker	Patchett	Wyckoff
Dunton	Koogler	Pavich	Mr. Speaker
Egenes	Krause		

The nays were, 1:

Harvey

Absent or not voting, 8:

Branstad	Den Herder	Higgins	Rinas
Cusack	Dyrland	Oakley	Spencer

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

HOUSE FILE 1201 DEFERRED

Patchett of Johnson asked and received unanimous consent that **House File 1201** be **deferred** and that the bill retain its place on the calendar.

House File 1212, a bill for an act requiring professional and occupational licensees to participate in continuing education as a condition of license renewal or inactive licensee reentry, delegating rule-making authority, eliminating mandatory annual renewal of licenses, and providing for legislative review of professional and occupational examining board activities, was taken up for consideration.

Jesse of Polk offered the following amendment H—5178 filed by Oakley of Clinton and moved its adoption:

H—5178

1 Amend House File 1212 as follows:
2 1. Page 2, by striking all of line 4.

Roll call was requested by Egenes of Story and Monroe of Des Moines.

On the question "Shall amendment H—5178 be adopted?"

The ayes were, 72:

Avenson	Drake	Koogler	Scheelhaase
Baker	Dunton	Krause	Schroeder
Bina	Fitzgerald	Kreamer	Small
Bittle	Gentleman	Lageschulte	Spear
Bortell	Gilloon	McElroy	Spencer
Brandt	Griffee	Mennenga	Spradling
Brockett	Hansen	Middleswart	Stromer
Byerly	Hargrave	Millen	Tauke
Caffrey	Harper	Miller, O. L.	Tofte
Clark	Hennessey	Nealson	Varley
Connors	Hinkhouse	Newhard	Walter
Crabb	Horn	Nielsen	Welden
Crawford	Hullinger	Norland	Wells
Cusack	Husak	Pavich	West
Daggett	Hutchins	Pellett	Woods
Danker	Jesse	Perkins	Wulff
Den Herder	Jochum	Poncy	Wyckoff
Dieleman	Jordan	Readinger	Mr. Speaker

The nays were, 17:

Anderson	Harvey	Lipsky	Monroe
Bennett	Hines	Lonergan	O'Halloran
Egenes	Junker	Menke	Patchett
Evans	Lindeen	Miller, A. V.	Svoboda
Halvorson			

Absent or not voting, 10:

Branstad	Dyrland	Middleton	Oakley
Brunow	Higgins	Miller, K. D.	Rinas
Doyle	Howell		

Amendment H—5178 was adopted.

Brandt of Black Hawk offered the following amendment H—5176 filed by her and moved its adoption:

H—5176

1 Amend House File 1212, page 2, by inserting after
2 line 18 the following:
3 "y. The Iowa board of speech pathology and
4 audiology examiners created pursuant to Senate File
5 476, as enacted by the Sixty-sixth General Assembly,
6 1976 Session."

Amendment H—5176 was adopted.

Brandt of Black Hawk offered the following amendment H—5186 filed by Brandt, et al., and moved its adoption:

H—5186

Amend House File 1212 as follows:
1. Page 3, by striking lines 9 and 10.

A non-record roll call was requested.

The ayes were 48, nays 44.

Amendment H—5186 was adopted.

Monroe of Des Moines offered the following amendment H—5212 filed by Monroe, Bittle, Schroeder, Millen and Doyle *from the floor and moved its adoption:*

H—5212

Amend House File 1212 as follows:
1. Page 3, by striking lines 32 through 35.
2. By striking all of Pages 4, 5, and 6.
3. Page 7, by striking lines 1 through 24.

Amendment H—5212 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5208 filed by him on February 12, 1976, and found on page 385 of the House Journal.

Brandt of Black Hawk offered the following amendment H—5190 filed by her and moved its adoption:

H—5190

Amend House File 1212 as follows:
1. Page 19, by striking lines 34 and 35.
2. Page 20, by striking lines 1 through 5 and inserting in lieu thereof the following:
"Sec. 34. This Act shall be effective on July 1, 1977."

Amendment H—5190 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5214 filed by him from the floor:

H—5214

Amend House File 1212 as follows:
1. Page 9, by inserting the following new section after line 4:
"Sec. ..... Section one hundred seventeen point seven (117.7), subsections 3 and 5, Code 1975, are amended to read as follows:
3. Nor shall the provisions of this chapter apply to an attorney, *who has completed a short*

course in real estate education of not less than thirty hours, pursuant to section one hundred seventeen point fifteen (117.15) of the Code, **admitted to practice in Iowa.**

5. The acts of an auctioneer, ***who has completed a short course in real estate education of not less than thirty hours pursuant to section one hundred seventeen point fifteen (117.15) of the Code,*** **in conducting a public sale or auction."**

Brandt of Black Hawk rose on a point of order that amendment H—5214 was not germane.

The Speaker ruled the point not well taken and amendment H—5214 germane.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5214.

Brandt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1212)

The ayes were, 60:

Anderson	Dunton	Lipsky	Readinger
Avenson	Gilloon	Lonergan	Schroeder
Baker	Griffee	McElroy	Small
Bina	Halvorson	Menke	Spear
Brandt	Hansen	Mennenga	Spencer
Caffrey	Harper	Middleswart	Spradling
Clark	Hennessey	Millen	Stromer
Connors	Hines	Miller, A. V.	Svoboda
Crabb	Horn	Monroe	Varley
Crawford	Howell	Newhard	Walter
Cusack	Hullinger	Norland	Wells
Den Herder	Junker	O'Halloran	West
Dieleman	Koogler	Patchett	Woods
Doyle	Krause	Pavich	Wulff
Drake	Lindeen	Poncy	Mr. Speaker

The nays were, 31:

Bennett	Evans	Jochum	Pellett
Bittle	Fitzgerald	Jordan	Perkins
Bortell	Gentleman	Kreamer	Scheelhaase
Brunow	Hargrave	Lageschulte	Tauke
Byerly	Harvey	Miller, K. D.	Tofte
Daggett	Hinkhouse	Miller, O. L.	Welden
Danker	Hutchins	Nealson	Wyckoff
Egenes	Jesse	Nielsen	

Absent or not voting, 8:

Branstad	Dyrland	Husak	Oakley
Brockett	Higgins	Middleton	Rinas

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

MOTION TO RECONSIDER
(Senate File 288)

I move to reconsider the vote by which Senate File 288 passed the House on February 13, 1976.

LONERGAN of Boone

PROOFS OF PUBLICATION

Published copy of House File 1299 and verified proof of publication of said bill in The Sac Sun, Sac City, Iowa, on February 4, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

Published copy of Senate File 1143 and verified proof of publication of said bill in the Grinnell Herald-Register, Grinnell, Iowa, on January 26, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the final vote was taken on House File 1129 and on the final vote for Senate File 288. Had I been present I would have voted "aye."

SPENCER of Clay

I was necessarily absent from the House chamber when the vote was taken on Senate File 288. Had I been present, I would have voted "aye."

GENTLEMAN of Polk

I was necessarily absent from the House chamber on Thursday, February 12, 1976. Had I been present, I would have voted "aye" on H—5202, "nay" on the motion to refer House File 1157 to the state government committee, and "aye" on final passage of House File 1157.

JOCHUM of Dubuque

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 94 **State government**
Relating to the duties of the department of general services, and transferring the centralized data processing division from the state comptroller and centralized purchasing functions from the board of regents and the commission for the blind to the department of general services.

S. B. 95 **State government**
Relating to the purchase of state motor vehicles.

S. B. 96 Natural resources
To include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land.

SUBCOMMITTEE ASSIGNMENTS

House File 147
State Government
Dieleman, Chair
McElroy
Svoboda

House File 713
Energy
Jochum, Chair
Howell
Readinger

House File 1001
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 1076
County Government
Gilloon, Chair
Middleswart
Stromer

House File 1079
Commerce
Small, Chair
Brockett
Hennessey

House File 1084
Commerce
Lonergan, Chair
Hennessey
Tauke

House File 1092
Commerce
Hennessey, Chair
Krause
Egenes

House File 1099
Commerce
Brockett, Chair
Kreamer
Doyle

House File 1120
Commerce
Jordan, Chair
Brockett
Lonergan

House File 1149
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

House File 1153
Natural Resources
Varley, Chair
Koogler
Spencer

House File 1154
Commerce
Lonergan, Chair
Doyle
Brockett

House File 1156
Natural Resources
Spencer, Chair
Hinkhouse
Drake

House File 1158
Labor and Industrial Relations
Connors, Chair
Caffrey
Branstad

House File 1159
Labor and Industrial Relations
Connors, Chair
Caffrey
Branstad

House File 1163
Labor and Industrial Relations
Poncy, Chair
Miller of Cerro Gordo
McElroy

House File 1164
Labor and Industrial Relations
Poncy, Chair
Miller, of Cerro Gordo
McElroy

House File 1168
Labor and Industrial Relations
Connors, Chair
Caffrey
Branstad

House File 1169
State Government
Monroe, Chair
Crawford
Hines
Brandt
Drake

House File 1171
Commerce
Krause, Chair
Walter
Tauke

House File 1172
Energy
Jochum, Chair
Gentleman
Howell

House File 1174
State Government
McElroy, Chair
Woods
Svoboda

House File 1176
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 1177
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

House File 1178
Commerce
Bina, Chair
Lonergan
McElroy

House File 1179
State Government
Norland, Chair
Dieleman
Harvey

House File 1180
Commerce
Hennessey, Chair
Brockett
Evans
Halvorson
Bina
Lonergan
Kreamer
Jordan
Tauke
Small

House File 1181
Commerce
Bina, Chair
Brockett
Lonergan

House File 1183
Transportation
Krause, Chair
Brunow
Drake

House File 1187
State Government
Hines, Chair
Junker
Monroe

House File 1190
State Government
Dieleman, Chair
Bittle
Brandt

House File 1191
Agriculture
Crabb, Chair
Lindeen
Spradling

House File 1192
Agriculture
Hinkhouse, Chair
Miller of Calhoun
Lageschulte
Crabb

House File 1193
Judiciary and Law Enforcement
Gentleman, Chair
Spencer
Newhard

House File 1195
Agriculture
Koogler, Chair
Miller of Cerro Gordo
Lindeen

House File 1196
Labor and Industrial Relations
Wells, Chair
Pavich
Brockett

House File 1197
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

House File 1198
Natural Resources
Hullinger, Chair
Pellett
Spencer

House File 1199
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Jesse
Oakley

House File 1203
Ways and Means
Husak, Chair
Dieleman
West
Bittle
Miller of Buchanan

House File 1206
Commerce
Lonergan, Chair
Evans
Tauke

House File 1207
Ways and Means
Husak, Chair
Dieleman
West
Bittle
Miller of Buchanan

House File 1209
State Government
Hines, Chair
Crawford
Connors

House File 1210
Commerce
Doyle, Chair
Kreamer
Jordan

House File 1211
State Government
Crawford, Chair
Patchett
Monroe

House File 1213
Commerce
Walter, Chair
Krause
Tauke

House File 1214
State Government
Norland, Chair
Connors
Small

House File 1215
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

House File 1220
Ways and Means
Jochum, Chair
Clark
Bina

House File 1221
State Government
Woods, Chair
Monroe
Harvey

House File 1222
Ways and Means
Miller of Buchanan, Chair
Clark
Jochum
Howell
Gentleman
Walter
Branstad

House File 1223
Transportation
Brunow, Chair
Drake
Rinas
Krause

House File 1224
Commerce
Hennessey, Chair
Brockett
Evans
Halvorson
Bina
Kreamer
Lonergan
Jordan
Tauke
Small

House File 1225
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Clark
Woods

House File 1226
Commerce
Doyle, Chair
Millen
Jesse
Kreamer
Jordan

House File 1227
Ways and Means
Bina, Chair
Wyckoff
Nealson of Muscatine
Spradling
Clark

House File 1228
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

House File 1229
Natural Resources
Scheelhaase, Chair
Branstad
Varley

House File 1230
State Government
Hines, Chair
Junker
Monroe

House File 1231
Judiciary and Law Enforcement
Poncy, Chair
Woods
Evans

House File 1233
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 1234
Ways and Means
Hines, Chair
Branstad
Mennenga
Walter
West

House File 1235
Labor and Industrial Relations
Connors, Chair
Caffrey
Branstad

House File 1236
Judiciary and Law Enforcement
Middleton, Chair
Nielsen of Polk
Lageschulte

House File 1237
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

House File 1239
Ways and Means
Hines, Chair
Branstad
Mennenga
Walter
West

House File 1240
County Government
Miller of Calhoun, Chair
Hutchins
Danker

House File 1241
Energy
Gentleman, Chair
Doyle
Wells

House File 1242
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Hennessey
Poncy

House File 1244
State Government
Bittle, Chair
Monroe
Brandt

House File 1245
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Clark
Hennessey

House File 1246
Education
Miller of Calhoun, Chair
Baker
Poncy
Menke
Wulff

House File 1248
Ways and Means
Husak, Chair
Miller of Buchanan
Dieleman
West
Bittle

House File 1250
Judiciary and Law Enforcement
Oakley, Chair
Woods
Newhard

House File 1251
Ways and Means
Anderson, Chair
Hennessey
Jochum
Nealson of Muscatine
Readinger

House File 1253
Commerce
Tauke, Chair
Walter
Krause

House File 1254
Ways and Means
Mennenga, Chair
Jochum
Junker
Svoboda
Egenes

House File 1255
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

House File 1257
Judiciary and Law Enforcement
Bittle, Chair
Hennessey
Middleton

House File 1260
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

Senate File 204
Transportation
Rinas, Chair
Doyle
Lageschulte

Senate File 1021
Natural Resources
Hullinger, Chair
Tofte
Pellett

Senate File 1055
Judiciary and Law Enforcement
Nielsen of Polk
Chair
Clark
Hennessey

Senate File 1064
State Government
Hines, Chair
Junker
Monroe

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S. B. 53
Transportation
Drake, Chair
Gilloon
Woods
Tauke
Pavich

S. B. 54
Transportation
Krause, Chair
Drake
Brunow
Rinas
Tauke

S. B. 58
Transportation
Krause, Chair
Rinas
Tauke

S. B. 60
Transportation
Drake, Chair
Gilloon
Woods
Tauke
Pavich

S. B. 61
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

S. B. 65
Agriculture
Miller of Cerro Gordo, Chair
Pellett
Danker
Hutchins
Koogler

S. B. 66
Agriculture
Miller of Cerro Gordo, Chair
Pellett
Danker
Hutchins
Koogler

S. B. 67
Agriculture
Miller of Cerro Gordo, Chair
Pellett
Danker
Hutchins
Koogler

S. B. 69
Transportation
Rinas, Chair
Doyle
Lageschulte

S. B. 70
Transportation
Rinas, Chair
Lageschulte
Doyle

S. B. 71
Natural Resources
Hullinger, Chair
Millen
Scheelhaase

S. B. 72
Cities
Miller of Cerro Gordo, Chair
Rinas
Harvey
Nealson of Muscatine
Walter

S. B. 73
Cities
Connors, Chair
Junker
Bina
Spear
Lindeen

S. B. 74
Cities
Clark, Chair
Newhard
Anderson
Lipsky
Dieleman

S. B. 76
Natural Resources
Wyckoff, Chair
Halvorson
Avenson

S. B. 79
Education
Poncy, Chair
Dyrland
Griffee
Daggett
Menke

S. B. 80
Education
Dyrland, Chair
Mennenga
Norland
Spear
Bennett
Crawford

S. B. 81
Transportation
Rinas, Chair
Doyle
Lageschulte

S. B. 85
Cities
Anderson, Chair
Harvey
Rinas

S. B. 88
County Government
Hutchins, Chair
Baker
Spradling

S. B. 89
Ways and Means
Norland, Chair
West
Branstad
Howell

S. B. 90
Ways and Means
Anderson, Chair
Walter
Norland
West
Bittle

S. B. 91
Ways and Means
Dieleman, Chair
Danker
Harvey
Middleton
Howell

S. B. 92
Ways and Means
Anderson, Chair
Hines
Readinger

REPORTS OF COMMITTEES

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1072**, a bill for an act making an appropriation to judicial courts and agencies, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same do pass.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1089**, a bill for an act making an appropriation to the moneys and credits replacement fund, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same do pass.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1090**, a bill for an act relating to the appropriation of the department of public safety made for the fiscal year beginning July 1, 1975, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same do pass.

DUNTON of Keokuk, Chair

Middleswart of Warren, from the committee on natural resources, submitted the following report:

MR. SPEAKER: Your committee on natural resources to whom was referred **House File 1198**, a bill for an act relating to jurisdiction over septic tanks, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same be amended as follows, and when so amended the bill do pass:

H—5215

Amend House File 1198 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred thirty-five point eleven (135.11), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighteen (118), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. Exercise jurisdiction over private residential sewage disposal facilities, including septic tanks, and inspection of their wastewater discharges.

Sec. 2. Section four hundred fifty-five B point forty-five (455B.45), subsection two (2), Code 1975, is amended to read as follows:

2. The construction or use of any new outlet for the discharge of any sewage or wastes directly into the water of the state. [However, no permit shall be required for any new disposal system or extension or addition to any existing disposal system that receives only domestic or sanitary sewage from a building, housing or occupied by fifteen persons or less.]"

MIDDLESWART of Warren, Chair

AMENDMENTS FILED

H—5213

Amend House File 746 as follows:

1. Page 1, by inserting after line 28 the following new paragraph:

"Any person other than a common carrier violating the provisions of this section shall upon conviction be fined not to exceed one hundred dollars or imprisoned in the county jail for not to exceed thirty days or be subject to both such fine and imprisonment."

HUTCHINS of Guthrie

H—5218

Amend House File 1209 as follows:

1. Page 3, line 13, by inserting after the numeral "(11)," the word and numeral "fifteen (15),".

BRANDT of Black Hawk

H—5216

Amend House File 1279 as follows:

1. Page 19, by striking line 32 and inserting in lieu thereof the words "more than six thousand pounds unloaded."

SMALL of Johnson

H—5217

Amend Senate File 53 as follows:

1. Page 2, by inserting after line 17 the following section:

"Sec. ..... Section one hundred seventeen point seven (117.7), subsection three (3), Code 1975, is repealed.

2. Page 12, by striking lines 24 through 30, inclusive, and inserting in lieu thereof the following:

"Sec. 20. In addition, each person possessing a license as a real estate salesman on January 1, 1976 shall complete the education requirements for real estate apprentice salesmen as provided in section six (6) of this Act and shall so inform the commission by December 31, 1977, or the license shall expire on December 31, 1977 and the person shall not be eligible for license renewal."

SCHROEDER of Pottawattamie

H—5219

Amend Senate File 53 as follows:

1. Page 2, by inserting the following new section after line 17:

"Sec. ..... Section one hundred seventeen point seven (117.7), subsections 3 and 5, Code 1975, are amended to read as follows:

3. Nor shall the provisions of this chapter apply to an attorney, *who has completed a short course in real estate education of not less than thirty hours, pursuant to section one hundred seventeen point fifteen (117.15) of the Code,* admitted to practice in Iowa.

5. The acts of an auctioneer, *who has completed a short course in real estate education of not less than thirty hours pursuant to section one hundred seventeen point fifteen (117.15) of the Code,* in conducting a public sale or auction."

SCHROEDER of Pottawattamie

H—5220

Amend Senate File 53 as follows:

1. Page 2, by adding the following new section after line 17:

"Sec. ..... Section one hundred seventeen point seven (117.7), Code 1975, is amended by striking subsections 3 and 5."

SCHROEDER of Pottawattamie

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 12:53 p.m. until 10:00 a.m., Tuesday, February 17, 1976.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day—Twenty-fifth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, FEBRUARY 17, 1976

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

Prayer was offered by the Reverend Steven Hsieh, pastor of the Westminster Presbyterian Church, Ida Grove, Iowa.

The Journal of Friday, February 13, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. L. E. Masters, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

West of Marshall on request of Millen of Van Buren.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House File 1198 and Senate Files 1072, 1089 and 1090, under Rule 36.

PETITIONS FILED

The following petitions were received and placed on file:

By Brunow of Appanoose from forty-nine students from Centerville High School favoring the drinking age be left at eighteen.

By Wyckoff of Benton from forty-four constituents favoring the Governor's recommended funds to provide signs for the Iowa State Liquor Stores.

By Wells of Linn from sixty-nine constituents favoring House File 1130, relating to the regulation of smoking in public places and at public meetings and providing a penalty.

By Miller of Calhoun from seventy-five members of the Fonda

Community School District, Fonda, Iowa, who oppose the passage of Senate File 205, an Act relating to the issuance, continuation and termination of teachers' contracts.

By Perkins of Greene from forty-one students from Manilla, Iowa, opposing passage of the anti-trapping portion of Senate File 85, the Criminal Code Revision Bill.

By Bina of Scott from twenty-eight constituents favoring House File 79, relating to the regulation of the practice of massage, the establishment of a massage technicians examining board, and standards for massage establishments.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 13, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions.

STEVEN C. CROSS, Secretary

OBJECTION TO SUBSTITUTION

Fitzgerald of Webster asked for unanimous consent to substitute **Senate File 1062** for **House File 1115.**

Objection was raised.

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1314, by committee on appropriations, a bill for an act relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation and state transportation commission, and funding the state department of transportation's share for administration of the state merit system.

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

House File 1315, by Egenes, a bill for an act relating to the age for school attendance.

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

House File 1316, by Crawford, a bill for an act making an appropriation to the department of social services for financial assistance to child care centers.

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

House File 1317, by Brandt, a bill for an act to permit counties to require motor trucks, trailers and semitrailers carrying certain kinds of freight to be covered and providing a penalty.

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

House File 1318, by Egenes, Stromer, Varley, Danker, Lageschulte, Lindeen, West, Tofte, Crabb, Readinger, Gentleman, Brockett, Wulff, Halvorson, Tauke, Crawford, McElroy and Millen, a bill for an act relating to elementary and secondary education providing for changes in the state foundation base and changes in the computation of the state percent of growth.

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

House File 1319, by Halvorson, Millen, Wyckoff, Tofte and Miller of Buchanan, a bill for an act to provide for sales and use tax exemptions on expenditures for air and water pollution control.

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

House File 1320, by committee on ways and means, a bill for an act to correct an internal code reference under the individual income tax law.

Read first time and **placed on the ways and means calendar.**

House File 1321, by committee on ways and means, a bill for an act relating to accumulated distributions of trusts under the individual income tax and making the Act retroactive.

Read first time and **placed on the ways and means calendar.**

House File 1322, by committee on commerce, a bill for an act relating to permissible investments by a state bank acting in a fiduciary capacity.

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

House File 1323, by Egenes, Drake, Stromer, Varley, Danker,

Lageschulte, Pellett, Bennett, Readinger, Harvey, Daggett, Lindeen, Nealson of Muscatine, West, Crabb, Bortell, Brockett, Wulff, Halvorson, Menke and Millen, a bill for an act to establish a task force to research, analyze and make recommendations on matters pertaining to local government services and finance and making an appropriation.

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

House File 1324, by Harper and Stromer, a bill for an act relating to compensation paid to the treasurer of the state fair board.

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

House File 1325, by Cusack, a bill for an act making an appropriation to the department of social services for an adult day care program.

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

House File 1326, by committee on natural resources, a bill for an act relating to the taking of fish and game by hunting, fishing, and trapping and subjecting violators to a penalty.

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

House File 1327, by committee on natural resources, a bill for an act relating to public improvements bond and conditions.

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

SENATE MESSAGE CONSIDERED

Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 9, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1010, a bill for an act relating to voter registration.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1010

H—5230

Amend House File 1010 as amended and passed by the House as follows:

1. Page 2, line 11, by adding after the word "law." " the following: "At the time the registration is signed by the eligible elector it shall also be signed by a mobile registrar, employee of the commissioner's office, or other eligible elector."

SENATE FILE 1062 SUBSTITUTED FOR HOUSE FILE 1115

Fitzgerald of Webster asked and received unanimous consent to substitute **Senate File 1062** for **House File 1115.**

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 17th day of February, 1976: House Files 24, 243 and 736.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 17, 1976, he approved and transmitted to the Secretary of State the following bills:

Senate File 74, an act relating to the use of tax money for purchase and improvement of schoolhouse sites.

Senate File 476, an act to provide for the licensing of speech pathologists and audiologists and to establish an examining board.

Senate File 1029, an act making appropriations to miscellaneous state agencies including the Committee on the Employment of the Handicapped, the Iowa Housing Finance Authority, the Board of Medical Examiners, the Board of Nurse Examiners, the Board of Parole, the Board of Pharmacy Examiners, the Spanish-American War Veterans and the Commission on the Status of Women.

Senate File 1032, an act appropriating funds to the Iowa State Arts Council and the Academy of Science.

Senate File 1033, an act appropriating funds from the Iowa Public Employees' Retirement System fund to the Employment Security Commission for costs of the administration of the Iowa Public Employees' Retirement system.

Senate File 1034, an act making an appropriation to the Employment Security Commission for Iowa Public Employees' Retirement System administration for increased costs of professional services.

Senate File 1035, an act providing a salary range for the Director of the Iowa Real Estate Commission.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 97 Agriculture
Relating to the handling, grading and licensing of eggs.

S. B. 98 Natural Resources
Relating to traps.

S. B. 99 Transportation
Relating to the receipt and disbursement of federal and private aid for public transit programs.

S. B. 100 Transportation
Relating to limiting construction of diagonal highways in the primary road system.

S. B. 101 Education
Relating to area education agency budgets and weighting of special education students.

S. B. 102 Natural Resources
Relating to birds of prey.

S. B. 103 Cities
Relating to the duration of qualification resulting from a city civil service appointment examination.

S. B. 104 County Government
Relating to the cost of evaluations of certain persons at the state mental health institutes, state hospital-schools for the mentally retarded, and the security medical facility.

S. B. 105 County Government
Relating to the maximum liability allowed by the Tort Liability of Governmental Subdivisions Act.

REPORTS OF COMMITTEES

Husak of Tama, from the committee on agriculture, submitted the following report:

MR. SPEAKER: Your committee on agriculture to whom was referred **House File 1051, a bill for an act relating to farm tenants,** begs leave to

report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HUSAK of Tama, Chair

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations has considered **House File 1314**, a bill for an act relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation and state transportation commission, and funding the state department of transportation's share for administration of the state merit system, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—5226

Amend the Schroeder, et al., amendment H—5158, to Senate amendment H—5126 to House File 576, as follows:

1. By striking all of lines 3 through 17 and inserting in lieu thereof the following:

"Page 1, by striking lines 2 and 3 and inserting in lieu thereof the following: "as follows:

1. Page 1, line 4, by inserting after the second word "car," the following: "except a used car which is twenty-five (25) years old or older, motorcycle,".

2. Page 1 by inserting after line 7 the following:

"The department shall by rule, issue exemptions for classes of vehicles and alterations if it can be shown that the modification is not detrimental to the safety features of the vehicle."

3. Page 1 by striking lines 8 and 9.

SPENCER of Clay
LAGESCHULTE of Bremer
KRAUSE of Palo Alto

H—5227

Amend the Senate amendment H—5126 to House File 576, as passed by the House, as follows:

1. By striking lines 1 through 3 and inserting in lieu thereof the following:

"Amend House File 576 as follows:

1. Page 1, line 4, by inserting after the second word "car," the following: "except a used car which is twenty-five (25) years old or older,

motorcycle,".

2. Page 1 by inserting after line 7 the following:

"The department shall by rule, issue exemptions for classes of vehicles and alterations if it can be shown that the modification is not detrimental to the safety features of the vehicle."

3. Page 1 by striking lines 8 and 9.

4. Page 1, line 11, by striking the numerals "1976" and inserting in lieu thereof the numerals "1977"."

SPENCER of Clay
LAGESCHULTE of Bremer
KRAUSE of Palo Alto

H—5228

Amend House File 689 as follows:

1. Page 1, line 6, by striking the words "the limited ability" and inserting in lieu thereof the following: "a severely disabling inability".

BINA of Scott

H—5221

Amend the Senate amendment H—5121 to House File 863, as passed by the House, as follows:

1. Page 1, by inserting after line 2 the following:

"1. Page 1, line 14, by striking the word "one thousand" and inserting in lieu thereof the words "two thousand five hundred"."

2. By renumbering the amendments to conform to this amendment.

HUSAK of Tama
PELLETT of Cass

H—5225

Amend House File 1036, page 1, by striking all of lines 10 through 15 and inserting in lieu thereof the following:

"2. DEPARTMENT OF ENVIRONMENTAL QUALITY

For salaries and support of not more than one hundred forty-six full-time permanent positions, and maintenance, and miscellaneous purposes including support of some regional air pollution control boards.....$1,625,231"

HARVEY of Scott

H—5231

Amend House File 1261, page 1, line 9, by inserting after the word "surgery," the word "*psychology*".

OAKLEY of Clinton

H—5222

Amend House File 1283 as follows:

1. Page 1, line 11, by inserting after the word "road" the following: "*, or along a route established for a period of ten years or more by an easement of record or by use and travel to and from the property by the owner and the general public.*"

WYCKOFF of Benton

H—5229

Amend House File 1283 as follows:

1. Page 1, line 6, by striking "[public]" and inserting in lieu thereof the word "public".

BORTELL of Madison

H—5223

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 61, line 24, by inserting after the word "mouth" the words "or tongue".

SPEAR of Lee

H—5224

Amend Senate File 357, as amended and passed by the Senate as follows:

1. Page 1, line 22, by inserting after the word "foregoing" the words "whereby the municipality could receive revenues for payment of such bonds from any one person or any group of persons under common control".

2. Page 1, line 24, by inserting after the word "bank." the following: "A state bank shall obtain the express consent of the superintendent prior to investment by that bank of an amount in excess of twenty percent of its capital and surplus in bonds or securities issued by any one municipality."

NEWHARD of Jones

H—5232

Amend Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. ADJUSTMENT OF ASSESSED VALUES. Notwithstanding the valuations made by assessors in the 1975 assessment year pursuant to section four hundred twenty-eight point four (428.4) of the Code and notwithstanding the equalization order issued by the director of revenue pursuant to section four hundred forty-one point forty-seven (441.47) of the Code adjusting the 1975 assessment year property valuations, as determined by the assessor in each assessing jurisdiction, the actual value of each parcel of

property in each assessing jurisdiction on January 1, 1975 shall be the actual value of such parcel of property as determined and certified by the assessor on January 1, 1974 and levies computed by the county auditor for budgets of political subdivisions for the fiscal year beginning July 1, 1976 and ending June 30, 1977 shall be on property values provided by this Act."

2. Amend the title, lines 1 through 3, by striking the words "provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures" and inserting in lieu thereof the words "to adjust the assessed valuation of taxable property in this state".

HORN of Linn

H—5233

Amend Senate File 1062 as amended and passed by the Senate and reprinted as follows:

1. Page 4, line 2, by inserting after the word "public" the words "subject to confirmation by the Senate."

SCHROEDER of Pottawattamie

H—5240

Amend Senate File 1062 as passed by the Senate and reprinted as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* DEFINITIONS.

1. "Base year" means the preceding fiscal year.

2. "Political subdivision" means a city, county or any other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation except a school corporation subject to the provisions of chapter four hundred forty-two (442) of the Code.

3. "Limited budget" means that part of the budget including amendments for all funds of a political subdivision of this state which is used to pay salaries or wages of the public officers or employees including the obligations of the political subdivision for pension or retirement systems or unemployment compensation and the obligations of the political subdivision under the United States Social Security Act.

4. "Allowable growth" means a maximum increase in the proposed expenditures in the limited budget of a political subdivision for a fiscal year equal to nine percent of the proposed expenditures in the certified limited budget of such political subdivision for the base year.

Sec. 2. *NEW SECTION.* RESTRICTIONS ON EXPENDITURES—

-ALLOWABLE GROWTH. The proposed expenditures in the certified limited budget of a political subdivision, for the fiscal year commencing July 1, 1976 and for each fiscal year thereafter, shall not exceed the proposed expenditures in the certified limited budget of that political subdivision for the base year, plus the allowable growth for that political subdivision.

Sec. 3. *NEW SECTION.* PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED. The provisions of this Act shall not be construed as removing or otherwise affecting the property tax levy limitations otherwise provided by law for any fund, account, or program in the budget of a political subdivision.

Sec. 4. *NEW SECTION.* BUDGET APPEAL NOT AFFECTED. The provisions of this Act shall not be construed to prohibit or affect a protest filed with the state appeal board against the budget of a political subdivision subject to the provisions of this Act.

Sec. 5. *NEW SECTION.* SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the provisions of this Act shall apply to special chartered cities. The state appeal board may adopt such rules

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relating to budget forms and procedures as the state appeal board deems necessary to carry out the provisions of this Act regarding special charter cities.

Sec. 6. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Webster City Freeman-Journal, a newspaper published in Webster City, Iowa, and in the Story City Herald, a newspaper published in Story City, Iowa."

EGENES of Story

H—5236

Amend Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. Page 9, by inserting after line 18 the following:

"Sec. ..... LIMITATION-ON INDIVIDUAL TAX LIABILITY.

1. Notwithstanding the provisions of chapter four hundred forty-five (445) of the Code, the owner of residential property having an assessed value of forty thousand dollars or less and eligible for a homestead tax credit under chapter four hundred twenty-five (425) of the Code, shall not be required to pay a property tax on such property which exceeds the property taxes paid on such property for the base year plus an increase of ten percent of the base year's tax liability. However, if the owner of residential property which is eligible for the property tax limitation under this subsection has resided at

such property for twenty years or more, the property tax liability on such property shall not exceed the property taxes paid on such property for the base year plus an increase of five percent of the base year's tax liability.

2. If the assessed value of the property eligible for the property tax limitation under subsection one (1) of this section is increased because of new construction, the asssessed value of such new construction shall be subject to the full property tax levy for the first fiscal year that the property is subject to taxation. Thereafter, the property tax limitation as provided in subsection one (1) of this section shall apply to the total assessed valuation of such property.

3. The amount of any property tax which is uncollectible because of the property tax limitation as provided in this section shall be apportioned among the taxing districts certifying a property tax to be levied against such property and the amount of property taxes to be levied and collected for such taxing districts shall be correspondingly reduced."

2. Amend the title, line 2, by inserting after the word "state" the words ", to provide a property tax limitation for certain individual property owners,".

LIPSKY of Linn

H—5237

Amend Senate File 1062 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The maximum amount in dollars which may be levied by a city with a population of more than five hundred for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The general fund levy authorized pursuant to section three hundred eighty-four point one (384.1) of the Code.

2. The tax levy for the purpose of carrying out the terms of a contract for the use of a bridge by a city situated on a river over which a bridge has been built authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eight (8), of the Code.

3. The tax levy for the operation and maintenance of a municipal transit system and for the creation of a reserve fund for the system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection ten (10), of the Code.

4. The tax levy for the lease of a building or complex of buildings to be operated as a civic center

authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eleven (11), of the Code.

5. The tax levy for operating and maintaining a civic center owned by a city authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection twelve (12), of the Code.

6. The tax levy for planning a sanitary disposal system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection thirteen (13), of the Code.

7. The tax levy for an aviation authority authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fourteen (14), of the Code.

8. The tax levy for an authority for a joint city-county building authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fifteen (15), of the Code.

9. The tax levy for a levee improvement fund authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection sixteen (16), of the Code.

10. The tax levy to aid a railway authorized

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pursuant to section three hundred eighty-four point twelve (384.12), subsection seventeen (17), of the Code.

11. The tax levy to maintain an institution received by gift or devise authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eighteen (18), of the Code.

12. The tax levy to pay the premium costs on tort liability insurance authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection nineteen (19), of the Code.

13. The tax levy for the emergency fund authorized pursuant to section three hundred eighty-four point eight (384.8) of the Code.

Sec. 2. The maximum amount in dollars which may be levied by a county for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The tax levy for the emergency fund authorized pursuant to section twenty-four point six (24.6) of the Code.

2. The tax levy for the development, operation, and maintenance of a memorial building or monument authorized pursuant to section thirty-seven point eight (37.8) of the Code.

3. The tax levy for the purchase of voting machines authorized pursuant to section fifty-two point three (52.3) of the Code.

4. The tax levy for the county conservation board authorized pursuant to section one hundred eleven A point six (111A.6) of the Code.

5. The tax levy for indemnity payments and the inspection and testing program relating to bovine brucellosis eradication authorized pursuant to section one hundred sixty-four point twenty-three (164.23) of the Code.

6. The tax levy for the bovine tuberculosis **eradication fund authorized pursuant to section one** hundred sixty-five point eighteen (165.18) of the Code.

7. The tax levy for the fairground fund authorized pursuant to sections one hundred seventy-four point thirteen (174.13) and one hundred seventy-four point seventeen (174.17) of the Code.

8. The tax levy for the purpose of maintaining a county or multicounty juvenile home authorized pursuant to section two hundred thirty-two point twenty-two (232.22) of the Code.

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9. The tax levy for the veteran affairs fund authorized pursuant to section two hundred fifty point one (250.1) of the Code.

10. The tax levy for the poor fund authorized pursuant to sections two hundred fifty-two point forty-three (252.43) through two hundred fifty-two point forty-five (252.45) of the Code.

11. The tax levy for secondary road construction and maintenance authorized pursuant to section three hunded nine point seven (309.7) of the Code.

12. The tax levy for the road clearing fund authorized pursuant to section three hundred seventeen point nineteen (317.19) of the Code.

13. The tax levy for the purchase of weed eradicating equipment and materials authorized pursuant to section three hundred seventeen point twenty (317.20) of the Code.

14. The tax levy for an aviation authority authorized pursuant to section three hundred thirty A point fifteen (330A.15) of the Code.

15. The tax levy for the maintenance and improvement of cemeteries in the county authorized pursuant to section three hundred thirty-two point three (332.3) of the Code.

16. The tax levy for public disposal grounds authorized pursuant to section three hundred thirty-two point thirty-two (332.32) of the Code.

17. The tax levy for the county indemnification fund authorized pursuant to section three hundred thirty-two point thirty-eight (332.38) of the Code.

18. The tax levy for the operation, control, maintenance, and management of health centers authorized pursuant to section three hundred forty-six A point two (346A.2) of the Code.

19. The tax levy for the payment of claims for bounties on wild animals authorized pursuant to section three hundred fifty point eight (350.8) of the Code.

20. The tax levy for the maintenance of a county library authorized pursuant to section three hundred fifty-eight B point thirteen (358B.13) of the Code.

21. The tax levy for the entering of contracts for the use of city libraries authorized pursuant to section three hundred fifty-eight B point eighteen (358B.18) of the Code.

22. The tax levy for ordinary county revenue and the election expense fund authorized pursuant to section four hundred forty-four point nine (444.9) of the Code.

23. The tax levy for the court expense fund authorized pursuant to section four hundred forty-

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four point ten (444.10) of the Code.

24. The tax levy for the county orphan fund authorized pursuant to section four hundred forty-four point eleven (444.11) of the Code.

25. The tax levy for the purpose of planning a sanitary disposal project or of paying interest and principal on bonds issued pursuant to section three hundred forty-six point twenty-three (346.23) of the Code which levy is authorized pursuant to section four hundred fifty-five B point eighty-one (455B.81) of the Code.

26. The tax levy for flood and erosion control projects authorized pursuant to section four hundred sixty-seven B point nine (467B.9) of the Code.

27. The tax levy for the maintenance of property received by a county by gift or devise authorized pursuant to section five hundred sixty-five point eight (565.8) of the Code.

Sec. 3. The maximum amount in dollars which may be levied by a special purpose district for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The tax levy by a benefited water district for the maintenance of the water system authorized pursuant to section three hundred fifty-seven point twenty-five (357.25) of the Code.

2. The tax levy by a benefited fire district to provide fire protection within the district authorized pursuant to section three hundred fifty-seven B point three (357B.3) of the Code and the levy authorized pursuant to section three hundred fifty-seven B point five (357B.5) of the Code which permits the county board of supervisors to continue the levy upon dissolution of the district until all debts and obligations of the dissolved district are paid.

3. The tax levy by a benefited street lighting district authorized pursuant to section three hundred fifty-seven C point seven (357C.7) and three hundred fifty-seven C point eleven (357C.11) of the Code.

4. The tax levy authorized pursuant to section four hundred sixty-six point four (466.4) of the Code permitting a levy sufficient to raise the amount necessary for maintenance of a system to provide internal drainage necessary by the construction of a levee along a navigable stream forming a part of the boundary of the state.

5. The tax levy for a soil conservation district

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authorized pursuant to section four hundred sixty-seven A point twenty (467A.20) of the Code.

6. The tax levy authorized pursuant to section four hundred eighty-three point one (483.1) of the Code to provide aid to railroads.

Sec. 4. The maximum amount in dollars which may be levied by a public hospital for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The emergency tax levy authorized pursuant to section twenty-four point six (24.6) of the Code.

2. The tax levy for the operation, equipping, maintenance, improvement, and replacement of a county public hospital authorized pursuant to sections three hundred forty-seven point seven (347.7) and three hundred forty-seven point twenty-seven (347.27) of the Code.

3. The tax levy for the operation and maintenance of a county hospital authorized pursuant to section three hundred forty-seven A point three (347A.3) of the Code.

Sec. 5. The maximum amount in dollars which may be levied for the county agricultural extension education program authorized pursuant to section one hundred seventy-six A point ten (176A.10) of the Code for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent.

Sec. 6. The maximum amount in dollars which may be levied by a merged area school for general operations authorized pursuant to section two hundred eighty A point seventeen (280A.17) of the Code for the fiscal year beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal years shall be limited to an increase of seven percent.

Sec. 7. A political subdivision of the state subject to the provisions of this Act may initiate an appeal with the appropriate budget review committee

as designated in section nine (9) of this Act, based upon a natural disaster or any unusual circumstances, which creates the need for additional funds. The appropriate budget review committee may waive the maximum amount of dollars which may be levied under the provisions of this Act or the levy limitations provided by law.

Sec. 8. There is created a county budget review

committee consisting of the following five members:

1. The state comptroller or his designee who shall serve as chairperson.

2. Three county officers appointed by the governor, one member selected from a county having an assessed valuation of:

a. Less than ninety-six million three hundred thousand dollars.

b. Ninety-six million three hundred thousand dollars or more but less than one hundred eighteen million five hundred twenty thousand dollars.

c. One hundred eighteen million five hundred twenty thousand dollars or more.

3. The certified public accountant appointed to the city finance committee under section three hundred eighty-four point thirteen (384.13) of the Code.

In addition to the circumstances creating a vacancy under section sixty-nine point two (69.2) of the Code, a vacancy shall exist when a county officer appointed under subsection two (2) of this section no longer holds a county office which qualifies such officer for appointment to this committee.

The county budget review committee shall meet at the call of the chairperson and adopt its own rules of procedure. The committee may hold public hearings. Actions taken or rules promulgated by the committee shall be subject to the provisions of chapter seventeen A (17A) of the Code.

The committee members, except the state comptroller and county officers who are full-time public officers, are entitled to a per diem of forty dollars for each day spent in the performance of committee duties and each member is entitled to reimbursement for his actual and necessary expenses incurred in performance of committee duties. The per diem and expenses shall be paid from funds appropriated to the state comptroller.

Sec. 9. The appropriate budget review committee to which a political subdivision may appeal is as follows:

1. The city finance committee created under section three hundred eighty-four point thirteen (384.13) of the Code for any city subject to the provisions of this Act.

2. The school budget review committee created

under section four hundred forty-two point twelve (442.12) of the Code for a merged area school created under chapter two hundred eighty A (280A) of the Code.

3. The county budget review committee for any other political subdivision of the state subject to

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provisions of this Act.

Sec. 10. Nothing in this Act shall be construed to prevent an appeal of a decision made by a budget review committee designated in section nine (9) of this Act to the state appeal board.

Sec. 11. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Eldora Herald-Index, a newspaper published in Eldora, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa."

2. Amend the title by striking everything after the word "Act" in line 1 and inserting in lieu thereof the words "relating to budgets of certain political subdivisions of the state by restricting the amount of dollars which can be raised by certain property tax levies, providing for appeals of limitations on property tax levies, imposing additional duties on the city finance committee and the school budget review committee, and creating a county budget review committee."

WEST of Marshall

H—5238

Amend Senate File 1062 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* DEFINITIONS.

1. "Base year" means the preceding fiscal year.

2. "Political subdivision" means a city, county or any other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation except a school corporation subject to the provisions of chapter four hundred forty-two (442) of the Code.

3. "Limited budget" means that part of the budget including amendments for all funds of a political subdivision of this state which is used to pay salaries or wages of the public officers or employees including the obligations of the political subdivision for pension or retirement systems or unemployment compensation and the obligations of the political subdivision under the United States Social Security Act.

4. "Allowable growth" means a maximum increase in the proposed expenditures in the limited budget of a political subdivision for a fiscal year equal to nine percent of the proposed expenditures in the

certified limited budget of such political subdivision for the base year.

Sec. 2. *NEW SECTION.* RESTRICTIONS ON EXPENDITURES--ALLOWABLE GROWTH. The proposed expenditures in the certified limited budget of a political subdivision, for the fiscal year commencing July 1, 1976 and for each fiscal year thereafter, shall not exceed the proposed expenditures in the certified limited budget of that political subdivision for the base year, plus the allowable growth for that political subdivision.

Sec. 3. *NEW SECTION.* PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED. The provisions of this Act shall not be construed as removing or otherwise affecting the property tax levy limitations otherwise provided by law for any fund, account, or program in the budget of a political subdivision.

Sec. 4. *NEW SECTION.* BUDGET APPEAL NOT AFFECTED. The provisions of this Act shall not be construed to prohibit or affect a protest filed with the state appeal board against the budget of a political subdivision subject to the provisions of this Act.

Sec. 5. *NEW SECTION.* SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the provisions of this Act shall apply to special chartered cities. The state appeal board may adopt such rules relating to budget forms and procedures as the state

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appeal board deems necessary to carry out the provisions of this Act regarding special charter cities.

Sec. 6. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Webster City Freeman-Journal, a newspaper published in Webster City, Iowa, and in the Story City Herald, a newspaper published in Story City, Iowa."

2. Amend the title by striking lines 2 and 3 and inserting in lieu thereof the following: "subdivisions of the state".

EGENES of Story

H—5239

Amend Senate File 1062 as follows:

1. Page 5, by inserting after *"subdivision."* in line 15, the following: *"The notice shall be published in the same newspapers in which the budget was published."*

HUTCHINS of Guthrie
HANSEN of O'Brien

H—5241

Amend Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. By striking everything after the enacting

clause and inserting in lieu thereof the following:
"Section 1. DEFINITIONS.
1. "Base year" means the preceding fiscal year.
2. "Political subdivision" means a city, county, school corporation or any other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation.
3. "Allowable growth guideline" means an increase in the proposed expenditures in the total budget or the property tax budget of a political subdivision for a fiscal year equal to seven percent of the proposed expenditures in the certified total budget or the property tax budget of such political subdivision for the base year.
4. "Total budget" means the budget including amendments for all funds or programs of a political subdivision, excluding the amount of moneys collected or received from property taxes and other sources for the paying of interest and principal on any indebtedness authorized by law and the budget of a school corporation subject to limitation under chapter four hundred forty-two (442) of the Code, but including that part of the budget provided for under section two hundred seventy-eight point one (278.1), subsection seven (7), of the Code.
5. "Property tax budget" means that part of the total budget to be derived from property taxation.
6. "Person" means eligible elector as defined in section thirty-nine point three (39.3) of the Code.
Sec. 2. BUDGET PROCESS—NOTICE AND PUBLIC HEARING. In addition to the requirements of chapters twenty-four (24) and three hundred eighty-four (384), division two (II), of the Code relating to the publication of notice and public hearing on a budget of a political subdivision, the public notice of a hearing on a total budget shall include the following information:
1. The percentage and the dollar amount increase or decrease for the total budget and the property tax budget of the political subdivision.
2. The percentage and the dollar amount increase or decrease of each fund included in the proposed total budget and the property tax budget.
3. A statement showing the allowable growth guideline established by the general assembly and the dollar amount of increase represented by such guideline for the proposed total budget and the

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property tax budget of the political subdivision.
4. A statement of the major reasons for the proposed increases in the proposed total budget and the property tax budget.
5. A comparison of the percentages and dollar amounts proposed to be expended with the percentages and dollar amounts expended during the preceding

fiscal year.

The provisions of this section shall not apply to publication of notice for a hearing on a total budget for the fiscal year beginning July 1, 1976 required under section twenty-four point nine (24.9) or three hundred eighty-four point sixteen (384.16) of the Code if the notice of hearing has been published before the effective date of this Act, but this section shall apply to any other notice for a hearing on a total budget or amendment to a total budget required by this Act or other provision of law for the fiscal years beginning July 1, 1976 and July 1, 1977.

Sec. 3. ALLOWABLE GROWTH GUIDELINE EXCEEDED—ADDITIONAL PUBLIC HEARING. If a political subdivision approves a total budget or property tax budget which exceeds the allowable growth guideline following the public hearing required under chapter twenty-four (24) or three hundred eighty-four (384), division two (II), of the Code, the governing body of such political subdivision shall withhold certification of such total budget to the county auditor for at least seven days following such approval. If, during the seven days following approval of the budget, a valid petition signed by at least five persons who are residents of a political subdivision having a population of one hundred persons or less, at least ten persons who are residents of a political subdivision having a population of more than one hundred but not more than five hundred persons, or at least twenty-five persons who are residents of a political subdivision having a population of more than five hundred persons, is filed with the governing body of a political subdivision requesting another public hearing, the governing body shall publish notice of and conduct such public hearing not later than April fifth. The date, time and location of the public hearing and the information required to be published under section two (2) of the Act, shall be published in a newspaper having general circulation throughout the political subdivision not less than five days before the date specified for such hearing. In the case of a city having a population of two

Page 3

hundred or less, a publication may be made as provided in section three hundred sixty-two point three (362.3), subsection two (2), of the Code. Thereafter, the total budget shall be approved and certified, with or without changes that may be made after the hearings, to the county auditor not later than April fifth.

Sec. 4. EXCEPTION TO DATES FOR BUDGET APPEAL. Notwithstanding sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and three hundred eighty-four point nineteen (384.19) of the Code, persons affected

by a certified total budget or a property tax budget of a political subdivision which has exceeded the allowable growth guideline, shall have ten days following certification of such budget to file a petition to appeal to the state appeal board. All other time limitations or dates specified in sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and three hundred eighty-four point nineteen (384.19) of the Code shall be correspondingly changed or extended to allow the same amount of time for the protest hearing and the decision of the state board that would exist had the appeal to the state appeal board been filed as provided in section twenty-four point twenty-seven (24.27) or three hundred eighty-four point nineteen (384.19) of the Code.

Sec. 5. PROPERTY TAX CARRYOVER. If a political subdivision adopts a total budget for the fiscal year beginning July 1, 1976 and ending June 30, 1977, which does not include an increase in the amount of the property tax levy computed in dollars which exceeds or is equal to the allowable growth guideline allowed under the provisions of this Act, the political subdivision may levy property taxes for the succeeding fiscal year in excess of the allowable growth guideline provided by this Act and be exempt from the provisions of section three (3) of this Act. However, the exemption from the requirements of section three (3) of this Act shall only be applicable if the additional property tax levy does not raise in dollars an amount which exceeds the allowable growth guideline for the succeeding fiscal year and the difference between the amount in dollars which the political subdivision levied during the base year and the amount in dollars which the political subdivision could have levied during that year under the allowable growth guideline.

Sec. 6. DUTIES OF STATE COMPTROLLER. As soon as practicable after the effective date of this Act, the state comptroller shall give notice of the re-

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quirements of this Act and distribute such forms as required to the governing bodies of the political subdivisions of this state.

Sec. 7. PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED. The provisions of this Act shall not be construed as removing or otherwise affecting the property tax levy limitations otherwise provided by law for any fund, account, or program in the total budget of a political subdivision.

Sec. 8. BUDGET APPEAL NOT AFFECTED. The provisions of this Act shall not be construed to prohibit or affect a protest filed with the state appeal board against a total budget which has not equaled or exceeded the allowable growth guideline provided for

in this Act.

Sec. 9. SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the provisions of this Act shall apply to special chartered cities. The state appeal board may adopt such rules relating to budget forms and procedures as the state appeal board deems necessary to carry out the provisions of this Act regarding special chartered cities.

Sec. 10. BUDGETS AFFECTED. The provisions of this Act shall apply to the budgets of a political subdivision for the fiscal years beginning July 1, 1976 and July 1, 1977.

Sec. 11. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Quad-City Times, a newspaper published in Davenport, Iowa, and in the Ida County Pioneer-Record, a newspaper published in Ida Grove, Iowa."

2. Amend the title, lines 1 though 3, by striking the words "to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures" and inserting in lieu thereof the words "establishing budget hearing procedures and budget expenditure guidelines for political subdivisions of this state".

NORLAND of Worth
BINA of Scott

H—5234

Amend Senate File 1072 as follows:

1. Page 2, line 14, by striking the figure "5,029,257" and inserting in lieu thereof the figure "5,156,517".

2. Page 2, after line 23, insert the following section:

"Sec. 2. Section six hundred two point eighteen (602.18), subsection two (2), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

2. The number of judgeships to which each of the judicial election districts shall be entitled shall be determined from time to time according to the following formula:

a. In an election district wherein the largest county contains two hundred thousand or more population, there shall be one judgeship per seven hundred twenty-five combined civil and criminal filings or major fraction thereof; provided, the seat of government shall be entitled to one additional judgeship.

b. In an election district wherein the largest county contains eighty-five thousand or more population, but less than two hundred thousand, there shall be one judgeship per six hundred twenty-five

combined civil and criminal filings or major fraction thereof.

c. In an election district wherein the largest county contains forty-five thousand or more population, but less than eighty-five thousand, there shall be one judgeship per five hundred twenty-five combined civil and criminal filings or major fraction thereof.

d. In an election district wherein the largest county contains less than forty-five thousand population, there shall be one judgeship per four hundred seventy-five combined civil and criminal filings or major fraction thereof.

e. Notwithstanding paragraphs a, b, c, or d of this subsection, each election district shall be entitled to not less than one judgeship for each forty thousand population or major fraction thereof contained in the election district. The court administrator shall determine both the number of judgeships for each election district based upon this paragraph, and the number of judgeships for each election district based upon paragraph a, b, c, or d of this subsection. If the number for any election district determined under this paragraph exceeds the number determined under paragraph a, b, c, or d, that election district shall be entitled to the number of judgeships

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determined under this paragraph.

f. The filings included in the determinations to be made under this subsection shall not include small claims or nonindictable misdemeanors filed after June 30, 1973, nor shall they include either civil actions for money judgment where the amount in controversy does not exceed three thousand dollars or indictable misdemeanors, which were assigned to district associate judges and judicial magistrates as shown on their administrative reports, but they shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations."

3. Renumber the remaining section.

4. Title page, line 1, after the word "appropriation" insert the words "and relating".

HANSEN of O'Brien
MENKE of O'Brien
HARPER of Davis
PONCY of Wapello
BAKER of Buena Vista
SPENCER of Clay

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 3:48 p.m. until 10:00 a.m., Wednesday, February 18, 1976.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day—Twenty-sixth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, FEBRUARY 18, 1976

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

Prayer was offered by the Honorable Ingwer Hansen, state Representative from Hartley, Iowa.

The Journal of Tuesday, February 17, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Valin, Des Moines, Iowa.

SPECIAL PRESENTATION

Hutchins of Guthrie escorted to the Speaker's station and presented to the House Eric Haeberle and his parents, Mr. and Mrs. Fred Haeberle of Audubon, Iowa.

Eric is the 1976 poster child for the Iowa Affiliate of the American Diabetes Association. Last year he was the winner of two golf trophies at the Audubon Country Club and the winner in the bike-a-thon held in Des Moines which raised over $600 for the diabetes association.

The House rose and extended its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek on request of Crawford of Story.

PRESENTATION OF VISITORS

Millen of Van Buren presented to the House the Honorable Cecil A. Reed, former member of the House during the Sixty-

second General Assembly, representing Linn County. Mr. Reed is now the Assistant Regional Administrator of the United States Department of Labor Manpower Administration.

PETITIONS FILED

The following petitions were received and placed on file.

By Branstad of Winnebago from twenty residents of Polk County, in support of House File 79 and Senate File 67, regarding regulation of massage parlors.

By Lipsky of Linn from sixty-nine residents of Linn County favoring House File 1130, relating to regulation of smoking in public places.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 1051 and 1314, under Rule 36.

INTRODUCTION OF BILL

House File 1328, by Lageschulte, Harvey, Hinkhouse, Pellett, Koogler, Brockett and Hutchins, a bill for an act to make an appropriation from the general fund of the state to the pediatric department of the college of medicine of the state university of Iowa to be used for research on diabetes mellitus.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 16, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 188, a bill for an act authorizing the director of the department of general services with approval of the state executive council to proceed with the acquisition of additional land for the extension of the state capitol grounds.

Also: That the Senate has on February 16, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 918, a bill for an act making an appropriation to pay attorney fees in an election contest.

Also: That the Senate has on February 16, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1037, a bill for an act appropriating funds to the capitol planning commission.

Also: That the Senate has on February 16, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1080, a bill for an act making appropriations to agencies involved in the legislative process.

Also: That the Senate has on February 16, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1082, a bill for an act making an appropriation to regulatory boards and commissions governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture, and real estate.

Also: That the Senate has on February 17, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1102, a bill for an act to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership.

Also: That the Senate has on February 16, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1125, a bill for an act repealing the statutory appropriation for the state employees' disability plan.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

Senate File 1102, a bill for an act to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership.

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

HOUSE FILE 1270 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw **House File 1270** from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Monroe of Des Moines called up for consideration **House File 1010,** a bill for an act to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take

effect upon publication, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5230

Amend House File 1010 as amended and passed by the House as follows:

1. Page 2, line 11, by adding after the word "law." " the following: "At the time the registration is signed by the eligible elector it shall also be signed by a mobile registrar, employee of the commissioner's office, or other eligible elector."

The motion prevailed and the House concurred in the Senate amendment H—5230.

Monroe of Des Moines moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1010)

The ayes were, 73:

Anderson	Gilloon	Koogler	Pavich
Avenson	Griffee	Krause	Perkins
Baker	Hansen	Lindeen	Poncy
Bina	Hargrave	Lipsky	Scheelhaase
Brandt	Harper	Lonergan	Schroeder
Brunow	Harvey	Menke	Spear
Byerly	Hennessey	Mennenga	Spencer
Caffrey	Higgins	Middleswart	Spradling
Crabb	Hines	Miller, A. V.	Stromer
Crawford	Hinkhouse	Miller, K. D.	Svoboda
Cusack	Horn	Miller, O. L.	Tauke
Den Herder	Howell	Monroe	Walter
Dieleman	Hullinger	Newhard	Wells
Doyle	Husak	Nielsen	West
Dunton	Hutchins	Norland	Woods
Dyrland	Jochum	Oakley	Wulff
Egenes	Jordan	O'Halloran	Wyckoff
Fitzgerald	Junker	Patchett	Mr. Speaker
Gentleman			

The nays were, 18:

Bennett	Daggett	Kreamer	Nealson
Bittle	Danker	Lageschulte	Pellett
Bortell	Drake	McElroy	Varley
Branstad	Evans	Millen	Welden
Brockett	Halvorson		

Absent or not voting, 8:

Clark	Jesse	Readinger	Small
Connors	Middleton	Rinas	Tofte

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

CONSIDERATION OF BILLS

REGULAR CALENDAR

SENATE FILE 1102 SUBSTITUTED FOR HOUSE FILE 1148

Newhard of Jones asked and received unanimous consent to substitute Senate File 1102 for House File 1148.

Senate File 1102, a bill for an act to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership, was taken up for consideration.

Dieleman of Marion moved that Senate File 1102 be tabled.

Harvey of Scott rose on a point of order that the motion, having been debated, was out of order.

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

Dieleman of Marion moved that Senate File 1102 be referred to the committee on judiciary and law enforcement.

The motion lost.

Perkins of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1102)

The ayes were, 90:

Anderson	Fitzgerald	Krause	Pavich
Avenson	Gentleman	Kreamer	Pellett
Baker	Gilloon	Lageschulte	Perkins
Bennett	Griffee	Lindeen	Poncy
Bina	Halvorson	Lipsky	Readinger
Bittle	Hansen	Lonergan	Rinas
Bortell	Hargrave	McElroy	Small
Brandt	Harper	Menke	Spear
Branstad	Harvey	Mennenga	Spencer
Brockett	Hennessey	Middleswart	Spradling
Brunow	Higgins	Middleton	Stromer
Byerly	Hines	Millen	Svoboda
Caffrey	Hinkhouse	Miller, A. V.	Tauke
Clark	Horn	Miller, K. D.	Varley
Crabb	Howell	Miller, O. L.	Walter
Crawford	Hullinger	Nealson	Welden
Cusack	Husak	Newhard	Wells
Doyle	Hutchins	Nielsen	West
Drake	Jesse	Norland	Woods
Dunton	Jochum	Oakley	Wulff
Dyrland	Jordan	O'Halloran	Wyckoff
Egenes	Junker	Patchett	Mr. Speaker
Evans	Koogler		

The nays were, 6:

Daggett	Den Herder	Monroe	Scheelhaase
Danker	Dieleman		

Absent or not voting, 3:

Connors	Schroeder	Tofte

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

ADOPTION OF HOUSE RESOLUTION 103

Pursuant to House Rule 26, the Speaker announced that **House Resolution 103,** filed on February 5, 1976, and found on page 278 of the House Journal, was adopted by unanimous consent.

HOUSE FILE 1148 WITHDRAWN

Perkins of Greene asked and received unanimous consent to withdraw **House File 1148** from further consideration by the House.

CONSIDERATION OF BILLS

WAYS AND MEANS CALENDAR

Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, was taken up for consideration.

Horn of Linn offered the following amendment H—5232 filed by him:

H—5232

Amend Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. ADJUSTMENT OF ASSESSED VALUES. Notwithstanding the valuations made by assessors in the 1975 assessment year pursuant to section four hundred twenty-eight point four (428.4) of the Code and notwithstanding the equalization order issued by the director of revenue pursuant to section four hundred forty-one point forty-seven (441.47) of the Code adjusting the 1975 assessment year property valuations, as determined by the assessor in each assessing jurisdiction, the actual value of each parcel of property in each assessing jurisdiction on January 1, 1975 shall be the actual value of such parcel of property as determined and certified by the assessor on January 1, 1974 and levies computed by the county

auditor for budgets of political subdivisions for the fiscal year beginning July 1, 1976 and ending June 30, 1977 shall be on property values provided by this Act."

2. Amend the title, lines 1 through 3, by striking the words "provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures" and inserting in lieu thereof the words "to adjust the assessed valuation of taxable property in this state".

Bennett of Ida offered the following amendment H—5249, to amendment H—5232, filed by him from the floor and moved its adoption:

H—5249

Amend the Horn amendment, H—5232, to Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. Line 18, by inserting after the word "and" the following:

"equalized by the director of revenue; however, the director shall not decrease the valuation of any class of property in a county as assessed on January 1, 1974 and shall not increase the valuation of a class of property statewide by more than ten percent. The".

A non-record roll call was requested.

The ayes were 33, nays 59.

Amendment H—5249 lost.

Jordan of Linn offered the following amendment H—5252, to amendment H—5232, filed by him from the floor:

H—5252

Amend H—5232 to Senate File 1062 as follows:

1. Page 1, by inserting after line 22 the following:

"All new construction constructed after January 1, 1974 shall use the actual value of such construction on the date it was constructed."

Fitzgerald of Webster moved the previous question with respect to the filing of amendments to Senate File 1062 and all amendments to amendments filed thereto.

Millen of Van Buren requested a recess for a Republican caucus.

The Speaker ruled the recess would not be in order with the previous question motion before the House.

Millen of Van Buren moved that the House recess for a Republican caucus.

Fitzgerald of Webster asked and received unanimous consent to withdraw his previous question motion.

Millen of Van Buren asked and received unanimous consent to withdraw his motion for a recess.

Jordan of Linn moved the adoption of amendment H—5252, to amendment H—5232.

Amendment H—5252 lost.

Horn of Linn moved the adoption of amendment H—5232.

Roll call was requested by Menke of O'Brien and Hansen of O'Brien.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5232 be adopted?"

The ayes were, 18:

Baker	Danker	Jordan	Millen
Bennett	Dunton	Lageschulte	Nealson
Branstad	Halvorson	Lindeen	Pellett
Byerly	Hansen	Menke	Schroeder
Crabb	Horn		

The nays were, 76:

Anderson	Evans	Krause	Poncy
Avenson	Fitzgerald	Lipsky	Readinger
Bina	Gentleman	Lonergan	Rinas
Bittle	Gilloon	McElroy	Scheelhaase
Bortell	Griffee	Mennenga	Small
Brandt	Hargrave	Middleswart	Spencer
Brockett	Harper	Middleton	Spradling
Brunow	Harvey	Miller, A. V.	Stromer
Caffrey	Hennessey	Miller, K. D.	Svoboda
Clark	Hines	Miller, O. L.	Tauke
Connors	Hinkhouse	Monroe	Varley
Crawford	Howell	Newhard	Walter
Cusack	Hullinger	Nielsen	Welden
Daggett	Husak	Norland	Wells
Den Herder	Hutchins	Oakley	West
Dieleman	Jesse	O'Halloran	Woods
Doyle	Jochum	Patchett	Wulff
Drake	Junker	Pavich	Wyckoff
Dyrland	Koogler	Perkins	Mr. Speaker

Absent or not voting, 5:

Egenes	Kreamer	Spear	Tofte
Higgins			

Amendment H—5232 lost.

West of Marshall offered the following amendment H—5237 filed by him:

H—5237

Amend Senate File 1062 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The maximum amount in dollars which may be levied by a city with a population of more than five hundred for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The general fund levy authorized pursuant to section three hundred eighty-four point one (384.1) of the Code.

2. The tax levy for the purpose of carrying out the terms of a contract for the use of a bridge by a city situated on a river over which a bridge has been built authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eight (8), of the Code.

3. The tax levy for the operation and maintenance of a municipal transit system and for the creation of a reserve fund for the system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection ten (10), of the Code.

4. The tax levy for the lease of a building or complex of buildings to be operated as a civic center authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eleven (11), of the Code.

5. The tax levy for operating and maintaining a civic center owned by a city authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection twelve (12), of the Code.

6. The tax levy for planning a sanitary disposal system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection thirteen (13), of the Code.

7. The tax levy for an aviation authority authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fourteen (14), of the Code.

8. The tax levy for an authority for a joint city-county building authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fifteen (15), of the Code.

9. The tax levy for a levee improvement fund authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection sixteen (16), of the Code.

10. The tax levy to aid a railway authorized

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pursuant to section three hundred eighty-four point twelve (384.12), subsection seventeen (17), of the Code.

11. The tax levy to maintain an institution received by gift or devise authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eighteen (18), of the Code.

12. The tax levy to pay the premium costs on tort liability insurance authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection nineteen (19), of the Code.

13. The tax levy for the emergency fund authorized pursuant to section three hundred eighty-four point eight (384.8) of the Code.

Sec. 2. The maximum amount in dollars which may be levied by a county for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The tax levy for the emergency fund authorized pursuant to section twenty-four point six (24.6) of the Code.

2. The tax levy for the development, operation, and maintenance of a memorial building or monument authorized pursuant to section thirty-seven point eight (37.8)) of the Code.

3. The tax levy for the purchase of voting machines authorized pursuant to section fifty-two point three (52.3) of the Code.

4. The tax levy for the county conservation board authorized pursuant to section one hundred eleven A point six (111A.6) of the Code.

5. The tax levy for indemnity payments and the inspection and testing program relating to bovine brucellosis eradication authorized pursuant to section one hundred sixty-four point twenty-three (164.23) of the Code.

6. The tax levy for the bovine tuberculosis eradication fund authorized pursuant to section one hundred sixty-five point eighteen (165.18) of the Code.

7. The tax levy for the fairground fund authorized pursuant to sections one hundred seventy-four point thirteen (174.13) and one hundred seventy-four point seventeen (174.17) of the Code.

8. The tax levy for the purpose of maintaining a county or multicounty juvenile home authorized pursuant to section two hundred thirty-two point twenty-two (232.22) of the Code.

Page 3

9. The tax levy for the veteran affairs fund authorized pursuant to section two hundred fifty point one (250.1) of the Code.

10. The tax levy for the poor fund authorized pursuant to sections two hundred fifty-two point forty-three (252.43) through two hundred fifty-two point forty-five (252.45) of the Code.

11. The tax levy for secondary road construction and maintenance authorized pursuant to section three hundred nine point seven (309.7) of the Code.

12. The tax levy for the road clearing fund authorized pursuant to section three hundred seventeen point nineteen (317.19) of the Code.

13. The tax levy for the purchase of weed eradicating equipment and materials authorized pursuant to section three hundred seventeen point twenty (317.20) of the Code.

14. The tax levy for an aviation authority authorized pursuant to section three hundred thirty A point fifteen (330A.15) of the Code.

15. The tax levy for the maintenance and improvement of cemeteries in the county authorized pursuant to section three hundred thirty-two point three (332.3) of the Code.

16. The tax levy for public disposal grounds authorized pursuant to section three hundred thirty-two point thirty-two (332.32) of the Code.

17. The tax levy for the county indemnification fund authorized pursuant to section three hundred thirty-two point thirty-eight (332.38) of the Code.

18. The tax levy for the operation, control, maintenance, and management of health centers authorized pursuant to section three hundred forty-six A point two (346A.2) of the Code.

19. The tax levy for the payment of claims for bounties on wild animals authorized pursuant to section three hundred fifty point eight (350.8) of the Code.

20. The tax levy for the maintenance of a county library authorized pursuant to section three hundred fifty-eight B point thirteen (358B.13) of the Code.

21. The tax levy for the entering of contracts for the use of city libraries authorized pursuant to section three hundred fifty-eight B point eighteen (358B.18) of the Code.

22. The tax levy for ordinary county revenue and the election expense fund authorized pursuant to section four hundred forty-four point nine (444.9) of the Code.

23. The tax levy for the court expense fund authorized pursuant to section four hundred forty-

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four point ten (444.10) of the Code.

24. The tax levy for the county orphan fund authorized pursuant to section four hundred forty-four point eleven (444.11) of the Code.

25. The tax levy for the purpose of planning a sanitary disposal project or of paying interest and

principal on bonds issued pursuant to section three hundred forty-six point twenty-three (346.23) of the Code which levy is authorized pursuant to section four hundred fifty-five B point eighty-one (455B.81) of the Code.

26. The tax levy for flood and erosion control projects authorized pursuant to section four hundred sixty-seven B point nine (467B.9) of the Code.

27. The tax levy for the maintenance of property received by a county by gift or devise authorized pursuant to section five hundred sixty-five point eight (565.8) of the Code.

Sec. 3. The maximum amount in dollars which may be levied by a special purpose district for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The tax levy by a benefited water district for the maintenance of the water system authorized pursuant to section three hundred fifty-seven point twenty-five (357.25) of the Code.

2. The tax levy by a benefited fire district to provide fire protection within the district authorized pursuant to section three hundred fifty-seven B point three (357B.3) of the Code and the levy authorized pursuant to section three hundred fifty-seven B point five (357B.5) of the Code which permits the county board of supervisors to continue the levy upon dissolution of the district until all debts and obligations of the dissolved district are paid.

3. The tax levy by a benefited street lighting district authorized pursuant to section three hundred fifty-seven C point seven (357C.7) and three hundred fifty-seven C point eleven (357C.11) of the Code.

4. The tax levy authorized pursuant to section four hundred sixty-six point four (466.4) of the Code permitting a levy sufficient to raise the amount necessary for maintenance of a system to provide internal drainage necessary by the construction of a levee along a navigable stream forming a part of the boundary of the state.

5. The tax levy for a soil conservation district

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authorized pursuant to section four hundred sixty-seven A point twenty (467A.20) of the Code.

6. The tax levy authorized pursuant to section four hundred eighty-three point one (483.1) of the Code to provide aid to railroads.

Sec. 4. The maximum amount in dollars which may be levied by a public hospital for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year

shall be limited to an increase of seven percent for each of the following designated property tax levies:

1. The emergency tax levy authorized pursuant to section twenty-four point six (24.6) of the Code.

2. The tax levy for the operation, equipping, maintenance, improvement, and replacement of a county public hospital authorized pursuant to sections three hundred forty-seven point seven (347.7) and three hundred forty-seven point twenty-seven (347.27) of the Code.

3. The tax levy for the operation and maintenance of a county hospital authorized pursuant to section three hundred forty-seven A point three (347A.3) of the Code.

Sec. 5. The maximum amount in dollars which may be levied for the county agricultural extension education program authorized pursuant to section one hundred seventy-six A point ten (176A.10) of the Code for the fiscal years beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal year shall be limited to an increase of seven percent.

Sec. 6. The maximum amount in dollars which may be levied by a merged area school for general operations authorized pursuant to section two hundred eighty A point seventeen (280A.17) of the Code for the fiscal year beginning July 1, 1976 and July 1, 1977 over the amount in dollars levied for the previous fiscal years shall be limited to an increase of seven percent.

Sec. 7. A political subdivision of the state subject to the provisions of this Act may initiate an appeal with the appropriate budget review committee as designated in section nine (9) of this Act, based upon a natural disaster or any unusual circumstances, which creates the need for additional funds. The appropriate budget review committee may waive the maximum amount of dollars which may be levied under the provisions of this Act or the levy limitations provided by law.

Sec. 8. There is created a county budget review

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committee consisting of the following five members:

1. The state comptroller or his designee who shall serve as chairperson.

2. Three county officers appointed by the governor, one member selected from a county having an assessed valuation of:

a. Less than ninety-six million three hundred thousand dollars.

b. Ninety-six million three hundred thousand dollars or more but less than one hundred eighteen million five hundred twenty thousand dollars.

c. One hundred eighteen million five hundred

twenty thousand dollars or more.

3. The certified public accountant appointed to the city finance committee under section three hundred eighty-four point thirteen (384.13) of the Code.

In addition to the circumstances creating a vacancy under section sixty-nine point two (69.2) of the Code, a vacancy shall exist when a county officer appointed under subsection two (2) of this section no longer holds a county office which qualifies such officer for appointment to this committee.

The county budget review committee shall meet at the call of the chairperson and adopt its own rules of procedure. The committee may hold public hearings. Actions taken or rules promulgated by the committee shall be subject to the provisions of chapter seventeen A (17A) of the Code.

The committee members, except the state comptroller and county officers who are full-time public officers, are entitled to a per diem of forty dollars for each day spent in the performance of committee duties and each member is entitled to reimbursement for his actual and necessary expenses incurred in performance of committee duties. The per diem and expenses shall be paid from funds appropriated to the state comptroller.

Sec. 9. The appropriate budget review committee to which a political subdivision may appeal is as follows:

1. The city finance committee created under section three hundred eighty-four point thirteen (384.13) of the Code for any city subject to the provisions of this Act.

2. The school budget review committee created under section four hundred forty-two point twelve (442.12) of the Code for a merged area school created under chapter two hundred eighty A (280A) of the Code.

3. The county budget review committee for any other political subdivision of the state subject to

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provisions of this Act.

Sec. 10. Nothing in this Act shall be construed to prevent an appeal of a decision made by a budget review committee designated in section nine (9) of this Act to the state appeal board.

Sec. 11. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Eldora Herald-Index, a newspaper published in Eldora, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa."

2. Amend the title by striking everything after the word "Act" in line 1 and inserting in lieu thereof the words "relating to budgets of certain political subdivisions of the state by restricting the amount

of dollars which can be raised by certain property tax levies, providing for appeals of limitations on property tax levies, imposing additional duties on the city finance committee and the school budget review committee, and creating a county budget review committee."

Nielsen of Polk offered the following amendment H—5253, to amendment H—5237, filed by him and Schroeder of Pottawattamie from the floor:

H—5253

Amend H—5237 by West, to Senate File 1062 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 9 and 10 and inserting in lieu thereof the words "to an aggregate increase of seven percent for the following designated property tax levies:".

2. Page 2, by striking lines 19 and 20 and inserting in lieu thereof the words "be limited to an aggregate increase of seven percent for the following designated property tax levies:".

3. Page 4, by striking lines 23 and 24 and inserting in lieu thereof the words "year shall be limited to an aggregate increase of seven percent for the following designated property tax".

4. Page 5, by striking lines 10 and 11 and inserting in lieu thereof the words "shall be limited to an aggregate increase of seven percent for the following designated property tax levies:".

5. Page 7, by inserting after line 1 the following new sections:

Sec. ..... REAL GROWTH EXCEPTION. The maximum dollar levy imposed by sections 2, 3, 4, 5, and 6 of the Act for the fiscal years beginning July 1, 1976 and July 1, 1979 may be increased as follows:

By multiplying the actual value of new construction times the amount of the levy for the previous fiscal year times one hundred seven percent.

6. Page 7, by inserting the following new section:

Sec. ..... Section four hundred forty-one point twenty-one (441.21) Code 1975 is hereby amended by striking the first paragraph of paragraph number 1 and inserting in lieu thereof the following:

"All real and tangible personal property subject to taxation shall be valued at its actual value which shall be entered opposite each item. All real and personal property, except residential and agricultural real property, shall be assessed at one hundred percent of such actual value, and such value so assessed shall be taken and considered as the assessed value and taxable value of such property upon which the levy shall be made. Residential and agricultural real property

shall be asssessed at eighty percent of actual value and such value so assessed shall be taken and considered as the assessed value and taxable value of such property upon which the levy shall be made."

7. Page 7, by adding the following new section:

Sec. ..... Sections seven (7), eight (8), nine (9), and ten (10) of this Act shall be applicable to levies

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made for the fiscal year beginning July 1, 1976.

Sec. ..... LOCAL REFERENDUM ON ALLOWABLE GROWTH.

If the governing body of a political subdivision wishes to exceed the maximum dollar levy established by this Act for the fiscal year beginning July 1, 1977 or any succeeding year, the governing body shall direct the county commissioner of elections to publish notice of and conduct a special election within ten days after the date of publication. The notice shall be published as provided in section forty-nine point fifty-three (49.53) of the Code and shall include a comparison of the dollar amount and percentage of maximum dollar levy established by this Act and the dollar amount and percentage of additional levy requested for the proposed limited budget of the political subdivision. The question to be voted on by the qualified electors of the political subdivision shall be stated as follows: "Shall the certified limited budget of (name of political subdivision) for the fiscal year beginning July 1, 19 .... and ending June 30, 19 .... be limited to not more than the maximum dollar levy established by the general assembly?" If a majority of the votes cast for and against the proposition favors the maximum dollar levy limitation established by the general assembly, the levy shall be so limited. If a majority of such votes cast does not favor the maximum dollar levy established by the general assembly, the political subdivision may increase its levy by the amount requested and printed in the notice of election. Thereafter, the levy shall be certified to the county auditor, and such increased levy shall not be subject to tax limitations otherwise provided by law.

8. Page 7, by inserting after line 5 the following:

Sec. ..... Section four hundred twenty-two point sixty-nine (422.69), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. During the last quarter of each fiscal year the amounts specified in this subsection from the gross receipts from the sales tax collected under division four (IV) of this chapter for the fiscal year shall be transferred to the local tax fund hereby created in the office of the treasurer

of state. The remainder of the net receipts from the sales tax shall be credited to the general fund of the state.

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For the fiscal year beginning July 1, 1975, and each succeeding fiscal year, an amount equal to fifty percent of the net receipts from one-third of the sales tax.

Annually, the treasurer of state shall transfer three-fourths of the funds in the local tax fund to the municipal assistance fund created by section four hundred five point one (405.1) of the Code. The remainder of the funds in the local tax fund shall be transferred to the county government assistance fund.

Sec. ..... *NEW SECTION.* There is created a "county government assistance fund" in the office of the treasurer of state. The moneys appropriated to such fund shall be used to provide financial assistance to counties.

On or before December fifteenth of each year, the state comptroller shall distribute the funds in the county government assistance fund to each county in the state in the proportion that the population residing in the unincorporated area of each county is to the total population residing in unincorporated areas of all of the counties.

For purposes of this section "population" shall be based on the most recent federal census."

9. Page 7, by inserting the following new section:

Sec. ..... *NEW SECTION.* The county auditor shall reduce the property tax levy of each city and county by such sum as is equal to an amount estimated by the comptroller as being such city or counties per capita share of funds specified by this Act to be deposited to the municipal and county assistance funds.

10. Page 7, by inserting the following new section:

Sec. ..... *NEW SECTION.* Section 6 of this Act shall be retroactive to January 1, 1976."

11. Page 7, by inserting the following new section:

Sec. ..... *NEW SECTION.* PROPERTY TAX CARRYOVER. If a political subdivision adopts a total budget for the fiscal year beginning July 1, 1976 and ending June 30, 1977, which does not include an increase in the amount of the property tax levy computed in dollars which exceeds or is equal to the maximum allowed under the provisions of this Act, the political subdivision may levy property taxes for the succeeding fiscal year in excess of the maximum provided by this Act and be exempt from the provisions of this Act. However, this shall only apply if the excess property tax levy does not raise in dollars an amount which exceeds the maximum levy for the succeeding fiscal year and the differ-

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ence between the amount in dollars which the political subdivision levied during the base year and the amount in dollars which the political subdivision could have levied during that year under this Act.

12. Page 7, by striking everything after the word committee in line 21 and inserting in lieu thereof the **following:**

", providing for a referendum to exceed maximum levy limits, changing the assessed and taxable value on residential and agricultural real property, and providing for a reduction of property tax levies by allocating a part of the sales tax collection for property tax stabilization."

Fitzgerald of Webster moved the previous question on all amendments and amendments to amendments, on Senate File 1062.

A non-record roll call was requested.

The ayes were 53, nays 40.

The motion prevailed.

(Senate File 1062 and amendment H—5253, to amendment H—5237, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:55 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1329, by committee on education, a bill for an act relating to corporate status for the area education agencies.

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

House File 1330, by committee on transportation, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code.

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

House File 1331, by Halvorson, a bill for an act relating to the establishment of agricultural districts, to the assessment and taxation of certain agricultural lands and to provide tax penalties for breach of commitment.

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

House File 1332, by committee on transportation, a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation.

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

House File 1333, by Caffrey, a bill for an act relating to the reinstatement of certain life insurance policies which have lapsed during a strike of insurance agents.

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

House File 1334, by Cusack, a bill for an act providing an income tax credit for insulation of residential units and making certain provisions retroactive.

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

House File 1335, by Pavich, a bill for an act to provide that the mayor shall appoint the clerk of a city civil service commission.

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

House File 1336, by Pavich, a bill for an act to include the position of sheriff's radio operator within civil service classification.

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

House File 1337, by Egenes, Bennett, Readinger, Brockett, Halvorson, Lipsky and Millen, a bill for an act removing the authority for certain trust funds, appropriating the unencumbered balances in such funds, and providing for the deposit of future fees in the general fund.

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

House File 1338, by Doyle a bill for an act relating to fifth-wheel travel trailers and providing a tax.

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

House File 1339, by Bina, a bill for an act relating to the computation of school foundation aid.

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

House File 1340, by McElroy, Lipsky, Crawford, Tauke, Halvorson, Drake, West, Millen, Bennett, Egenes, Gentleman, Brockett, Wulff and Varley, a bill for an act making an appropriation to the state department of transportation and authorizing the transportation commission to approve the expenditure of certain funds appropriated or reverting to the department of transportation.

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

House File 1341, by Bina, a bill for an act relating to activities of standing committees.

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

House File 1342, by Harvey, Junker, Welden, Millen, Halvorson and Evans, a bill for an act relating to the minimum wage qualifications for eligibility for unemployment compensation.

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

House File 1343, by Harvey, Stromer, Lindeen, Brockett, Halvorson, Lipsky, Crawford, Drake, West, Wulff, Tofte and Millen, a bill for an act relating to the computation of benefit increases for certain persons retired under the Iowa public employees' retirement system.

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

House File 1344, by Svoboda, a bill for an act relating to the assessment of agricultural property for tax purposes.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

REREFERRED TO COMMITTEE ON TRANSPORTATION
(House File 1300)

The Speaker announced that **House File 1300,** previously referred to the committee on judiciary and law enforcement was rereferred to the committee on **transportation.**

The House resumed consideration of **Senate File 1062,** a bill for an act to provide budget limitations for certain political sub-

divisions of the state and to impose an income surtax by referendum for certain budget expenditures, and amendment H—5253, to amendment H—5237, filed by Nielsen of Polk.

Nielsen of Polk moved the adoption of amendment H—5253, to amendment H—5237.

Roll call was requested by Nielsen of Polk and Schroeder of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5253, to amendment H—5237, be adopted?"

The ayes were, 48:

Baker	Den Herder	Kreamer	Oakley
Bennett	Drake	Lageschulte	Pellett
Bittle	Egenes	Lindeen	Readinger
Bortell	Evans	Lipsky	Schroeder
Branstad	Gentleman	McElroy	Stromer
Brockett	Halvorson	Menke	Tauke
Byerly	Hansen	Millen	Varley
Clark	Harvey	Miller, O. L.	Walter
Crabb	Horn	Monroe	Welden
Crawford	Jordan	Nealson	West
Daggett	Junker	Newhard	Woods
Danker	Koogler	Nielsen	Wulff

The nays were, 50:

Anderson	Gilloon	Jochum	Perkins
Avenson	Griffee	Krause	Poncy
Bina	Hargrave	Lonergan	Rinas
Brandt	Harper	Mennenga	Scheelhaase
Brunow	Hennessey	Middleswart	Small
Caffrey	Higgins	Middleton	Spear
Connors	Hines	Miller, A. V.	Spencer
Cusack	Hinkhouse	Miller, K. D.	Spradling
Dieleman	Howell	Norland	Svoboda
Doyle	Hullinger	O'Halloran	Wells
Dunton	Husak	Patchett	Wyckoff
Dyrland	Hutchins	Pavich	Mr. Speaker
Fitzgerald	Jesse		

Absent or not voting, 1:

Tofte

Amendment H—5253 lost.

Varley of Adair offered the following amendment H—5260, to amendment H—5237, filed by him from the floor and moved its adoption:

H—5260

Amend the West amendment H—5237 to Senate File 1062 as follows:

1. Page 5, by inserting after line 39

the following new section:

"Sec. ..... In addition to the seven percent limitation established in sections one through six of this Act, an additional growth factor may be allowed which is the percentage increase determined by the valuation of new construction, property which was not assessed for taxation purposes during the previous year's assessment, divided by the total assessed valuation for each district."

2. By renumbering subsequent provisions to conform with this amendment.

Amendment H—5260 was adopted.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H—5253 failed to be adopted by the House.

The Speaker ruled the motion out of order inasmuch as Representative Schroeder did not vote on the prevailing side.

West of Marshall moved the adoption of amendment H—5237, as amended.

Roll call was requested by West of Marshall and Drake of Muscatine.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5237, as amended, be adopted?"

The ayes were, 29:

Bennett	Drake	Lageschulte	Pellett
Bortell	Egenes	Lindeen	Schroeder
Branstad	Evans	McElroy	Stromer
Brockett	Gentleman	Millen	Varley
Clark	Halvorson	Newhard	West
Crabb	Junker	Nielsen	Woods
Daggett	Kreamer	Oakley	Wulff
Danker			

The nays were, 67:

Anderson	Dyrland	Hullinger	Miller, A. V.
Avenson	Fitzgerald	Husak	Miller, K. D.
Baker	Gilloon	Hutchins	Miller, O. L.
Bina	Griffee	Jesse	Monroe
Bittle	Hansen	Jochum	Norland
Brandt	Hargrave	Jordan	O'Halloran
Brunow	Harper	Koogler	Patchett
Byerly	Harvey	Krause	Pavich
Caffrey	Hennessey	Lipsky	Perkins
Connors	Higgins	Lonergan	Poncy
Crawford	Hines	Menke	Readinger
Cusack	Hinkhouse	Mennenga	Rinas
Den Herder	Horn	Middleswart	Scheelhaase
Dieleman	Howell	Middleton	Small
Dunton			

Spear	Svoboda	Welden	Wyckoff
Spencer	Tauke	Wells	Mr. Speaker
Spradling	Walter		

Absent or not voting, 3:

Doyle	Nealson	Tofte

Amendment H—5237, as amended, lost.

Egenes of Story offered the following amendment H—5238 filed by her and moved its adoption:

H—5238

Amend Senate File 1062 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* DEFINITIONS.

1. "Base year" means the preceding fiscal year.

2. "Political subdivision" means a city, county or any other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation except a school corporation subject to the provisions of chapter four hundred forty-two (442) of the Code.

3. "Limited budget" means that part of the budget including amendments for all funds of a political subdivision of this state which is used to pay salaries or wages of the public officers or employees including the obligations of the political subdivision for pension or retirement systems or unemployment compensation and the obligations of the political subdivision under the United States Social Security Act.

4. "Allowable growth" means a maximum increase in the proposed expenditures in the limited budget of a political subdivision for a fiscal year equal to nine percent of the proposed expenditures in the certified limited budget of such political subdivision for the base year.

Sec. 2. *NEW SECTION.* RESTRICTIONS ON EXPENDITURES--ALLOWABLE GROWTH. The proposed expenditures in the certified limited budget of a political subdivision, for the fiscal year commencing July 1, 1976 and for each fiscal year thereafter, shall not exceed the proposed expenditures in the certified limited budget of that political subdivision for the base year, plus the allowable growth for that political subdivision.

Sec. 3. *NEW SECTION.* PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED. The provisions of this Act shall not be construed as removing or otherwise affecting the property tax levy limitations otherwise provided by law for any fund, account, or program in the budget of a political subdivision.

Sec. 4. *NEW SECTION.* BUDGET APPEAL NOT AFFECTED. The provisions of this Act shall not be construed

to prohibit or affect a protest filed with the state appeal board against the budget of a political subdivision subject to the provisions of this Act.

Sec. 5. *NEW SECTION.* SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the provisions of this Act shall apply to special chartered cities. The state appeal board may adopt such rules relating to budget forms and procedures as the state

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appeal board deems necessary to carry out the provisions of this Act regarding special charter cities.

Sec. 6. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Webster City Freeman-Journal, a newspaper published in Webster City, Iowa, and in the Story City Herald, a newspaper published in Story City, Iowa."

2. Amend the title by striking lines 2 and 3 and inserting in lieu thereof the following: "subdivisions of the state".

Amendment H—5238 lost.

Egenes of Story asked and received unanimous consent to withdraw amendment H—5240 filed by her on February 17, 1976, and found on pages 416 and 417 of the House Journal.

Bina of Scott offered amendment H—5241 filed by Norland of Worth and Bina of Scott:

H—5241

Amend Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. DEFINITIONS.

1. "Base year" means the preceding fiscal year.

2. "Political subdivision" means a city, county, school corporation or any other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation.

3. "Allowable growth guideline" means an increase in the proposed expenditures in the total budget or the property tax budget of a political subdivision for a fiscal year equal to seven percent of the proposed expenditures in the certified total budget or the property tax budget of such political subdivision for the base year.

4. "Total budget" means the budget including amendments for all funds or programs of a political subdivision, excluding the amount of moneys collected or received from property taxes and other sources

for the paying of interest and principal on any indebtedness authorized by law and the budget of a school corporation subject to limitation under chapter four hundred forty-two (442) of the Code, but including that part of the budget provided for under section two hundred seventy-eight point one (278.1), subsection seven (7), of the Code.

5. "Property tax budget" means that part of the total budget to be derived from property taxation.

6. "Person" means eligible elector as defined in section thirty-nine point three (39.3) of the Code.

Sec. 2. BUDGET PROCESS—NOTICE AND PUBLIC HEARING. In addition to the requirements of chapters twenty-four (24) and three hundred eighty-four (384), division two (II), of the Code relating to the publication of notice and public hearing on a budget of a political subdivision, the public notice of a hearing on a total budget shall include the following information:

1. The percentage and the dollar amount increase or decrease for the total budget and the property tax budget of the political subdivision.

2. The percentage and the dollar amount increase or decrease of each fund included in the proposed total budget and the property tax budget.

3. A statement showing the allowable growth guideline established by the general assembly and the dollar amount of increase represented by such guideline for the proposed total budget and the

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property tax budget of the political subdivision.

4. A statement of the major reasons for the proposed increases in the proposed total budget and the property tax budget.

5. A comparison of the percentages and dollar amounts proposed to be expended with the percentages and dollar amounts expended during the preceding fiscal year.

The provisions of this section shall not apply to publication of notice for a hearing on a total budget for the fiscal year beginning July 1, 1976 required under section twenty-four point nine (24.9) or three hundred eighty-four point sixteen (384.16) of the Code if the notice of hearing has been published before the effective date of this Act, but this section shall apply to any other notice for a hearing on a total budget or amendment to a total budget required by this Act or other provision of law for the fiscal years beginning July 1, 1976 and July 1, 1977.

Sec. 3. ALLOWABLE GROWTH GUIDELINE EXCEEDED—ADDITIONAL PUBLIC HEARING. If a political subdivision approves a total budget or property tax budget which exceeds the allowable growth guideline following the pulbic hearing required under chapter twenty-four

(24) or three hundred eighty-four (384), division two (II), of the Code, the governing body of such political subdivision shall withhold certification of such total budget to the county auditor for at least seven days following such approval. If, during the seven days following approval of the budget, a valid petition signed by at least five persons who are residents of a political subdivision having a population of one hundred persons or less, at least ten persons who are residents of a political subdivision having a population of more than one hundred but not more than five hundred persons, or at least twenty-five persons who are residents of a political subdivision having a population of more than five hundred persons, is filed with the governing body of a political subdivision requesting another public hearing, the governing body shall publish notice of and conduct such public hearing not later than April fifth. The date, time and location of the public hearing and the information required to be published under section two (2) of the Act, shall be published in a newspaper having general circulation throughout the political subdivision not less than five days before the date specified for such hearing. In the case of a city having a population of two

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hundred or less, a publication may be made as provided in section three hundred sixty-two point three (362.3), subsection two (2), of the Code. Thereafter, the total budget shall be approved and certified, with or without changes that may be made after the hearings, to the county auditor not later than April fifth.

Sec. 4. EXCEPTION TO DATES FOR BUDGET APPEAL. Notwithstanding sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and three hundred eighty-four point nineteen (384.19) of the Code, persons affected by a certified total budget or a property tax budget of a political subdivision which has exceeded the allowable growth guideline, shall have ten days following certification of such budget to file a petition to appeal to the state appeal board. All other time limitations or dates specified in sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and three hundred eighty-four point nineteen (384.19) of the Code shall be correspondingly changed or extended to allow the same amount of time for the protest hearing and the decision of the state board that would exist had the appeal to the state appeal board been filed as provided in section twenty-four point twenty-seven (24.27) or three hundred eighty-four point nineteen (384.19) of the Code.

Sec. 5. PROPERTY TAX CARRYOVER. If a political

subdivision adopts a total budget for the fiscal year beginning July 1, 1976 and ending June 30, 1977, which does not include an increase in the amount of the property tax levy computed in dollars which exceeds or is equal to the allowable growth guideline allowed under the provisions of this Act, the political subdivision may levy property taxes for the succeeding fiscal year in excess of the allowable growth guideline provided by this Act and be exempt from the provisions of section three (3) of this Act. However, the exemption from the requirements of section three (3) of this Act shall only be applicable if the additional property tax levy does not raise in dollars an amount which exceeds the allowable growth guideline for the succeeding fiscal year and the difference between the amount in dollars which the political subdivision levied during the base year and the amount in dollars which the political subdivision could have levied during that year under the allowable growth guideline.

Sec. 6. DUTIES OF STATE COMPTROLLER. As soon as practicable after the effective date of this Act, the state comptroller shall give notice of the re-

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quirements of this Act and distribute such forms as required to the governing bodies of the political subdivisions of this state.

Sec. 7. PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED. The provisions of this Act shall not be construed as removing or otherwise affecting the property tax levy limitations otherwise provided by law for any fund, account, or program in the total budget of a political subdivision.

Sec. 8. BUDGET APPEAL NOT AFFECTED. The provisions of this Act shall not be construed to prohibit or affect a protest filed with the state appeal board against a total budget which has not equaled or exceeded the allowable growth guidelines provided for in this Act.

Sec. 9. SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the provisions of this Act shall apply to special chartered cities. The state appeal board may adopt such rules relating to budget forms and procedures as the state appeal board deems necessary to carry out the provisions of this Act regarding special chartered cities.

Sec. 10. BUDGETS AFFECTED. The provisions of this Act shall apply to the budgets of a political subdivision for the fiscal years beginning July 1, 1976 and July 1, 1977.

Sec. 11. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Quad-City Times, a newspaper published in Davenport, Iowa, and in the

Ida County Pioneer-Record, a newspaper published in Ida Grove, Iowa."

2. Amend the title, lines 1 through 3, by striking the words "to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures" and inserting in lieu thereof the words "establishing budget hearing procedures and budget expenditure guidelines for political subdivisions of this state".

Bittle of Polk offered amendment H—5251, to amendment H—5241, filed by Bittle, Hines and Clark from the floor:

H—5251

Amend amendment H—5241 to Senate File 1062 as follows:

1. By striking all after line 4, page 1, and all of pages 2, 3 and 4 and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* DEFINITIONS.

1. "Base year" means the preceding fiscal year.

2. "Political subdivision" means any county or city.

3. "Limited budget" means the budget including amendments for all funds of a political subdivision of this state excluding the amount of anticipated receipts to and expenditures from these funds from federal moneys, the amount of anticipated receipts to and expenditures from any local sales, services, and use tax levied under this Act, the amount of any moneys collected or received from property taxes and other sources for the paying of interest and principal on any indebtedness authorized by law, the amount of any moneys collected or received from property taxes and other sources to pay the obligations of the political subdivision for public officers' or employees' pension or retirement systems and the United States Social Security Act, the amount of money for a fund or program collected from a property tax levy authorized by a vote of the electorate after the effective date of this Act and that part of the budget of a school corporation subject to limitation under chapter four hundred forty-two (442) of the Code.

Sec. 2. *NEW SECTION.* RESTRICTIONS ON EXPENDITURES.

1. The proposed expenditures in the certified limited budget of a political subdivision, for the fiscal year beginning July 1, 1976, and ending June 30, 1977, and for each succeeding fiscal year, may not exceed the proposed expenditures in the certified limited budget of that political subdivision for the base year, plus the allowable growth for that political subdivision as determined under section three (3) of this Act, plus the unspent balance from the base

year's certified limited budget.

2. The limitations on the expenditures in the certified limited budget of a political subdivision provided in subsection one (1) of this section shall be in lieu of any property tax levy limitation otherwise provided by law for any fund or program included in the certified limited budget.

Sec. 3. *NEW SECTION.* ALLOWABLE GROWTH.

1. For the fiscal year beginning July 1, 1976, the state percent of growth shall be nine percent.

2. For the fiscal year beginning July 1, 1977

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and each fiscal year thereafter, the state comptroller shall compute the state percent of growth and forward it to each county auditor. The state percent of growth shall be an average of the following six percentages of growth:

a. The difference in the state general fund revenues received during the year, adjusted for changes in rates or basis, computed or estimated as a percentage of change for each of the following periods:

(1) From the year immediately preceding the base year to the base year.

(2) From the base year to the budget year.

b. The difference in the statewide assessed valuation of real property adjusted for statewide changes in assessment practices computed or estimated as a percentage of change for each of the following periods:

(1) From January first of the year immediately preceding the base year to January first of the base year.

(2) From January first of the base year to January first of the budget year.

c. The difference in the Iowa consumer price index which shall be computed by the state comptroller prior to January 1, 1976, and recomputed each month subsequent to January 1, 1976, based upon a comprehensive sampling of the costs of goods and services within Iowa, and until an Iowa consumer price index is available, the consumer price index published by the bureau of labor statistics, United States department of labor computed or estimated as a percentage of change for the following periods:

(1) From July first of the base year to July first of the budget year.

(2) From July first of the budget year to July first of the year immediately following the budget year.

If the state percent of growth so computed is negative, that percentage shall not be used and the state percent of growth shall be zero.

3. The certified limited budget including amendments for the base year of a political subdivision

shall be multiplied by the state percent of growth to determine the dollar amount of allowable growth for that political subdivision for the budget year, subject to modification by the appropriate budget review committee as provided in section four (4) of this Act.

Sec. 4. *NEW SECTION.* MODIFICATION OF ALLOWABLE GROWTH.

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1. If a political subdivision has unusual circumstances, creating a need for additional budget expenditures, including but not limited to the following circumstances, the appropriate budget review committee as designated in this Act may establish a modified allowable growth for such political subdivision.

a. Any unusual increase in population as determined by the preceding certified federal census.

b. Natural disasters or other emergencies.

c. Unusual problems relating to major new functions required by state law.

d. Unusual staffing problems.

e. Unusual necessity for additional funds to permit continuance of a program which provides substantial benefit to residents.

f. Unusual need for a new program which will provide substantial benefit to residents, if the county establishes the need and the amount of necessary increased cost.

2. A political subdivision not having a certified budget for the base year shall submit its proposed budget to the appropriate budget review committee for its approval.

3. The committee may approve or modify the base year costs of any county which changes accounting procedures.

4. All decisions by a budget review committee under this Act shall be made in accordance with reasonable and uniform policies which shall be consistent to carry out the provisions of this Act. The committee shall take into account the intent of this Act to provide property tax relief and to provide reasonable control of costs of the political subdivisions of the state.

5. Failure by any political subdivision to provide information or appear before a budget review committee as requested for the accomplishment of review or hearing shall constitute justification for the committee to instruct the state comptroller to withhold any state payments to that political subdivision until the committee's inquiries are satisfied completely or to deny a request for a modified allowable growth.

6. The committee shall report to each session

of the general assembly. The report shall include any recommended changes in laws relating to county budgeting or accounting, and shall specify the number of hearings held annually, the reasons for the committee's recommendations, and other information

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as the committee deems advisable.

Sec. 5. *NEW SECTION.* COUNTY BUDGET REVIEW COMMITTEE. There is created a county budget review committee consisting of the following five members:

1. The state comptroller or his designee who shall serve as chairperson.

2. Three county officers appointed by the governor subject to, one member selected from a county having an assessed valuation of:

a. Less than ninety-six million three hundred thousand dollars.

b. Ninety-six million three hundred thousand dollars or more but less than one hundred eighteen million five hundred twenty thousand dollars.

c. One hundred eighteen million five hundred twenty thousand dollars or more.

3. The certified public accountant appointed to the city finance committee under section three hundred eighty-four point thirteen (384.13) of the Code.

In addition to the circumstances creating a vacancy under section sixty-nine point two (69.2) of the Code, a vacancy shall exist when a county officer appointed under subsection two (2) of this section no longer holds a county office which qualifies such officer for appointment to this committee.

The county budget review committee shall meet at the call of the chairperson and adopt its own rules of procedure. The committee may hold public hearings. Actions taken or rules promulgated by the committee shall be subject to the provisions of chapter seventeen A (17A) of the Code.

The committee members, except the state comptroller and county officers who are full-time public officers, are entitled to a per diem of forty dollars for each day spent in the performance of committee duties and each member is entitled to reimbursement for his actual and necessary expenses incurred in performance of committee duties. The per diem and expenses shall be paid from funds appropriated to the state comptroller.

Sec. 6. *NEW SECTION.* DESIGNATED BUDGET REVIEW COMMITTEES. The appropriate budget review committee to which a political subdivision may petition for a modified allowable growth is:

1. The city finance committee created under section three hundred eighty-four point thirteen (384.13) of the Code for any city subject to the provisions

of this Act.

2. The school budget review committee created under section four hundred forty-two point twelve

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(442.12) of the Code for the following political subdivision:

a. A merged area school created under chapter two hundred eighty A (280A) of the Code.

b. A school corporation created under chapter two hundred seventy-four (274) of the Code for that part of its budget which is not subject to limitation under chapter four hundred forty-two (442) of the Code.

3. The county budget review committee for any other political subdivision subject to provisions of this Act.

Sec. 7. MUNICIPAL ENTERPRISES. The provisions of this Act shall not apply to expenditures of a city utility, a city enterprise, a public agency, or a county public hospital, except with respect to transfers of surplus funds of a city utility or city enterprise pursuant to section three hundred eighty-four point eighty-nine (384.89) of the Code to any fund of the city included in the limited budget as defined in section one (1), subsection three (3), of this Act and such transfers shall be subject to the allowable growth provided in section two (2) of this Act.

For purposes of this section, "city utility" means a city utility as defined in section three hundred sixty-two point two (362.2), subsection twenty-two (22), of the Code, "city enterprise" means a city enterprise as defined in section three hundred eighty-four point twenty-four (384.24) of the Code and includes combined utility systems and combined city enterprises as defined in section three hundred eighty-four point eighty (384.80) of the Code, and "public agency" means a public agency as defined in sections twenty-eight E point two (28E.2) of the Code for providing joint services and facilities under chapter twenty-eight E (28E) of the Code, and twenty-eight F point two (28F.2) of the Code for the joint financing of works and facilities authorized under chapter twenty-eight F (28F) of the Code.

Sec. 8. *NEW SECTION.* SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the budget limitations provided in this Act shall apply to special chartered cities. The city finance committee may adopt rules, consistent with the provisions of this Act, establishing procedures and forms applicable to special chartered cities as deemed necessary by the committee.

Sec. 9. *NEW SECTION.* LOCAL SALES TAX AUTHORIZA-

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TION.

1. A city or a county may impose or discontinue

a local sales, services and use tax by ordinance or resolution of the governing body of a city or county, subject to this section.

2. Within thirty days after adoption of a resolution or ordinance imposing a local sales, services and use tax, a petition signed by qualified electors of the city or the county as applicable equal in number to ten percent or more of the persons who voted at the preceding regular city election in the case of a city or the preceding general election in the case of a county, may be filed with the city council or board of supervisors requesting an election on the continued imposition of such tax. Upon receipt of such petition, the city council or the board of supervisiors shall direct the county commissioner of elections to submit the question to the county or city electorate within sixty days after receipt of the petition at a special or regular election.

3. If the imposition of the local sales, services and use tax is not effective before the date of election at which such imposition is disapproved by a majority of the electorate voting on the question, the ordinance or resolution shall be repealed and not take effect. If the tax is effective and being collected at the time of election at which the imposition is disapproved, the resolution or ordinance shall be repealed effective on the succeeding July first or January first, whichever date is earlier.

4. If the imposition of a local sales, services and use tax is approved by a majority of the electorate voting on the question at an election called under subsection two (2) of this section, the tax shall remain effective until July first or January first following its repeal by action of the governing body of a city or county or its disapproval at an election, whichever date is earlier.

5. If a city is located in more than one county, it shall be deemed to be in the county in which the largest portion of its population resides, for the purposes of a countywide election and the imposition of the local tax.

Sec. 10. *NEW SECTION.* LOCAL SALES, SERVICES AND USE TAX. The local sales, services and use tax imposed under this Act shall be levied at a rate of not exceeding one percent by a county and not exceeding one percent by a city on the gross receipts taxed by the state under chapter four hundred twenty-two (422), division four (IV), of the Code, and the uses

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taxed under chapter four hundred twenty-three (423) of the Code. A local sales, services and use tax shall be imposed on the same basis as the state sales, services and use tax and shall not be imposed on the

sale or use of any property or on any service not taxed by the state. A local sales, services and use tax is applicable only to transactions within the territorial limits of the county in which it is imposed including those portions of a city located in another county as provided in section nine (9), subsection five (5) of this Act, and shall be collected by all persons required to collect state gross receipts or use taxes.

The amount of the sale, for purposes of determining the amount of the local sales, services and use tax, does not include the amount of any state gross receipts or use taxes.

No tax permit other than the state tax permit required under section four hundred twenty-two point fifty-three (422.53) of the Code shall be required by local authorities.

Sec. 11. *NEW SECTION.* ADMINISTRATION. A local sales, services and use tax shall be imposed either January first or July first following a favorable election.

The director of revenue shall administer the provisions of a sales, services and use tax as nearly as possible in conjunction with the administration of state gross receipts and use tax laws. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting sales, services and use tax liability.

A resolution of a county board of supervisors imposing a sales, services and use tax shall adopt by reference the applicable provisions of the appropriate sections of chapter four hundred twenty-two (422), division four (IV) and chapter four hundred twenty-three (423) of the Code for a local sales, services and use tax, and all powers of the director and requirements of the director in administering the state gross receipts and use tax law are applicable to his administration of a sales, services and use tax law including but not limited to powers to impose interest and penalties, and requirements for hearing and appeal. Local officials shall confer with the director of revenue and obtain his assistance in drafting the resolution imposing a sales, services and use tax. A certified copy of the resolution imposing a sales, services and use tax shall be filed with the director as soon as possible after passage.

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The director, in consultation with local officials, shall collect and account for a sales, services and use tax. The director shall credit the sales, services and use tax receipts to a "local tax fund" hereby established in the office of the treasurer of state.

Sec. 12. *NEW SECTION.* PAYMENT TO LOCAL

GOVERNMENTS. The treasurer of state shall remit quarterly to the cities and counties in which a sales, services and use tax has been imposed, and which have qualified under section thirteen (13) or fourteen (14) of this Act, their share of the balance in the local tax fund. The local tax fund is appropriated for this purpose.

Sec. 13. *NEW SECTION.* CITY PROPERTY TAX RELIEF. All local sales, services and use tax moneys received by a city shall be deposited in the general fund of the city and may be expended for any lawful city purpose. However, the city treasurer, or another city official designated by the council, shall credit at least one-half of all sales, services and use tax moneys received to a special account for property tax relief. Before the levies authorized under section three hundred eighty-four point one (384.1) of the Code are certified to the county auditor, the certifying official shall subtract from the total amount computed in dollars, as provided in section four hundred forty-four point two (444.2) of the Code, an amount equal to the amount credited to the special account for property tax relief during the last preceding twelve-month period, and shall certify only the net amount to the county auditor and board of supervisiors. The limit on a city's tax levy for the general fund, as stated in section three hundred eighty-four point one (384.1) of the Code, shall be reduced each year by the levy which would be necessary to replace the amount credited to the special account for property tax relief during the last preceding twelve-month period. The county auditor shall base the levies authorized under section four hundred forty-four point three (444.3) of the Code upon the net amount so computed. In order for a city to be qualified to receive remittances from the treasurer of state under this Act, the city clerk, before July fifteenth of each year, shall certify to the treasurer of state that the required reduction in the amount certified to the county auditor and board of supervisors for city taxes has been made.

Sec. 14. *NEW SECTION.* COUNTY PROPERTY TAX RELIEF. All sales, services and use tax moneys received by a county may be expended for any lawful county

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government purpose applicable to the county. However, the county treasurer shall credit at least one-half of all sales, services and use tax moneys received to a special account for property tax relief. Before the levies authorized under section four hundred forty-four point nine (444.9) of the Code are made, the board of supervisors shall subtract from the total amount computed in dollars, as provided in section

four hundred forty-four point two (444.2) of the Code, an amount equal to the amount credited to the special account for property tax relief during the last preceding twelve-month period, and shall base the levies authorized under section four hundred forty-four point nine (444.9) of the Code upon the net amount so computed. In order for a county to be qualified to receive remittances from the treasurer of state under this Act, the board of supervisors, before July fifteenth of each year, shall certify to the treasurer of state that the required reduction has been made.

Sec. 15. *NEW SECTION.* COUNTY FUNDS. In addition to other funds provided by law, each county shall have a general fund, a debt service fund, a secondary road fund, a human resources fund, a court expense fund, and a restricted trust and agency fund.

1. The general fund of the county shall consist of all revenue collected or received from taxes and other sources for the general operating expenses of the county including, as provided by law including the following:

a. Expenses for the general operation of county offices including the salaries and support of county officers and their employees and the maintenance, equipment and supplies of such offices, except as otherwise provided by law.

b. Expenses for the general operation of conservation, historic, and recreation programs including the salaries and support of the employees of the county conservation board and the purchase, repair, maintenance, equipment and supplies for land and facilities of the county conservation board.

c. Expenses relating to elections and the purchase of voting machines.

d. Expenses relating to public safety including civil defense, crime, controlled substances, pollution control, and prisoner board and care.

e. Expenses relating to the care and licensing of domestic animals, payment of bounty claims, and eradication of diseases among bees.

f. Expenses relating to agricultural promotion

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and exposition including the purchase, erection, and maintenance of fairgrounds and fairground facilities, support of 4-H club work, and the payment of premiums for agricultural and livestock exhibits.

g. Expenses relating to insurance costs, including errors and omissions, health insurance, surety bonds, torts, unemployment insurance, and workmen's compensation.

h. Expenses relating to planning and zoning, building codes, and the inspection and regulation of electrical, heating, plumbing, air conditioning

or ventilation installation or repair including salaries and support of employees of the zoning commission or building and mechanical inspection office and the maintenance, equipment and supplies of such offices.

i. Expenses relating to acquisition, reconstruction, repair and maintenance of county buildings.

j. Expense relating to membership in the Iowa state association of counties and attendance at schools of instruction and meetings of such association.

k. Expenses relating to other programs and activities to be paid from the general fund as provided by law.

2. The debt service fund of the county shall consist of all revenue collected or received from taxes and other sources for the paying of interest and principal on county bonds, court house bonds, memorial hall bonds and other indebtedness authorized by law.

3. The secondary road fund of the county shall consist of all revenue collected or received from taxes and other sources for the construction, reconstruction, repair and maintenance of any roads and streets under the jurisdiction of the county, road clearing and eradication of weeds, including the salaries and support of the county engineer, employees of his office, the weed commissioner and employees of the weed commission, the maintenance, equipment and supplies of the county engineer's office and the weed commission, and other expenses for programs and activities to be paid from the secondary road fund as provided by law.

4. The human resources fund of the county shall consist of all revenue collected or received from taxes and other sources to provide for the health care and welfare of the public as provided by law including the following:

a. Assistance to the poor and indigent, including

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the relief of indigent veterans, their indigent spouses, surviving spouses and minor children, and the payment of funeral expenses of such veterans.

b. Care, treatment, and habilitation of the mentally ill, mentally retarded or mentally and physically handicapped.

c. Health care including the construction, reconstruction, repair and maintenance of health care facilities and ambulance services.

d. Care and education of delinquent and dependent minors including the construction, reconstruction, repair and maintenance of facilities for such purposes.

e. Salaries and support of officers and employees responsible for county health care and welfare programs

who are not compensated from state funds and the maintenance, equipment and supply of such offices.

f. Expenses for programs and activities to be paid by the human resources fund as provided by law.

5. The court expense fund of the county shall consist of all revenue collected or received from taxes and other sources to provide for the general operation of the district court of the county including the salaries and support of the clerk of the district court, deputy clerks, shorthand reporters, and other employees of the court and the maintenance, equipment and supplies of the district court and the office **of clerk of the district court, and the salaries,** support and other expenses of deputy sheriffs and other employees appointed by the sheriff for the purpose of carrying out the duties of the bailiff as provided in section three hundred thirty-seven point seven (337.7) of the Code.

6. The restricted trust and agency fund of the county shall consist of all revenue collected or received from taxes and other sources for particular, restricted purposes as provided by law including the following:

a. Money and property received as a gift by the county for a particular purpose.

b. Money and property received by the county as a trustee or custodian or in the capacity of an agent of any public money as authorized by law.

c. Money collected or received from the taxation of specific property, or from particular taxing districts within the county, to be used for a particular purpose including, but not limited to, the planning and maintenance of sanitary disposal projects, flood and erosion control, contracting for library services, or the establishment and maintenance of a county library.

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d. Expenses relating to bovine or swine brucellosis eradication and bovine or swine tuberculosis eradication.

e. Money collected to pay the obligations of the county for the Iowa public employees' retirement system and the Social Security Act, Title two (II).

f. Other expenses for programs and activities to be paid from the restricted trust and agency fund as provided by law.

Sec. 16. Section twenty-four point twenty-two (24.22), Code 1975, is amended to read as follows:

24.22 **TRANSFER OF ACTIVE FUNDS[—POOR FUND].** Upon the approval of the state board, it shall be lawful to make temporary or permanent transfers of money from one fund of the municipality to another fund thereof; but in no event shall there be tranferred for any purpose any of the funds collected and received

for the construction and maintenance of secondary roads. The certifying board or levying board, as the case may be, shall provide that money temporarily transferred shall be returned to the fund from which it was transferred within such time and upon such conditions as the state board shall determine, provided that it shall not be necessary to return to the emergency fund, or to any other fund no longer required, any money transferred therefor to any other fund. [No transfer shall be made to a poor fund unless there is a shortage in said fund after the maximum permissible levy has been made for said funds.]

Sec. 17. Section twenty-nine C point seven (29C.7), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

County boards of supervisors, city councils and school boards are hereby authorized to cooperate with the civil defense division, department of public defense to carry out the provisions of this chapter, and shall form a joint county-municipal civil defense and emergency planning administration, hereinafter referred to as the joint administration. Such joint administration shall be composed of a member of the county board of supervisors and the mayor or his representative of the city governments within the county and the sheriff of such county. One member of the joint administration shall be designated as chairman and one as vice-chairman. The joint administration shall appoint a director who shall be responsible to the joint administration for the administration and co-ordination of all civil defense and emergency planning matters throughout the county, subject to the direction and control of the joint

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administration. Each [county and] city located therein is authorized to appropriate money out of any funds that are not restricted *and each county may appropriate money from the general fund of the county* for the purpose of paying expenses relating to civil defense and emergency planning matters of such joint administration, and to establish a joint county-municipal civil defense [fund] *account of the restricted trust and agency fund* in the office of the county treasurer, and the county and cities located in that county may deposit moneys in such [fund] *account*, which [fund] *account* shall be for the purpose of paying expenses relating to civil defense and emergency planning matters of such joint administration. Any reimbursement, matching funds, or moneys received from sale of property obtained through the surplus property program, or moneys obtained from any source whatever in connection with the civil defense and emergency planning program, shall be deposited in

the joint civil defense [fund, herein established] *account.* Withdrawal of moneys from the joint county-municipal civil defense and emergency planning account maintained by the office of the county treasurer to reimburse both county and city governments for their share of funds received by the joint county-municipal civil defense and emergency planning agency, and deposited with the county treasurer, may be made on warrants drawn by the county auditor, supported by claims from the county or city government concerned, and these claims verified and vouchers signed by the chairman or vice-chairman of the joint administration and the director of the joint county-municipal civil defense and emergency planning administration.

Sec. 18. Section thirty-seven point seventeen (37.17), Code 1975, is amended to read as follows:

37.17 GIFTS AND BEQUESTS. Gifts and bequests to any county, city, or to the commission, for any of the purposes provided in this chapter, may be accepted and the property shall be used in accordance with the provisions of this chapter, and as may be expressly designated by the donor. *Each gift or bequest to a county under this chapter shall be placed in a separate account in the restricted trust and agency fund of the county.*

Sec. 19. Section fifty-two point three (52.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section ninety-three (93), is amended to read as follows:

52.3 TERMS OF PURCHASE—TAX LEVY. The county

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board of supervisors, on the adoption and purchase of a voting machine or an electronic voting system, may provide for the payment [therefor] *from the general fund of the county or provide for payment* in such manner as they may deem for the best interest of the county, and may for that purpose issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the county[, or levy not to exceed thirteen and one-half cents per thousand dollars of assessed value. Any amounts so levied and collected in excess of actual costs of voting machines shall revert to the general fund of the county]. Such bonds, certificates, or other obligations may be issued with or without interest, payable at such time or times as the county board may determine, but shall not be issued or sold at less than par.

Sec. 20. Section one hundred eleven A point six (111A.6), unnumbered paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

Upon the adoption of any county of the provisions of this chapter, the county board of supervisors of

such county may by resolution appropriate an amount of money from the general fund of the county for the payment of expenses incurred by the county conservation board in carrying out its powers and duties[, and it may levy or cause to be levied an annual tax, in addition to all other taxes, of not more than twenty-seven cents per thousand dollars of the assessed value of all real and personal property subject to taxation within such county, upon proper certification by said county conservation board made pursuant to and in compliance with all of the provisions of chapter 24, which tax shall be collected by the county treasurer as other taxes are collected, and shall be paid into a separate and distinct fund to be known as the county conservation fund, to]. *The money shall* be paid out upon the warrants drawn by the county auditor upon requisition of the county conservation board for the payment of expenses incurred in carrying out the powers and duties of said conservation board. The county conservation board shall have no power or authority to contract any debt or obligation in any year in excess of the moneys in the hands of the county treasurer immediately available for such purposes, except the board of supervisors may authorize deferred payments for land acquisition purchases not to exceed [one-fourth of the annual conservation fund levy nor] *six and three-fourth cents per thousand dollars of assessed value of the taxable property in the county not* to extend over a period of ten years.

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Any single expenditure of, or contract to expend, a sum of five thousand dollars shall be subject to the provisions of chapter 23. Gifts, contributions and bequests of money and all rent, licenses, fees and charges and other revenue or money received or collected by the board shall be deposited in [the county conservation fund] *a separate account of the restricted trust and agency fund* to be used for the purchase of land, property and equipment and the payment of expenses incurred in carrying out the activities of the board, except that moneys given, bequeathed, or contributed upon specified trusts shall be held and applied in accordance with the trust specified.

In order to make immediately available to the county conservation board [the proceeds of the annual tax hereinbefore authorized to be levied] *money* for recreation and conservation purposes, bonds of any county may be issued in anticipation of the collection of [such] tax *revenues* in the manner hereinafter provided. Upon the filing of a petition by the conservation board with the county board of supervisors asking that bonds be issued in a specified amount for the purpose of paying the cost of acquiring

land and developing the same for public museum, park, parkway, preserve, playground, or other recreation or conservation purposes within the county, then the board of supervisors may call a special election to be held in the county to vote on the proposition of issuing such bonds. Notice of such election shall be published once each week for at least four consecutive weeks in one of the official county newspapers, and the election shall be held on a day not less than five nor more than twenty days after the last publication of such notice. Voting machines may be used for the purpose of voting on said proposition or, in the discretion of the board of supervisors, the proposition may be submitted to the voters on paper ballots. The proposition shall be submitted in substantially the following form:

"Shall ..... County, Iowa, issue its bonds in the amount of $ ..... for the pupose of .....?"

The expenses incurred in connection with the conduct of such election shall be paid [by the conservation board] from the [county conservation] *general* fund. If the vote in favor of issuing the bonds is equal to at least sixty percent of the total votes cast for and against the proposition, the board of supervisors shall issue the bonds in the amount voted, and shall provide for the levy of an annual tax,

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[within the limits of the special tax hereinbefore authorized] *not to exceed twenty-seven cents per thousand dollars of assessed value of the taxable property in the county,* sufficient to pay said bonds and the interest thereon as the same respectively become due. Said bonds shall mature in not more than twenty years, shall bear interest at a rate or rates not exceeding seven percent per annum, shall be in such form as the board of supervisors shall by resolution provide, and shall be payable as to both principal and interest from the proceeds of the annual levy of the tax [hereinbefore authorized to be levied for recreation and conservation purposes] *of twenty-seven cents per thousand dollars of assessed value in the county,* or so much thereof as will be sufficient to pay the principal thereof and interest thereon, and prior to the authorization and issuance of such bonds the board of supervisors may, with or without notice, negotiate and enter into an agreement or agreements with any bank, investment banker, trust company or insurance company or group thereof whereunder the marketing of such bonds may be assured and consummated. The proceeds of such bonds shall be deposited in a special *account of the debt service* funds, to be kept separate and apart from all other funds of the county, and shall be paid out upon

warrants drawn by the county auditor upon requisition of the conservation board to pay the cost of acquiring land and developing the same for recreation and conservation purposes as specified in the election proposition.

Sec. 21. Section one hundred eleven A point six (111A.6), Code 1975, is amended by striking unnumbered paragraph three (3).

Sec. 22. Section one hundred twenty-three point thirty-six (123.36), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

The department shall credit all fees to the beer and liquor control fund and shall remit to the appropriate local authority, a sum equal to sixty-five percent of the fees collected for each class "A", class "B", or class "C" license covering premises located within their respective jurisdictions. However, that amount remitted to the appropriate local authority out of the fee collected for the privilege authorized under subsection 6 shall be deposited in the county [mental health and institutions] *human resources* fund to be used only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities

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as provided in chapter 125.

Sec. 23. Section one hundred twenty-three point one hundred forty-three (123.143), subsection one (1), Code 1975, is amended to read as follows:

1. All retail beer permit fees collected by any local authority at the time application for the permit is made, and remitted with the permit application to the department, shall be refunded by the department to the local authority at the time the permit is issued. Those amounts refunded to the appropriate local authority out of the fee collected for the privilege authorized under section 123.134, subsection 5, shall be deposited in the county [mental health and institutions] *human resources* fund to be used only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125.

Sec. 24. Section one hundred twenty-five point twenty-eight (125.28), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ten (10), section four (4), is amended to read as follows:

125.28 COUNTIES TO SHARE *HALF OF* COST. Except as provided in section 125.26, counties shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment of an alcoholic from the [county mental health and institutions] *human resources* fund as provided in section 444.12. The

commission shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the county of the alcoholic's legal settlement once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of an alcoholic. Such county shall pay the cost so certified to the facility from its [county mental health and institutions] *human resources* fund. However, the approval of the board of supervisors shall be required before payment is made by a county for costs incurred which exceed a total of five hundred dollars for one year for treatment provided to any one alcoholic or intoxicated person, except that such approval is not required for the cost of treatment provided to an alcoholic or intoxicated person who is committed pursuant to sections 125.18 and 125.19. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of alcoholics for each month. The board of supervisors may demand an itemization of such

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billings at any time or may audit the same.

Sec. 25. Section one hundred twenty-five point thirty-two (125.32), Code 1975, is amended to read as follows:

125.32 TRANSFER FROM [INSTITUTIONAL] *HUMAN RESOURCES* FUND. The county auditor upon receipt of such certification by the facility shall enter the same to the credit of the facility and issue a notice to the county treasurer, authorizing him to transfer the amount from the [county mental health and institutions] *human resources* fund to the state general fund, which notice shall be filed by the treasurer as his authority for making such transfer, and shall include the amount transferred in his next remittance to the facility.

Sec. 26. Section one hundred thirty-seven point twenty (137.20), Code 1975, is amended to read as follows:

137.20 APPROPRIATION FROM [GENERAL] *HUMAN RESOURCES* FUND OF COUNTY. The board of supervisors of any county may appropriate from the [county general] *human resources* fund for the purpose of providing local health services. A county appropriation shall not exceed the statutory limitation found in chapter 444. Moneys appropriated for this purpose shall be deposited in the local health fund as specified in section 137.18.

Sec. 27. Section one hundred sixty-three A point twelve (163A.12), Code 1975, is amended to read as

follows:

163A.12 OWNER REQUESTING TEST. If the owner requests the department to inspect and test his breeding swine for brucellosis, and agrees to comply with the rules and regulations made by the department under section 163A.9, the department may designate a veterinarian to make an inspection and test, with the expense to be paid as provided in section 164.6 for cattle brucellosis testing, but only to the extent the funds provided in that section are not required for the cattle testing program. The board of supervisors shall reimburse the department for the expense of the inspection and testing program for swine brucellosis, from the ["County Brucellosis Eradication Fund"] *county brucellosis eradication account of the restricted trust and agency fund* established in section 164.24, but only to the extent that the moneys in the [fund] *account* are not required for expenses incurred under chapter 164.

Sec. 28. Section one hundred sixty-four point twenty-three (164.23), Code 1975, is amended to read

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as follows:

164.23 TAX LEVY. In each county in the state, the board of supervisors shall each year, when it makes the levy for taxes, levy a tax sufficient to provide [a fund] *funds* to pay the indemnity, as set out in section 164.21, and other expenses provided in this chapter, and expenses of the inspection and testing program provided in chapter 163A, and such levy shall not exceed in any year thirteen and one-half cents per thousand dollars of assessed value of the taxable value of all the property in the county.

Sec. 29. Section one hundred sixty-four point twenty-four (164.24), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred twenty-seven (127), section six (6), is amended to read as follows:

164.24 COLLECTION OF TAX—TRANSFER. Such levy shall be placed upon the tax list by the county auditor and collected by the county treasurer in the same manner and at the same time as other taxes of the county. The money derived from such levy shall be placed in [a fund to be known as the "County Brucellosis Eradication Fund"] *the county brucellosis eradication account of the restricted trust and agency fund,* and shall be used only for the payment of claims as provided in this chapter, and for payment of the expenses of the inspection and testing program provided in chapter 163A. However, the board of supervisors may transfer any unexpended funds from the county brucellosis eradication [fund] *account* to the county tuberculosis eradication [fund] *account* to meet any unpaid obligations of the county tuberculosis

eradication [fund] *account.*

Sec. 30. Section one hundred sixty-four point twenty-five (164.25), Code 1975, is amended to read as follows:

164.25 ANNUAL REPORT. The county auditor of each county shall, not later than July 15 of each year, certify to the secretary of agriculture a report showing the amount in the brucellosis eradication [fund] *account* on July 1 of each year.

Sec. 31. Section one hundred sixty-four point twenty-six (164.26), Code 1975, is amended to read as follows:

164.26 NEED FOR LEVY DETERMINED. Should it appear to the secretary of agriculture that the balance in such [fund] *account* is sufficient, with the county's allotment of state and federal funds available, to carry on the work in such county for the ensuing year, he shall so certify to the county auditor, and, when

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such certification has been made, the board of supervisors shall make no levy for such brucellosis eradication [fund] *account* for such year.

Sec. 32. Section one hundred sixty-four point twenty-seven (164.27), Code 1975, is amended to read as follows:

164.27 LIMIT ON CLAIMS. Whenever the balance of such [fund] *account* becomes less than twenty-five hundred dollars, the county auditor shall notify the department in writing of such fact, and no expense shall be incurred [on such account] *for such purposes* in excess of the cash available in such [fund] *account.*

Sec. 33. Section one hundred sixty-five point eighteen (165.18), Code 1975, is amended to read as follows:

165.18 ERADICATION [FUND] *ACCOUNT.* In each county in the state, the board of supervisors shall each year when it makes the levy for taxes, levy a tax sufficient to provide [a fund] *funds* to pay the indemnity and other expenses provided in this chapter and section 159.5, subsection 12, except as provided herein, but such levy shall not exceed twenty and one-fourth cents per thousand dollars in any year upon the taxable value of all the property in the county. However, moneys shall be paid on expenses arising under section 159.5, subsection 12, only to the extent that such moneys are not required to pay expenses for bovine tuberculosis under this chapter.

Sec. 34. Section one hundred sixty-five point nineteen (165.19), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred twenty-seven (127), section seven (7), is amended to read as follows:

165.19 COLLECTION—TRANSFER. Such levy shall

be placed upon the tax list by the county auditor and collected by the county treasurer in the same manner and at the same time as other taxes of the county. The money derived from such levy shall be placed in a [fund to be known as the] county tuberculosis eradication *account of the restricted trust and agency* fund, and the same shall only be used for the payment of claims as provided in this chapter and for payment of the expenses of the inspection, testing and indemnification program provided for the eradication of tuberculosis in swine. However, the board of supervisors may transfer any unexpended funds from the county tuberculosis eradication [fund] *account* to the county brucellosis eradication [fund] *account* to meet any unpaid obligations of the county brucellosis eradication [fund] *account.*

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Sec. 35. Section one hundred sixty-five point twenty (165.20), Code 1975, is amended to read as follows:

165.20 REPORT BY AUDITOR. The county auditor of each county shall, not later than July 15 of each year, certify to the secretary of agriculture a report showing the amount in the tuberculosis eradication [fund] *account* on July 1 of each year.

Sec. 36. Section one hundred sixty-five point twenty-one (165.21), Code 1975, is amended to read as follows:

165.21 LEVY OMITTED. Should it appear to the secretary of agriculture that the balance in such fund is sufficient, with the county's allotment of state and federal funds available, to carry on the work in such county for the ensuing year, he shall so certify to the county auditor and when such certification has been made the board shall make no levy for such tuberculosis eradication [fund] *account* for such year.

Sec. 37. Section one hundred sixty-five point twenty-two (165.22), Code 1975, is amended to read as follows:

165.22 AVAILABILITY OF COUNTY ACCOUNT. After the amount alloted in any year by the department to any county has been expended or contracted in said county, or at any time that there ceases to be available for such county any federal funds for the eradication of bovine tuberculosis, the county *tuberculosis* eradication [fund] *account* provided in this chapter shall become available as a substitute for either or both such funds for the payment of materials, indemnities, inspectors, and assistants as herein provided.

Sec. 38. Section one hundred sixty-five point twenty-three (165.23), Code 1975, is amended to read

as follows:

165.23 EXHAUSTION OF STATE ALLOTMENT. As soon as the allotment to the county has been spent or contracted, the department shall certify such fact to the county auditor, which certificate shall be full authority for the board of supervisors to pay claims as presented to the board by the department of agriculture out of the county *tuberculosis* eradication [fund] *account.*

Sec. 39. Section one hundred sixty-five point twenty-four (165.24), Code 1975, is amended to read as follows:

165.24 EXHAUSTION OF COUNTY [FUND] *ACCOUNT.* Whenever the balance in such [fund] *account* becomes less

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than twenty-five hundred dollars the county auditor shall notify the department in writing of such fact and no expense shall be incurred [on such account] *for such purposes* in excess of the cash available in such [fund] *account.*

Sec. 40. Section one hundred seventy-four point thirteen (174.13), Code 1975, is amended to read as follows:

174.13 COUNTY AID. The board of supervisors of the county in which any such society is located may [levy a tax of not to exceed six and three-fourths cents per thousand dollars of assessed value of the taxable property of the county, the funds realized therefrom to be known as the fairground fund, and to be used] *appropriate moneys from the general fund* for the purpose of fitting up or purchasing fairgrounds for the society, or for the purpose of aiding boys and girls 4-H Club work and payment of agricultural and livestock premiums in connection with said fair, provided such society shall be the owner in fee simple, or the lessee of at least ten acres of land for fairground purposes, and shall own or lease buildings and improvements thereon of at least eight thousand dollars in value.

Sec. 41. Section one hundred seventy-four point seventeen (174.17), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

174.17 CAPITAL IMPROVEMENTS ON FAIRGROUNDS. The board of supervisors of any county which has acquired real estate for county or district fair purposes and which has a society using such real estate, may appropriate moneys from the general fund for the purpose of erecting and repairing buildings and other permanent improvements on such real estate, paying debts contracted in such erection or repair, and paying agricultural and livestock premiums.

Sec. 42. Section one hundred seventy-four point twenty-five (174.25), Code 1975, is amended to read

as follows:

174.25 SELLING FAIRGROUNDS. In the event that a new fairgrounds site is acquired by any county, the board of supervisors of such county may sell any existing fairground site to which the county has title and such board may sell any structure located on the old fairground site, that it is not practicable to move or transfer to the new fairground site, at public or private sale for the best price obtainable. The net proceeds from the sale of fairground sites and structures on such sites shall be placed in [the "fair

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ground fund"] *a separate account in the restricted trust and agency fund* to be expended for the erection of permanent buildings on the new fairground site, or for the payment of debts contracted in the removal, transporting, erection or repair of structures moved from the old fairground site to the new fairground site.

Sec. 43. Section two hundred twenty-two point seventy-four (222.74), Code 1975, is amended to read as follows:

222.74 DUPLICATE TO COUNTY. When certifying to the comptroller amounts to be charged against each county as provided in section 222.73, the superintendent shall send to the county auditor of each county against which he has so certified any amount, a duplicate of such certificate. The county auditor upon receipt of the duplicate certificate shall enter the same to the credit of the state in his ledger of state accounts, and shall immediately issue a notice to the county treasurer authorizing the treasurer to transfer the amount from the [county mental health and institutions] *human resources* fund to the general state revenue. The treasurer shall file such notice as his authority for making such transfer and shall include the amount so transferred in his next remittance of state taxes to the treasurer of state, designating the fund to which the amount belongs.

Sec. 44. Section two hundred twenty-two point seventy-six (222.76), Code 1975, is amended to read as follows:

222.76 PAID FROM [INSTITUTION] *HUMAN RESOURCES* FUNDS. All expenses required to be paid by counties under section 222.60 shall be paid from the [state institution] *human resources* fund of the county. The cost of care of patients discharged or removed from the hospital-schools or a special unit for placement within a county may be paid from the [state institution fund or the county fund for mental health] *human resources fund* of the county of legal settlement.

Sec. 45. Section two hundred twenty-five point twenty-one (225.21), Code 1975, is amended to read

as follows:

225.21 VOUCHERS. The person making claim to such compensation shall present to the court or judge an itemized sworn statement thereof, and when such claim for compensation has been approved by the court or judge or clerk, the same shall be filed in the office of the county auditor and shall be allowed by the board of supervisors and paid from the [state

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institution] *human resources* fund.

Sec. 46. Section two hundred twenty-five point twenty-four (225.24), Code 1975, is amended to read as follows:

225.24 COLLECTION OF PRELIMINARY EXPENSE. Unless said committed private patient or those legally responsible for him offer to make such settlement, it shall also be the duty of the county auditor of the proper county as aforesaid to proceed to collect, by action if necessary, in the name of the said county, the amount of all claims for per diem and expenses that have been approved by the said court or judge and paid by the county treasurer of said county as provided for under the provisions of section 225.21, and when collected to pay the same into the [county treasury] *human resources fund.*

Sec. 47. Section two hundred twenty-seven point eighteen (227.18), Code 1975, is amended to read as follows:

227.18 CLAIMS FILED QUARTERLY. The state aid herein provided for shall be paid to the claimant county upon a verified claim being filed quarterly with the state director setting forth the total of weekly patient care furnished to transferees in county or private institutions from the [county mental health and institutions] *human resources* fund. Approval of said verified claim by the state director shall be authority for the state comptroller to issue a warrant upon the state mental aid fund payable to the claimant county which shall be credited by that county to the [county mental health and institutions] *human resources* fund [established by section 444.12].

Sec. 48 Section two hundred thirty point twenty-one (230.21), Code 1975, is amended to read as follows:

230.21 DUTY OF COUNTY AUDITOR AND TREASURER. The county auditor, upon receipt of such certificate, shall thereupon enter the same to the credit of the state in his ledger of state accounts, and at once issue a notice to his county treasurer, authorizing him to transfer the amount from the [county mental health and institutions] *human resources* fund to the general state revenue, which notice shall be filed by the treasurer as his authority for making such transfer, and shall include the amount so transferred in his next remittance of state taxes to the treasurer

of state, designating the fund to which it belongs.

Sec. 49. Section two hundred thirty point twenty-three (230.23), Code 1975, is amended to read as follows:

230.23 COST PAID FROM INSTITUTION FUND. All

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expenses required to be paid by counties for the care, admission, commitment, and transportation of mentally ill patients in state hopsitals shall be paid by the board of supervisors from the [state institution] *human resources* fund.

Sec. 50. Section two hundred thirty point twenty-four (230.24), Code 1975, is amended to read as follows:

230.24 PSYCHIATRIC TREATMENT—MENTAL HEALTH CENTER.

The county board of supervisors [are authorized to] *may* expend from the [county mental health and institutions] *human resources* fund [established by section 444.12] funds for psychiatric examination and treatment of persons in need thereof, or for professional evaluation, treatment, and habilitation of mentally retarded persons, in each county which has facilities available for such treatment, and any county not having such facilities may contract through its board of supervisors with any other county, which has facilities for psychiatric examination and treatment or for professional evaluation, treatment, and habilitation of mentally retarded persons, for the use thereof. However, the county board of supervisors shall not expend from such fund for treatment other than in a state institution an amount which would exceed eight dollars per capita for counties having less than forty thousand population.

Sec. 51. Section two hundred thirty-one point twelve (231.12), Code 1975, is amended to read as follows:

231.12 SALARIES—EXPENSE—HOW PAID. The judges making the appointments shall fix the salaries of all appointees at not exceeding the amount authorized by law. All appointees shall serve during the pleasure of such judges, and in addition to salaries shall receive their necessary and actual expenses incurred while performing their duties. For use of an automobile in the discharge of their duties within the particular county or counties for which they are appointed such officers may receive the mileage rate provided by law, or, in lieu thereof, they may receive a monthly allowance in such amounts as the judge or judges of the juvenile court may determine and order. For use of an automobile outside the county or counties for which they have been appointed such officers shall be paid the regular mileage rate. All salaries and

expenses shall be paid by the county [either from the general county fund or] from the court expense fund.

Sec. 52. Section two hundred thirty-two point twenty-two (232.22), Code 1975, is amended to read

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as follows:

232.22 ISSUANCE OF BONDS. For the purpose of providing and maintaining a county or multicounty juvenile home, the board of supervisors of any county may issue bonds and authorize the expenditure of such amounts as are consistent with the provisions of chapter 345. The board of supervisors of any county [is authorized to levy a tax not to exceed thirteen and one-half cents per thousand dollars of assessed value] *may appropriate moneys from the human resources fund* for the purpose of maintaining a county or multicounty juvenile home. [In counties of over one hundred fifty thousand population, the board of supervisors is authorized to levy a tax not to exceed twenty and one-fourth cents per thousand dollars of assessed value for the maintenance of a juvenile home.] Expenses for providing and maintaining a juvenile home shall be paid by the county or counties participating in a manner to be determined by board or boards of supervisors of participating counties.

Sec. 53. Section two hundred forty-four point fourteen (244.14), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Each county shall be liable for sums paid by the home in support of all its children to the extent of a sum equal to one-half of the net cost of the support and maintenance of its children. The superintendent of The Iowa Annie Wittenmyer Home and the Iowa juvenile home shall certify to the state comptroller on the first day of each fiscal quarter the amount chargeable to each county for such support. The sums for which each county is so liable shall be charged to the county and collected as a part of the taxes due the state, and paid by the county from the [county mental health and institutions] *human resources* fund at the same time state taxes are paid.

Sec. 54. Section two hundred fifty point one (250.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-six (76), section four (4), is amended to read as follows:

250.1 [TAX] *APPROPRIATION.* [A tax not exceeding twenty-seven cents per thousand dollars of assessed value may be levied by the board of supervisors upon all taxable property within the county, to be collected at the same time and in the same manner as other taxes, to create a veteran affairs] *The board of supervisors may appropriate moneys from the human*

resources fund for the relief of, and to pay the funeral expenses of honorably discharged, indigent

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men and women of the United States who served in the military or naval forces of the United States in any war including the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and including the Vietnam Conflict at any time between August 5, 1964 and ending on the date the armed forces of the United States are directed by formal order of the government of the United States to cease hostilities, both dates inclusive, and their indigent wives, widows and minor children not over eighteen years of age, having a legal residence in the county.

Sec. 55. Section two hundred fifty point two (250.2), Code 1975, is amended to read as follows:

250.2 CONTROL OF [FUND] *FUNDS.* [Said fund] *The funds appropriated by the board of supervisors* shall be expended for the purposes aforesaid by the joint action and control of the board of supervisors and the commission of veterans affairs hereinafter provided for.

Sec. 56. Section two hundred fifty point five (250.5), Code 1975, is amended to read as follows:

250.5 COMPENSATION. The members of said commission shall be paid for their services the sum of five dollars per day for each day actually employed in the work of [said] *the* commission, and also the same mileage that is paid to the members of the board of supervisors. [Said] *The* per diem and mileage shall be paid out of the [taxes raised] *funds appropriated* under the provisions of section 250.1. In the event the commission has employed administrative or clerical help, the members of the commission shall receive compensation for attendance at the annual and monthly meetings only.

Sec. 57. Section two hundred fifty point ten (250.10), Code 1975, is amended to read as follows:

250.10 DISBURSEMENTS—INSPECTION OF RECORDS. On the first Monday in each month, all claims certified shall be reviewed by the board of supervisors and the county auditor shall issue his warrants in payment of same drawn upon the [veteran affairs] *human resources* fund. All applications, investigation reports and case records shall be privileged communications and held confidential, subject to use and inspection only by persons authorized by law in connection with their official dutes relating to financial audits and the administration of the provisions of this chapter. Provided, however, that the county commission of veteran affairs shall prepare and file in the office of the county auditor on or before the thirtieth day

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of each January, April, July and October a report showing the names and addresses of all recipients receiving assistance under this chapter, together with the amount paid to each during the preceding quarter. Each report so filed shall be securely fixed in a record book to be used only for such reports made under this chapter.

Sec. 58. Section two hundred fifty-one point four (251.4), Code 1975, is amended to read as follows:

251.4 GRANTS FROM STATE FUNDS TO COUNTIES. The state division shall have the authority to require as a condition of making available state assistance to counties for emergency relief purposes, that the county boards of supervisors shall make maximum tax levies for relief *as authorized under this Act* and establish such budgets as are needed in respect to the relief situation in the counties. The state division shall also have the authority to require as a condition of grants of state aid to the counties that the county board of supervisors shall make no transfers from the [county poor] *human resources* fund or charges against the [county poor] *human resources* fund for purposes other than that for which the [county poor] *human resources* fund is established by law, and it is hereby made mandatory upon the county board of supervisors, that taxes levied and collected for the [county poor] *human resources* fund shall be expanded only for the purposes levied.

Sec. 59. Section two hundred fifty-two point twenty-six (252.26), Code 1975, is amended to read as follows:

252.26 OVERSEER OF POOR. The board of supervisors in any county in the state may appoint an overseer of the poor for any part, or all of the county, who shall have within said county, or any part thereof, all the powers and duties conferred by this chapter on the township trustees. Said overseer shall receive as compensation an amount to be determined by the county board and may be paid [either] from the [general or poor] *human resources* fund of the county.

Sec. 60. Section two hundred fifty-two point forty-two (252.42), Code 1975, is amended to read as follows:

252.42 CO-OPERATION ON WORK-RELIEF PROJECTS. Notwithstanding the provisions of any laws to the contrary, the county board of supervisors shall have the power to use the [poor] *human resources* fund to join and co-operate with the United States government, or cities and towns within their boundaries, or both the United States government and cities and towns

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within their boundaries, in sponsoring work projects,

provided that the money used from the [poor] *human resources* fund for such purposes does not exceed the cost per month of supplying relief to the certified persons working on projects who would be receiving direct relief if they were not employed on [said] *the* work projects.

Sec. 61. Section two hundred fifty-two point forty-three (252.43), unnumbered paragraphs one (1) and two (2), Code 1975, is amended to read as follows:

The expense of supporting the poor shall be paid out of the [county treasury] *human resources fund* in the same manner as other disbursements for county purposes[; and in case the ordinary revenue of the county proves insufficient for the support of the poor, the board may levy a poor tax, not exceeding forty and one-half cents per thousand dollars of assessed value, to be entered on the tax list and collected as the ordinary county tax].

Should the [forty and one-half cent levy] *human resources fund* fail to provide adequate funds to take care of the poor, then the board of supervisors, with the approval of the [state comptroller] *county budget review committee*, shall levy an additional tax [of not to exceed eighty-one cents per thousand dollars of assessed value], to be entered on the tax list and collected as the ordinary county tax. Before any such additional levy is made, a showing of the necessity for such additional levy shall be made to the [state comptroller] *county budget review committee* and no such additional levy shall be made unless it shall be approved in writing by the [comptroller] *committee*.

Sec. 62. Section two hundred fifty-four point four (254.4), Code 1975, is amended to read as follows:

254.4 ALLOWANCE FOR SUPPORT. The board of supervisors may allow, from the [county mental health and institutions] *human resources* fund of the county, for the care and support of each tuberculous patient cared for in any such institution, a sum not exceeding the average per patient per day cost of treatment in any such institution.

Sec. 63. Section two hundred fifty-five point twenty-six (255.26), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The county auditor, upon receipt of such certificate, shall thereupon enter the same to the credit of the state in his ledger of state accounts, and at once issue a notice to his county treasurer authorizing him to transfer the amount from the [poor

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or county] *human resources* fund to the general state revenue, which notice shall be filed by the treasurer as his authority for making such transfer; and he shall include the amount so transferred in his next

remittance of state taxes to the treasurer of state, to accrue to the credit of the university hospital fund.

Sec. 64. Section two hundred seventy-two point five (272.5), Code 1975, is amended to read as follows:

272.5 FUNDS. [The] *There is created a separate account in the restricted trust and agency* fund for carrying out the purpose of this chapter *which* shall consist of:

1. Fifty dollars annually, which is hereby appropriated.

2. One-half of all examination fees collected in the county.

3. One hundred fifty dollars from the general [county] fund in any county having a population of thirty thousand or less, which amount shall be appropriated by the board of supervisors of such county at the [January] *July* session of each year. Two hundred dollars from the general [county] fund in any county having a population of over thirty thousand, to be appropriated by the board of supervisors in like manner.

4. Such reasonable sum as may be appropriated by the board from the general fund of any city independent district.

Sec. 65. Section two hundred seventy-two point six (272.6), Code 1975, is amended to read as follows:

272.6 USE OF [FUND] *FUNDS.* No part of [this] *the account for the* improvement of instruction [fund] may be used for any other purpose than to pay the expenses of the plans formed and approved for this work.

Sec. 66. Section two hundred seventy-two point seven (272.7), Code 1975, is amended to read as follows:

272.7 DISBURSEMENT REQUIREMENTS. All disbursements from the [fund] *account* provided by this chapter shall be by warrants drawn by the county auditor of each county in the area education agency upon the written order of the area education agency administrator, and said written order must be accompanied by an itemized bill for services rendered or expenses incurred in connection therewith, which bill must be signed and sworn to by the party in whose favor the order is made and must be verified by the area education agency administrator. All said orders and bills shall be kept on file in the auditor's office

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until the final settlement of the area education agency administrator with each board of supervisors in the area education agency at the close of his term of office. No warrant shall be drawn by the auditor in excess of the amount then in the [county treasury] *account.*

Sec. 67. Section three hundred nine point eight

(309.8), Code 1975, is amended to read as follows:

309.8 SECONDARY ROAD FUND. There is [hereby] created a *secondary road account of the* secondary road fund which [fund] *account* shall consist of:

1. All funds derived from the secondary road tax levies.

2. All funds allotted to the county from the state road use tax fund.

3. All funds provided by individuals for the improvement of any secondary road from their own contributions.

4. All other funds which may by law be dedicated to said [fund] *account.*

Sec. 68. Section three hundred nine point nine (309.9), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The *secondary road account of the* secondary road fund is [hereby] pledged to and shall be used for any or all of the following purposes at the option of the board of supervisors:

Sec. 69. Section three hundred nine point twelve (309.12), Code 1975, is amended to read as follows:

309.12 CONSTRUCTION OF TERMS. The classification of county road funds into "secondary road construction funds" and "secondary road maintenance funds" is hereby abolished. Wherever in any statute the words, "secondary road construction fund" or "secondary road maintenance fund" appear, they shall be construed to mean, "*secondary road account of the* secondary road fund".

Sec. 70. Section three hundred nine point eighteen (309.18), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The board shall fix the compensation of said engineer or engineers, and pay the same, together with all engineering costs, from the [general county fund, or from the secondary road construction fund or from the secondary road maintenance fund, or from any or all of said funds] *secondary road account of the secondary road fund.*

Sec. 71. Section three hundred nine point forty-six (309.46), Code 1975, is amended to read as follows:

309.46 CONSTRUCTION [FUND] *FUNDS* ANTICIPATED. The

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board before issuing anticipatory certificates shall seek the advice of the department and issue said certificates to an amount not exceeding fifty percent of the estimated funds which will accrue to the secondary road [fund] *account* during any stated period of from one to two years.

Sec. 72. Section three hundred nine point forty-seven (309.47), subsection one (1), Code 1975, is amended to read as follows:

1. The [secondary road] funds, *of the secondary road account* specifying the year or years, which are to be anticipated.

Sec. 73. Section three hundred nine point forty-eight (309.48), subsections one (1) and three (3), Code 1975, are amended to read as follows:

1. The [annual accruing secondary road] funds *annually accruing to the secondary road account* (naming the year) of which the certificate is anticipatory.

3. That said certificate is payable solely from [said accruing secondary road] funds *accruing to the secondary road account.*

Sec. 74. Section three hundred nine point fifty-two (309.52), Code 1975, is amended to read as follows:

309.52 DUTY OF TREASURER. The treasurer shall sell said certificates in accordance with the provisions of chapter 75, and shall credit the amount received to said secondary road [fund] *account,* or if unable to sell said certificates for par plus accrued interest, the treasurer may apply said certificates at par plus accrued interest in payment of any warrants duly authorized and issued for secondary road work.

Sec. 75. Section three hundred nine point sixty-three (309.63), Code 1975, is amended to read as follows:

309.63 GRAVEL BEDS. The board of supervisors of any county may, within the limits of such county and without the limits of any city or town, purchase or condemn any lands for the purpose of obtaining gravel or other suitable material with which to improve the secondary highways of such county, including a sufficient roadway to such land by the most reasonable route, or the board may purchase such material outside the limits of their county, and in either case pay for the same out of the secondary road [funds] *account.*

Sec. 76. Section three hundred nine point seventy-three (309.73), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Cities which have a common boundary and are situated in counties having a population in excess of two hundred thousand and the county in which such cities

are located may contract, each with the other, for the joint construction and financing of a bridge to be located within one hundred feet of such common boundary and partly within one of the cities and partly within the county. Such contracts may also provide for the acquisition of right of way for, and construction of, highways connecting such bridge to existing city streets or secondary roads. Such bridge and highways shall be constructed under plans and specifications jointly agreed on by the respective contracting bodies. Such contract shall set forth the amount of money to be contributed by each con-

tracting party and may provide for the amount of money to be contributed annually by each contracting party for the maintenance of the said public improvements. When such county and cities have agreed upon their respective portions of the cost of such bridge and highways they may pay same from their respective **secondary road [fund]** ***account,*** **street fund, or other** funds available for highway or bridge purposes, or they may issue general obligation bonds to provide funds for the payment of their respective shares of such cost.

Sec. 77. Section three hundred nine point ninety-three (309.93), subsection six (6), Code 1975, is amended to read as follows:

6. The cash balance of each [road fund] ***account of the secondary road fund, which relates to the construction and maintenance of secondary roads*** **at** the end of the last prior year, an estimate of the cash balance at the end of the current year, and an estimate of the cash balance at the end of the next calendar year.

Sec. 78. Section three hundred ten point one (310.1), subsection one (1), Code 1975, is amended to read as follows:

1. "County's allotment of road use tax fund" or "allotment of road use tax fund" shall mean that part of the road use tax fund allotted to any county by the treasurer of state from the portion of the state road use tax fund which he has credited to the secondary road [construction] fund of the counties.

Sec. 79. Section three hundred ten point three (310.3), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

There is [hereby] created a [fund which shall be known **as the] farm-to-market road fund** ***in the state treasury*** which shall be made up as follows:

Sec. 80, Section three hundred ten point six (310.6), Code 1975, is amended to read as follows:

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310.6 ACCOUNTS BY DEPARTMENT. The department shall keep accounts in relation to the farm-to-market road fund and each county's allotment thereof, **crediting each** ***account of such*** **fund with all amounts** by law creditable thereto, and charging each with all duly and finally approved vouchers for claims properly chargeable thereto.

Sec. 81. Section three hundred ten point twenty-nine (310.29), Code 1975, is amended to read as follows:

310.29 MAINTENANCE BY COUNTY. Any **farm-to-market** road constructed under the provisions of this chapter shall be maintained by the county in a manner satisfactory to the federal authorities and to the department. Should any county fail to so maintain

any such road, the department shall give the board of supervisors notice of that fact. If within sixty days after receipt of such notice the said highway has not been placed in proper condition of maintenance the department shall proceed immediately to have such highway placed in proper condition of maintenance and charge the cost thereof against said county's allotment of the farm-to-market road fund. The amount so expended for maintenance work by the department shall be reimbursed to said county's allotment of the farm-to-market road fund, from said county's secondary road [maintenance fund] *account*, before any more farm-to-market road projects in said county are approved by the department.

Sec. 82. Section three hundred eleven point twenty-three (311.23), Code 1975, is amended to read as follows:

311.23 PAYMENT OF CONSTRUCTION COSTS. The total cost of any secondary road assessment district project shall in the first instance be paid out of the secondary road *account of the secondary road* fund of said county. Any assessments which are paid in cash and in anticipation of which assessments no certificates have been issued, shall be transferred to the *secondary road account of the* secondary road fund.

If no special assessment certificates are issued and sold on account of any particular secondary road assessment district, the special assessment on lands included in that district, and the interest on such assessments when collected, shall be transferred to the secondary road [fund] *account* of said county. If certificates are issued and sold in anticipation of the special assessments levied on any such district as herein provided, the proceeds of such

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certificates shall be credited to the secondary road [fund] *account* of said county. In that event, the special assessments in anticipation of which certificates have been issued, and the interest on such assessments shall, when collected, be used to retire such certificates.

Sec. 83. Section three hundred eleven point twenty-nine (311.29), Code 1975, is amended to read as follows:

311.29 SALE OF CERTIFICATES. Upon the signing of each of said certificates by the chairman of the board, said certificates shall be delivered to the county auditor, who shall countersign the same, charge the county treasurer with the amount thereof, and deliver the same to the latter officer, who shall be responsible therefor on his bond. The treasurer may apply said certificates in payment of any warrants

duly authorized and issued for surfacing the roads within said district, or he may sell the same for the best attainable price and for not less than par, plus accrued interest, and credit the proceeds to **the *secondary road account of the* secondary road fund.** Such certificates shall be retired in the order of the consecutive numbering thereof.

Sec. 84. Section three hundred twelve point three (312.3), subsection one (1), Code 1975, is amended to read as follows:

1. Apportion among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state for the twenty-year improvement program developed by the automotive safety foundation and filed with the Iowa highway study committee created by chapter 426, Acts of the Fifty-eighth General Assembly, and which is on record at the department, sixty percent of the allocation from road use tax funds which he has credited to the secondary road fund of the counties, and apportion among the counties in the ratio that the area of such county bears to the total area of the state, forty percent of the allocation from road use tax funds which he has credited to the secondary road fund of the counties. ***The funds apportioned to each county under this subsection shall be credited to the secondery road account of the secondary road fund of the county.***

Sec. 85. Section three hundred twelve point five (312.5), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. **There is created in** the secondary road fund of each county a farm-to-

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market road account. The farm-to-market road funds allocated to each county under this section shall be credited to the farm-to-market road account of the secondary road fund of the county.

Sec. 86. Section three hundred sixteen point fourteen (316.14), Code 1975, is amended to read as follows:

316.14 FUNDING. Payments and expenditures under the provisions of this chapter are incident to and arise out of the construction, maintenance, and supervision of public highways and streets, and, in the case of any federal-aid highway project, may be made by the department from the primary road fund and funds made available by the federal government for the purpose of carrying out the provisions of this chapter. Payments made under authority of section 316.10 may be made from the primary road fund in case of a primary road project only, and in other cases may be made from the secondary road *account of the secondary road* fund or from appropriate funds under

control of a political subdivision.

Sec. 87. Section three hundred seventeen point three (317.3), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The board of supervisors of each county shall annually appoint a county weed commissioner who shall be a person not otherwise employed by the county and one who is familiar with the various types of weeds and the recognized methods for their control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and continue for a term of one year unless he is sooner removed from office as provided for by law. The county weed commissioner may, with the approval of the board of supervisors, appoint a deputy or such number of deputies as are necessary to carry out the purposes of this chapter. The name and address of the person appointed as county weed commissioner shall, within ten days of the making of the appointment, be certified to the county auditor and to the secretary of agriculture. The board of supervisors shall fix the compensation of the county weed commissioner and his deputies, if any, and in addition to said compensation, they shall be paid their necessary travel expense; said compensation and expense shall be paid from the county general fund or the weed eradication [and equipment] *account of the secondary road* fund.

Sec. 88. Section three hundred seventeen point nineteen (317.19), Code 1975, is amended to read as

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follows:

317.19 ROAD CLEARING [FUND] *ACCOUNT.* The board of supervisors in any county may levy against all the taxable property, other than incorporated cities and towns, in said county not to exceed twenty and one-fourth cents per thousand dollars of assessed value, the proceeds of which [said] levy shall be known as the "road-clearing *account of the secondary road* fund" and shall be used for no purpose except to cut, burn or otherwise destroy all weeds, second or undergrowth brush on [said] *the* county trunk and local county roads between the fence rows of such roads thereof in time to prevent reseeding.

Out of [said fund] *the account* so provided for in this section the board of supervisors shall have the power to purchase or hire necessary equipment or to contract with the adjoining landowner to carry out the purposes of this section.

Sec. 89. Section three hundred seventeen point twenty (317.20), Code 1975, is amended to read as follows:

317.20 LEVY FOR EQUIPMENT AND MATERIALS—USE ON PRIVATE PROPERTY.

1. There is created in the secondary road fund of the county a weed eradication account. The revenue obtained from the levy provided in this section shall be credited to the weed eradication account.

2. An additional six and three-fourths cents per thousand dollars of assessed value may be levied by the county board of supervisors for the purpose of purchasing weed eradicating equipment and materials to carry out the duties of the county weed commissioner for use on all lands in the county, public or private, and for the payment of the necessary expenses and compensation of the county weed commissioner, and his deputies, if any. Whenever equipment or materials so purchased are used on private property within the corporate limits of cities or towns by the weed commissioner, the cost of materials used and an amount to be fixed by the board of supervisors for the use of said equipment shall be returned to this [fund] *account* by the county treasurer upon the collection of the special assessment taxed against said property. In the certification to the county auditor and the county treasurer by the clerk of the board of supervisors this apportionment shall be designated along with the special tax assessed under the provisions of section 317.21. Such equipment and its use shall be subject to the authorization and direction of the county board of supervisors.

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Sec. 90. Section three hundred seventeen point twenty-one (317.21), subsection one (1), Code 1975, is amended to read as follows:

1. Annually, after the weed commissioner has completed his program of destruction of weeds by reason of noncompliance by persons responsible therefor, the board of supervisors shall determine as to each tract of real estate the actual cost of labor and materials used by the commissioner in cutting, burning or otherwise destroying said weeds, the cost of serving notice and special meetings or proceedings, if any. To the total of all such sums expended, they shall add an amount equal to twenty-five percent thereof to compensate for the cost of supervision and administration and assess the resulting sum against said tract of real estate by a special tax, which shall be certified to the county auditor and county treasurer by the clerk of the board of supervisors, and shall be placed upon the tax books, and collected, together with interest and penalty after due, in the same manner as other unpaid taxes. Such tax shall be due on March first after such assessment, and shall be delinquent after March thirtieth. When collected, said funds shall be paid into the [fund] *account* from which said costs were

originally paid.

Sec. 91. Section three hundred thirty-two point three (332.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-seven (187), is amended by adding the following new subsection:

NEW SUBSECTION. To take a special federal census for the county, which census shall prevail for the purposes of section twenty-six point six (26.6) of the Code upon certification to the secretary of state and the treasurer of state until the next decennial federal census.

Sec. 92. Section three hundred thirty-two point thirty-two (332.32), Code 1975, is amended to read as follows:

332.32 TAX LEVY. Said boards may within their respective jurisdictions make a determination of which townships of the county will be best served by such disposal ground and levy a tax of not to exceed six and three-fourths cents per thousand dollars of assessed value of all the property in said townships outside the incorporated limits of any city or town for the purpose of acquiring and maintaining such disposal grounds. Such funds shall be placed in a township dump *account of the restricted trust and*

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agency fund.

Sec. 93. Section three hundred thirty-two point thirty-three (332.33), Code 1975, is amended to read as follows:

332.33 RULES. The board of supervisors may make such rules and regulations for the use of such disposal grounds as it shall deem necessary, and may adopt and enter into contractual agreements with cities and towns for the use of such disposal grounds. Any funds derived from such agreements shall be placed in the township dump *account of the restricted trust and agency* fund established for that purpose and none other.

Sec. 94. Section three hundred thirty-two point thirty-four (332.34), Code 1975, is amended to read as follows:

332.34 CONTRACTUAL AGREEMENTS. The county boards of supervisors may enter into contractual agreements with cities and towns, or with private corporations and persons for the use by residents of the county residing outside of incorporated cities or towns, of dumps, disposal grounds, and sanitary land fills owned or operated by cities, towns, private corporations or private individuals, and that funds from the township dump *account of the restricted trust and agency* fund may be used for such purpose. County boards of supervisors may also use funds from said

township [fund] *account*, for the purpose of acquiring, constructing, operating, and maintaining, sanitary land fills.

Sec. 95. Section three hundred thirty-two point thirty-eight (332.38), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-nine (189), section two (2), is amended to read as follows:

332.38 [TAX] *APPROPRIATION* TO SUPPORT FUND. If the balance in the fund on September [30] *thirtieth* of any year is less than six hundred thousand dollars, the treasurer of state shall notify the board of supervisors of each county to again [levy for that year] *budget an amount equal to* one half cent per thousand dollars of assessed value [to be collected with other taxes] in the *limited budget of the general fund for the* next year.

Sec. 96. Section three hundred thirty-two point thirty-nine (332.39), Code 1975, is amended to read as follows:

332.39 DEPOSIT OF TAX—INVESTMENT. Not later than December 15 or June 15 of each year in which [the tax is collected] *payment to the county*

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indemnification fund is required, the county auditor shall transmit the amount [of the tax levied and collected] *required from the general fund*, by warrant, to the treasurer of state who shall credit it to the county indemnification fund. The treasurer of state shall invest any moneys in the fund in the same manner as other public funds and shall credit any interest received from that investment to the county indemnification fund.

Sec. 97. Section three hundred thirty-three point eleven (333.11), subsection eight (8), Code 1975, is amended to read as follows:

8. The various classes of warrants drawn on the [poor] *human resources* fund *for programs providing assistance to the poor* for the preceding year, with a comparison with the total amount of warrants drawn on such fund each year for the last five years.

Sec. 98. Section three hundred thirty-six A point two (336A.2), Code 1975, is amended to read as follows:

336A.2 CONTRIBUTIONS TO FUNDS. In addition to such funds as may be appropriated from the court *expense* fund by the county for this purpose, a county may accept money and other contributions from private organizations and individuals, and other public agencies, in order to finance the establishment or operation of the office of public defender, and be strictly accountable therefor.

Sec. 99. Section three hundred thirty-seven point twelve (337.12), Code 1975, is amended to read as follows:

337.12 COSTS—WHEN PAYABLE BY COUNTY. In all criminal cases where the prosecution fails, or where the money cannot be made from the person liable to pay the same, the facts being certified by the clerk or judicial magistrate as far as their knowledge extends, and verified by the affidavit of the sheriff, the fees allowed by law in such cases shall be audited by the county auditor and paid out of the county treasury. The board of supervisors [may] *shall* pay same out of the [general fund or the] court *expense* fund.

Sec. 100. Section three hundred thirty-seven point seventeen (337.17), Code 1975, is amended to read as follows:

337.17 DUTY AND LIABILITY OF TREASURER. The county treasurer receiving such funds shall enter the same in detail in a book kept for that purpose, listing the names of the parties to whom such funds are due, description of property condemned, and amount of each item so due[,]. *The funds shall be placed in*

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a separate account of the restricted trust and agency fund and the same shall be paid out by him to the parties to whom the same is due, upon warrants ordered by the board of supervisors and issued by the county auditor, drawn upon said condemnation [fund] *account,* and shall not be payable out of any other fund. Such county treasurer and his sureties shall be liable for such funds the same as for other funds received in his official capacity.

Sec. 101. Section three hundred forty point seventeen (340.17), Code 1975, is amended to read as follows:

340.17 EXCEPTION. The salaries fixed for the clerk of the district court and his deputies, *and deputy sheriffs and other employees appointed by the sheriff to carry out the duties of bailiff* [may] *shall* be paid from the court expense fund. *If a deputy sheriff or other employee appointed by the sheriff divides his time between bailiff duties and other law enforcement duties, the salary of such deputy or other employee shall be apportioned between the general fund and the court expense fund according to the time to be spent on each type of duty.*

Sec. 102. Section three hundred forty-one point seven (341.7), Code 1975, is amended to read as follows:

341.7 TEMPORARY ASSISTANCE FOR COUNTY ATTORNEY. The county attorney may with the approval of a judge of the district court procure such assistants in the trial of a person charged with felony as he shall deem necessary and for such assistants upon presenting to the board of supervisors a certificate of the district judge before whom said cause was tried,

certifying to the services rendered, shall be allowed a reasonable compensation therefor, to be fixed by the board of supervisors, but nothing in this chapter shall prevent the board of supervisors from employing an attorney to assist the county attorney in any cause or proceeding in which the state or county is interested. The compensation allowed to any such assistants shall be paid out of the court *expense* fund of the county.

Sec. 103. Section three hundred forty-six point eight (346.8), Code 1975, is amended to read as follows:

346.8 TREASURER TO REPORT BONDS SOLD. The treasurer shall also report under oath to the board, at each regular session, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange; and, when

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exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received on [bond] *the debt service* fund, and so entered by him on his books; but such bonds shall not be exchanged for any indebtedness of the county except by the approval of the board of supervisors of said county.

Sec. 104. Section three hundred forty-six point twelve (346.12), Code 1975, is amended to read as follows:

346.12 [BOND] *DEBT SERVICE* FUND—SEPARATE ACCOUNT. The money arising from such levies shall be [known as the bond] *credited to the debt service* fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the treasurer shall open and keep in his books a separate account thereof, which shall at all times show the exact condition of [said] *each* bond [fund] *account.*

Sec. 105. Section three hundred forty-six point thirteen (346.13), Code 1975, is amended to read as follows:

346.13 REDEMPTION—NOTICE—INTEREST. When the amount in the hands of the treasurer belonging to [the] *a* bond [fund] *account*, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one or more bonds, which by their terms are subject to redemption, he shall notify the owner of such bond or bonds, in the manner hereinbefore prescribed, that he is prepared to pay the same, with all the interest accrued thereon. If not presented for payment or redemption within thirty days after the date of such notice, the interest on such bond or bonds shall cease, and the amount

due thereon shall be set aside for its payment whenever presented. All redemptions shall be made in the order of their numbers.

Sec. 106. Section three hundred forty-six point fourteen (346.14), Code 1975, is amended to read as follows:

346.14 BALANCE TO PARTICULAR FUND. If after the payment of all bonds and interest as hereinbefore provided, there remains any money in said bond [fund] *account*, the board of supervisors may by resolution transfer said funds to the particular fund or funds on account of which the indebtedness arose for which said bonds were issued.

Sec. 107. Section three hundred forty-six point twenty-three (346.23), unnumbered paragraph two (2),

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Code 1975, is amended to read as follows:

Such bonds shall be in denominations of not less than one hundred dollars nor more than ten thousand dollars, and shall draw interest at a rate not to exceed seven percent per annum, payable annually or semiannually. Such bonds shall be due and payable in not more than twenty years from the date of issuance but may be made subject to redemption in such manner and upon such terms as is stated on the face thereof, shall be in such form as the board of supervisors shall by resolution provide, and shall show on their face that they are county sanitary disposal bonds payable from the fund hereinafter provided. Funds available pursuant to the levy authorized by section 455B.81 shall be used to pay the interest and principal of such bonds as they become due. The limitation referred to in section 455B.81 shall not limit the source of payment of bonds and interest but shall only restrict the amount of bonds which may be issued. The money arising from such levies shall be known as the sanitary disposal bond *account of the debt service* fund and shall be used for the payment of such bonds and interest thereon only; and the treasurer shall open and keep in his books a separate account thereof, which shall show the exact condition of such [fund] *account*. Such bonds shall be sold at public sale and the county treasurer shall comply with and be governed by all provisions of chapter 75.

Sec. 108. Section three hundred forty-six A point two (346A.2), Code 1975, is amended to read as follows:

346A.2 AUTHORIZED IN CERTAIN COUNTIES. Subject to and in accordance with the provisions of this chapter, counties having a population over one hundred thousand, as determined by the last official United States census, are hereby authorized to undertake and carry out any project as hereinbefore defined, and the boards thereof are authorized to operate,

control, maintain and manage health centers and additions thereto and facilities therefor. The boards thereof are further authorized to appoint such committees, groups, or operating boards as they may deem necessary and advisable to facilitate the operation and management of such health centers, additions and facilities. The board is further authorized to lease space in any health center to other public corporations, public agencies and private nonprofit agencies engaged in furnishing health, welfare and social services which lease shall be on such terms and conditions as the board may deem advisable. All contracts for the construction, reconstruction, comple-

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tion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of sections 332.7, 332.8, and chapter 23. To pay the cost of operating, maintaining and managing a health center the board of any such county [is authorized to levy an annual tax not exceeding fifty-four cents per thousand dollars of assessed value per annum on all the taxable property in the county, said levy to be in addition to all other levies authorized by law for similar purposes] *may appropriate moneys from the human resources fund.*

Sec. 109. Section three hundred fifty point eight (350.8), Code 1975, is amended to read as follows:

350.8 [LEVY] *APPROPRIATION.* The board of supervisors of each county may [levy the necessary taxes] *appropriate moneys from the general fund* to pay the claims provided for under this chapter[, and such taxes shall be used for no other purposes].

Sec. 110. Section three hundred fifty-one point six (351.6), Code 1975, is amended to read as follows:

351.6 FEE. The annual license fee shall be one dollar for each male, and three dollars for each female dog. Should it appear that said fees will not produce sufficient funds to pay the claims [on the domestic animal fund] *authorized under this chapter,* the board of supervisors shall have power, except as to dogs owned in cities which exact a license fee on dogs, to increase the said fees to a sum not exceeding three dollars for each male, and not exceeding five dollars for each female dog. A spayed female dog shall be deemed a male. Said fee shall be sent with the application.

Sec. 111. Section three hundred fifty-one point fifteen (351.15), Code 1975, is amended to read as follows:

351.15 ASSESSORS TO LIST DOGS[—FEES]. The assessor shall, at the time of listing property for assessment, cause to be listed and return to the county auditor

the names of all persons who own or harbor dogs, and indicate on such list whether the dogs be male, female, or spayed, and the number thereof. [For such service, the assessor shall receive, from the domestic animal fund, the sum of ten cents for each dog reported, which fee shall be paid in full when return is made. Such fees shall be considered as earnings of the office and shall, within ten days of the receipt thereof, be paid to the county treasurer and credited to the general fund of the county.]

Sec. 112. Section three hundred fifty-two point four (352.4), Code 1975, is amended to read as follows:

352.4 WARRANTS AND PAYMENT. Warrants for allowed claims shall be payable July 1 following their issuance [and only] from the [domestic animal] *general* fund.

Sec. 113. Section three hundred fifty-two point five (352.5), Code 1975, is amended to read as follows:

352.5 CERTIFIED LIST OF WARRANTS. The auditor shall, on July 1 of each year, certify to the treasurer an itemized list of all warrants issued during the preceding fiscal year [on the domestic animal fund, except warrants issued to pay fees of assessors] *for claims allowed under this chapter.* [If said fund be sufficient, the treasurer shall pay said warrants on presentation. If said fund be not sufficient, said warrants shall be paid pro rata.]

Sec. 114. Section three hundred fifty-two point six (352.6), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

352.6 PAYMENTS TO SOCIETIES. The board of supervisors may authorize the payments of claims of any duly organized society for the prevention of cruelty to animals within the county for the care, keep and maintenance of abandoned or injured domestic animals or fowl from the general fund of the county.

Sec. 115. Section three hundred fifty-eight B point ten (358B.10), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

All moneys received and set apart for the maintenance of such library shall be deposited in the treasury of such county to the credit of the [library] *county library account of the restricted trust and agency* fund, and shall be kept by the treasurer separate and apart from all other moneys, and paid out upon the orders of the board of trustees, signed by its president and secretary.

Sec. 116. Section three hundred fifty-eight B point thirteen (358B.13), Code 1975, is amended to read as follows:

358B.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS. The maintenance of a county library shall be on a proportionate population basis whereby each

taxing unit as hereinafter defined shall bear its share in proportion to its population to the whole of said county library district. The board of library trustees shall on or before January 10 of each year make an estimate of the amount it deems necessary for the maintenance of the county library and shall transmit said estimate in dollars to the board or boards of supervisors and to the city councils within the district. The entire rural area of each county

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in the library district shall be considered as a separate taxing unit. Each city which is a part of the county library district shall be considered as a separate taxing unit. The board of supervisors and the council of each city composing said county library district shall make the necessary levies accordingly for library maintenance purposes, but the county levy may not exceed fifty-four cents per thousand dollars of assessed value. Any unexpended balance in the *county* library [maintenance] *account of the restricted trust and agency* fund at the end of the fiscal year shall remain in said [fund] *account* and be available without reappropriation.

Sec. 117. Section three hundred fifty-eight B point seventeen (358B.17), Code 1975, is amended to read as follows:

358B.17 HISTORICAL ASSOCIATION. Whenever a local county historical association is formed in a county having a free public library, the trustees of the library may unite with the historical association and set apart the necessary room to care for articles which come into the possession of the association. The trustees may purchase necessary receptacles and materials for the preservation and protection of articles which are of a historical and educational nature and may pay for the same out of the library *account of the restricted trust and agency* fund.

Sec. 118. Section three hundred fifty-eight B point eighteen (358B.18), subsections three (3), four (4), six (6) and nine (9), Code 1975, are amended to read as follows:

3. The proposition may be submitted at any election provided by law which covers the area of the unit seeking to terminate the contract. The petition shall be presented to the governing body not less than [forty] *sixty-five* days before the election at which the question is to be submitted.

4. The board of trustees of any township which has entered into a contract shall at the April meeting levy a tax not exceeding [one-fourth mill on the dollar on] *six and three-fourths cents per thousand dollars of the assessed value of* all taxable property in the township to create a *separate library contract account*

of the restricted trust and agency fund to fulfill its obligation under the contract.

The board of supervisors, after it makes such contract, shall levy annually on the taxable property of the county outside of cities, a tax of not more than [one mill] *twenty-seven cents per thousand dollars of assessed value* to create a *separate library*

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contract account of the restricted trust and agency fund to fulfill its obligation under the contract.

6. The board of supervisors shall submit the proposition to the voters of the county residing outside of cities at the next election, primary or general, provided that the petition has been filed not less than [forty] *sixty-five* days prior to the date of the election at which the question is to be submitted.

9. The board of supervisors shall levy annually on the taxable property of the county outside of cities, a tax of not more than [one mill] *twenty-seven cents per thousand dollars of assessed value* to create a *library contract account of the restricted trust and agency* fund to fulfill the contract obligations of the trustees appointed by it.

Sec. 119. Section three hundred sixty-one point four (361.4), Code 1975, is amended to read as follows:

361.4 FUND. There is created in the office of county treasurer of each county having a weather modification board a weather modification *account of the restricted trust and agency* fund. Any taxes or other funds received by the weather modification board shall be placed in the [fund] *account* and used exclusively for the purpose of artificial weather modification as provided in this chapter.

Sec. 120. Section three hundred eighty-four point one (384.1), Code 1975, is amended to read as follows:

384.1 TAXES CERTIFIED. A city may certify taxes to be levied by the county on all taxable property within the city limits, for all city government purposes. However, the tax levied by a city on lots of more than ten acres and the personal property thereon, occupied and used for agricultural or horticultural purposes, may not exceed thirty-three and three-fourths cents per thousand dollars of assessed value in any year. A city's tax levy for the general fund [may not exceed eight dollars and ten cents per thousand dollars of taxable value in any tax year] *each fiscal year shall not exceed a tax on the dollar amount of assessed value of the taxable property in the city sufficient to pay the proposed expenditures to be raised from property taxation in the certified limit budget as determined in section two (2) of this Act*, except for the levies authorized

in section 384.12.

Sec. 121. Section four hundred forty-four point nine (444.9), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

444.9 COUNTY FUND LEVIES. The board of supervisors

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of each county shall, annually, at its April session, levy the following taxes upon the assessed value of the taxable property in the county:

1. For state revenue, the rate of tax as is fixed by the director of revenue as provided by law.

2. For the general fund of the county, a levy on the dollar of assessed value of the taxable property in the county sufficient to pay the proposed expenditures of the fund in the certified limited budget as determined in section three (3) of this Act.

3. For the human resources fund, a levy on the dollar of assessed value of the taxable property in the county sufficient to pay the proposed expenditures of the fund in the certified limited budget as determined in section three (3) of this Act.

4. For the debt service fund, a levy sufficient to pay the interest and principal on county bonds, court house bonds, memorial hall bonds and other indebtedness as authorized by law.

5. For the secondary road fund:

a. A levy on the dollar of assessed value of all taxable property in the county except on property in cities which control their own bridge levies, for secondary road purposes as provided in section three hundred nine point seven (309.7), subsection one (1) of the Code.

b. A levy on the dollar of assessed value of all taxable property in the county for secondary road purposes as provided in section three hundred nine point seven (309.7), subsection two (2)) of the Code.

c. A levy on the dollar of assessed value of all taxable property in the county, except on property within incorporated cities, for road clearance purposes as provided in section three hundred seventeen point nineteen (317.19) of the Code.

d. A levy on the dollar of assessed value of all taxable property in the county, except on property within incorporated cities, for weed eradication purposes as provided in section three hundred seventeen point twenty (317.20) of the Code.

6. For the restricted trust and agency fund:

a. A levy on the dollar of assessed value of all taxable property in a township, outside the incorporated limits of any city, for the acquisition and maintenance of a sanitary disposal site as provided in section three hundred thirty-two point thirty-two

(332.32) of the Code.

b. A levy on the dollar of assessed value of all taxable property in a county library district on a

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proportionate population basis for each taxing unit, for the maintenance of a county library as provided in section three hundred fifty-eight B point thirteen (358B.13) of the Code.

c. A levy on the dollar of assessed value of all taxable property in the county outside the incorporated limits of a city for the purpose of planning a sanitary disposal site or of paying the interest and principal of bonds issued as provided in section four hundred fifty-five B point eighty-one (455B.81) of the Code.

d. A levy on the dollar of assessed value of all taxable agricultural land in the county for the purpose of flood and erosion control as provided in section four hundred sixty-seven B point nine (467B.9) of the Code.

7. For the court expense fund, a levy on the dollar of assessed value of the taxable property in the county sufficient to pay the proposed expenditures of the fund in the certified limited budget as determined in section three (3) of this Act.

Sec. 122. Section four hundred forty-four point eleven (444.11), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

444.11 ORPHAN EXPENSES. The board of supervisors shall pay the expenses incurred for the maintenance and education of destitute orphans from the human resources fund of the county. If there are destitute children who are without guardian or, having a guardian, are neglected, they shall be cared for through a suitable person appointed by the board of supervisors.

Sec. 123. Section four hundred forty-four point twelve (444.12), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The board of supervisors of each county shall [establish a county mental health and institutions fund, from which shall be paid] *pay the following costs and expenses from the human resources fund*:

Sec. 124, Section four hundred forty-four point twelve (444.12), subsection four (4), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The board of supervisors shall[, at the time of levying other taxes,] estimate the amount necessary to meet the foregoing expenses which it is anticipated that the county will incur in the coming year, and [levy a tax sufficient to raise] *budget* the amount [needed] *in the limited budget of the human resources fund.* [The proceeds of the tax shall be credited to

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the county mental health and institutions fund, and used only for the purposes prescribed by this section. Should any county fail to levy a tax sufficient to meet the expenses which the county is required to pay, or which the board of supervisors chooses to pay, from the county mental health and institutions fund pursuant to this section, the deficiency shall be met by transfer of funds from the county general fund to the county mental health and institutions **fund.]**

Sec. 125. Section four hundred forty-five point fifty-seven (445.57), Code 1975, is amended to read as follows:

445.57 MONTHLY APPORTIONMENT. On or before the **tenth day of each month, the treasurer shall apportion** all taxes collected during the preceding month among the several funds to which they belong according to **the number of mills levied for each fund** ***or the accounts in each fund,*** **and the interest and penalties** thereon to the general fund, and shall enter the same upon his cash account, and report the amount of each tax and the interest and penalties collected on the same to the county auditor, who shall charge him in ***each account of*** **each fund with the same.**

Sec. 126. Section four hundred fifty-five point one hundred thirty-five (455.135), subsection two (2), Code 1975, is amended to read as follows:

2. In the case of minor repairs, or in the **eradication of brush and weeds along the open ditches,** not in excess of one thousand dollars where the board finds that the same will result in a saving to the district it may cause the same to be done by secondary road equipment, or weed [fund] equipment, and labor of the county and then reimburse the secondary road **[fund]** ***account*** **or the weed [fund]** ***eradication account*** from the fund of the drainage district thus benefited.

Sec. 127. Section four hundred sixty-seven B point nine (467B.9), Code 1975, is amended to read as follows:

467B.9 TAX. The county board of supervisors may annually levy a tax not to exceed six and three-fourths cents per thousand dollars of assessed value of all agricultural lands in the county, the same to be used to acquire land or rights or interests therein by purchase or condemnation, and for repair, alteration, maintenance, and operation of the present and future works of improvement built on lands under the control or jurisdiction of the county, as provided for in this chapter. ***The tax collected under this section shall be credited to a separate account of the***

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restricted trust and agency fund.

Sec. 128. Section five hundred eighty-three point

six (583.6), Code 1975, is amended to read as follows:

583.6 DUTY OF COUNTY TREASURER—RIGHT OF GUEST.

The balance received by the county treasurer under section 583.5 shall be credited by him to [the general] *a separate account of the restricted trust and agency* fund of the county, subject to a right of the guest, or his representative, to reclaim the same at any time within three years from the date of deposit with the county treasurer. *After three years, the balance shall be transferred to the general fund.*

Sec. 129. Section six hundred two point fifty-five (602.55), Code 1975, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement, of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received by him. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of such cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. The clerk shall remit the remaining ten percent to the county treasurer for deposit in the [county general] *court expense* fund. The clerk shall remit to the treasurer of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

1. Three-fifths to the state treasurer to be credited to the general fund of the state.

2. Two-fifths to the county treasurer to be credited to the [general] *court expense* fund of the county.

Sec. 130. Section six hundred five point eight (605.8), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

Shorthand reporters of the district court who are employed on an emergency basis shall be paid a forty

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dollar per diem while employed by the court or while employed under the direction of the judge. The per diem shall be paid from the [county treasury] *court expense fund of the county* where the court is held, upon the certificate of the judge holding the court,

or directing the employment. However, the maximum compensation for one-day attendance at court shall not exceed the per diem. Payments shall be made at least once each month.

Sec. 131. Section six hundred five point nine (605.9), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Immediately after the results of each decennial federal census are published, the chief judge of each judicial district shall determine therefrom the population of each county of said district, and shall certify to the county auditor of each such county the percentage proportion of the population of each such county to the aggregate population of all of the counties in said judicial district. The chief judge shall select one county to issue warrants to the reporter in the amount of his total compensation. Each county auditor of the other counties in the district shall issue warrants to the county treasurer of the county paying the reporter in the percentage amount of the total compensation of said reporter as certified by the district judges, and the county treasurer shall pay same out of any funds in the [county treasury] *court expense fund* not otherwise appropriated.

Sec. 132. Section six hundred five point twelve (605.12), Code 1975, is amended to read as follows:

605.12 TAXED AS PART OF COSTS. A charge of fifteen dollars per day for reporting in all cases, except where the defendant in a criminal case is acquitted, shall be taxed as part of the costs in the case by the clerk of the court and paid into the [county treasury] *court expense fund* when collected.

Sec. 133. Section six hundred six point fifteen (606.15), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Except in probate matters, the clerk of the district court shall charge and collect the following fees, all of which shall be paid into the [county treasury] *court expense fund* for the use of the county except as indicated:

Sec. 134. Section six hundred six point sixteen (606.16), Code 1975, is amended to read as follows:

606.16 ACCOUNTING FOR FEES. He shall, on the first Monday in January and July of each year, pay

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into the [county treasury] *court expense fund*, for the use of the county, all other fees not belonging to his office, in his hands at the date of preceding payment and still unclaimed.

Sec. 135. Section one hundred seventy-four point eighteen (174.18), two hundred thirty-one point thirteen (231.13), two hundred fifty-two point forty-

four (252.44), and two hundred fifty-two point forty-five (252.45), Code 1975, are repealed.

Sec. 136. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in Ames Daily Tribune, a newspaper published in Ames, Iowa, and in West Des Moines Express, a newspaper published in Des Moines, Iowa. The provisions of sections one (1) through fourteen (14), inclusive, of this Act shall be effective upon publication as provided in this section. The provisions of sections fifteen (15) through one hundred thirty-four (134), inclusive, of this Act shall be effective July 1, 1976 except that the provisions of sections fifteen (15) through one hundred thirty-four (134), inclusive, of this Act shall not affect or invalidate any budget, tax levy, tax collection, appropriation, county fund or expenditure of a county for the fiscal year commencing July 1, 1976 and ending June 30, 1977 or any procedures required to effect any such budget, tax levy, tax collection, appropriation or expenditure of a county for such fiscal year."

2. Amend the title, line 2, by inserting after the word "state" the words ", to provide for the consolidation of county funds, and to authorize the imposition of a local sales, services and use tax".

Hines of Story moved that the rules be suspended to consider amendment H—5271, to amendment H—5251, to amendment H—5241.

A non-record roll call was requested.

The ayes were 36, nays 56.

The motion lost.

Hines of Story moved that the rules be suspended to consider amendment H—5269, to amendment H—5251, to amendment H—5241.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 47, nays 48.

The motion lost.

Stromer of Hancock requested division of amendment H—5251.

The Speaker ruled that division of amendment H—5251 was not in order.

Bittle of Polk moved the adoption of amendment H—5251, to amendment H—5241

Roll call was requested by Bittle of Polk and Junker of Woodbury.

Rule 69 was invoked.

On the question "Shall amendment H—5251, to amendment H—5241, be adopted?"

The ayes were, 29:

Bittle	Evans	Kreamer	Readinger
Brockett	Gentleman	Lindeen	Schroeder
Brunow	Halvorson	Menke	Tauke
Clark	Hansen	Millen	Varley
Crabb	Harvey	Nealson	Welden
Crawford	Hines	Oakley	West
Drake	Junker	Pellett	Wulff
Egenes			

The nays were, 67:

Anderson	Dunton	Jordan	Pavich
Avenson	Dyrland	Koogler	Perkins
Baker	Fitzgerald	Krause	Poncy
Bennett	Gilloon	Lageschulte	Rinas
Bina	Griffee	Lipsky	Scheelhaase
Bortell	Hargrave	Lonergan	Small
Brandt	Harper	Mennenga	Spear
Branstad	Hennessey	Middleswart	Spencer
Byerly	Higgins	Miller, A. V.	Spradling
Caffrey	Hinkhouse	Miller, K. D.	Stromer
Connors	Horn	Miller, O. L.	Svoboda
Cusack	Howell	Monroe	Walter
Daggett	Hullinger	Newhard	Wells
Danker	Husak	Nielsen	Woods
Den Herder	Hutchins	Norland	Wyckoff
Dieleman	Jesse	O'Halloran	Mr. Speaker
Doyle	Jochum	Patchett	

Absent or not voting, 3:

McElroy	Middleton	Tofte

Amendment H—5251 lost.

Hines of Story asked and received unanimous consent that amendments H—5269 and H—5271 not be printed in the House Journal.

Clark of Lee offered the following amendment H—5256, to amendment H—5241, filed by him from the floor:

H—5256

Amend H—5241 to Senate File 1062 as follows:

1. Page 1, by inserting after the word "means" in line 7 the following: "the state,".

Gilloon of Dubuque rose on a point of order that amendment H—5256 was not germane.

The Speaker ruled the point not well taken and amendment H—5256 germane.

Clark of Lee moved the adoption of amendment H—5256, to amendment H—5241.

Roll call was requested by Clark of Lee and Danker of Pottawattamie.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Jesse of Polk refrained from voting.

On the question "Shall amendment H—5256, to amendment H—5241, be adopted?"

The ayes were, 39:

Bennett	Danker	Junker	Pellett
Bittle	Drake	Kreamer	Readinger
Bortell	Dunton	Lageschulte	Schroeder
Branstad	Egenes	Lindeen	Stromer
Brockett	Evans	Lipsky	Varley
Byerly	Gentleman	Millen	Welden
Clark	Halvorson	Nealson	West
Crabb	Hansen	Newhard	Wulff
Crawford	Harvey	Nielsen	Wyckoff
Daggett	Husak	Oakley	

The nays were, 57:

Anderson	Griffee	Krause	Perkins
Avenson	Hargrave	Lonergan	Poncy
Baker	Harper	Menke	Rinas
Bina	Hennessey	Mennenga	Scheelhaase
Brandt	Higgins	Middleswart	Small
Brunow	Hines	Middleton	Spear
Caffrey	Hinkhouse	Miller, A. V.	Spencer
Connors	Horn	Miller, K. D.	Spradling
Cusack	Howell	Miller, O. L.	Svoboda
Den Herder	Hullinger	Monroe	Tauke
Dieleman	Hutchins	Norland	Walter
Doyle	Jochum	O'Halloran	Wells
Dyrland	Jordan	Patchett	Woods
Fitzgerald	Koogler	Pavich	Mr. Speaker
Gilloon			

Absent or not voting, 3:

Jesse	McElroy	Tofte

Amendment H—5256 lost.

Bennett of Ida offered the following amendment H—5243, to amendment H—5241, filed by him from the floor and moved its adoption:

H—5243

Amend the Norland, Bina amendment, H—5241, to Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 15, by inserting after the word "to" the following:

"the amount of budget increase caused by the general assembly or a state agency requiring additional expenditures by a political subdivision and".

Roll call was requested by Bennett of Ida and Egenes of Story.

On the question "Shall amendment H—5243, to amendment H—5241, be adopted?"

The ayes were, 39:

Bennett	Drake	Lageschulte	Readinger
Bittle	Egenes	Lindeen	Schroeder
Bortell	Evans	Lipsky	Spencer
Branstad	Gentleman	Menke	Stromer
Byerly	Halvorson	Millen	Tauke
Clark	Hansen	Miller, O. L.	Varley
Crabb	Harvey	Nealson	Welden
Crawford	Hines	Nielsen	West
Daggett	Junker	Oakley	Wulff
Danker	Kreamer	Pellett	

The nays were, 56:

Anderson	Fitzgerald	Jordan	Pavich
Avenson	Gilloon	Koogler	Perkins
Baker	Griffee	Krause	Poncy
Bina	Hargrave	Lonergan	Rinas
Brandt	Harper	Mennenga	Scheelhaase
Brunow	Hennessey	Middleswart	Small
Caffrey	Hinkhouse	Middleton	Spear
Connors	Horn	Miller, A. V.	Spradling
Cusack	Howell	Miller, K. D.	Svoboda
Den Herder	Hullinger	Monroe	Walter
Dieleman	Husak	Newhard	Wells
Doyle	Hutchins	Norland	Woods
Dunton	Jesse	O'Halloran	Wyckoff
Dyrland	Jochum	Patchett	Mr. Speaker

Absent or not voting, 4:

Brockett	Higgins	McElroy	Tofte

Amendment H—5243 lost.

(Senate File 1062 and amendment H—5241 pending at adjournment.)

HOUSE FILE 397 WITHDRAWN

Wells of Linn asked and received unanimous consent to withdraw House File 397 from further consideration by the House.

MOTION TO RECONSIDER
(Amendment H—5237 to Senate File 1062)

I move to reconsider the vote by which the West amendment H—5237 to Senate File 1062 failed to be adopted by the House on February 18, 1976.

BITTLE of Polk

SPONSOR ADDED
(House File 1299)

Miller of Calhoun requested to be added as a sponsor of **House File 1299.**

UNANIMOUS CONSENT CALENDAR
(House Resolution 104)

We hereby request that House Resolution 104, filed on February 12, 1976, and found on page 374 of the House Journal, be placed on the unanimous consent calendar.

HINES of Story
HUTCHINS of Guthrie
PERKINS of Greene

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 18, 1976, amended and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 104, regarding the compensation of legislative personnel.

STEVEN C. CROSS, Seretary

SENATE AMENDMENT TO HOUSE CONCURRENT RESOLUTION 104

H—5284

Amend House Concurrent Resolution 104 as amended, passed and reprinted by the House, as follows:

1. Page 1, line 1, by striking the words "WHEREAS, section" and inserting in lieu thereof the word "Section".

2. Page 1, lines 10 and 11, by striking the words "on the date of adoption of this resolution by both houses" and inserting in lieu thereof the words "January 12, 1976".

3. Page 1, lines 14 and 15, by striking the words "on the date of adoption of this resolution by both houses" and inserting in lieu thereof the words "January 12, 1976".

4. Page 1, lines 19 and 20, by striking the words "on the date of adoption of this resolution by both houses" and inserting in lieu thereof the words "January 12, 1976".

5. Page 4, line 6, by striking the number "18" and inserting in lieu thereof the number "17".
6. Page 4, line 7, by striking the number "18" and inserting in lieu thereof the number "17".
7. Page 4, line 12, by striking the number "13" and inserting in lieu thereof the number "12".
8. Page 5, line 7, by striking the number "13" and inserting in lieu thereof the number "12".
9. Page 7, line 8, by striking the number "13" and inserting in lieu thereof the number "12".
10. Page 7, by striking lines 11 through 14 and **inserting in lieu thereof the words "be the next and** succeeding higher steps. Secretaries shall be eligible for an unlimited number of steps at the discretion of the chief clerk of the house and the secretary of the senate and subject to approval of the house committee on administration or the senate committee on rules and administration, as the case may be, based on the following:".
11. Page 7, by striking lines 26 and 27.
12. Page 7, line 29, by inserting after the word "subcommittee" the words ", assistant floor leader,".
13. Page 8, by striking line 3 and inserting in lieu thereof the following "rate for grade 16 at whatever step they would otherwise be entitled to, **unless the grade at which they are during the** session is less than 16, in which case they shall be compensated at that lower grade and appropriate step."
14. Page 10, line 17, by inserting after the word "of" the words "providing staff and alternate methods of".

Page 2

15. Page 10, line 34, by striking the words "and Senate Concurrent Resolution Sixty-three (63)".
16. Page 11, by striking lines 4 through 8.
17. Page 11, by striking lines 9 through 16.

PROOF OF PUBLICATION

Published copy of **Senate File 1055** and verified proof of publication of said bill in the Prairie City News, on January 7, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATION OF VOTE

Due to my meeting with the Governor on the proposed bill to extend the life and duties of the Energy Policy Council, I was not in the House chamber for a time Friday morning, February 13. Had I been present, I would have voted "aye" on H—5145 to Senate File 546, Senate File 288, and House File 1129.

CUSACK of Scott

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 106 Natural resources
Amending certain provisions relating to the disposal of solid waste and the establishment of sanitary disposal projects and providing for the use of injunctions in the case of certain violations.

S. B. 107 Cities
Relating to payment of judgments by cities.

REPORTS OF COMMITTEES

Small of Johnson, from the committee on commerce, submitted the following reports:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 650**, a bill for an act relating to loans by a state bank to its officers, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5276

Amend House File 650 as follows:

1. Page 1, line 4, by inserting before the word "officer" the word *"executive"*.

2. Page 1, line 6, by inserting before the word "officer" the word *"executive"*.

3. Page 1, by striking lines 7 and 8 and inserting in lieu thereof the following: "1 of Section 524.904, not exceeding [thirty thousand dollars], *in the aggregate:*

(1) The amount the bank is permitted to lend pursuant to section five hundred twenty-four point nine hundred five (524.905), subsection two (2) of the Code if, at the time such obligation".

4. Page 1, line 11, by striking all after the word "residence" and inserting in lieu thereof the words ", and [such] *if at the time the loan is made no other loan by the bank to the officer under authority of this paragraph is outstanding; and*".

5. Page 1, by striking line 19 and inserting in lieu thereof the words "to an *executive* officer of such state bank, nor shall an *executive* officer of".

6. Page 1, line 29, by inserting after the word "an" the word *"executive"*.

7. Page 1, by inserting after line 32 the following new section.

"Sec. 2. Section five hundred twenty-four point seven hundred six (524.706), subsection one (1), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. For the purposes of this subsection,

the term "executive officer" means every officer of a state bank who participates or has authority to participate, otherwise than in the capacity of a director, in major policy making functions of the bank, regardless of whether he has an official title or whether his title contains a designation of assistant and regardless of whether he is serving without salary or other compensation. The chariman of the board, the president, every vice president, the cashier, secretary, and treasurer of a state bank are assumed to be executive officers, unless, by resolution of the board of directors or by the bank's bylaws, but subject to contrary notice by the superintendent as provided for in section five hundred twenty-four point seven hundred one (524.701) of the Code, any such officer is excluded from participation in major policy-making functions, otherwise than in the capacity of a director of the bank, and he does not actually participate therein."

SMALL of Johnson, Chair

Also:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 1069**, a bill for an act relating to the maximum interest rate which may be paid by persons borrowing for a business purpose, including certain agricultural loans, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

SMALL of Johnson, Chair

Monroe of Des Moines, from the committee on state government, submitted the following reports:

MR. SPEAKER: Your committee on state government to whom was referred **House File 1106**, a bill for an act relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5274

Amend House File 1106, page 1, by striking all of lines 20 through 24 and inserting in lieu thereof the following:

"Sec. 4. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Red Oak Express, a newspaper published in Red Oak, Iowa, and in The Evening Sentinel, a newspaper published in Shenandoah, Iowa."

MONROE of Des Moines, Chair

Also:

MR. SPEAKER: Your committee on state government to whom was referred **House File 1128**, a bill for an act to provide an alternative to membership in the Iowa public employees' retirement system, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5275

Amend House File 1128 as follows:
1. Page 1, by inserting after line 19 the following:
"Under provisions of chapter seventeen A (17A), Code 1975, the employment security commission shall promulgate rules which will bring this Act into compliance with chapter eighteen (18), Title XXIX, USC."

MONROE of Des Moines, Chair

Also:

MR. SPEAKER: Your committee on state government to whom was referred **House File 1190**, a bill for an act relating to state department of health inspectors, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

MONROE of Des Moines, Chair

Husak of Tama, from the committee on agriculture, submitted the following report:

MR. SPEAKER: Your committee on agriculture to whom was referred **House File 1123**, a bill for an act relating to noxious weeds, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5273

Amend House File 1123 as follows:
1. Page 1, line 10, by inserting after the word "perennial," the words "*poison hemlock (conium maculatum)*,".

HUSAK of Tama, Chair

AMENDMENTS FILED

H—5277

Amend House File 529 as follows:
1. Page 1, by striking lines 19 through 31, and inserting in lieu thereof the following: "four hundred one (554.9401), subsection one (1), Code 1975, is amended to read as follows:
1. The proper place *or places* to file in order to perfect a security interest are as follows:

a. when the collateral is equipment used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, then;

(1) in the office of the secretary of state, and

(2) in the office of the recorder in the county of the individual debtor's residence or other person's principal place of business, or if the debtor is not a resident of this state then in the office of the recorder in the county where the goods are kept, and

(3) when the collateral is crops growing or to be grown, in the office of the recorder in the county where the land is located;".

2. Page 2, by striking lines 4 through 7 and inserting in lieu thereof the following:

"[b]*c.* when the collateral is consumer goods then in the office of the recorder in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the recorder in the county where the goods are kept;

[c]*d.* in all other cases, in the office of the secretary of state."

BORTELL of Madison

H—5279

Amend Senate amendment, H—5121, to House File 863 as amended and passed by the House, page 1, by inserting after line 28 the following:

"..... Page 6, line 13, by striking the semicolon and inserting "[;]".

..... Page 6, by striking line 14, and inserting "[July 1, 1977; July 1, 1979; and July 1, 1981,] the maximum".

..... Page 6, by striking lines 16, 17, 18, and 19 and inserting "be increased so that it shall equal one hundred percent[, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent and two hundred percent, respectively,] of the state average weekly wage as determined".

..... Page 8, line 3, by striking the semicolon and inserting "[;]".

..... Page 8, line 6, by striking ", one" and inserting "[, one]".

..... Page 8, by striking line 4, and inserting in lieu thereof the words "[July 1, 1977; July 1, 1979; and July 1, 1981] the maximum".

..... Page 8, by striking lines 7, 8, and 9 and inserting "[hundred and twenty-two and two-thirds percent, one hundred fifty-three and one-third percent, and one hundred eighty-four percent, respectively,] of the state average wage".

..... Page 9, by striking line 8 and inserting "as of July 1, 1975[; July 1, 1977; July 1, 1979; and July 1,]".

..... Page 9, line 9, by striking the figure "1981"

and inserting "[1981]".
..... Page 9, by striking lines 11 and 12 and inserting "percent[, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent and two hundred]".
..... Page 9, line 13, by striking "percent, respectively," and inserting "[percent, respectively,]".
..... Page 10, lines 28 and 29, by striking "July 1, 1977; July 1, 1979; and July 1, 1981," and inserting "[July 1, 1977; July 1, 1979; and July 1, 1981,]".
..... Page 10, by striking lines 31, 32, and 33 and inserting "that it shall equal one hundred percent[, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent, and two hundred percent, respectively,] of"."

SCHROEDER of Pottawattamie

H—5281

Amend the Senate amendment, H—5121, to House File 863, as amended and passed by the House, page 6, by striking lines 1 through 4 and inserting in lieu thereof the following:
"Sec. ..... The Code editor is directed to strike the words "workman", "workmen" and "workmen's compensation" wherever they appear in chapters eighty-five (85), eighty-five A (85A), eighty-six (86), and eighty-seven (87) of the Code and insert in lieu thereof the words "worker", "workers" and "workers' compensation"."

SCHROEDER of Pottawattamie

H—5282

Amend House File 1314 as follows:
Page 7, line 1, by striking the period and adding the following:
", except that none of the funds appropriated by this Act shall be used to support divisions within the department other than those created in section three hundred seven point fourteen (307.14) of the Code."

WELDEN of Hardin

H—5280

Amend House File 1317 as follows:
1. Page 1, line 8, by inserting after the word "rubbish," the following: "sand, gravel,".

CAFFREY of Polk

H—5278

Amend Senate File 93, as amended and passed by the Senate, as follows:
1. Page 1, by striking lines 3 through 6 and inserting in lieu thereof the following:
***"NEW SECTION.* PROCEDURE FOR SEVERANCE OF CERTAIN**

LAND FROM DRAINAGE DISTRICTS. Land may be severed from an established drainage district, in which the improvement has been constructed, by the procedure established by this section. This procedure shall not be available with respect to a levee district, or a combination levee and drainage district, or a drainage district in a levee district, and".

2. Page 1, line 8, by striking the word "the" and inserting in lieu thereof the words "a drainage".

3. Title, line 2, by striking the words "or levee".

SPEAR of Lee
LINDEEN of Henry
MONROE of Des Moines

H—5283

Amend Senate File 288 as passed by the Senate as follows:

By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter fifty-five (55), Code 1975, is amended by adding the following new section:

NEW SECTION. REPRESENTATIVE DISTRICT DEFINED. As used in this Act, unless the context otherwise requires the term "representative district" or "district" shall mean the representative districts as established in chapter forty-one (41) of the Code.

Sec. 2. Section fifty-five point four (55.4), Code 1975, is amended to read as follows:

55.4 DELEGATES AT LARGE. Subject to the provisions of this chapter, each [county] *representative district* in the state shall be entitled to nominate two persons from among the qualified voters in each [county] *district*, respectively, to be candidates for the office of delegate at large to the state convention, provided, however, that one of such candidates shall be nominated by those favoring the ratification of such amendment, and one nominated by those opposed to the ratification of such amendment. Said delegates shall be nominated as hereinafter provided.

Sec. 3. Section fifty-five point five (55.5), Code 1975, is amended to read as follows:

55.5 NOMINATION BY MASS CONVENTION. The nominations for delegates to such convention from each [county] *representative district* shall be made at mass conventions of the qualified electors of such county in the manner provided for in this chapter.

Sec. 4. Section fifty-five point six (55.6), Code 1975, is amended to read as follows:

55.6 ELECTORS—ORGANIZATION. Upon the issuance of a proclamation by the governor calling such convention, the qualified voters in each [county] *representative district* in the state shall organize themselves into two groups, one of which groups shall

consist of those persons favoring the ratification of the amendment proposed by the Congress of the United States, and the other to consist of persons opposed thereto.

Sec. 5. Section fifty-five point seven (55.7), Code 1975, is amended to read as follows:

55.7 [COUNTY] *REPRESENTATIVE DISTRICT* CONVENTION. At eleven o'clock a.m., on the fourth Monday following the date of issuance of such proclamation by the governor, the group of qualified voters in each [county] *representative district* favoring the ratification of such proposed amendment, and the group opposed

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thereto, shall convene in separate [county] *district* conventions at [the seat of government of such county, at such places as the county auditor of such county shall designate, and such auditor shall publish such designation of places by one publication] *such places within the district designated by the secretary of state. The secretary of state shall publish* in two newspapers if there be such two newspapers of general circulation in said county, at least three days prior to said convention, and shall nominate one delegate as a candidate to the convention hereinafter provided for.

Sec. 6. Section fifty-five point eight (55.8), Code 1975, is amended to read as follows:

55.8 CANDIDATES—STATEMENT REQUIRED. No person shall be nominated at any [county] *district* convention held under the provisions of this chapter until he *or she* has executed and delivered to the chairman of such [county] *district* convention a statement signed by him or her and attested by the chairman and secretary of the convention in the following form:

DELEGATE'S STATEMENT

I, ..., hereby certify that I am a qualified elector of the state of Iowa; that for more than .....(years) (months) last past I have resided in the .....; that I am favorable to (or opposed to) the ratification of the amendment to the Constitution of the United States of America, proposed by the Congress of the United States on the ..... day of....., 19.....

Dated this .....day of....., 19.....

.....

.....

Chairman, [county] *district* convention

For ratification

Against ratification

.....

Secretary, [county] *district* convention

For ratification

Against ratification

Sec. 7. Section fifty-five point nine (55.9), Code 1975, is amended to read as follows:

55.9 NOMINATIONS CERTIFIED. It shall be the duty of the chairman and secretary of each of such [county] *district* conventions before adjournment thereof to certify the name of the person nominated as delegate to the convention by their respective [county] *district* conventions to the state commissioner, which

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certification and the written statement of the person so nominated shall be delivered to the state commissioner not later than nine o'clock in the forenoon of the third day following the day during which the [county] *district* convention was held.

Sec. 8. Section fifty-five point ten (55.10), Code 1975, is amended to read as follows:

55.10 JUDGES AND CLERKS. The chairman and secretary of each [county] *district* convention shall select from among the membership of its group in such [county] *district* one person to act as judge of election, and two persons to act as clerks of election, in each of the several voting precincts in such [county] *district*; the person so selected to perform such services without compensation, and the said chairman and secretary of each of such [county] *district* conventions shall certify to the commissioner the names and addresses of the persons so selected, which certification shall be made not later than nine o'clock in the forenoon of the second day following the date on which such [county] *district* convention was held. In the event that the judge and clerk or clerks of election, as above provided, shall fail or refuse to act, the chairman and secretary of the respective [county] *district* conventions are authorized to fill the vacancy thus caused, and if practicable shall certify the names appointed to fill such vacancy to the commissioner. If vacancies occur in the office of the judge or clerk of election, and they are not filled as herein provided, then and in that event, the acting judges and clerks shall fill such vacancies, and the failure of any judge or clerk of election named, as in this chapter provided, to act at the election, shall in no wise invalidate the election.

Sec. 9. Section fifty-five point thirteen (55.13), Code 1975, is amended to read as follows:

55.13 PUBLICATION REQUIRED. The state commissioner shall cause said ballots, together with the governor's proclamation of such special election, to be published in two newspapers of general circulation in each [county] *representative district* at least ten days prior to the date of such special election.

Sec. 10. Section fifty-five point fourteen (55.14), Code 1975, is amended to read as follows:

55.14 BALLOTS—ARRANGEMENT OF NAMES. It shall be the duty of the state commissioner, as the certificates of nomination of candidates for election to the office of delegate at large to the state convention are filed in his office, as in this chapter provided, to list the same alphabetically by [counties]

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representative districts in two groups, one group to consist of the names of the nominees favoring the ratification of the proposed constitutional amendment, and the other to consist of the names of the nominees opposed thereto."

BRUNOW of Appanoose

H—5244

Amend the Norland amendment H—5241, to Senate File 1062 as amended passed and reprinted by the Senate as follows:

1. Page 4, by inserting after line 26 the following new section:

"Sec. ..... FUNDING OF ADDITIONAL DUTIES OR FUNCTIONS. If an Act of resolution passed after the effective date of this Act, except a legalizing act or resolution, of the general assembly or an administrative rule promulgated by a state agency imposes a duty or function which has a fiscal impact on a local budget requiring additional expenditures upon the governing body or any officer or employee of a city, county, or any other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation, the governing body or any officer or employee of such local governmental entity shall not be required to carry out such duty or function unless the general assembly appropriates moneys or the state agency provides a grant of moneys to such local governmental entity specifically to pay the cost of carrying out such duty or function."

CAFFREY of Polk
WOODS of Polk
GENTLEMAN of Polk

H—5246

Amend H—5241 to Senate File 1062 as follows:

1. Page 4, by inserting after line 26 the following:

"Sec. ..... LIMITATION—ON INDIVIDUAL TAX LIABILITY.

1. Notwithstanding the provisions of chapter four hundred forty-five (445) of the Code, the owner of residential property having an assessed value of forty thousand dollars or less and eligible for a homestead

tax credit under chapter four hundred twenty-five (425) of the Code, shall not be required to pay a property tax on such property which exceeds the property taxes paid on such property for the base year plus an increase of ten percent of the base year's tax liability. However, if the owner of residential property which is eligible for the property tax limitation under this subsection has resided at such property for twenty years or more, the property tax liability on such property shall not exceed the property taxes paid on such property for the base year plus an increase of five percent of the base year's tax liability.

2. If the assessed value of the property eligible for the property tax limitation under subsection one (1) of this section is increased because of new construction, the assessed value of such new construction shall be subject to the full property tax levy for the first fiscal year that the property is subject to taxation. Thereafter, the property tax limitation as provided in subsection one (1) of this section shall apply to the total assessed valuation of such property.

3. The amount of any property tax which is uncollectible because of the property tax limitation as provided in this section shall be apportioned among the taxing districts certifying a property tax to be levied against such properties and the amount of property taxes to be levied and collected for such taxing districts shall be correspondingly reduced."

2. Amend the title, line 2, by inserting after the word "state" the words ", to provide a property tax limitation for certain individual property owners,".

LIPSKY of Linn

H—5247

Amend Norland amendment H—5241 to Senate File 1062 as follows:

1. Page 1, by striking lines 32 and 33 and inserting in lieu thereof the following new sections:

"Sec. ..... Chapter four hundred twenty-two (422), Code 1975, is amended by adding sections thirteen (13) through fifteen (15) of this Act as a new division:

Sec. 13. *NEW SECTION.* As used in this Act unless the context otherwise requires:

1. "Person" means an individual, firm, partnership, corporation, joint venture or other association of persons.

2. "Hotel, motel or tourist court" means any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals, which is kept, used, maintained, advertised or held out to

the public as a place where sleeping accommodations are provided for compensation to transient guests or permanent guests, and which has more than eight bedrooms furnished for the accommodation of such guests.

3. "Transient guest" means a person who occupies a room or sleeping accommodations in a hotel, motel or tourist court for not more than twenty-eight consecutive days.

4. "Business" means the enterprise of renting sleeping accommodations or rooms in a hotel, motel or tourist court.

Sec. 14. *NEW SECTION.*

1. Any county or city is authorized to levy a transient guest tax at a rate not to exceed five percent of the gross rental receipts derived from the rental to transient guests of sleeping accommodations and rooms costing in excess of three dollars per day in a hotel, motel or tourist court. The tax rate, not to exceed five percent of such gross receipts, shall be determined by the governing body of the county or city and be specified in the resolution authorizing the tax. The levy shall be in addition to the tax imposed under section four hundred forty-two point forty-three (442.43) of the Code.

2. The taxes levied under this section shall be paid by the transient guest or person paying on behalf of the transient guest to the business and it is the duty of every business to collect the full amount of the tax, or an amount as nearly equal thereto as possible. Each business collecting taxes levied under

this section is responsible for paying over the taxes collected to the director in the manner prescribed by section fifteen (15) of this Act, and the director shall administer and enforce the collection of the taxes.

3. If a countywide tax is imposed, cities within the county shall not impose the same tax in addition, or if the county imposes a tax in a year subsequent to the imposition of the same tax by a city in that county, the city tax shall be suspended for the period during which the countywide tax is imposed.

Sec. 15. *NEW SECTION.*

1. A tax levied and collected under section fourteen (14) of this Act shall be due and payable quarterly, on or before the last day of the month immediately succeeding the last month of the quarter in which it is collected in the manner of state gross receipts taxes. Each business shall make a true report to the department, on a form prescribed by the director, providing information as may be necessary to determine the amounts to which the tax shall apply

for the applicable quarter, which report shall be submitted with the quarterly tax payment of the business. Records of gross rental receipts subject to a tax imposed under this Act shall be kept separate and apart from the records of other gross receipts of a business in order to facilitate the examination of books and records as provided in this section.

2. The director or his authorized representative has the right at all reasonable times during business hours to make examination and inspection of the books and records of a business as may be necessary to determine the accuracy of the reports required under this section.

3. The provisions of sections four hundred twenty-two point twenty-five (422.25), subsection four (4), four hundred twenty-two point thirty (422.30), four hundred twenty-two point forty-eight (422.48), through four hundred twenty-two point fifty-eight (422.58), four hundred twenty-two point sixty-seven (422.67), four hundred twenty-two point sixty-eight (422.68), four hundred twenty-two point sixty-nine (422.69), subsection one (1), and four hundred twenty-two point seventy (422.70) through four hundred twenty-two point seventy-five (422.75) of the Code, not inconsistent with the provisions of this Act, shall apply with respect to the taxes levied under this Act, in the same manner and with the same effect as if the transient guest taxes were gross receipts taxes within the meaning of those statutes.

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4. Transient guest taxes shall be credited to the "county and city transient guest tax fund", which is established in the office of the treasurer of state. All moneys in the county and city transient guest tax fund shall be remitted at least quarterly by the treasurer of state, on instructions from the director, to each city for the amount collected from businesses in that city and to each county for the amount collected from businesses in the unincorporated areas of the county.

5. All moneys received by the county or city from the county and city transient guest tax fund shall be credited to the general fund of the county or city."

HINES of Story
BITTLE of Polk

H—5248

Amend H-5241 to Senate File 1062 as follows:

1. Page 4, by inserting after line 26 the following new section:

"Sec. ..... FUNDING OF ADDITIONAL DUTIES OR FUNCTIONS. If an Act or resolution passed after the effective date of this Act, except a legalizing act or resolution, of the general assembly or an administrative rule promulgated by a state agency imposes

a duty or function which has a fiscal impact on a local budget requiring additional expenditures upon the governing body or any officer or employee of a city, county, or any other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation, the governing body or any officer or employee of such local governmental entity shall not be required to carry out such duty or function unless the general assembly appropriates moneys or the state agency provides a grant of moneys to such local governmental entity specifically to pay the cost of carrying out such duty or function."

CLARK of Lee

H—5250

Amend the Norland, Bina amendment, H-5241, to Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting the following new section after line 33:

"Sec. 2. TAXABLE VALUATION. The property tax budget of each assessing district shall be an amount equal to the assessed valuation for the base year or an equalized amount determined by the director of revenue, whichever is greater. The total increase ordered by the assessor and the department of revenue shall not be greater than the amount necessary to raise the total statewide valuation of a class of property more than ten percent per year."

2. Renumber the remaining sections.

BENNETT of Ida

H—5254

Amend the amendment, H-5241, to Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, by striking lines 9 through 20.

2. Page 3, line 30, by striking the words and figures "1976 and ending June 30, 1977" and inserting in lieu thereof the words and figures "1977 and ending June 30, 1978".

3. Page 4, by striking lines 26, and inserting in lieu thereof the words and figures "1977 and July 1, 1978".

4. Page 4, by striking lines 27 through 32.

NEALSON of Muscatine

H—5257

Amend the Norland amendment, H—5241, to Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 26, by inserting after the word "Code," the following:

"and the amount of anticipated receipts to and expenditures from these funds from federal moneys,"

BYERLY of Polk

H—5259

Amend amendment H-5241, to Senate File 1062, as follows:

1. Page 3, by inserting after line 6 the following:

"Sec. 4. BUDGET EXCESS REVENUE

If a budget approved after a second public hearing provided in Section 3 of this Act shall exceed the allowable growth guideline, the amount approved in excess of the allowable growth guideline shall be raised by a combination of one-half from a property tax levy and one-half from an earnings tax. The earnings tax shall be as provided in Section 5 of this Act.

"Sec. 5. EARNINGS TAX

1. The local earnings tax shall be imposed on every individual resident and nonresident taxpayer exclusive of fiduciaries and corporations, at a rate determined by the state comptroller of the taxpayer's Iowa taxable income derived from work performed and services rendered within the limits of the city or county imposing the tax.

2. For purposes of this section, "nonresident taxpayer" means an individual taxpayer who derives income from sources within the city or county imposing the tax although his principal place of residence is not in the city or county, and a fiduciary or a corporation which is a taxpayer and which derives income from sources within the city or county imposing the tax and "income derived from sources within the city or county" means income of every kind produced as a result of work performed, services rendered, goods sold, and other business activities conducted in the city or county imposing the tax, and includes, but is not limited to dividends and interest from investment property with a situs within the city or county, capital gains in excess of capital losses on property located within the city or county, and rental income from real and tangible personal property located within the city or county imposing the tax.

3. The director of revenue shall administer the provisions of a local earnings tax as nearly as possible in conjunction with the administration of state income tax laws. He shall provide appropriate forms, or provide on the regular state tax forms, for reporting local earnings tax liability.

An ordinance of a city council or resolution of a county board of supervisors imposing a local earnings tax shall adopt by reference the applicable provisions of the appropriate sections of chapter four hundred twenty-two (422), division two (II) of the Code for

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a local income tax and all powers of the director and requirements of the director in administering the state income tax law are applicable to his administration of a local earnings tax as applicable, including but not limited to powers to impose interest and penalties, and requirements for hearing and appeal. Local officials shall confer with the director of revenue and obtain his assistance in drafting the ordinance or resolution imposing a local earnings tax. A certified copy of the ordinance or resolution imposing a local earnings tax shall be filed with the director as soon as possible after passage.

The director, in consultation with local officials, shall collect and account for a local earnings tax. The director shall retain for the use of the department of revenue one percent of all local earnings tax receipts, to cover administrative expense, and shall credit remaining local earnings tax receipts to a "local tax fund" hereby established in the office of the treasurer of state.

4. The treasurer of state shall remit quarterly to the cities and counties which have imposed a local earnings tax and which have qualified under sections **six (6) or seven (7) of this Act, their share of the** balance in the local tax fund. The local tax fund is appropriated for this **purpose.**

Sec. *6.* Section four hundred twenty-two point seventy-two (422.72), subsection one (1), Code 1975, is amended to read as follows:

1. It shall be unlawful for the director, or any person having an administrative duty under this chapter, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the **discharge of official duty, or** the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the director may authorize examination of such **returns by other state officers, *by Iowa city or county officials if the city or county has imposed a local tax,* or, if a reciprocal arrangment exists,** by tax officers of another state, or the federal government. This subsection shall prevail over the

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provisions of any general law of this state relating to public records."

2. By renumbering sections to comply with this amendment.

STROMER of Hancock

H—5263

Amend the Norland and Bina amendment, H—5241, to Senate File 1062, as amended, passed, and reprinted by the Senate, page 1, line 24, by inserting after the word "law" the words ", any funds received pursuant to chapter four hundred five (405) of the Code,".

STROMER of Hancock

H—5266

Amend the Norland and Bina amendment, H—5241, to Senate File 1062, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 4, by inserting after the word "budget" the words "including a statement of the percentage increases in wages, salaries, and fringe benefits of the political subdivision unless the issue of wages, salaries, and fringe benefits has not been determined because the political subdivision is engaged in the impasse procedures with its public employees and the employee organization under chapter twenty (20) of the Code at the time the budget is to be published in which case the published notice shall state such fact".

2. Page 2, lines 7 and 8, by striking the words "during the preceding fiscal year" and inserting in lieu thereof the words "or proposed to be expended during the current fiscal year as amended to the date of publication which information shall be displayed in the publication in the form of a pie graph. The graphs shall be prepared for both fiscal years with one pie graph for each fiscal year showing the sources of anticipated revenue and one pie graph for each fiscal year showing the proposed budget expenditures by category of services".

3. Page 2, by inserting after line 8 the following new subsection:

"..... For the fiscal year beginning July 1, 1977, the public notice on the total budget of the political subdivisions shall also include a statement of the unit cost for each fund included in the proposed budget with the unit costs of the same fund for the current fiscal year. For purposes of this subsection, "unit cost" means the costs for each fund stated in terms of expenditures per capita."

4. Page 2, line 15, by striking the word ", but" and inserting in lieu thereof the words "except that this provision shall not exempt a political subdivision from publishing the additional notice as is required under section three (3) of this Act in the form required under this section when the political subdivision exceeds the allowable growth guideline provided by this Act."

5. Page 2, line 16, by striking the word "this"

and inserting in lieu thereof the word "This".

MENNENGA of Clinton
OAKLEY of Clinton

H—5267

Amend the Norland, et al., amendment, H—5241, to Senate File 1062 as follows:

1. Page 3, after line 6, add the following new section:

"Sec. 4. ALLOWABLE GROWTH GUIDELINE—LOCAL REFERENDUM. If a local subdivision decides to exceed the budget guideline established by this Act, after a second hearing, a petition may be filed calling for a referendum on the issue.

Such a petition must be filed within ten days after a second hearing. A number of eligible electors equal to five percent of the number of votes cast for the governor in the last general election must be secured.

The referendum must be held within ten days after the filing of the petition.

The question shall be stated as follows: Shall the certified budget of (name of political subdivision) be limited to not more than the allowable growth guideline established by the General Assembly?

If sixty (60) percent of votes cast for the proposition favors the allowable growth guideline limitation the county auditor shall adjust the certified budget of such political subdivision accordingly and certify such changes to the governing body of the political subdivision."

EVANS of Grundy

H—5268

Amend the Norland amendment H—5241 to Senate File 1062 as follows:

1. Page 4, by inserting after line 26 the following:

"Sec. ..... There is created a task force on local government which shall be composed of twelve members who are interested and knowledgeable in affairs of local government. All members shall be appointed by the governor to serve at the pleasure of the governor. A member shall not hold any other elected state office, nor shall more than five members hold elected office in any political subdivision of the state. The state comptroller, the director of revenue, or their designated representatives, and a member of the state board of tax review shall serve as ex officio members of the task force.

Any vacancy in the membership of the task force shall be filled by appointment in the same manner as the original appointments.

The members of the task force shall receive their actual and necessary expenses incurred in the perfor-

mance of their official duties.
Sec. ..... The governor may employ such professional, technical, and administrative assistance as shall be necessary to accomplish the purpose of this Act.
Sec. ..... The task force on local government shall:
1. Study and evaluate local government funding and budgeting procedures.
2. Study and evaluate present property assessment procedures.
3. Determine the relative burdens imposed on the various classes of property by current valuations and assessment procedures.
4. Review and evaluate the impact on local government spending by actions mandated by the state and the federal government.
5. Determine whether services provided by local governmental units may be more economically or efficiently provided by other units of government and how these services should be funded.
6. Study and evaluate the need or advisability of imposing continuing budget limitations on local government or imposing limitations upon the amount of property taxes which may be collected.
Sec. ..... The task force on local government shall transmit its recommendations accompanied by proposed legislative bill drafts necessary to implement its recommendations to the governor and members of the Sixty-seventh General Assembly not later than March 15, 1977. Copies of the recommendations and of the recommended legislation shall be transmitted to the

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president of the senate and speaker of the house of representatives whereupon the respective presiding officer shall within ten legislative days after the date of receipts, assign the proposed legislation to the appropriate standing committee for committee consideration."
2. Page 4, line 40, by inserting after the word "state" the words "and creating a task force to study local government funding and property assessment procedures."

CRAWFORD of Story
TAUKE of Dubuque
SCHROEDER of Pottawattamie
STROMER of Hancock

H—5272

Amend the Norland and Bina amendment, H—5241, to Senate File 1062, as amended, passed, and reprinted by the Senate, as follows:
1. Page 2, by striking lines 21 through 50 and inserting in lieu thereof the following:
"Sec. ..... LOCAL REFERENDUM TO EXCEED ALLOWABLE GROWTH GUIDELINE.

1. If the governing body of a political subdivision wishes to exceed the allowable growth guideline established by this Act, the governing body shall direct the county commissioner of elections to publish notice of and conduct a special election within twenty days after the date of publication. The notice shall be published as provided in section forty-nine point fifty-three (49.53) of the Code and shall include a comparison of the dollar amount and percentage of allowable growth established by this Act and the dollar amount and percentage of allowable growth requested for the proposed limited budget of the political subdivision. The question to be voted on by the qualified electors of the political subdivision shall be stated as follows: "Shall the certified limited budget of (name of political subdivision) for the fiscal year beginning July 1, 19.... and ending June 30, 19.... be limited to not more than the allowable growth guideline established by the general assembly?" If a majority of the votes cast for and against the proposition favors the allowable growth guideline established by the general assembly, the proposed limited budget of the political subdivision shall be so limited. If a majority of such votes cast does not favor the allowable growth guideline established by the general assembly, the political subdivision may increase its proposed limited budget by the amount of allowable growth requested and printed in the notice of election. Thereafter, the proposed limited budget shall be certified to the county auditor.

The budget growth permitted by this Act shall not allow any political subdivision to levy a tax exceeding any of the maximum tax levies set by the Code for that political subdivision.

3. The amount approved in excess of the amount of allowable growth guideline authorized by this Act shall be raised by a combination of one-half from a property tax levy and one-half from an income surtax within such city or county if other revenues are not available to meet such proposed expenditures.

Sec. ..... COMPUTATION OF EXCESS AMOUNT. If a majority of those voting in an election approves the additional amount which exceeds the allowable growth

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guideline, the governing body shall certify to the state comptroller that the required procedures have been carried out, and the state comptroller shall establish the amount of additional property tax to be levied and the amount of income surtax to be imposed for fiscal year for which the additional amount is authorized. The state comptroller shall determine these amounts based upon the most recent figures available for the political subdivision's valuation of taxable property, individual state income tax paid

and shall certify to the political subdivision's county auditor the amount of property tax, and to the director of revenue the amount of income surtax to be imposed.

The income surtax shall be imposed on the state individual income tax for the calendar year during which the budget year begins, or for a taxpayer's fiscal year ending during the second half of that calendar year or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the political subdivision on the last day of the applicable tax year. As used in this section, "state individual income tax" means the tax computed under section four hundred twenty-two point five (422.5) of the Code, less the deductions allowed in section four hundred twenty-two point twelve (422.12) of the Code.

Sec. ..... **INCOME SURTAX PROCEDURES.**

1. The director of revenue shall administer any political subdivision income surtax imposed under this Act, and all the provisions of sections four hundred twenty-two point twenty (422.20), four hundred twenty-two point twenty-two (422.22) to four hundred twenty-two point thirty-one (422.31), four hundred **twenty-two point sixty-eight (422.68), and four hundred** twenty-two point seventy-two (422.72) to four hundred twenty-two point seventy-five (422.75) of the Code, shall apply in respect to administration of such income surtax.

2. The political subdivision income surtax shall be made a part of the Iowa individual income tax return subject to the conditions and restrictions set forth in section four hundred twenty-two point twenty-one (422.21) of the Code.

3. The director of revenue shall deposit all moneys received as income surtax under this Act to *the credit of each political subdivision from* which the moneys are received, in a "political subdivision income surtax fund" which is established in the office of the treasurer of state.

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4. On or before October twentieth, the director of revenue shall make an accounting of such income surtax collected under this Act applicable to tax returns for the last preceding calendar year, or for fiscal year taxpayers, on the last day of their tax year ending during that calendar year and after the **date of the election approving the surtax, from** taxpayers in each political subdivision in the state which has imposed a surtax, and shall certify to the state comptroller the amount of total political subdivision income surtax credited from the taxpayers of each political subdivision. Additional returns in process, if any, at the time of certification

shall be completed and the additional amount of income surtax reported to the state comptroller for distribution back to the political subdivision when such processing is completed.

5. The state comptroller shall draw warrants in payment of the amount of surtax payable to each of the political subdivisions in two installments to be paid on approximately the first day of December and the first day of February, and shall cause the warrants to be delivered to the respective political subdivisions."

2. Page 3, by striking lines 1 through 47.

3. Page 4, line 40, by inserting after the word "state" the words "and to impose an income surtax by referendum for certain budget expenditures".

MENNINGA of Clinton
MIDDLETON of Black Hawk

H—5245

Amend Senate File 1062 as follows:

By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. When the assessed valuation of any class of real property within any tax levying political subdivision is increased by an equalization order, the amount of any such increase which may be added to the taxable valuation of any parcel in any year because of such equalization order shall not exceed eight percent (8%) of the valuation of the same property in the preceding tax year."

WELDEN of Hardin

H—5242

. Amend Senate File 1062, as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 9, by striking the figure "1976" and inserting in lieu thereof the figure "1977".

2. Page 2, line 7, by striking the words "July 1, 1976 and July 1, 1977" and inserting in lieu thereof the words "July 1, 1977 and July 1, 1978".

3. Page 9, by striking lines 19 through 23.

NEALSON of Muscatine

H—5270

Amend Senate File 1062, page 1, line 19, by inserting after the word "Act," the words "the **amount of money collected or received from property** taxes and other sources to pay expenses pertaining to the operation and maintenance of the court as provided in section four hundred forty-four point ten (444.10) of the Code,".

OAKLEY of Clinton

H—5261

Amend Senate File 1062, as passed, amended

and reprinted by the Senate, by inserting on page 1, line 35, after the word "year" the following: "plus an additional growth percentage which is the percent increase determined by the valuation of new construction, property which was not assessed for taxation purposes during the previous year's assessment, divided by the total assessed valuation for each district".

VARLEY of Adair

H—5262

Amend Senate File 1062 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by adding after the period in line 3 the following: "In addition to the amount of dollars that can be raised by taxation of property under this Act, any local government may raise by taxation of property such additional amount as results from using as a base the valuation of new construction added to the assessment rolls during the year computed by multiplying the base by the lesser of:

(1) the prior year's tax rate multiplied by one hundred and seven percent (107%) or,

(2) the maximum tax rate permitted by law prior to this Act.

2. Page 2, by striking all of lines 22 through 35.

3. By renumbering the following paragraphs.

HARVEY of Scott

H—5264

Amend Senate File 1062, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, by inserting after line 14 the following new section:

"Sec. ..... EXERCISING OPTIONS FOR MODIFICATION OF ALLOWABLE GROWTH. A political subdivision desiring to exceed the allowable growth established in this Act shall, on or before March 1, 1976 for the fiscal year beginning July 1, 1976 and on or before February 1, 1977 for the fiscal year beginning July 1, 1977, choose to modify the allowable growth by use of the appropriate review board or by the use of local referendum."

2. Page 2, line 20, by inserting after the word "Act" the words "shall take such action as is necessary not more than ten days from the date the request is filed and".

3. Page 5, line 6, by inserting after the word "Act" the words "or the allowable growth allowed by the appropriate review committee".

WEST of Marshall

H—5255

Amend Senate File 1062, as amended, passed, and reprinted by the Senate, as follows:

1. Page 6, line 8, by striking the words "income surtax" and inserting in lieu thereof the words "earnings tax".

2. Page 6, line 17, by striking the words "income surtax" and inserting in lieu thereof the words "earnings tax".

3. Page 6, line 24, by striking the words "income surtax" and inserting in lieu thereof the words "earnings tax".

4. Page 6, line 25, by striking the words "income surtax" and inserting in lieu thereof the words "earnings tax".

5. Page 6, lines 25 and 26, by striking the words "on the state individual income tax".

6. Page 6, line 30, by striking the words "on all" and inserting in lieu thereof the words "on earnings of all".

7. Page 6, line 30, by striking the word "residing" and inserting in lieu thereof the words "earning income".

8. Page 6, by striking from line 31 the words "As used in this".

9. Page 6, by striking lines 32, 33, 34, and 35.

10. Page 7, by striking lines 1 through 35 and inserting in lieu thereof the following:

"Sec. ..... EARNINGS TAX.

1. The local earnings tax shall be imposed on every individual resident and nonresident taxpayer exclusive of fiduciaries and corporations, at a rate determined by the state comptroller of the taxpayer's Iowa taxable income derived from work performed and services rendered within the limits of the city or county imposing the tax.

2. For purposes of this section, "nonresident taxpayer" means an individual taxpayer who derives income from sources within the city or county imposing the tax although his principal place of residence is not in the city or county, and a fiduciary or a corporation which is a taxpayer and which derives income from sources within the city or county imposing the tax and "income derived from sources within the city or county" means income of every kind produced as a result of work performed, services rendered, goods sold, and other business activities conducted in the city or county imposing the tax, and includes, but is not limited to dividends and interest from investment property with a situs within the city or county, capital gains in excess of capital losses

on property located within the city or county, and rental income from real and tangible personal property located within the city or county imposing the tax.

3. The director of revenue shall administer the provisions of a local earnings tax as nearly as

possible in conjunction with the administration of state income tax laws. He shall provide appropriate forms, or provide on the regular state tax forms, for reporting local earnings tax liability.

An ordinance of a city council or resolution of a county board of supervisors imposing a local earnings tax shall adopt by reference the applicable provisions of the appropriate sections of chapter four hundred twenty-two (422), division two (II) of the Code for a local income tax and all powers of the director and requirements of the director in administering the state income tax law are applicable to his administration of a local earnings tax as applicable, including but not limited to powers to impose interest and penalties, and requirements for hearing and appeal. Local officials shall confer with the director of revenue and obtain his assistance in drafting the ordinance or resolution imposing a local earnings tax. A certified copy of the ordinance or resolution imposing a local earnings tax shall be filed with the director as soon as possible after passage.

The director, in consultation with local officials, shall collect and account for a local earnings tax. The director shall retain for the use of the department of revenue one percent of all local earnings tax receipts, to cover administrative expense, and shall credit remaining local earnings tax receipts to a "local tax fund" hereby established in the office of the treasurer of state.

4. The treasurer of state shall remit quarterly to the cities and counties which have imposed a local earnings tax and which have qualified under sections six (6) or seven (7) of this Act, their share of the balance in the local tax fund. The local tax fund is appropriated for this purpose.

Sec. ..... Section four hundred twenty-two point seventy-two (422.72), subsection one (1), Code 1975, is amended to read as follows:

1. It shall be unlawful for the director, or any person having an administrative duty under this chapter, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or

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the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the director may authorize examination of such returns by other state officers, *by Iowa city or*

county officials if the city or county has imposed a local tax, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government. This subsection shall prevail over the provisions of any general law of this state relating to public records."

11. Page 8, by striking lines 1 through 5.

12. Renumber sections and correct internal references as may be necessary.

13. Amend the title, line 2, by striking the words "income surtax" and inserting in lieu thereof the words "earnings tax".

STROMER of Hancock

H—5265

Amend Senate File 1062, as passed by the Senate and reprinted, as follows:

1. Page 9, by striking lines 3 through 18.

WEST of Marshall

H—5258

Amend Senate File 1062, as amended, passed and reprinted by the Senate as follows:

1. Page 9, by inserting after line 18 the following:

"Sec. ..... Section four hundred twenty-two point sixty-nine (422.69), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. During the last quarter of each fiscal year the amounts specified in this subsection from the gross receipts from the sales tax collected under division four (IV) of this chapter for the fiscal year shall be transferred to the local tax fund hereby created in the office of the treasurer of state. The remainder of the net receipts from the sales tax shall be credited to the general fund of the state.

a. For the fiscal year beginning July 1, 1975, an amount equal to twenty percent of the net receipts from one-third of the sales tax.

b. For the fiscal year beginning July 1, 1976, an amount equal to forty percent of the net receipts from one-third of the sales tax.

c. For the fiscal year beginning July 1, 1977, an amount equal to sixty percent of the net receipts from one-third of the sales tax.

d. For the fiscal year beginning July 1, 1978, an amount equal to eighty percent of the net receipts from one-third of the sales tax.

e. For the fiscal year beginning July 1, 1979 and each succeeding fiscal year, an amount equal to one-third of the sales tax.

Annually, the treasurer of state shall transfer three-fourths of the funds in the local tax fund to the municipal assistance fund created by section four

hundred five point one (405.1) of the Code. The remainder of the funds in the local tax fund shall be transferred to the county government assistance fund.

Sec. ..... *NEW SECTION.* There is created a "county government assistance fund" in the office of the treasurer of state. The moneys appropriated to such fund shall be used to provide financial assistance to counties.

On or before December fifteenth of each year, the state comptroller shall distribute the funds in the county government assistance fund to each county in the state in the proportion that the population residing in the unincorporated area of each county is to the total population residing in unincorporated areas of all of the counties.

Page 2

For purposes of this section "population" shall be based on the most recent federal census.

Sec. ..... *NEW SECTION.* It is the intent of the general assembly that cities and counties use funds received under this Act to replace property tax dollars to provide property tax relief for persons residing within the city or county."

2. Amend the title, line 1, by inserting after the word "limitations" the words "and financial assistance".

CUSACK of Scott

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:17 p.m. until 10:00 a.m., Thursday, February 19, 1976.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day—Twenty-seventh Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, FEBRUARY 19, 1976

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

Prayer was offered by Susan Burden, Assistant Director of the Catholic Student Center, Iowa City, Iowa.

The Journal of Wednesday, February 18, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rawland, Des Moines, Iowa.

PRESENTATION OF VISITORS

Crabb of Crawford presented to the House the Honorable C. Raymond Fisher, former member of the House during the Fifty-eighth through the Sixty-fifth General Assemblies representing Greene County.

The Speaker announced the following visitors were present in the House chamber:

Ninety members of the junior class from Creston High School, Creston, Iowa, accompanied by Catherine Mueller. By Pellett of Cass and Hullinger of Decatur.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 650, 1069, 1106, 1123, 1128, and 1190, under Rule 36.

INTRODUCTION OF BILLS

House File 1345, by Connors, Caffrey, Hinkhouse, Hutchins, Perkins, Stromer and Welden, a bill for an act relating to compliance of certain commercial buildings with certain fire protection requirements.

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

House File 1346, by committee on state government, a bill for an act relating to disaster services, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact.

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

House File 1347, by Egenes, a bill for an act authorizing counties and cities to levy a transient guest tax and a meal tax, adopting provisions of the state sales tax Act including penalties, and imposing certain duties upon the director of revenue.

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

House File 1348, by Jesse, a bill for an act relating to the ownership and right to obtain records, papers, pictures, x-rays and devices in the possession of doctors, lawyers, dentists and other professional persons or organizations.

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

House File 1349, by Koogler, a bill for an act relating to the assessing of court costs by judicial magistrates.

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

House File 1350, by Walter, a bill for an act relating to disqualification for employment security benefits when an individual voluntarily quits.

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

House File 1351, by Oakley, a bill for an act relating to the date at which special assessments become liens on the benefited property.

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

House File 1352, by Jordan and Scheelhaase, a bill for an act relating to the erection and maintenance of partition fences.

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

House File 1353, by Bennett (Curtis), a bill for an act relating to the auditing of certain nonprofit organizations by the auditor of state.

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

House File 1354, by Miller of Buchanan, a bill for an act relating to the registration of motor vehicles.

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

House File 1355, by Caffrey, a bill for an act relating to unfair insurance trade practices, and providing a penalty.

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

House File 1356, by Hines and Crawford, a bill for an act appropriating funds for an addition to the library at the Iowa state university of science and technology.

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

House File 1357, by Dieleman, a bill for an act to provide an income tax credit for contributions made to certain institutions of higher learning and to public libraries located within this state.

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

House File 1358, by Wyckoff, Lageschulte, Nealson of Muscatine, Hutchins, Caffrey, Halvorson, Tofte, Crabb, Krause, Den Herder, Scheelhaase, Danker and Wells, a bill for an act relating to the removal of identification marks from certain personal property and providing a penalty.

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

SENATE MESSAGE CONSIDERED

Senate File 1125, a bill for an act repealing the statutory appropriation for the state employees' disability plan.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 17, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 774, a bill for an act relating to the contents of a certificate of marriage.

Also: That the Senate has on February 17, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1050, a bill for an act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state.

Also: That the Senate has on February 18, 1976, concurred in House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1063, a bill for an act relating to the certification of deputy assessors.

Also: That the Senate has on February 17, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1124, a bill for an act making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security Act.

STEVEN C. CROSS, Secretary

QUORUM CALL

A non-record roll call was requested to determine a quorum was present. The vote revealed seventy-seven members present, twenty-three absent.

REREFERRED TO COMMITTEE ON TRANSPORTATION
(House File 1332)

Krause of Palo Alto asked and received unanimous consent that **House File 1332**, presently on the regular calendar, be rereferred to the committee on **transportation.**

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **Senate File 1062**, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, and amendment H—5241.

Stromer of Hancock offered the following amendment H—5263, to amendment H—5241, filed by him and moved its adoption:

H—5263

Amend the Norland and Bina amendment, H—5241, to Senate File 1062, as amended, passed, and reprinted by the Senate, page 1, line 24, by inserting after the word "law" the words ", any funds received pursuant to chapter four hundred five (405) of the Code,".

Roll call was requested by Stromer of Hancock and Harvey of Scott.

On the question "Shall amendment H—5263, to amendment H—5241, be adopted?"

The ayes were, 44:

Bennett	Drake	Lipsky	Readinger
Bortell	Egenes	McElroy	Schroeder
Branstad	Evans	Menke	Stromer
Brockett	Gentleman	Millen	Tauke
Byerly	Halvorson	Miller, O. L.	Tofte
Clark	Hansen	Nealson	Walter
Crabb	Harvey	Newhard	Welden
Crawford	Junker	Nielsen	West
Daggett	Kreamer	Oakley	Woods
Danker	Lageschulte	Pellett	Wulff
Den Herder	Lindeen	Perkins	Wyckoff

The nays were, 49:

Anderson	Fitzgerald	Jesse	O'Halloran
Avenson	Gilloon	Jochum	Patchett
Baker	Griffee	Jordan	Pavich
Bina	Hargrave	Koogler	Poncy
Brandt	Harper	Krause	Rinas
Brunow	Hennessey	Lonergan	Scheelhaase
Caffrey	Higgins	Middleswart	Small
Connors	Hinkhouse	Middleton	Spear
Cusack	Horn	Miller, A. V.	Spencer
Dieleman	Howell	Miller, K. D.	Spradling
Doyle	Husak	Monroe	Wells
Dunton	Hutchins	Norland	Mr. Speaker
Dyrland			

Absent or not voting, 6:

Bittle	Hullinger	Svoboda	Varley
Hines	Mennenga		

Amendment H—5263 lost.

Byerly of Polk offered the following amendment H—5257, to amendment H—5241, filed by him:

H—5257

Amend the Norland amendment, H—5241, to Senate File 1062, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 26, by inserting after the word "Code," the following:

"and the amount of anticipated receipts to and expenditures from these funds from federal moneys,".

Speaker pro tempore Jesse in the chair at 10:35 a.m.

Byerly of Polk moved the adoption of amendment H—5257, to amendment H—5241.

Roll call was requested by Junker of Woodbury and Bennett of Ida.

Rule 69 was invoked.

On the question "Shall amendment H—5257, to amendment H—5241, be adopted?"

The ayes were, 51:

Baker	Doyle	Lageschulte	Patchett
Bennett	Drake	Lindeen	Pellett
Bortell	Egenes	Lipsky	Perkins
Brandt	Evans	McElroy	Poncy
Brockett	Halvorson	Menke	Readinger
Brunow	Hansen	Mennenga	Spencer
Byerly	Harper	Middleswart	Tauke
Clark	Hines	Millen	Tofte
Connors	Horn	Nealson	Walter
Crabb	Hutchins	Newhard	Welden
Daggett	Junker	Nielsen	West
Danker	Koogler	Oakley	Woods
Den Herder	Kreamer	O'Halloran	

The nays were, 40:

Anderson	Fitzgerald	Husak	Pavich
Avenson	Gentleman	Jochum	Rinas
Bina	Gilloon	Jordan	Scheelhaase
Branstad	Griffee	Krause	Schroeder
Caffrey	Hargrave	Lonergan	Small
Crawford	Harvey	Middleton	Spear
Cusack	Hennessey	Miller, A. V.	Spradling
Dieleman	Higgins	Miller, K. D.	Stromer
Dunton	Hinkhouse	Miller, O. L.	Wells
Dyrland	Howell	Norland	Wyckoff

Absent or not voting, 8:

Bittle	Monroe	Varley	Mr. Speaker
Cochran	Svoboda	Wulff	(Jesse)
Hullinger			

Amendment H—5257 was adopted.

Hines of Story offered the following amendment H—5247, to amendment H—5241, filed by him and Bittle of Polk:

H—5247

Amend Norland amendment H—5241 to Senate File 1062 as follows:

1. Page 1, by striking lines 32 and 33 and inserting in lieu thereof the following new sections:

"Sec. Chapter four hundred twenty-two (422), Code 1975, is amended by adding sections thirteen (13) through fifteen (15) of this Act as a new division:

Sec. 13. *NEW SECTION.* As used in this Act unless the context otherwise requires:

1. "Person" means an individual, firm, partnership, corporation, joint venture or other association of persons.

2. "Hotel, motel or tourist court" means any structure or building, under one management, which contains rooms furnished for the accommodation or

lodging of guests, with or without meals, which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are provided for compensation to transient guests or permanent guests, and which has more than eight bedrooms furnished for the accommodation of such guests.

3. "Transient guest" means a person who occupies a room or sleeping accommodations in a hotel, motel or tourist court for not more than twenty-eight consecutive days.

4. "Business" means the enterprise of renting sleeping accommodations or rooms in a hotel, motel or tourist court.

Sec. 14. *NEW SECTION.*

1. Any county or city is authorized to levy a transient guest tax at a rate not to exceed five percent of the gross rental receipts derived from the rental to transient guests of sleeping accommodations and rooms costing in excess of three dollars per day in a hotel, motel or tourist court. The tax rate, not to exceed five percent of such gross receipts, shall be determined by the governing body of the county or city and be specified in the resolution authorizing the tax. The levy shall be in addition to the tax imposed under section four hundred forty-two point forty-three (442.43) of the Code.

2. The taxes levied under this section shall be paid by the transient guest or person paying on behalf of the transient guest to the business and it is the duty of every business to collect the full amount of the tax, or an amount as nearly equal thereto as possible. Each business collecting taxes levied under

this section is responsible for paying over the taxes collected to the director in the manner prescribed by section fifteen (15) of this Act, and the director shall administer and enforce the collection of the taxes.

3. If a countywide tax is imposed, cities within the county shall not impose the same tax in addition, or if the county imposes a tax in a year subsequent to the imposition of the same tax by a city in that county, the city tax shall be suspended for the period during which the countywide tax is imposed.

Sec. 15. *NEW SECTION.*

1. A tax levied and collected under section fourteen (14) of this Act shall be due and payable quarterly, on or before the last day of the month immediately succeeding the last month of the quarter in which it is collected in the manner of state gross receipts taxes. Each business shall make a true report to the department, on a form prescribed by

the director, providing information as may be necessary to determine the amounts to which the tax shall apply for the applicable quarter, which report shall be submitted with the quarterly tax payment of the business. Records of gross rental receipts subject to a tax imposed under this Act shall be kept separate and apart from the records of other gross receipts of a business in order to facilitate the examination of books and records as provided in this section.

2. The director or his authorized representative has the right at all reasonable times during business hours to make examination and inspection of the books and records of a business as may be necessary to determine the accuracy of the reports required under this section.

3. The provisions of sections four hundred twenty-two point twenty-five (422.25), subsection four (4), four hundred twenty-two point thirty (422.30), four hundred twenty-two point forty-eight (422.48) through four hundred twenty-two point fifty-eight (422.58), four hundred twenty-two point sixty-seven (422.67), four hundred twenty-two point sixty-eight (422.68), four hundred twenty-two point sixty-nine (422.69), subsection one (1), and four hundred twenty-two point seventy (422.70) through four hundred twenty-two point seventy-five (422.75) of the Code, not inconsistent with the provisions of this Act, shall apply with respect to the taxes levied under this Act, in the same manner and with the same effect as if the transient guest taxes were gross receipts taxes within the meaning of those statutes.

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4. Transient guest taxes shall be credited to the "county and city transient guest tax fund", which is established in the office of the treasurer of state. All moneys in the county and city transient guest tax fund shall be remitted at least quarterly by the treasurer of state, on instructions from the director, to each city for the amount collected from businesses in that city and to each county for the amount collected from businesses in the unincorporated areas of the county.

5. All moneys received by the county or city from the county and city transient guest tax fund shall be credited to the general fund of the county or city."

Tauke of Dubuque rose on a point of order that amendment H—5247 was not germane.

The Speaker propounded the question to the House.

Roll call was requested by Junker of Woodbury and Hines of Story.

Rule 70 was invoked.

On the question "Is amendment H—5247 germane?"

The ayes were, 32:

Bennett	Egenes	Howell	Readinger
Brockett	Evans	Jochum	Rinas
Byerly	Gentleman	Junker	Schroeder
Clark	Harper	Kreamer	Small
Crabb	Harvey	Lipsky	Stromer
Crawford	Higgins	Millen	Tofte
Drake	Hines	Nealson	West
Dyrland	Horn	Oakley	Woods

The nays were, 57:

Anderson	Fitzgerald	Lonergan	Poncy
Avenson	Gilloon	McElroy	Scheelhaase
Baker	Griffee	Menke	Spear
Bina	Halvorson	Mennenga	Spencer
Bortell	Hansen	Miller, A. V.	Spradling
Brandt	Hargrave	Miller, O. L.	Svoboda
Branstad	Hennessey	Monroe	Tauke
Brunow	Hinkhouse	Newhard	Walter
Caffrey	Husak	Nielsen	Welden
Cochran	Hutchins	Norland	Wells
Daggett	Jordan	Patchett	Wulff
Danker	Koogler	Pavich	Wyckoff
Den Herder	Krause	Pellett	Mr. Speaker
Dieleman	Lageschulte	Perkins	(Jesse)
Doyle	Lindeen		

Absent or not voting, 10:

Bittle	Dunton	Middleton	O'Halloran
Connors	Hullinger	Miller, K. D.	Varley
Cusack	Middleswart		

Amendment H—5247, to amendment H—5241, was ruled not germane.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—5250, to amendment H—5241, filed by him on February 18, 1975, and found on page 527 of the House Journal.

Mennenga of Clinton offered amendment H—5266, to amendment H—5241, filed by him and Oakley of Clinton and requested division as follows:

H—5266

Amend the Norland and Bina amendment, H—5241, to Senate File 1062, as amended, passed, and reprinted by the Senate, as follows:

H—5266A

1. Page 2, line 4, by inserting after the word "budget" the words "including a statement of the percentage increases in wages, salaries, and fringe

benefits of the political subdivision unless the issue of wages, salaries, and fringe benefits has not been determined because the political subdivision is engaged in the impasse procedures with its public employees and the employee organization under chapter twenty (20) of the Code at the time the budget is to be published in which case the published notice shall state such fact".

H—5266B

2. Page 2, lines 7 and 8, by striking the words "during the preceding fiscal year" and inserting in lieu thereof the words "or proposed to be expended during the current fiscal year as amended to the date of publication which information shall be displayed in the publication in the form of a pie graph. The graphs shall be prepared for both fiscal years with one pie graph for each fiscal year showing the sources of anticipated revenue and one pie graph for each fiscal year showing the proposed budget expenditures by category of services".

H—5266C

3. Page 2, by inserting after line 8 the following new subsection:

" ..... For the fiscal year beginning July 1, 1977, the public notice on the total budget of the political subdivisions shall also include a statement of the unit cost for each fund included in the proposed budget with the unit costs of the same fund for the current fiscal year. For purposes of this subsection, "unit cost" means the costs for each fund stated in terms of expenditures per capita."

H—5266B

4. Page 2, line 15, by striking the word ", but" and inserting in lieu thereof the words "except that this provision shall not exempt a political subdivision from publishing the additional notice as is required under section three (3) of this Act in the form required under this section when the political subdivision exceeds the allowable growth guideline provided by this Act."

5. Page 2, line 16, by striking the word "this" and inserting in lieu thereof the word "This".

Oakley of Clinton moved the adoption of amendment H—5266A, to amendment H—5241.

Speaker Cochran in the chair at 11:22 a.m.

Rules 69 and 70 were invoked.

The ayes were 44, nays 51.

Amendment H—5266A lost.

Oakley of Clinton moved the adoption of amendment H—5266B, to amendment H—5241.

Amendment H—5266B was adopted.

Speaker pro tempore Jesse in the chair at 11:50 a.m.

Mennenga of Clinton moved the adoption of amendment H—5266C, to amendment H—5241.

Roll call was requested by Clark of Lee and Harvey of Scott.

On the question "Shall amendment H—5266C, to amendment H—5241, be adopted?"

The ayes were, 41:

Bennett	Danker	Lipsky	Readinger
Bittle	Drake	McElroy	Rinas
Bortell	Evans	Mennenga	Schroeder
Branstad	Gentleman	Millen	Stromer
Brockett	Halvorson	Miller, K. D.	Tauke
Brunow	Harvey	Nealson	Tofte
Byerly	Jordan	Newhard	Walter
Clark	Junker	Nielsen	Welden
Crabb	Lageschulte	Oakley	West
Crawford	Lindeen	Pellett	Woods
Daggett			

The nays were, 52:

Anderson	Egenes	Hullinger	Pavich
Avenson	Fitzgerald	Husak	Perkins
Baker	Gilloon	Jochum	Poncy
Bina	Griffee	Koogler	Scheelhaase
Brandt	Hansen	Krause	Small
Caffrey	Hargrave	Lonergan	Spencer
Cochran	Harper	Menke	Spradling
Connors	Hennessey	Middleswart	Svoboda
Cusack	Higgins	Miller, O. L.	Wells
Den Herder	Hines	Monroe	Wulff
Dieleman	Hinkhouse	Norland	Wyckoff
Doyle	Horn	O'Halloran	Mr. Speaker
Dunton	Howell	Patchett	(Jesse)
Dyrland			

Absent or not voting, 6:

Hutchins	Middleton	Spear	Varley
Kreamer	Miller, A. V.		

Amendment H—5266C lost.

Nealson of Muscatine offered the following amendment H—5254, to amendment H—5241, filed by him and moved its adoption:

H—5254

Amend the amendment, H—5241, to Senate File 1062, as amended, passed and reprinted by the Senate, as

follows:

1. Page 2, by striking lines 9 through 20.

2. Page 3, line 30, by striking the words and figures "1976 and ending June 30, 1977" and inserting in lieu thereof the words and figures "1977 and ending June 30, 1978".

3. Page 4, by striking lines 26, and inserting in lieu thereof the words and figures "1977 and July 1, 1978".

4. Page 4, by striking lines 27 through 32.

Roll call was requested by Nealson of Muscatine and Bennett of Ida.

On the question "Shall amendment H—5254, to amendment H—5241, be adopted?"

The ayes were, 15:

Bennett	Crabb	Hansen	Monroe
Bortell	Den Herder	Lindeen	Nealson
Branstad	Drake	McElroy	Tofte
Clark	Egenes	Menke	

The nays were, 70:

Anderson	Dyrland	Jordan	Readinger
Avenson	Evans	Junker	Rinas
Bina	Fitzgerald	Koogler	Scheelhaase
Bittle	Gentleman	Krause	Schroeder
Brandt	Gilloon	Lageschulte	Small
Brockett	Griffee	Lipsky	Spradling
Brunow	Halvorson	Lonergan	Stromer
Byerly	Hargrave	Mennenga	Svoboda
Caffrey	Harper	Middleswart	Tauke
Cochran	Hennessey	Miller, O. L.	Walter
Connors	Higgins	Newhard	Wells
Crawford	Hines	Norland	West
Cusack	Hinkhouse	Oakley	Woods
Daggett	Horn	O'Halloran	Wulff
Danker	Howell	Patchett	Wyckoff
Dieleman	Hullinger	Pavich	Mr. Speaker (Jesse)
Doyle	Husak	Pellett	
Dunton	Jochum	Poncy	

Absent or not voting, 14:

Baker	Middleton	Nielsen	Spencer
Harvey	Millen	Perkins	Varley
Hutchins	Miller, A. V.	Spear	Welden
Kreamer	Miller, K. D.		

Amendment H—5254 lost.

(Senate File 1062 and amendment H—5241 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-one absent.

INTRODUCTION OF BILLS

House File 1359, by committee on agriculture, a bill for an act relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides.

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

House File 1360, by committee on cities, a bill for an act relating to filling vacancies in elective city offices.

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

House File 1361, by committee on cities, a bill for an act relating to short-term loans of cities.

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

House File 1362, by committee on cities, a bill for an act relating to payment of judgments by cities.

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

House File 1363, by committee on cities, a bill for an act relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances.

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

House File 1364, by committee on cities, a bill for an act relating to the duration of qualification resulting from a city civil service appointment examination.

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

House File 1365, by committee on commerce, a bill for an act relating to acceptance of deposits by state banks, credit unions and savings and loan associations.

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

House File 1366, by committee on commerce, a bill for an act relating to certain savings accounts.

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

House File 1367, by committee on commerce, a bill for an act relating to loans by a state bank to its officers.

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

House File 1368, by committee on commerce, a bill for an act relating to the maximum permissible rates of finance charge applicable to consumer credit transactions involving open-end credit.

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

House File 1369, by committee on county government, a bill for an act relating to the qualifications of a city or county assessor appointed to fill a vacancy which occurred prior to January 1, 1976.

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

House File 1370, by committee on judiciary and law enforcement, a bill for an act relating to the refunding of cash bail.

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

House File 1371, by committee on energy, a bill for an act relating to the status and duties of the energy policy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council effective June 30, 1979.

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

House File 1372, by Miller of Cerro Gordo and Bennett, a bill for an act relating to certification for applicators of restricted use of pesticides.

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

House File 1373, by Hansen, Dunton and Den Herder, a bill for an act exempting agricultural credit transactions from application of Iowa Consumer Credit Code provisions relating to executory transactions.

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

BUSINESS PENDING

The House resumed consideration of **Senate File 1062**, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, and amendment H—5241, as amended.

Mennenga of Clinton offered the following amendment H—5272, to amendment H—5241, filed by him and Middleton of Black Hawk and moved its adoption:

H—5272

Amend the Norland and Bina amendment, H—5241, to Senate File 1062, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, by striking lines 21 through 50 and inserting in lieu thereof the following:

"Sec. ..... LOCAL REFERENDUM TO EXCEED ALLOWABLE GROWTH GUIDELINE.

1. If the governing body of a political subdivision wishes to exceed the allowable growth guideline established by this Act, the governing body shall direct the county commissioner of elections to publish notice of and conduct a special election within twenty days after the date of publication. The notice shall be published as provided in section forty-nine point fifty-three (49.53) of the Code and shall include a comparison of the dollar amount and percentage of allowable growth established by this Act and the dollar amount and percentage of allowable growth requested for the proposed limited budget of the political subdivision. The question to be voted on by the qualified electors of the political subdivision shall be stated as follows: "Shall the certified limited budget of (name of political subdivision) for the fiscal year beginning July 1, 19.... and ending June 30, 19.... be limited to not more than the allowable growth guideline established by the general assembly?" If a majority of the votes cast for and against the proposition favors the allowable growth guideline established by the general assembly, the proposed limited budget of the political subdivision shall be so limited. If a majority of such votes cast does not favor the allowable growth guideline established by the general assembly, the political subdivision may increase its proposed limited budget by the amount of allowable growth requested and printed in the notice of election. Thereafter, the proposed limited budget shall be certified to the county auditor.

The budget growth permitted by this Act shall not allow any political subdivision to levy a tax exceeding any of the maximum tax levies set by the Code for that political subdivision.

3. The amount approved in excess of the amount of allowable growth guideline authorized by this Act shall be raised by a combination of one-half from a property tax levy and one-half from an income surtax within such city or county if other revenues are not available to meet such proposed expenditures.

Sec. ..... COMPUTATION OF EXCESS AMOUNT. If a majority of those voting in an election approves the additional amount which exceeds the allowable growth

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guideline, the governing body shall certify to the state comptroller that the required procedures have been carried out, and the state comptroller shall establish the amount of additional property tax to be levied and the amount of income surtax to be imposed for fiscal year for which the additional amount is authorized. The state comptroller shall determine these amounts based upon the most recent figures available for the political subdivision's valuation of taxable property, individual state income tax paid and shall certify to the political subdivision's county auditor the amount of property tax, and to the director of revenue the amount of income surtax to be imposed.

The income surtax shall be imposed on the state individual income tax for the calendar year during which the budget year begins, or for a taxpayer's fiscal year ending during the second half of that calendar year or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the political subdivision on the last day of the applicable tax year. As used in this section, "state individual income tax" means the tax computed under section four hundred twenty-two point five (422.5) of the Code, less the deductions allowed in section four hundred twenty-two point twelve (422.12) of the Code.

Sec. ..... INCOME SURTAX PROCEDURES.

1. The director of revenue shall administer any political subdivision income surtax imposed under this Act, and all the provisions of sections four hundred twenty-two point twenty (422.20), four hundred twenty-two point twenty-two (422.22) to four hundred twenty-two point thirty-one (422.31), four hundred twenty-two point sixty-eight (422.68), and four hundred twenty-two point seventy-two (422.72) to four hundred twenty-two point seventy-five (422.75) of the Code, shall apply in respect to administration of such income surtax.

2. The political subdivision income surtax shall be made a part of the Iowa individual income tax return subject to the conditions and restrictions set forth in section four hundred twenty-two point

twenty-one (422.21) of the Code.

3. The director of revenue shall deposit all moneys received as income surtax under this Act to the credit of each political subdivision from which the moneys are received, in a "political subdivision income surtax fund" which is established in the office of the treasurer of state.

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4. On or before October twentieth, the director of revenue shall make an accounting of such income surtax collected under this Act applicable to tax returns for the last preceding calendar year, or for fiscal year taxpayers, on the last day of their tax year ending during that calendar year and after the date of the election approving the surtax, from taxpayers in each political subdivision in the state which has imposed a surtax, and shall certify to the state comptroller the amount of total political subdivision income surtax credited from the taxpayers of each political subdivision. Additional returns in process, if any, at the time of certification shall be completed and the additional amount of income surtax reported to the state comptroller for distribution back to the political subdivision when such processing is completed.

5. The state comptroller shall draw warrants in payment of the amount of surtax payable to each of the political subdivisions in two installments to be paid on approximately the first day of December and the first day of February, and shall cause the warrants to be delivered to the respective political subdivisions."

2. Page 3, by striking lines 1 through 47.

3. Page 4, line 40, by inserting after the word "state" the words "and to impose an income surtax by referendum for certain budget expenditures".

Roll call was requested by Varley of Adair and Middleton of Black Hawk.

On the question "Shall amendment H—5272, to amendment H—5241, be adopted?"

The ayes were, 40:

Bennett	Drake	Lageschulte	Nielsen
Bortell	Evans	Lindeen	Pellett
Branstad	Gentleman	McElroy	Readinger
Brockett	Halvorson	Menke	Stromer
Byerly	Hansen	Mennenga	Tofte
Clark	Harvey	Middleton	Varley
Crabb	Horn	Millen	Welden
Daggett	Jordan	Miller, K. D.	West
Danker	Junker	Nealson	Woods
Den Herder	Kreamer	Newhard	Wulff

The nays were, 58:

Anderson	Egenes	Jochum	Poncy
Avenson	Fitzgerald	Koogler	Rinas
Baker	Gilloon	Krause	Scheelhaase
Bina	Griffee	Lonergan	Schroeder
Bittle	Hargrave	Middleswart	Small
Brandt	Harper	Miller, A. V.	Spear
Brunow	Hennessey	Miller, O. L.	Spencer
Caffrey	Higgins	Monroe	Spradling
Connors	Hines	Norland	Svoboda
Crawford	Hinkhouse	Oakley	Tauke
Cusack	Howell	O'Halloran	Walter
Dieleman	Hullinger	Patchett	Wells
Doyle	Husak	Pavich	Wyckoff
Dunton	Hutchins	Perkins	Mr. Speaker
Dyrland	Jesse		

Absent or not voting, 1:

Lipsky

Amendment H—5272 lost.

Stromer of Hancock offered the following amendment H—5259, to amendment H—5241, filed by him and moved its adoption:

H—5259

Amend amendment H—5241, to Senate File 1062, as follows:

1. Page 3, by inserting after line 6 the following:

"Sec. 4. BUDGET EXCESS REVENUE

If a budget approved after a second public hearing provided in Section 3 of this Act shall exceed the allowable growth guideline, the amount approved in excess of the allowable growth guideline shall be raised by a combination of one-half from a property tax levy and one-half from an earnings tax. The earnings tax shall be as provided in Section 5 of this Act.

"Sec. 5. EARNINGS TAX

1. The local earnings tax shall be imposed on every individual resident and nonresident taxpayer exclusive of fiduciaries and corporations, at a rate determined by the state comptroller of the taxpayer's Iowa taxable income derived from work performed and services rendered within the limits of the city or county imposing the tax.

2. For purposes of this section, "nonresident taxpayer" means an individual taxpayer who derives income from sources within the city or county imposing the tax although his principal place of residence is not in the city or county, and a fiduciary or a corporation which is a taxpayer and which derives income from sources within the city or county imposing the tax and "income derived from sources within the city or county" means income of every kind produced as a result of work performed, services rendered,

goods sold, and other business activities conducted in the city or county imposing the tax, and includes, but is not limited to dividends and interest from investment property with a situs within the city or county, capital gains in excess of capital losses on property located within the city or county, and rental income from real and tangible personal property located within the city or county imposing the tax.

3. The director of revenue shall administer the provisions of a local earnings tax as nearly as possible in conjunction with the administration of state income tax laws. He shall provide appropriate forms, or provide on the regular state tax forms, for reporting local earnings tax liability.

An ordinance of a city council or resolution of a county board of supervisors imposing a local earnings tax shall adopt by reference the applicable provisions of the appropriate sections of chapter four hundred twenty-two (422), division two (II) of the Code for

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a local income tax and all powers of the director and requirements of the director in administering the state income tax law are applicable to his administration of a local earnings tax as applicable, including but not limited to powers to impose interest and penalties, and requirements for hearing and appeal. Local officials shall confer with the director of revenue and obtain his assistance in drafting the ordinance or resolution imposing a local earnings tax. A certified copy of the ordinance or resolution imposing a local earnings tax shall be filed with the director as soon as possible after passage.

The director, in consultation with local officials, shall collect and account for a local earnings tax. The director shall retain for the use of the department of revenue one percent of all local earnings tax receipts, to cover administrative expense, and shall credit remaining local earnings tax receipts to a "local tax fund" hereby established in the office of the treasurer of state.

4. The treasurer of state shall remit quarterly to the cities and counties which have imposed a local earnings tax and which have qualified under sections six (6) or seven (7) of this Act, their share of the balance in the local tax fund. The local tax fund is appropriated for this purpose.

Sec. 6. Section four hundred twenty-two point seventy-two (422.72), subsection one (1), Code 1975, is amended to read as follows:

1. It shall be unlawful for the director, or any person having an administrative duty under this chapter, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records

and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the director may authorize examination of such returns by other state officers, *by Iowa city or county officials if the city or county has imposed a local tax*, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government. This subsection shall prevail over the

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provisions of any general law of this state relating to public records."

2. By renumbering sections to comply with this amendment.

Roll call was requested by Stromer of Hancock and Higgins of Scott.

On the question "Shall amendment H—5259, to amendment H—5241, be adopted?"

The ayes were, 9:

Clark	Lindeen	McElroy	Tofte
Crabb	Lipsky	Stromer	Welden
Hansen			

The nays were, 88:

Anderson	Dunton	Jochum	Patchett
Avenson	Dyrland	Jordan	Pavich
Baker	Egenes	Junker	Pellett
Bennett	Evans	Koogler	Perkins
Bina	Fitzgerald	Krause	Poncy
Bittle	Gentleman	Kreamer	Readinger
Bortell	Gilloon	Lageschulte	Rinas
Brandt	Griffee	Lonergan	Scheelhaase
Branstad	Halvorson	Menke	Schroeder
Brockett	Hargrave	Mennenga	Small
Brunow	Harper	Middleswart	Spear
Byerly	Harvey	Middleton	Spencer
Caffrey	Hennessey	Miller, A. V.	Spradling
Connors	Higgins	Miller, K. D.	Svoboda
Crawford	Hines	Miller, O. L.	Tauke
Cusack	Hinkhouse	Monroe	Walter
Daggett	Horn	Nealson	Wells
Danker	Howell	Newhard	West
Den Herder	Hullinger	Nielsen	Woods
Dieleman	Husak	Norland	Wulff
Doyle	Hutchins	Oakley	Wyckoff
Drake	Jesse	O'Halloran	Mr. Speaker

Absent or not voting, 2:

Millen	Varley

Amendment H—5259 lost.

Evans of Grundy offered the following amendment H—5267, to amendment H—5241, filed by him:

H—5267

Amend the Norland, et al., amendment, H—5241, to Senate File 1062 as follows:

1. Page 3, after line 6, add the following new section:

"Sec. 4. ALLOWABLE GROWTH GUIDELINE—LOCAL REFERENDUM. If a local subdivision decides to exceed the budget guideline established by this Act, after a second hearing, a petition may be filed calling for a referendum on the issue.

Such a petition must be filed within ten days after a second hearing. A number of eligible electors equal to five percent of the number of votes cast for the governor in the last general election must be secured.

The referendum must be held within ten days after the filing of the petition.

The question shall be stated as follows: Shall the certified budget of (name of political subdivision) be limited to not more than the allowable growth guideline established by the General Assembly?

If sixty (60) percent of votes cast for the proposition favors the allowable growth guideline limitation the county auditor shall adjust the certified budget of such political subdivision accordingly and certify such changes to the governing body of the political subdivision."

Wells of Linn in the chair at 3:47 p.m.

Hargrave of Johnson in the chair at 3:57 p.m.

Evans of Grundy moved the adoption of amendment H—5267, to amendment H—5241.

A non-record roll call was requested.

The ayes were 38, nays 55.

Amendment H—5267 lost.

Caffrey of Polk offered the following amendment H—5244, to amendment H—5241, filed by Caffrey, et al.:

H—5244

Amend the Norland amendment H—5241, to Senate File 1062 as amended, passed and reprinted by the Senate as follows:

1. Page 4, by inserting after line 26 the following new section:

"Sec. ..... FUNDING OF ADDITIONAL DUTIES OR FUNCTIONS. If an Act or resolution passed after the effective date of this Act, except a legalizing act or resolution, of the general assembly or an administrative rule promulgated by a state agency imposes a duty or function which has a fiscal impact on a local budget requiring additional expenditures upon the governing body or any officer or employee of a city, county, or any other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation, the governing body or any officer or employee of such local governmental entity shall not be required to carry out such duty or function unless the general assembly appropriates moneys or the state agency provides a grant of moneys to such local governmental entity specifically to pay the cost of carrying out such duty or function."

Higgins of Scott rose on a point of order that amendment H—5244 was not germane.

The Speaker propounded the question to the House.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 59, nays 35

Amendment H—5244 was ruled germane.

Speaker Cochran in the chair at 4:18 p.m.

Caffrey of Polk moved the adoption of amendment H—5244, to amendment H—5241.

Roll call was requested by Clark of Lee and Harvey of Scott.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5244, to amendment H—5241, be adopted?"

The ayes were, 47:

Bennett	Den Herder	Lageschulte	Perkins
Bittle	Drake	Lindeen	Readinger
Bortell	Egenes	Lipsky	Schroeder
Branstad	Evans	McElroy	Stromer
Brockett	Gentleman	Menke	Tauke
Byerly	Halvorson	Millen	Tofte
Caffrey	Hansen	Miller, K. D.	Varley
Clark	Harvey	Nealson	Walter
Crabb	Horn	Newhard	Welden
Crawford	Husak	Nielsen	Woods
Daggett	Junker	Oakley	Wulff
Danker	Kreamer	Pellett	

The nays were, 49:

Anderson	Griffee	Koogler	Poncy
Avenson	Hargrave	Krause	Rinas
Baker	Harper	Lonergan	Scheelhaase
Bina	Hennessey	Mennenga	Small
Brandt	Higgins	Middleswart	Spear
Brunow	Hinkhouse	Middleton	Spencer
Cusack	Howell	Miller, A. V.	Spradling
Dieleman	Hullinger	Miller, O. L.	Svoboda
Doyle	Hutchins	Norland	Wells
Dunton	Jesse	O'Halloran	West
Dyrland	Jochum	Patchett	Wyckoff
Fitzgerald	Jordan	Pavich	Mr. Speaker
Gilloon			

Absent or not voting, 3:

Connors	Hines	Monroe

Amendment H—5244 lost.

Lipsky of Lynn offered the following amendment H—5246, to amendment H—5241, filed by her:

H—5246

Amend H—5241 to Senate File 1062 as follows:

1. Page 4, by inserting after line 26 the following:

"Sec. ..... LIMITATION—ON INDIVIDUAL TAX LIABILITY.

1. Notwithstanding the provisions of chapter four hundred forty-five (445) of the Code, the owner of residential property having an assessed value of forty thousand dollars or less and eligible for a homestead tax credit under chapter four hundred twenty-five (425) of the Code, shall not be required to pay a property tax on such property which exceeds the property taxes paid on such property for the base year plus an increase of ten percent of the base year's tax liability. However, if the owner of residential property which is eligible for the property tax limitation under this subsection has resided at such property for twenty years or more, the property tax liability on such property shall not exceed the property taxes paid on such property for the base year plus an increase of five percent of the base year's tax liability.

2. If the assessed value of the property eligible for the property tax limitation under subsection one (1) of this section is increased because of new construction, the assessed value of such new construction shall be subject to the full property tax levy for the first fiscal year that the property is subject to taxation. Thereafter, the property tax limitation as provided in subsection one (1) of this section shall apply to the total assessed valuation of such property.

3. The amount of any property tax which is uncollectible because of the property tax limitation as provided in this section shall be apportioned among the taxing districts certifying a property tax to be levied against such properties and the amount of property taxes to be levied and collected for such taxing districts shall be correspondingly reduced."

2. Amend the title, line 2, by inserting after the word "state" the words ", to provide a property tax limitation for certain individual property owners,".

Jesse of Polk rose on a point of order that amendment H—5246, to amendment H—5241, was not germane.

The Speaker ruled the point well taken and amendment H—5246 not germane.

Lipsky of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H—5246.

Roll call was requested by Lipsky of Linn and Crawford of Story.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H—5246?"

The ayes were, 43:

Bennett	Den Herder	Kreamer	Readinger
Bittle	Drake	Lageschulte	Schroeder
Bortell	Egenes	Lindeen	Stromer
Branstad	Evans	Lipsky	Tauke
Brockett	Gentleman	McElroy	Tofte
Caffrey	Halvorson	Menke	Varley
Clark	Hansen	Millen	Welden
Crabb	Harvey	Nealson	West
Crawford	Higgins	Nielsen	Woods
Daggett	Jochum	Oakley	Wulff
Danker	Junker	Pellett	

The nays were, 54:

Anderson	Gilloon	Krause	Pavich
Avenson	Griffee	Lonergan	Perkins
Baker	Hargrave	Mennenga	Poncy
Bina	Harper	Middleswart	Rinas
Brandt	Hennessey	Middleton	Scheelhaase
Brunow	Hinkhouse	Miller, A. V.	Small
Byerly	Horn	Miller, K. D.	Spear
Connors	Howell	Miller, O. L.	Spencer
Cusack	Hullinger	Monroe	Spradling
Dieleman	Husak	Newhard	Walter
Doyle	Hutchins	Norland	Wells
Dunton	Jesse	O'Halloran	Wyckoff
Dyrland	Jordan	Patchett	Mr. Speaker
Fitzgerald	Koogler		

Absent or not voting, 2:

Hines Svoboda

The motion lost.

The Speaker ruled that amendment H—5248, to amendment H—5241, filed by Clark of Lee on February 18, 1976, and found on pages 526 and 527 of the House Journal, was out of order.

Crawford of Story offered the following amendment H—5268, to amendment H—5241, filed by Crawford, et al.:

H—5268

Amend the Norland amendment H—5241 to Senate File 1062 as follows:

1. Page 4, by inserting after line 26 the following:

"Sec. ..... There is created a task force on local government which shall be composed of twelve members who are interested and knowledgeable in affairs of local government. All members shall be appointed by the governor to serve at the pleasure of the governor. A member shall not hold any other elected state office, nor shall more than five members hold elected office in any political subdivision of the state. The state comptroller, the director of revenue, or their designated representatives, and a member of the state board of tax review shall serve as ex officio members of the task force.

Any vacancy in the membership of the task force shall be filled by appointment in the same manner as the original appointments.

The members of the task force shall receive their actual and necessary expenses incurred in the performance of their official duties.

Sec. ..... The governor may employ such professional, technical, and administrative assistance as shall be necessary to accomplish the purpose of this Act.

Sec. ..... The task force on local government shall:

1. Study and evaluate local government funding and budgeting procedures.

2. Study and evaluate present property assessment procedures.

3. Determine the relative burdens imposed on the various classes of property by current valuations and assessment procedures.

4. Review and evaluate the impact on local government spending by actions mandated by the state and the federal government.

5. Determine whether services provided by local governmental units may be more economically or efficiently provided by other units of government and how these services should be funded.

6. Study and evaluate the need or advisability of imposing continuing budget limitations on local

government or imposing limitations upon the amount of property taxes which may be collected.

Sec. ..... The task force on local government shall transmit its recommendations accompanied by proposed legislative bill drafts necessary to implement its recommendations to the governor and members of the Sixty-seventh General Assembly not later than March 15, 1977. Copies of the recommendations and of the recommended legislation shall be transmitted to the

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president of the senate and speaker of the house of representatives whereupon the respective presiding officer shall within ten legislative days after the date of receipts, assign the proposed legislation to the appropriate standing committee for committee consideration."

2. Page 4, line 40, by inserting after the word "state" the words "and creating a task force to study local government funding and property assessment procedures."

Gilloon of Dubuque rose on a point of order that amendment H—5268 was not germane.

The Speaker ruled the point not well taken and amendment H—5268 germane.

Crawford of Story moved the adoption of amendment H—5268, to amendment H—5241.

Roll call was requested by Avenson of Fayette and Bennett of Ida.

On the question "Shall amendment H—5268, to amendment H—5241, be adopted?"

The ayes were, 46:

Bennett	Drake	McElroy	Schroeder
Bittle	Egenes	Menke	Small
Bortell	Evans	Middleswart	Stromer
Branstad	Gentleman	Millen	Tauke
Brockett	Halvorson	Miller, K. D.	Tofte
Byerly	Hansen	Nealson	Varley
Clark	Harvey	Newhard	Walter
Crabb	Junker	Nielsen	Welden
Crawford	Kreamer	Oakley	West
Daggett	Lageschulte	Pellett	Woods
Danker	Lindeen	Readinger	Wulff
Den Herder	Lipsky		

The nays were, 52:

Anderson	Brunow	Doyle	Griffee
Avenson	Caffrey	Dunton	Hargrave
Baker	Connors	Dyrland	Harper
Bina	Cusack	Fitzgerald	Hennessey
Brandt	Dieleman	Gilloon	Hines

Hinkhouse	Jordan	Monroe	Scheelhaase
Horn	Koogler	Norland	Spear
Howell	Krause	O'Halloran	Spencer
Hullinger	Lonergan	Patchett	Spradling
Husak	Mennenga	Pavich	Svoboda
Hutchins	Middleton	Perkins	Wells
Jesse	Miller, A. V.	Poncy	Wyckoff
Jochum	Miller, O. L.	Rinas	Mr. Speaker

Absent or not voting, 1:
Higgins

Amendment H—5268 lost.

Bittle of Polk called up for consideration the motion to reconsider the West amendment H—5237 to Senate File 1062 filed by him on February 18, 1976, and moved to reconsider the vote by which amendment H—5237 failed to be adopted by the House.

Roll call was requested by Schroeder of Pottawattamie and Oakley of Clinton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5237 be reconsidered?"

The ayes were, 47:

Bennett	Drake	Kreamer	Readinger
Bittle	Dyrland	Lageschulte	Schroeder
Bortell	Egenes	Lindeen	Stromer
Branstad	Evans	Lipsky	Tauke
Brockett	Gentleman	McElroy	Tofte
Byerly	Halvorson	Menke	Varley
Clark	Hansen	Millen	Walter
Crabb	Harper	Nealson	Welden
Crawford	Harvey	Newhard	West
Daggett	Horn	Nielsen	Woods
Danker	Junker	Oakley	Wulff
Den Herder	Koogler	Pellett	

The nays were, 52:

Anderson	Gilloon	Jordan	Pavich
Avenson	Griffee	Krause	Perkins
Baker	Hargrave	Lonergan	Poncy
Bina	Hennessey	Mennenga	Rinas
Brandt	Higgins	Middleswart	Scheelhaase
Brunow	Hines	Middleton	Small
Caffrey	Hinkhouse	Miller, A. V.	Spear
Connors	Howell	Miller, K. D.	Spencer
Cusack	Hullinger	Miller, O. L.	Spradling
Dieleman	Husak	Monroe	Svoboda
Doyle	Hutchins	Norland	Wells
Dunton	Jesse	O'Halloran	Wyckoff
Fitzgerald	Jochum	Patchett	Mr. Speaker

Absent or not voting, none.

The motion lost.

Welden of Hardin moved to suspend the rules for the consideration of amendment H—5245.

Small of Johnson rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Bittle of Polk move to supend the rules for the consideration of amendment H—5245.

Roll call was requested by Kreamer of Polk and Crabb of Crawford.

On the question "Shall the rules be suspended to consider amendment H—5245?"

The ayes were, 39:

Bennett	Egenes	Lindeen	Schroeder
Bittle	Evans	Lipsky	Stromer
Bortell	Halvorson	McElroy	Tauke
Brockett	Hansen	Menke	Tofte
Clark	Harvey	Millen	Varley
Crabb	Hines	Nealson	Welden
Crawford	Junker	Nielsen	West
Danker	Koogler	Oakley	Woods
Den Herder	Kreamer	Pellett	Wulff
Drake	Lageschulte	Readinger	

The nays were, 56:

Anderson	Fitzgerald	Jochum	Patchett
Avenson	Gilloon	Jordan	Pavich
Baker	Griffee	Krause	Perkins
Bina	Hargrave	Lonergan	Poncy
Brandt	Harper	Mennenga	Scheelhaase
Brunow	Hennessey	Middleswart	Small
Byerly	Higgins	Middleton	Spear
Caffrey	Hinkhouse	Miller, A. V.	Spencer
Connors	Horn	Miller, K. D.	Spradling
Cusack	Howell	Miller, O. L.	Svoboda
Dieleman	Hullinger	Monroe	Walter
Doyle	Husak	Newhard	Wells
Dunton	Hutchins	Norland	Wyckoff
Dyrland	Jesse	O'Halloran	Mr. Speaker

Absent or not voting, 4:

Branstad	Daggett	Gentleman	Rinas

The motion lost.

Schroeder of Pottawattamie moved that the House adjourn until 10:00 a.m., Friday, February 20, 1976.

The motion lost.

Tauke of Dubuque rose on a point of order that division was called for.

The Speaker ruled the point not well taken as the vote had already been stated.

Menke of O'Brien moved that the House adjourn until 9:00 a.m., Friday, February 20, 1976.

Roll call was requested by Menke of O'Brien and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question "Shall the House adjourn?"

The ayes were, 37:

Bennett	Den Herder	Lageschulte	Readinger
Bittle	Drake	Lindeen	Schroeder
Bortell	Egenes	Lipsky	Stromer
Branstad	Evans	McElroy	Tauke
Brockett	Halvorson	Menke	Tofte
Clark	Hansen	Millen	Varley
Crabb	Harvey	Nealson	Welden
Crawford	Junker	Oakley	West
Daggett	Kreamer	Pellett	Wulff
Danker			

The nays were, 61:

Anderson	Griffee	Koogler	Pavich
Avenson	Hargrave	Krause	Perkins
Baker	Harper	Lonergan	Poncy
Bina	Hennessey	Mennenga	Rinas
Brandt	Higgins	Middleswart	Scheelhaase
Brunow	Hines	Middleton	Small
Byerly	Hinkhouse	Miller, A. V.	Spear
Caffrey	Horn	Miller, K. D.	Spencer
Connors	Howell	Miller, O. L.	Spradling
Cusack	Hullinger	Monroe	Svoboda
Dieleman	Husak	Newhard	Walter
Doyle	Hutchins	Nielsen	Wells
Dunton	Jesse	Norland	Woods
Dyrland	Jochum	O'Halloran	Wyckoff
Fitzgerald	Jordan	Patchett	Mr. Speaker
Gilloon			

Absent or not voting, 1:

Gentleman

The motion lost.

Bina of Scott moved the adoption of amendment H—5241, as amended.

Roll call was requested by Bina of Scott and Dyrland of Clayton.

Rule 69 was invoked.

On the question "Shall amendment H—5241, as amended, be adopted?"

The ayes were, 53:

Anderson	Gilloon	Jordan	Perkins
Avenson	Griffee	Krause	Poncy
Baker	Hargrave	Lonergan	Rinas
Bina	Harper	Middleswart	Scheelhaase
Brandt	Hennessey	Middleton	Small
Byerly	Higgins	Miller, A. V.	Spear
Caffrey	Hines	Miller, K. D.	Spencer
Connors	Howell	Miller, O. L.	Spradling
Cusack	Hullinger	Newhard	Svoboda
Dieleman	Husak	Norland	Walter
Doyle	Hutchins	O'Halloran	Wells
Dunton	Jesse	Patchett	Wyckoff
Dyrland	Jochum	Pavich	Mr. Speaker
Fitzgerald			

The nays were, 46:

Bennett	Drake	Lageschulte	Pellett
Bittle	Egenes	Lindeen	Readinger
Bortell	Evans	Lipsky	Schroeder
Branstad	Gentleman	McElroy	Stromer
Brockett	Halvorson	Menke	Tauke
Brunow	Hansen	Mennenga	Tofte
Clark	Harvey	Millen	Varley
Crabb	Hinkhouse	Monroe	Welden
Crawford	Horn	Nealson	West
Daggett	Junker	Nielsen	Woods
Danker	Koogler	Oakley	Wulff
Den Herder	Kreamer		

Absent or not voting, none.

Amendment H—5241, as amended, was adopted.

With the adoption of amendment H—5241, as amended, the following amendments are out of order:

H—5233 filed by Schroeder of Pottawattamie on February 17, 1976, and found on page 416 of the House Journal.

H—5236 filed by Lipsky of Linn on February 17, 1976, and found on page 417 of the House Journal.

H—5239 filed by Hutchins and Hansen on February 17, 1976, and found on page 425 of the House Journal.

H—5242 filed by Nealson of Muscatine on February 18, 1976, and found on page 535 of the House Journal.

H—5245 filed by Welden of Hardin on February 18, 1976, and found on page 535 of the House Journal.

H—5255 filed by Stromer of Hancock on February 18, 1976, and found on pages 536 through 539 of the House Journal.

H—5258 filed by Cusack of Scott on February 18, 1976, and found on pages 539 and 540 of the House Journal.

H—5261 filed by Varley of Adair on February 18, 1976, and found on pages 535 and 536 of the House Journal.

H—5262 filed by Harvey of Scott on February 18, 1976, and found on page 536 of the House Journal.

H—5264 filed by West of Marshall on February 18, 1976, and found on page 536 of the House Journal.

H—5265 filed by West of Marshall on February 18, 1976, and found on page 539 of the House Journal.

H—5270 filed by Oakley of Clinton on February 18, 1976, and found on page 535 of the House Journal.

Norland of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1062)

The ayes were, 52:

Anderson	Griffee	Krause	Perkins
Avenson	Hargrave	Lonergan	Poncy
Baker	Harper	Mennenga	Rinas
Bina	Hennessey	Middleswart	Scheelhaase
Brandt	Higgins	Middleton	Small
Caffrey	Hines	Miller, A. V.	Spear
Cusack	Howell	Miller, K. D.	Spencer
Dieleman	Hullinger	Miller, O. L.	Spradling
Doyle	Husak	Newhard	Svoboda
Dunton	Hutchins	Norland	Walter
Dyrland	Jesse	O'Halloran	Wells
Fitzgerald	Jochum	Patchett	Wyckoff
Gilloon	Jordan	Pavich	Mr. Speaker

The nays were, 47:

Bennett	Danker	Koogler	Pellett
Bittle	Den Herder	Kreamer	Readinger
Bortell	Drake	Lageschulte	Schroeder
Branstad	Egenes	Lindeen	Stromer
Brockett	Evans	Lipsky	Tauke
Brunow	Gentleman	McElroy	Tofte
Byerly	Halvorson	Menke	Varley
Clark	Hansen	Millen	Welden
Connors	Harvey	Monroe	West
Crabb	Hinkhouse	Nealson	Woods
Crawford	Horn	Nielsen	Wulff
Daggett	Junker	Oakley	

Absent or not voting, none.

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

Byerly of Polk requested, under Rule 69, to change his vote from "nay" to "aye" on Senate File 1062.

The Speaker ruled that a changing of vote would not be in order under Rule 69.

MOTION TO RECONSIDER LOST
(Senate File 1062)

Norland of Worth asked for unanimous consent that Senate File 1062 be immediately messaged to the Senate.

Objection was raised.

Norland of Worth moved that Senate File 1062 be immediately messaged to the Senate.

Norland of Worth asked and received unanimous consent to withdraw his motion for an immediate message.

Norland of Worth moved to reconsider the vote by which Senate File 1062 passed the House.

A non-record roll call was requested.

The ayes were 41, nays 54.

The motion lost.

HOUSE CONCURRENT RESOLUTION 109
By Junker and Rinas

Whereas, monitoring or electronic surveillance of telephone conversations by government, business, or private citizens is an invasion of privacy and morally wrong unless done with a court order in connection with a crime or subversive act against our government; and

Whereas, the current legal authority for employers to monitor employees is included in the Omnibus Crime Control and Safe Streets Act of 1968; and

Whereas, only two states provide some type of safeguard against employers use of wiretapping or monitoring of employees; and

Whereas, many companies employ monitoring, as a disciplinary tool under the guise of quality control; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to appoint a bipartisan interim study

committee composed of both houses of the general assembly to study problems of invasion of privacy resulting from monitoring and wiretapping and to report its finding with proposed legislation designed to severely circumscribe all forms of monitoring and wiretapping to the legislative council and the general assembly.

Laid over under Rule 25.

REMOVED FROM UNANIMOUS CONSENT CALENDAR
(House Resolution 104)

Under the provisions of House Rule 26, I respectfully request that House Resolution 104 be removed from the unanimous consent calendar.

MILLEN of Van Buren

SUBCOMMITTEE ASSIGNMENTS

S. B. 108 Transportation
Relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations.

S. B. 109 Agriculture
Relating to the moisture sampling of grain.

S. B. 110 Agriculture
Relating to the weighing of bulk commodities.

REPORTS OF COMMITTEES

Patchett of Johnson, from the committee on education, submitted the following report:

MR. SPEAKER: Your committee on education to whom was referred **Senate File 205**, a bill for an act relating to the issuance, continuation, and termination of teacher's contracts, begs leave to report it has had the same under consideration and has instructed me to report the same back to the

House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5285

Amend Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 9, by inserting after the word "district" the words "and nurses employed by the board, excluding superintendents, assistant superintendents, principals, and assistant principals".

2. Page 1, line 13, by striking the word "sabbatical" and inserting in lieu thereof the word "educational".

3. Page 1, line 15, by striking the words "approved courses" and inserting in lieu thereof the words "courses approved by the board of directors, and which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

For the purpose of this section "educational leave" means a leave granted to an employee for the purposes of study including study in areas outside of a teacher's area of specialization, travel, or other reasons deemed by the board to be of value to the school system".

4. Page 1, line 20, by inserting after the word "president" the words "of the board".

5. Page 1, line 25, by inserting after the word "two" the word "consecutive".

6. Page 1, line 25, by inserting after the word "teacher" the words " in the same school district".

7. Page 1, by striking lines 34 and 35 and inserting in lieu thereof the words "prior to March first of any year."

8. Page 2, by striking lines 1 through 4 and inserting in lieu thereof the following: "A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs first. However, a teacher shall not be required to return a contract to the board less than twenty-one days after the contract has been offered."

9. Page 2, line 17, by striking the word "letter" and inserting in lieu thereof the word "notice".

10. Page 2, line 19, by striking the word ": Incompetency" and inserting in lieu thereof the words "any just cause affecting performance of duties which may include incompetency".

11. Page 2, lines 24 and 25, by striking the words "any other just cause affecting performance of

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duties,".

12. Page 2, line 31, by inserting after the word "teacher" the words "a definite".

13. Page 2, line 31, by inserting after the word "time" the words "as determined by the board".

14. Page 3, by striking lines 1 through 4 and inserting in lieu thereof the word "supervisors."

15. Page 3, line 18, by striking the words "his representative" and inserting in lieu thereof the words "the superintendent's representative".

16. Page 3, line 18, by striking the words "and his" and inserting in lieu thereof the words "and the teacher's".

17. Page 3, line 19, by inserting after the word "any," the words "not to exceed five,".

18. Page 3, line 19, by inserting after the word "supervisor" the words "and the supervisor's representatives, if any".

19. Page 3, line 26, by striking the words "school board member" and inserting in lieu thereof the words "participant in the conference".

20. Page 3, line 27, by striking the word "teacher" and inserting in lieu thereof the word "person".

21. Page 3, by striking line 32 and inserting in lieu thereof the words "to the board."

22. Page 3, by striking lines 33, 34, and 35.

23. Page 4, by striking line 1.

24. Page 4, line 8 by inserting after the word "contract." the sentence: "If a private conference has been held, the school board shall consider at the meeting the written recommendation submitted by the superintendent and the written statement of the teacher if one has been submitted."

25. Page 4, line 15, by striking the word "promply" and inserting in lieu thereof the word "promptly".

26. Page 4, line 19, by striking all after the word "contract."

27. Page 4, by striking all of lines 20 through 34.

28. Page 4, line 35, by striking the words "the Code."

29. Page 6, line 9, by striking the word "thirty" and inserting in lieu thereof the word "forty".

30. Page 6, line 10, by inserting after the word "following" the words "selection of the arbitrator or".

31. Page 6, by striking lines 15 through 21 and inserting in lieu thereof the words "and award back pay. A complete transcript of the".

32. Page 6, line 24, by striking the word

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"judgment" and inserting in lieu thereof the word "decision".

33. Page 6, line 26, by inserting after the word "shared" the word "equally".

34. Page 6, by inserting after line 27 the following subsection:

"..... If either party is aggrieved by the arbitrator's decision, the decision may be appealed within twenty days to the district court in the county in which the hearing was held. Notice of the appeal shall be made in writing to the other party when the appeal is filed. The arbitrator's award may be modified, reversed, or set aside if the court determines that the arbitrator acted without or in excess of the arbitrator's authority or that the arbitrator's findings of fact are not supported by a preponderance of the competent evidence on the record considered as a whole, or that the arbitrator's award was procured by fraud or is contrary to law. The assessments of costs and attorney fees in such appeals shall be at the discretion of the court."

35. Page 6, by striking lines 28 through 32 and by inserting in lieu thereof the following:

"..... The first two consecutive years of employment of a teacher in the same school district are a probationary period. However, a board of directors may waive the probationary period for any teacher who previously has served a probationary period in another school district. If the board is considering termination of a probationary teacher's contract, the board shall notify the probationary teacher in writing, listing any alleged deficiencies and providing the probationary teacher with a definite reasonable time to correct the deficiencies. If the deficiencies are not corrected to the board's satisfaction, the contract of a probationary status teacher may be terminated at the end of the contract period upon written notice to that effect prior to April first of any year. The written notice shall state the reasons for termination. Following receipt of the written notice, the probationary teacher may request a private conference with the board, which shall be held in accordance with the provisions of subsection four (4) of this section. Within three days following the private conference, the superintendent shall make a written recommendation to the board. The board, at its next meeting, shall, by roll call vote, decide the retention or termination of the probationary teacher. The board's decision shall be final and binding unless the termination

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was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section twenty point ten (20.10)

of the Code."

36. Page 7, line 4, by inserting after the word "for" the words "any just cause which may include".

37. Page 7, line 4, by striking the word "incompetency," and inserting in lieu thereof the words "incompetency or".

38. Page 7, lines 5 and 6, by striking the words ", or any other just cause".

39. Page 7, by striking lines 7 through 10 and inserting in lieu thereof the words "the board shall conduct, at a meeting of the board held for that purpose, a complete and impartial investigation of the specific reasons for the proposed action. The teacher shall receive three days written notice of the time and place of such meeting, a specification of the alleged causes for discharge and a list of the witnesses proposed to be called by the board, together with a brief summary of their expected testimony. The teacher and the teacher's representatives if any not to exceed five shall be allowed to be present at the meeting, to call and cross examine witnesses, and to otherwise make a defense. A record of the".

40. Page 7, by striking lines 19 through 23 and inserting in lieu thereof the following: "However, the superintendent may suspend a teacher for any of the reasons listed in this section and recommend that the board discharge the teacher. The superintendent shall immediately notify the board of the suspension. The board shall meet within seven days of receipt of the notice to consider discharging the teacher and shall conduct a complete and impartial investigation of the specific reasons for the recommended discharge in the same manner as if the teacher had not been suspended. The teacher shall be notified by personal service of the time and place of the meeting immediately after the meeting time and place have been set. If the board votes not to discharge the teacher, the teacher shall be reinstated and the board shall award back pay for the period during which the teacher was suspended."

41. By numbering subsections as necessary.

PATCHETT of Johnson, Chair

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following reports:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 1008**, a bill for an act relating to the sale of beer and alcoholic beverages, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

JESSE of Polk, Chair

Also:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 1074**, a bill for an act relating to the court costs and fees imposed in non-indictable misdemeanor actions, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

JESSE of Polk, Chair

Also:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 1245**, a bill for an act to legalize and validate the proceedings of the city of Ames, in Story county, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

JESSE of Polk, Chair

Also:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 1299**, a bill for an act to legalize proceedings taken by the county board of supervisors of Sac county relating to the purchase of certain land, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

JESSE of Polk, Chair

Also:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **Senate File 345**, a bill for an act relating to the method used by judges of election to select and certify potential jurors, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

JESSE of Polk, Chair

AMENDMENTS FILED

H—5287

Amend House File 1308 as follows:
1. Page 1, by striking lines 1 through 17.
2. By renumbering the sections to conform with this amendment.

BORTELL of Madison

H—5286

Amend House File 1313 as follows:
1. By striking everything after the enacting clause and inserting in lieu thereof the following:
"Section 1. Section seven hundred forty-nine A point five (749A.5), Code 1975, is amended to read as follows:

749A.5 STATE MEDICAL EXAMINER. There is [hereby] created the position of state medical examiner. The state medical examiner shall be a physician and surgeon or osteopathic physician and surgeon[and], *shall* be licensed to practice medicine in the state of Iowa, and *shall* possess special knowledge in forensic pathology. The state medical examiner shall be appointed by and serve at the pleasure of the [governor] *commissioner of public safety*. The state medical examiner may be a faculty member of the college of medicine or the college of law at the University of Iowa, and any of [his] *the state medical examiner's* assistants or staff may be members of the faculty or staff of the college of medicine or the college of law at the University of Iowa."

2. Amend the title, line 1, by striking the word "abolishing" and inserting in lieu thereof the words "relating to".

KRAUSE of Palo Alto

H—5288

Amend House File 1332, page 12, by inserting after line 5 the following new section:

"Sec. ..... Section three hundred twenty-one point fifty-two (321.52), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Where in the course of operation, a motor vehicle is destroyed to the extent that the insurer makes a cash settlement with an insured, the insurer shall apply for registration and title with the county treasurer. The treasurer shall issue a restricted title for the vehicle to the insurer. The insurer may transfer the damaged vehicle using the registration and restricted title to any purchaser. Upon repair of the vehicle, the purchaser may present the restricted title and a vehicle inspection certificate and acquire a valid title to the vehicle."

MILLER of Buchanan

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Menke of O'Brien, the House adjourned at 8:17 p.m. until 10:00 a.m., Friday, February 20, 1976.

JOURNAL OF THE HOUSE

Fortieth Calendar Day—Twenty-eighth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, FEBRUARY 20, 1976

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

Prayer was offered by the Reverend Robert Lemmerman, pastor of the Nashua United Methodist Church, Nashua, Iowa.

The Journal of Thursday, February 19, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William Seidler, Jr., Jamaica, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oakley of Clinton on request of Tauke of Dubuque; Jordan of Linn on request of Miller of Buchanan; Crabb of Crawford on request of Millen of Van Buren.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Fifty fifth and sixth grade students from Pleasant Hill Elementary School, Des Moines, Iowa, accompanied by Mr. Coenen and Mrs. Watson.

Twelve members of S.C.A.T.E. from South East Polk High School, Runnells, Iowa. By Nielsen of Polk.

Thirty-two fifth grade students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Miss Genoar and Mrs. Kraus. By Bittle of Polk.

Eighty members of the Linn County 4-H Club, Cedar Rapids, Iowa, accompanied by Tom McCormick. By Horn of Linn, Lipsky of Linn, Rinas of Linn and Wells of Linn.

PETITIONS FILED

The following petitions were received and placed on file:

By Miller of Calhoun from thirty-four citizens of Calhoun County opposing Senate File 205, an act related to the issuance, continuation and termination of the teachers' contract law.

By Hargrave of Johnson from six hundred fourteen constituents opposing legislation to stop trapping in Iowa or any of the counties of Iowa, contained in Senate File 85.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 1008, 1074, 1245 and 1299 and Senate Files 205 and 345, under Rule 36.

INTRODUCTION OF BILLS

House File 1374, by committee on human resources, a bill for an act relating to treatment of alcoholics and to the division of alcoholism of the department of health.

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

House File 1375, by Fitzgerald, Newhard, Perkins, Hutchins, Hullinger, Svoboda, Scheelhaase, Higgins, McElroy, Lonergan, Husak, Wyckoff, Miller of Buchanan, Jordan, Spradling, Cusack, Avenson, Hines, Poncy, Dieleman, Baker, Krause, Miller of Cerro Gordo, Hennessey, Harper, Walter, Bina, Pavich, Byerly, Koogler, Jesse, Hinkhouse, Rinas, Dyrland, Griffee, Wells, Menninga, Anderson, Norland, Spencer, Gilloon, Spear, Jochum, Middleton, Howell, Dunton, Middleswart, Brunow, Connors, O'Halloran, Drake, Horn, Hargrave, Monroe, Millen, Small and Miller of Calhoun, a bill for an act relating to a community development program and making an appropriation.

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

SENATE MESSAGES CONSIDERED

Senate File 1050, a bill for an act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state.

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

Senate File 1124, a bill for an act making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security Act.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 18, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 787, a bill for an act relating to minimum percentages of plant nutrients in fertilizers.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 787

H—5290

Amend House File 787 as amended and passed by the House as follows:

1. Page 1, line 13, by striking the words "The section shall not" and insert in lieu thereof: "This Act shall neither".

2. Page 1, line 15, by inserting after the word "Code" the following: "nor to any fertilizer designed to be applied and ordinarily applied directly to growing plant foliage to stimulate further growth".

CONSIDERATION OF BILLS

REGULAR CALENDAR

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **House File 1245**, a bill for an act to legalize and validate the proceedings of the city of Ames, in Story county, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa, with report of committee recommending passage.

Hines of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

Under the provisions of Rule 71, Bittle of Polk refrained from voting.

On the question "Shall the bill pass?" (H.F. 1245)

The ayes were, 82:

Anderson	Dunton	Jesse	Poncy
Avenson	Dyrland	Jochum	Readinger
Baker	Egenes	Junker	Rinas
Bennett	Evans	Kreamer	Scheelhaase
Bina	Fitzgerald	Lageschulte	Schroeder
Bortell	Gentleman	Lindeen	Spear
Brandt	Gilloon	Lipsky	Spencer
Brockett	Griffee	Lonergan	Spradling
Brunow	Halvorson	McElroy	Stromer
Byerly	Hansen	Mennenga	Svoboda
Caffrey	Harper	Middleswart	Tauke
Clark	Harvey	Middleton	Tofte
Connors	Hennessey	Miller, A. V.	Varley
Crawford	Higgins	Miller, O. L.	Walter
Cusack	Hines	Nealson	Wells
Daggett	Hinkhouse	Newhard	West
Danker	Horn	Nielsen	Woods
Den Herder	Howell	Patchett	Wulff
Dieleman	Hullinger	Pavich	Wyckoff
Doyle	Husak	Pellett	Mr. Speaker
Drake	Hutchins		

The nays were, 3:

Koogler	Millen	Perkins

Absent or not voting, 14:

Bittle	Jordan	Monroe	O'Halloran
Branstad	Krause	Norland	Small
Crabb	Menke	Oakley	Welden
Hargrave	Miller, K. D.		

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

IMMEDIATE MESSAGE

(House File 1245)

Hines of Story asked and received unanimous consent that **House File 1245** be immediately messaged to the Senate.

APPROPRIATIONS CALENDAR

Senate File 1031, a bill for an act appropriating funds for the financing of programs under the administration of the Iowa employment security commission, the industrial commissioner, and the public employment relations board, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1031)

The ayes were, 79:

Anderson	Dyrland	Koogler	Poncy
Avenson	Egenes	Krause	Readinger
Baker	Fitzgerald	Lindeen	Rinas
Bennett	Gentleman	Lipsky	Scheelhaase
Bina	Gilloon	Lonergan	Schroeder
Bittle	Griffee	McElroy	Spear
Bortell	Hansen	Menke	Spencer
Brandt	Harper	Mennenga	Spradling
Brunow	Hennessey	Middleswart	Stromer
Byerly	Higgins	Middleton	Svoboda
Caffrey	Hines	Millen	Tauke
Clark	Hinkhouse	Miller, A. V.	Varley
Connors	Horn	Miller, K. D.	Walter
Crawford	Howell	Monroe	Wells
Cusack	Hullinger	Newhard	West
Den Herder	Husak	Nielsen	Woods
Dieleman	Hutchins	O'Halloran	Wulff
Doyle	Jesse	Patchett	Wyckoff
Drake	Jochum	Pavich	Mr. Speaker
Dunton	Junker	Perkins	

The nays were, 13:

Brockett	Halvorson	Lageschulte	Pellett
Daggett	Harvey	Miller, O. L.	Tofte
Danker	Kreamer	Nealson	Welden
Evans			

Absent or not voting, 7:

Branstad	Hargrave	Norland	Small
Crabb	Jordan	Oakley	

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

House File 1313, a bill for an act abolishing the position of state medical examiner, was taken up for consideration.

Krause of Palo Alto offered the following amendment H—5286 filed by him:

H—5286

Amend House File 1313 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section seven hundred forty-nine A point five (749A.5), Code 1975, is amended to read as follows:

749A.5 STATE MEDICAL EXAMINER. There is [hereby] created the position of state medical examiner. The state medical examiner shall be a physician and surgeon or osteopathic physician and surgeon[and], *shall* be licensed to practice medicine in the state of Iowa, and *shall* possess special knowledge in forensic pathology. The state medical examiner shall be

appointed by and serve at the pleasure of the [governor] *commissioner of public safety.* The state medical examiner may be a faculty member of the college of medicine or the college of law at the University of Iowa, and any of [his] *the state medical examiner's* assistants or staff may be members of the faculty or staff of the college of medicine or the college of law at the University of Iowa."

2. Amend the title, line 1, by striking the word "abolishing" and inserting in lieu thereof the words "relating to".

Lipsky of Linn moved that House File 1313 be rereferred to the committee on state government.

The motion lost.

Krause of Palo Alto moved the adoption of amendment H—5286.

Roll call was requested by Wyckoff of Benton and Husak of Tama.

On the question "Shall amendment H—5286 be adopted?"

The ayes were, 23:

Brandt	Egenes	Higgins	Scheelhaase
Brunow	Evans	Hutchins	Schroeder
Cusack	Griffee	Krause	Svoboda
Doyle	Halvorson	Lipsky	Varley
Drake	Harper	McElroy	Walter
Dyrland	Hennessey	Newhard	

The nays were, 62:

Anderson	Gentleman	Lonergan	**Readinger**
Avenson	Gilloon	Menke	Rinas
Baker	Hansen	Mennenga	Spear
Bennett	Harvey	Middleswart	Spencer
Bina	Hines	Millen	Spradling
Bittle	Hinkhouse	Miller, A. V.	Stromer
Bortell	Horn	Miller, K. D.	Tauke
Brockett	Hullinger	Miller, O. L.	Tofte
Byerly	Husak	Monroe	Welden
Caffrey	Jesse	Nielsen	Wells
Clark	Jochum	Patchett	West
Crawford	Junker	Pavich	Woods
Daggett	Koogler	Pellett	Wulff
Danker	Kreamer	Perkins	Wyckoff
Den Herder	Lageschulte	Poncy	Mr. Speaker
Dieleman	Lindeen		

Absent or not voting, 14:

Branstad	Fitzgerald	Middleton	Oakley
Connors	Hargrave	Nealson	O'Halloran
Crabb	Howell	Norland	Small
Dunton	Jordan		

Amendment H—5286 lost.

Miller of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1313)

The ayes were, 69:

Anderson	Gentleman	Koogler	Perkins
Avenson	Gilloon	Kreamer	Poncy
Baker	Griffee	Lageschulte	Readinger
Bennett	Halvorson	Lindeen	Rinas
Bina	Hansen	Lonergan	Small
Bortell	Harper	McElroy	Spear
Brockett	Harvey	Menke	Spencer
Byerly	Hennessey	Mennenga	Spradling
Caffrey	Higgins	Middleswart	Stromer
Clark	Hines	Miller, A. V.	Tofte
Connors	Hinkhouse	Miller, K. D.	Welden
Cusack	Horn	Miller, O. L.	Wells
Daggett	Hullinger	Nielsen	West
Danker	Husak	Norland	Woods
Den Herder	Jesse	Patchett	Wulff
Dieleman	Jochum	Pavich	Wyckoff
Dunton	Junker	Pellett	Mr. Speaker
Dyrland			

The nays were, 20:

Bittle	Drake	Lipsky	Schroeder
Brandt	Egenes	Millen	Svoboda
Brunow	Evans	Monroe	Tauke
Crawford	Hutchins	Newhard	Varley
Doyle	Krause	Scheelhaase	Walter

Absent or not voting, 10:

Branstad	Hargrave	Middleton	Oakley
Crabb	Howell	Nealson	O'Halloran
Fitzgerald	Jordan		

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

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S. B. 50
Commerce
Small, Chair
Hennessey
Jordan
Tauke
Egenes

S. B. 51
Commerce
Small, Chair
Hennessey
Jordan
Tauke
Egenes

S. B. 93
Transportation
Harper, Chair
Gilloon
Wulff

S. B. 94
State Government
Brandt, Chair
Drake
McElroy

S. B. 95
State Government
Norland, Chair
Junker
Woods

S. B. 96
Natural Resources
Scheelhaase, Chair
Pellett
Koogler

S. B. 97
Agriculture
Jordan, Chair
Hinkhouse
Danker

S. B. 98
Natural Resources
Avenson, Chair
Egenes
O'Halloran

S. B. 99
Transportation
Harper, Chair
Gilloon
Wulff

S. B. 100
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

S. B. 102
Natural Resources
Perkins, Chair
Avenson
Tofte

S. B. 104
County Government
Gilloon, Chair
Lonergan
Bortell

S. B. 105
County Government
Miller of Calhoun, Chair
Lonergan
Lindeen

S. B. 108
Transportation
Drake, Chair
Gilloon
Woods
Tauke
Pavich

SUBCOMMITTEE ASSIGNMENTS

House File 1258
Commerce
Hennessey, Chair
Evans
Brockett

House File 1262
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Newhard
Clark

House File 1265
State Government
Dieleman, Chair
Drake
Woods

House File 1268
Labor and Industrial Relations
Connors, Chair
Caffrey
Branstad

House File 1271
Agriculture
Miller of Cerro Gordo, Chair
Pellett
Bennett

House File 1273
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Gentleman
Spencer

House File 1274
State Government
Junker, Chair
Crawford
Brandt

House File 1285
Natural Resources
O'Halloran, Chair
Scheelhaase
Tofte

House File 1286
Natural Resources
Hinkhouse, Chair
Halvorson
Wyckoff

House File 1287
State Government
Small, Chair
Connors
Crawford

House File 1288
Judiciary and Law Enforcement
Higgins, Chair
Brandt
Clark

House File 1289
State Government
Woods, Chair
Harvey
Brandt

House File 1290
State Government
Dieleman, Chair
Harvey
Hines

House File 1291
Agriculture
Crabb, Chair
Harper
Miller of Calhoun

House File 1292
Transportation
Krause, Chair
Brunow
Drake

House File 1294
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Gentleman
Spencer

House File 1296
Judiciary and Law Enforcement
Hennessey, Chair
Woods
Lageschulte

House File 1298
State Government
Connors, Chair
Small
Junker

House File 1299
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Clark
Hennessey

House File 1300
Transportation
Koogler, Chair
Rinas
Tauke

House File 1304
State Government
Monroe, Chair
Woods
Harvey

House File 1305
Judiciary and Law Enforcement
Bittle, Chair
Poncy
Nielsen of Polk

House File 1307
State Government
Monroe, Chair
Woods
Harvey

House File 1311
Transportation
Harper, Chair
Gilloon
Wulff

House File 1317
Transportation
Drake, Chair
Gilloon
Woods
Tauke
Pavich

House File 1324
State Government
Small, Chair
Monroe
Bittle

House File 1335
Cities
Connors, Chair
Junker
Bina
Spear
Lindeen

House File 1342
Labor and Industrial Relations
Connors, Chair
Caffrey
Branstad

House File 1343
State Government
Monroe, Chair
Woods
Harvey

House File 1345
State Government
Connors, Chair
Woods
Crawford

House File 1348
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Middleton
Evans

House File 1349
Judiciary and Law Enforcement
Oakley, Chair
Bittle
Jesse

House File 1350
Labor and Industrial Relations
Connors, Chair
Caffrey
Branstad

House File 1353
State Government
Woods, Chair
Fitzgerald
Drake

House File 1354
Transportation
Drake, Chair
Gilloon
Woods
Tauke
Pavich

House File 1358
Judiciary and Law Enforcement
Spencer, Chair
Nealson of Muscatine
Newhard

Senate File 1013
Transportation
Krause, Chair
Brunow
Drake

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 111 **County government**
Relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund.

S. B. 112 **Ways and means**
Relating to military service tax exemptions and providing for a penalty.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 20, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 24, an act relating to public pay toilets and providing a penalty.

House File 243, an act relating to absences of public employees for medically-related disability.

House File 736, an act relating to the reporting of accidents involving the transportation of hazardous materials.

REPORTS OF COMMITTEES

Small of Johnson, from the committee on commerce, submitted the following reports:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 377**, a bill for an act providing that a retailer may recover part of the price of farm implements, including certain other costs, upon the cancellation of a contract and recover repair costs for implements under warranty and providing penalties, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

SMALL of Johnson, Chair

Also:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 529**, a bill for an act relating to the place of filing to perfect a security interest, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5292

Amend House File 529 as follows:

1. Page 1, by striking lines 19 through 31, and inserting in lieu thereof the following: "four hundred one (554.9401), subsection one (1), Code 1975, is amended to read as follows:

1. The proper place *or places* to file in order to perfect a security interest [is] *are* as follows:

a. when the collateral is equipment used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, then;

(1) in the office of the secretary of state, and

(2) in the office of the recorder in the county of the individual debtor's residence or other person's principal place of business, or if the debtor is not a resident of this state then in the office of the recorder in the county where the goods are kept, and

(3) when the collateral is crops growing or to be grown, in the office of the recorder in the county where the land is located;".

2. Page 2, by striking lines 4 through 7 and inserting in lieu thereof the following:

"[b]*c.* when the collateral is consumer goods then in the office of the recorder in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the recorder in the county where the goods are kept;

[c]*d.* in all other cases, in the office of the secretary of state."

SMALL of Johnson, Chair

Also:

MR. SPEAKER: Your committee on commerce to whom was referred **House**

File 674, a bill for an act relating to the establishment of fees for certain applications filed with the department of banking, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

SMALL of Johnson, Chair

Also:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 829**, a bill for an act relating to the administration of the Uniform Consumer Credit Code, begs leave to report it has had same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

SMALL of Johnson, Chair

Also:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 830**, a bill for an act relating to the sale of tangible goods by persons authorized to make supervised loans, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

SMALL of Johnson, Chair

Also:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 1210**, a bill for an act relating to retention from payment on public contracts and escrow agreements, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

SMALL of Johnson, Chair

Also:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 1213**, a bill for an act to provide a maximum statute of limitations for actions for injuries arising out of improvements to real property, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5291

Amend House File 1213 as follows:

1. Page 1, line 8, by striking the word "six" and inserting in lieu thereof the word "ten".

SMALL of Johnson, Chair

Also:

MR. SPEAKER: Your committee on commerce to whom was referred **House File 1226**, a bill for an act relating to loans made by a credit union to its director, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

SMALL of Johnson, Chair

Also:

MR. SPEAKER: Your committee on commerce to whom was referred **Senate File 503**, a bill for an act relating to the maximum interest rate payable by persons purchasing securities on credit, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

SMALL of Johnson, Chair

Krause of Palo Alto, from the committee on transportation, submitted the following reports:

MR. SPEAKER: Your committee on transportation to whom was referred **House File 1053**, a bill for an act relating to the notation of an anatomical gift on an operator's or chauffeur's license, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

KRAUSE of Palo Alto, Chair

Also:

MR. SPEAKER: Your committee on transportation to whom was referred **House File 1332**, a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators', etc., begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5289

Amend House File 1332 as follows:

1. Page 1, by striking lines 3 through 5 and inserting in lieu thereof the following:

"321.4 RULES. The [director] *commission* is [hereby] authorized to adopt and [enforce such departmental] *promulgate administrative* rules governing [procedure] *procedures*".

2. Page 1, line 14, by striking the word "*transportation*".

3. Page 2, by striking lines 6 through 12 and inserting in lieu thereof the words "fee without [said] penalty. Provided, **however,**".

4. Page 2, line 21, by inserting after the words "operating a" the word "*military*".

5. Page 4, line 8, by striking the word "*transportation*".

6. Page 6, by striking lines 6 through 22.

7. Page 7, line 23, by striking the word "yellow" and inserting in lieu thereof the words "[yellow] *amber*".

8. Page 9, by inserting after line 10 the following:

"d. The use of a blue light in or on a private motor vehicle shall be for identification purposes only."

9. Renumber sections and correct internal refer-

ences as necessary in conformance with this amendment.

KRAUSE of Palo Alto, Chair

Monroe of Des Moines, from the committee on state government, submitted the following reports:

MR. SPEAKER: Your committee on state government to whom was referred **House File 338**, a bill for an act to prohibit mandatory retirement policies for public employees, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5298

Amend House File 338 as follows:

1. Page 1, by striking lines 1 through 14.

MONROE of Des Moines, Chair

Also:

MR. SPEAKER: Your committee on state government to whom was referred **House File 1287**, a bill for an act exempting certain sites used for nutrition programs for the elderly from restaurant licensing requirements, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

MONROE of Des Moines, Chair

Also:

MR. SPEAKER: Your committee on state government to whom was referred **House File 1290**, a bill for an act amending the state building code by correcting procedures and penalties, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

MONROE of Des Moines, Chair

Also:

MR. SPEAKER: Your committee on state government to whom was referred **House File 1298**, a bill for an act relating to the prohibition of toxic extinguishers, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

MONROE of Des Moines, Chair

Rinas of Linn, from the committee on cities, submitted the following reports:

MR. SPEAKER: Your committee on cities to whom was referred **House File 1047**, a bill for an act to require a public hearing before a local governing board may pass an ordinance providing for funding of an urban renewal project, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

RINAS of Linn, Chair

Also:

MR. SPEAKER: Your committee on cities to whom was referred **House File 1052**, a bill for an act to require certain information to be included in the notice of public hearing on annual city budgets, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

RINAS of Linn, Chair

Higgins of Scott, from the committee on human resources, submitted the following reports:

MR. SPEAKER: Your committee on human resources to whom was referred **House File 689**, a bill for an act defining autistic children, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass**:

H—5293

Amend House File 689 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred forty-four point twelve (444.12), subsection two (2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any portion which the board of supervisors may deem advisable of the cost of psychiatric examination and treatment of persons in need thereof or of professional evaluation, treatment, training, habilitation, and care of persons who are mentally retarded, *autistic children* or *persons who* are afflicted by any other developmental disability, at any suitable public or private facility providing inpatient or outpatient care in such county. As used in this subsection[, "developmental]*: a. "Developmental* disability" has the meaning assigned that term by title 42, section 2691, subsection 1, United States Code, as amended to January 1, 1974. *b. "Autistic children" means persons, regardless of age, with severe communication and behavior disorders that became manifest during the early stages of childhood development and that are characterized by a severely disabling inability to understand, communicate, learn and participate in social relationships. "Autistic children" includes but is not limited to those persons afflicted by infantile autism, profound aphasia and childhood psychosis."*

2. Amend the title, line 1, by inserting after the word "children" the words "and clarifying provisions relating to payment of the costs of inpatient or outpatient care of autistic children".

HIGGINS of Scott, Chair

Also:

MR. SPEAKER: Your committee on human resources to whom was referred **House File 1143**, a bill for an act relating to the immunization of persons attending elementary or secondary schools or institutions of higher education and to the authority of the state department of health to modify immunization requirements for admission, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5299

Amend House File 1143 as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the following:

"1. Every parent or legal guardian shall assure that his or her minor children residing in the state have been adequately immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, and rubella according to recommendations provided by the state department of health".

2. Page 1, by striking lines 8, 9, 10, and 11 and inserting in lieu thereof the following:

"2. No person shall be enrolled in any licensed child care center, elementary or secondary school in Iowa without evidence of adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, and rubella, except as provided".

3. Page 1, by striking lines 17 and 18 and inserting in lieu thereof the following: "a requirement for enrollment to an elementary or secondary school or licensed child care centers."

4. Page 1, by striking from line 19, "A form of immunization" and inserting in lieu thereof the following: "Immunization".

5. Page 1, by striking lines 20 and 21 and inserting in lieu thereof the following: "enrollment in any elementary or secondary school or licensed child care center".

6. Page 1, by striking lines 23 and 24 and inserting in lieu thereof the following: "a. A statement signed by a doctor, who is licensed by the state board of medical examiners, in which".

7. Page 2, by striking lines 1 and 2 and inserting in lieu thereof the following: "5. A person may be provisionally enrolled in an elementary or secondary school or licensed child care center if".

8. Page 2, by striking line 8 and inserting in lieu thereof the following: " or licensed child care center."

9. Page 2, by striking line 9 and inserting in lieu thereof the following: "6. It shall be the duty of the local board of health".

10. Page 2, by striking lines 12 and 13 and inserting in lieu thereof the following: "enrolled in any elementary or secondary school or licensed child care center has been immunized in accordance with"

11. Page 2, by striking line 18 and inserting in lieu thereof the following: "7. The local

Page 2

boards of health shall provide the required".

12. Page 2, by striking lines 21, 22, and 23 and inserting in lieu thereof the following:

"8. The state department of health shall promulgate rules and regulations for the implementation of this Act and shall provide said rules to local school boards and local boards of health."

13. Title Page, by striking lines 2 and 3 and inserting in lieu thereof the following: "elementary or secondary schools or licensed child care centers and to the authority of the state department".

14. Page 2, by striking line 28 and inserting in lieu thereof the following: "or secondary school or licensed child care centers in".

HIGGINS of Scott, Chair

Also:

MR. SPEAKER: Your committee on human resources to whom was referred **House File 1232**, a bill for an act relating to the use of proceeds from the sale of livestock or agricultural products by an institution under the control of the department of social services, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HIGGINS of Scott, Chair

AMENDMENTS FILED

H—5294

Amend the Senate amendment H—5284 to House Concurrent Resolution 104 as amended, passed, and reprinted by the House as follows:

1. Page 1, by striking lines 37 through 40.

2. Page 1, by inserting before line 41 the following:

"11. Page 7, line 27, by inserting after the period the words "Each member other than a majority or minority floor leader shall, for the purposes of this resolution be considered an assistant floor leader."

SCHROEDER of Pottawattamie

H—5296

Amend House File 746 as follows:

1. Page 1, by striking all of line 24 and inserting in lieu thereof the following: *"be in a compartment*

of the motor vehicle which is either locked or is not accessible from within the passenger section of the motor".

TAUKE of Dubuque

H—5295

Amend House File 1279 as follows:

1. Page 1, line 19, by striking the period and inserting in lieu thereof the following: "or the fair and reasonable value of time devoted to self-employment by individuals who are usually gainfully employed, but are not actually employed at the time the injury is incurred."

2. Page 1, line 24, by striking the word "or" and inserting in lieu thereof the word "and".

3. Page 12, by striking lines 19 through 33 and inserting in lieu thereof the following: "submit the issue to the insurance commissioner or his designee for determination. An informal hearing shall be held by the commissioner or his designee within ten days after submission. The injured party and the insurer shall be entitled to appear before the commissioner or his designee and present whatever evidence they desire. The commissioner or his designee shall issue a written decision, in writing, thereon within five days. Either party aggrieved by the decision of the commissioner may appeal the decision to the district court of the injured party's residence by filing a petition within thirty days of such decision. The payments ordered shall be continued as ordered until reversed or modified by order of court. The court may further assess reasonable attorney fees and costs in favor of the prevailing party."

4. Page 19, line 2, by inserting after the word "value" the words "but shall be prima facie evidence thereof".

HALVORSON of Clayton

H—5297

Amend House File 1371 as follows:

1. Page 3, by striking everything after the period in line 6 and all of lines 7 through 35.

2. Page 4, by striking all of lines 1 through 18.

WELDEN of Hardin
CUSACK of Scott

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 12:20 p.m. until 10:00 a.m., Monday, February 23, 1976.

JOURNAL OF THE HOUSE

Forty-third Calendar Day—Twenty-ninth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, FEBRUARY 23, 1976

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

Prayer was offered by the Reverend Father Frederick Bahning, pastor of the Sacred Heart Church, Monticello, Iowa.

The Journal of Friday, February 20, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Kuncaitis, Resident, Broadlawns Polk County Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spencer of Clay on request of Crawford of Story; Brunow of Appanoose on request of Higgins of Scott; Harper of Davis for February 23 and 24 on request of McElroy of Fremont.

SPECIAL PRESENTATION

McElroy of Fremont escorted to the Speaker's station and presented Francis Sarcone, Des Moines Postmaster.

Mr. Sarcone advised the House that in legislatures across the nation today the United States Postal Service was distributing commemorative thirteen cent bicentennial stamps. He further noted that this is the first time in the history of the postal service that each stamp on a sheet of fifty is different. These fifty stamps depict the flags of the individual states arranged in their order of admission to the Union.

Mr. Sarcone introduced Ronald Carter, Mail Room Supervisor, who announced that the stamps would be on sale at 11:00 today and available upon request.

McElroy of Fremont presented Robert Dillon, Iowa Chairman of the Americal Revolution Bicentennial Commission, noting that Iowa leads the nation in the number of bicentennial projects and people involved. Mr. Dillon presented a sheet of stamps to the House of Representatives. Speaker Cochran accepted the commemorative stamps on behalf of the House.

The House rose and expressed its thanks.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Nineteen fifth grade students from Nevada Community School, Nevada, Iowa, accompanied by Carol Irvin and Leanne Mouw. By Hines of Story.

PETITIONS FILED

The following petitions were received and placed on file:

By Cochran of Webster from twenty members of the Urban Mission Council of the United Methodist Church, favoring adequate funding levels for aid to dependent children.

By Poncy of Wapello from forty-one constituents, who urge the support of the Department of Transportation's request for funds, which would enable the city of Ottumwa to continue the bus service now being provided for their senior citizens.

By Miller of Calhoun from thirteen citizens of Pocahontas County opposing Senate File 205 relating to the issuance, continuation and termination of the teachers' contract law.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 338, 377, 529, 674, 689, 829, 830, 1047, 1052, 1053, 1143, 1210, 1213, 1226, 1232, 1287, 1290, 1298, 1332 and Senate File 503, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the

Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 194, a bill for an act relating to the selling of tangible goods by a licensee authorized to make supervised loans pursuant to the Iowa Consumer Credit Code.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 380, a bill for an act relating to the effective date of certain acts or resolutions of the General Assembly.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 443, a bill for an act relating to loans on residential real property by state banks.

Also: That the Senate has on February 16, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1092, a bill for an act to create a court of appeals and provide for jurisdiction of the court and procedures.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1122, a bill for an act relating to the employment rights of second deputy sheriffs.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1126, a bill for an act appropriating funds to the Iowa State Historical Department.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1133, a bill for an act allowing inspecting stations to issue temporary permits for highway use on restricted title vehicles.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1134 a bill for an act to permit either parent to consent to the application of a minor for an operator's license.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1139, a bill for an act relating to providing discharged and paroled inmates with clothing, money and transportation.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1151, a bill for an act relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed.

STEVEN C. CROSS, Secretary

SENATE AMENDMENTS CONSIDERED

Lageschulte of Bremer called up for consideration **House File 576**, a bill for an act to regulate the modification of the height of certain motor vehicles from the ground subject to penalties provided by law, amended by the Senate as follows:

H—5126

Amend House File 576 as passed by the House,
page 1, line 4, by adding after the word "car,"
the words "motorcycle,".

Lageschulte of Bremer asked and received unanimous consent to withdraw amendments H—5170 filed by Spencer, et al., on February 9, 1976, and found on page 318 of the House Journal and H—5204 filed by Spencer, et al., on February 12, 1976, and found on pages 382 and 383 of the House Journal.

Schroeder of Pottawattamie offered amendment H—5158, to amendment H—5126, filed by Schroeder, et al.:

H—5158

Amend the Senate amendment H—5126, to House File 576, as follows:
1. Page 1, by striking lines 1, 2 and 3, and inserting in lieu thereof the following:
"1. Page 1, by striking lines 3 through 11 and inserting in lieu thereof the following:
Section 1. Chapter three hundred twenty-one (321), Code 1975, is amended by adding the following new section:
NEW SECTION. A person shall not drive or operate a new car or used car upon a public highway which has had the road clearance or center of gravity altered or modified in any manner which is prohibited by rules adopted by the director. The director shall adopt rules for determining which vehicles may be granted an exemption from the provisions of this section.
Sec. 2. The provisions of this Act shall become effective July 1, 1977."

Krause of Palo Alto offered amendment H—5226, to amendment H—5158, to the Senate amendment H—5126, filed by Spencer, et al.:

H—5226

Amend the Schroeder, et al., amendment H—5158, to Senate amendment H—5126 to House File 576, as follows:
1. By striking all of lines 3 through 17 and inserting in lieu thereof the following:

"Page 1, by striking lines 2 and 3 and inserting in lieu thereof the following: "as follows:
1. Page 1, line 4, by inserting after the second word "car," the following: "except a used car which is twenty-five (25) years old or older, motorcycle,".
2. Page 1, by inserting after line 7 the following:
"The department shall by rule, issue exemptions for classes of vehicles and alterations if it can be shown that the modification is not detrimental to the safety features of the vehicle."
3. Page 1 by striking lines 8 and 9.

Drake of Muscatine asked and received unanimous consent that **House File 576** be deferred and that the bill **retain its place on the calendar.**

Miller of Cerro Gordo called up for consideration **House File 787**, a bill for an act relating to minimum percentages of plant nutrients in fertilizers, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5290

Amend House File 787 as amended and passed by the House as follows:
1. Page 1, line 13, by striking the words "The section shall not" and insert in lieu thereof: "This Act shall neither".
2. Page 1, line 15, by inserting after the word "Code" the following: "nor to any fertilizer designed to be applied and ordinarily applied directly to growing plant foliage to stimulate further growth".

The motion prevailed and the House concurred in the Senate amendment H—5290.

Miller of Cerro Gordo moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 787)

The ayes were, 84:

Anderson	Caffrey	Dieleman	Halvorson
Avenson	Clark	Doyle	Hansen
Baker	Connors	Drake	Hargrave
Bennett	Crabb	Dunton	Harvey
Bina	Crawford	Dyrland	Hennessey
Bortell	Cusack	Egenes	Higgins
Brandt	Daggett	Fitzgerald	Hines
Brockett	Danker	Gentleman	Hinkhouse
Byerly	Den Herder	Griffee	Horn

Hullinger	Lonergan	Newhard	Stromer
Husak	McElroy	Nielsen	Svoboda
Jesse	Menke	Norland	Tauke
Jochum	Mennenga	Oakley	Tofte
Jordan	Middleswart	Patchett	Varley
Junker	Middleton	Pavich	Walter
Koogler	Millen	Pellett	Wells
Krause	Miller, A. V.	Poncy	West
Kreamer	Miller, K. D.	Scheelhaase	Woods
Lageschulte	Miller, O. L.	Small	Wulff
Lindeen	Monroe	Spear	Wyckoff
Lipsky	Nealson	Spradling	Mr. Speaker

The nays were, 3:

Evans	Schroeder	Welden

Absent or not voting, 12:

Bittle	Gilloon	Hutchins	Readinger
Branstad	Harper	O'Halloran	Rinas
Brunow	Howell	Perkins	Spencer

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

CONSIDERATION OF BILLS

REGULAR CALENDAR

The House resumed consideration of **House File 845**, a bill for an act relating to duties to disabled persons and providing penalties.

Brandt of Black Hawk offered the following amendment H—5164 filed by her:

H—5164

Amend House File 845 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* SHORT TITLE. This Act may be cited as the "Uniform Duties to Disabled Persons Act".

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Disabled condition" means the condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate.

2. "Disabled person" means a person in a disabled condition.

3. "Emergency symbol" means the caduceus inscribed within a six-barred cross used by the American medical association to denote emergency information.

4. "Identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency.

5. "Identifying card" means a card which bears the emergency symbol and the information needed in an emergency.

6. "Peace officer" means a sheriff or deputy sheriff, policeman, or uniformed officer of the Iowa highway safety patrol.

7. "Reasonable search" means an examination of the disabled person to determine whether such person is wearing an identifying device around his or her neck or around his or her wrist or has an identifying device or card in his or her billfold or purse.

Sec. 3. *NEW SECTION.* IDENTIFYING DEVICES.

1. A person who suffers from epilepsy, diabetes, a cardiac condition, or any other type of illness that causes temporary blackouts, semiconscious periods, or complete unconsciousness, or who suffers from a condition requiring specific medication or medical treatment, is allergic to certain medications or items used in medical treatment, wears contact lenses, or is unable to communicate coherently or effectively in the English language, is authorized and encouraged to wear an identifying device.

2. Any person may carry an identification card bearing that person's name, type of medical condition, physician's name, and other medical information.

Sec. 4. *NEW SECTION.* PEACE OFFICERS' DUTY.

1. A peace officer who finds a disabled person shall make a reasonable search of the disabled person to determine if he or she is wearing an identifying

Page 2

device or is carrying an identifying card. The peace officer is not required to make a reasonable search in a manner or to an extent that would appear to a reasonable person under the circumstances to cause an unreasonable risk of worsening the disabled person's condition. The reasonable search of the disabled person shall be conducted as soon as proper police procedures and proper emergency medical treatment will permit, but in all cases shall be performed prior to the person being placed in a detention facility.

2. A cause of action against a peace officer shall not arise from the peace officer making a reasonable search of the disabled person to locate an identifying device or identifying card, even though the person is not wearing an identifying device or carrying an identifying card.

3. A peace officer who determines or has reason to believe that a disabled person is suffering from an illness causing the condition shall promptly notify the person's physician, if practicable. If the officer is unable to ascertain the physician's identity or to communicate with the person, the officer shall make a reasonable effort to cause the disabled person

to be transported immediately to a medical practitioner or to a facility where medical treatment is available. If the officer believes it unduly dangerous to move the disabeld person, the officer shall make a reasonable effort to obtain the assistance of a medical practitioner.

4. A search for an identifying device or an identifying card under this section is not a search incident to a lawful arrest and any item seized shall not be admissible in evidence in any criminal prosecution.

If the search under this section is made in conjunction with a search incident to a lawful arrest the admissibility of evidence seized shall not be affected.

Sec. 5. *NEW SECTION.* PENALTY. A person who with intent to deceive provides, wears, uses, or possesses a false identifying device or identification card or any person who violates a duty provided in section four (4) of this Act is guilty of a misdemeanor and upon conviction may be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days."

Brandt of Black Hawk offered amendment H—5173, to amendment H—5164, filed by her and moved its adoption:

H—5173

Amend H—5164 to House File 845 as follows:

1. Page 2, by inserting after line 46 the following new section:

"Sec. ..... *NEW SECTION.* IMMUNITY FROM CIVIL LIABILITY. A peace officer shall not be civilly liable for his or her failure to perform any duty imposed by this Act."

A non-record roll call was requested.

The ayes were 46, nays 33.

Amendment H—5173 was adopted.

Brandt of Black Hawk moved the adoption of amendment H—5164, as amended.

Amendment H—5164, as amended, was adopted.

With the adoption of amendment H—5164, as amended, amendment H—5132, filed by Doyle of Woodbury on February 4, 1976, and found on page 265 of the House Journal, was out of order.

Brandt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 845)

The ayes were, 56:

Anderson	Dunton	Jochum	O'Halloran
Baker	Dyrland	Krause	Patchett
Bina	Egenes	Lageschulte	Pavich
Brandt	Evans	Lindeen	Small
Brockett	Gentleman	Lipsky	Spear
Caffrey	Halvorson	McElroy	Spradling
Clark	Hansen	Menke	Stromer
Connors	Harvey	Mennenga	Svoboda
Crawford	Hennessey	Middleswart	Tofte
Cusack	Higgins	Miller, A. V.	Varley
Danker	Hines	Miller, O. L.	Wells
Dieleman	Horn	Monroe	West
Doyle	Howell	Norland	Wulff
Drake	Hullinger	Oakley	Mr. Speaker

The nays were, 27:

Avenson	Hinkhouse	Millen	Schroeder
Bennett	Husak	Miller, K. D.	Tauke
Bortell	Hutchins	Nealson	Walter
Byerly	Jordan	Pellett	Welden
Crabb	Junker	Perkins	Woods
Daggett	Koogler	Poncy	Wyckoff
Hargrave	Lonergan	Scheelhaase	

Absent or not voting, 16:

Bittle	Fitzgerald	Jesse	Nielsen
Branstad	Gilloon	Kreamer	Readinger
Brunow	Griffee	Middleton	Rinas
Den Herder	Harper	Newhard	Spencer

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

On motion by Avenson of Fayette, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

CONSIDERATION OF BILLS

REGULAR CALENDAR

Senate File 524, a bill for an act relating to business corporations, with report of committee recommending amendment and passage, was taken up for consideration.

Oakley of Clinton offered the following amendment H—5129 filed by the committee on judiciary and law enforcement:

H—5129

Amend Senate File 524, as amended and passed by the Senate, as follows:

1. Page 2, by inserting after line 8 the following:

"Sec. ..... Section four hundred ninety-six A point thirty-four (496A.34), unnumbered paragraph one (1), Code 1975, is amended by striking the paragraph and inserting in lieu thereof the following:

All corporate powers shall be exercised by or under the authority of, and the business and affairs of a corporation shall be managed under the direction of a board of directors consisting of one or more members, except as may be otherwise provided in this chapter or in the articles of incorporation. If any such provision is made in the articles of incorporation, the powers and duties conferred or imposed upon the board of directors by this chapter shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation. Directors need not be residents of this state or shareholders of the corporation unless the articles of incorporation or bylaws so require. The articles of incorporation or bylaws may prescribe other qualifications for directors. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation.

A director shall perform the duties of a director, including the duties as a member of any committee of the board upon which such director may serve, in good faith, in a manner such director reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. In performing such duties, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by: (1) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented; (2) Counsel, public accountants or other persons as to matters which the director reasonably believes to be within such person's professional or expert competence; or, (3) A committee of the board upon which such director does not serve, duly designated in accordance with the provision of the articles of incorporation or the bylaws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence. However such director shall not be

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considered to be acting in good faith if such director has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs such duties shall not have liability by reason of being or having been a director of the

corporation.

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken, unless the dissent of such director is entered in the minutes of the meeting, such director files a written dissent to such action with the secretary of the meeting before the meeting's adjournment, or such director forwards such dissent by registered or certified mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action."

2. Page 3, by inserting after line 2 the following:

"Sec. ..... Section four hundred ninety-six A point thirty-nine (496A.39), Code 1975, is amended to read as follows:

496A.39 EXECUTIVE COMMITTEE. If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the full board of directors, may designate from among its members an executive committee and one or more other committees each of which, to the extent provided in such resolution or in the articles of incorporation or the bylaws of the corporation, shall have and may exercise all the authority of the board of directors, [but] *except that* no such committee shall have the authority [of the board of directors in reference to amending the articles of incorporation, adopting a plan of merger or consolidation, recommending to the shareholders the sale, lease, exchange or other disposition of all or substantially all the property and assets of the corporation otherwise than in the usual and regular course of its business, recommending to the shareholders a voluntary dissolution of the corporation or a revocation thereof, or amending the bylaws of the corporation. The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed by law] *to: (1) declare dividends or distributions; (2) approve or recommend to shareholders actions or proposals required by this chapter to be approved by shareholders; (3) designate*

candidates for the office of director, for purposes of proxy solicitation or otherwise, or fill vacancies on the board of directors or any committee thereof; (4) amend the bylaws; (5) approve a plan of merger not requiring shareholder approval; (6) reduce surplus; (7) authorize or approve the reacquisition of shares unless pursuant to a general formula or method specified by the board of directors; or, (8) authorize

or approve the issuance or sale of, or any contract to issue or sell, shares or designate the terms of a series of a class of shares. However, the board of directors, having acted regarding general authorization for the issuance or sale of shares, or any contract for issuance or sale, and, in the case of a series, the designation for issuance or sale, may, pursuant to a general formula or method specified by the board by resolution or by adoption of a stock option or other plan, authorize a committee to fix the terms of any contract for the sale of the shares and to fix the terms upon which such shares may be issued or sold, including, without limitation, the price, the dividend rate, provisions for redemption, sinking fund, conversion, voting or preferential rights, and provisions for other features of a class of shares, or a series of a class of shares, with full power in such committee to adopt any final resolution setting forth all the terms and to authorize the statement of the terms of a series for filing with the secretary of state under this chapter.

Neither the designation of any such committee, the delegation to it of authority, nor action by such committee pursuant to such authority shall alone constitute compliance by any member of the board of directors, not a member of the committee in question, with such director's responsibility to act in good faith, in a manner such director reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances."

3. Page 3, by inserting after line 19 the following:

"Sec. ..... Section four hundred ninety-six A point forty-four (496.44), Code 1975, is amended to read as follows:

496A.44 LIABILITY OF DIRECTORS AND OFFICERS IN CERTAIN CASES. In addition to any other liabilities imposed by law upon directors and officers of a corporation, *a director shall be liable in the following circumstances, unless the director complies with the standard provided in this chapter for*

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performance of the duties of directors:

1. [Directors of a corporation] *A director* who [vote] *votes* for or [assent] *assents* to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders [in willful or negligent violation of] *contrary to* the provisions of this chapter or [of] *to* any restrictions contained in the articles of incorporation, shall be [jointly and severally] liable to the corporation *jointly and severally with all other directors so voting or assenting* for the amount of such dividend which is

paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this chapter or of the restrictions in the articles of incorporation.

2. [Directors of a corporation] *A director* who [vote] *votes* for or [assent] *assents* to the purchase of [its] *the corporation's* own shares [in willful or negligent violation of] *contrary to* the provisions of this chapter or [of] *to* any restrictions contained in the articles of incorporation, shall be [jointly and severally] liable to the corporation *jointly and severally with all other directors so voting or assenting* for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been paid therefor without a violation of the provisions of this chapter or of the restrictions in the articles of incorporation.

3. [The directors of a corporation] *A director* who [vote] *votes* for or [assent] *assents* to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all unknown debts, obligations, and liabilities of the corporation shall be [jointly and severally] liable to the corporation *jointly and severally with all other directors so voting or assenting* for the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged.

[A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall

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forward such dissent by registered or certified mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

A director shall not be liable under subsections 1, 2, or 3 of this section if the director relied and acted in good faith upon financial statements of the corporation, represented to the director to be correct by the president or the officer of such corporation having charge of its books of account, or stated in a written report by an independent public or certified public accountant or firm of such accountants fairly to reflect the financial condition of such corporation nor shall the director be so

liable if in good faith in determining the amount available for any such dividend or distribution the director considered the assets to be of their book value.] If an officer willfully or negligently submits an incorrect financial statement to a director or directors, and board of directors action, contrary to the provisions of this chapter or of any restrictions in the articles of incorporation, is taken in reliance thereon, the officer shall be liable to the same extent as if the officer were a director voting for or assenting to such action. No [director or] officer shall be deemed to be negligent within the meaning of this section if the [director or] officer exercised that diligence, care and skill which an ordinarily prudent person *in a like position* would [exercise] *use* under similar circumstances.

Any director against whom a claim shall be asserted under or pursuant to this section for the payment of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who accepted or received any such dividend or assets, knowing such dividend or distribution to have been made in violation of the provisions of this chapter or of any restrictions in the articles of incorporation, in proportion to the amounts received by them respectively, and to contribution from any other director found to be similarly liable.

Any action seeking to impose liability under this section, other than liability for contribution, shall be commenced only within five years of the action complained of and not thereafter."

Oakley of Clinton offered the following amendment H—5160, to the committee amendment H—5129, filed by him and moved its adoption:

H—5160

Amend the committee on judiciary and law enforcement amendment H—5129, to Senate File 524 as passed by the Senate, as follows:

1. Page 1, line 46, by striking the word "the" and inserting in lieu thereof the word "a".

Amendment H—5160 was adopted.

Oakley of Clinton offered the following amendment H—5189, to the committee amendment H—5129, filed by him and moved its adoption:

H—5189

Amend the committee on judiciary and law enforcement amendment H—5129, to Senate File 524, as amended and passed by the Senate, as follows:

1. Page 2, line 24, by striking the word "COMMIT-

TEE" and inserting in lieu thereof the words "AND OTHER COMMITTEES".

2. Page 3, line 11, by striking the word ". However" and inserting in lieu thereof the word "; however".

3. Page 3, line 15, by striking the words "for issuance or" and inserting in lieu thereof the words "of the series".

4. Page 3, line 16, by striking the word "sale".

Amendment H—5189 was adopted.

Oakley of Clinton offered the following amendment H—5153, to the committee amendment H—5129, filed by Jesse of Polk and moved its adoption:

H—5153

Amend the committee on judiciary and law enforcement amendment H—5129 to Senate File 524, as amended and passed by the Senate, as follows:

1. Page 3, line 43, by striking "(496.44)" and inserting in lieu thereof "(496A.44)".

2. Page 4, line 36, by striking the word "unknown" and inserting in lieu thereof the word "known".

Amendment H—5153 was adopted.

Oakley of Clinton moved the adoption of amendment H—5129, as amended.

Amendment H—5129, as amended, was adopted.

Oakley of Clinton asked and received unanimous consent to withdraw amendment H—5169 filed by him on February 9, 1976, and found on page 329 of the House Journal.

Oakley of Clinton offered the following amendment H—5193 filed by him and moved its adoption:

H—5193

Amend Senate File 524, as amended and passed by the Senate, page 6, line 33, by inserting after the word *"in"* the words *"section four hundred ninety-six A point two (496A.2) of the Code, in"*.

Amendment H—5193 was adopted.

Hennessey of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 524)

The ayes were, 90:

Anderson	Dunton	Jordan	Patchett
Avenson	Dyrland	Junker	Pavich
Baker	Egenes	Koogler	Pellett
Bennett	Evans	Krause	Perkins
Bina	Fitzgerald	Kreamer	Poncy
Bittle	Gentleman	Lageschulte	Rinas
Bortell	Gilloon	Lindeen	Scheelhaase
Brandt	Griffee	Lipsky	Schroeder
Branstad	Halvorson	Lonergan	Small
Brockett	Hansen	McElroy	Spear
Byerly	Hargrave	Menke	Spradling
Caffrey	Harvey	Middleswart	Stromer
Clark	Hennessey	Millen	Tauke
Connors	Higgins	Miller, A. V.	Tofte
Crabb	Hines	Miller, K. D.	Varley
Crawford	Hinkhouse	Miller, O. L.	Walter
Cusack	Horn	Monroe	Welden
Daggett	Howell	Nealson	Wells
Danker	Hullinger	Newhard	West
Den Herder	Husak	Norland	Woods
Dieleman	Hutchins	Oakley	Wyckoff
Doyle	Jesse	O'Halloran	Mr. Speaker
Drake	Jochum		

The nays were, none.

Absent or not voting, 9:

Brunow	Middleton	Readinger	Svoboda
Harper	Nielsen	Spencer	Wulff
Mennenga			

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

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **House File 576**, a bill for an act to regulate the modification of the height of certain motor vehicles from the ground subject to penalties provided by law, and amendment H—5226 to amendment H—5158 to the Senate amendment H—5126.

Krause of Palo Alto asked and received unanimous consent to withdraw amendment H—5226, to amendment H—5158.

Krause of Palo Alto offered the following amendment H—5306, to amendment H—5158, to the Senate amendment H—5126, filed by Krause, Oakley, Drake and Lageschulte from the floor:

H—5306

Amend the Schroeder, et al., amendment H—5158, to Senate amendment H—5126 to House File 576, as follows:

1. By striking all of line 3 through 17 and inserting in lieu thereof the following:

"Page 1, by striking lines 2 and 3 and insert-

ing in lieu thereof the following: "as follows:
1. Page 1, line 4, by inserting after the second word "car," the following: "except a used car which is twenty-five (25) years old or older, motorcycle,".
2. Page 1, by striking lines 7 through 9 and inserting in lieu thereof the following: "manner. The director by rule shall grant exemptions for classes of vehicles and alterations not detrimental to the safe operation of such motor vehicle as it relates to braking, cornering and exposure of the fuel tank of the vehicle."

Schroeder of Pottawattamie rose on a point of order that amendment H—5306 was not germane.

The Speaker ruled the point not well taken and amendment H—5306 germane.

Horn of Linn asked for unanimous consent that House File 576 be temporarily deferred.

Objection was raised.

Krause of Palo Alto moved the adoption of amendment H—5306, to amendment H—5158, to the Senate amendment H—5126.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 35 , nays 47.

Amendment H—5306 lost.

Schroeder of Pottawattamie moved the adoption of amendment H—5158, to the Senate amendment H—5126.

Amendment H—5158 was adopted.

Horn of Linn offered the following amendment H—5309, to the Senate amendment H—5126, filed by him from the floor:

H—5309

Amend the Senate amendment, H—5126, to House File 576, as passed by the House, by striking lines 1 through 3 and inserting in lieu thereof the following:
"Amend House File 576, page 1, lines 5 and 6, by striking the words "road clearance or center of gravity altered or modified" and inserting in lieu thereof the words "bumper raised or lowered"."

With the adoption of amendment H—5158, the Speaker ruled amendment H—5309 out of order.

The Speaker ruled the following amendments out of order:

H—3593 filed by Hines of Story on April 18, 1975, and found on page 1206 of the House Journal.

H—3871 filed by Schroeder, et al., on May 19, 1975, and found on page 1823 of the House Journal.

H—5227 filed by Spencer, et al., on February 17, 1976, and found on pages 413 and 414 of the House Journal.

Lageschulte of Bremer moved that the House concur in the Senate amendment H—5126, as amended.

The motion prevailed and the House concurred in the Senate amendment, as amended.

Lageschulte of Bremer moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 576)

The ayes were, 40:

Avenson	Fitzgerald	Junker	Rinas
Bennett	Gentleman	Lageschulte	Schroeder
Branstad	Gilloon	McElroy	Spear
Brockett	Hansen	Menke	Tauke
Crawford	Higgins	Middleswart	Tofte
Cusack	Hinkhouse	Miller, K. D.	Varley
Danker	Howell	Miller, O. L.	Walter
Dieleman	Hullinger	Nealson	West
Drake	Jochum	Patchett	Wyckoff
Dunton	Jordan	Pellett	Mr. Speaker

The nays were, 48:

Baker	Dyrland	Koogler	O'Halloran
Bina	Egenes	Krause	Pavich
Bortell	Evans	Lipsky	Perkins
Brandt	Griffee	Lonergan	Poncy
Byerly	Halvorson	Mennenga	Scheelhaase
Caffrey	Hargrave	Middleton	Small
Clark	Harvey	Millen	Spradling
Connors	Hennessey	Miller, A. V.	Stromer
Crabb	Horn	Monroe	Welden
Daggett	Husak	Newhard	Wells
Den Herder	Hutchins	Nielsen	Woods
Doyle	Jesse	Oakley	Wulff

Absent or not voting, 11:

Anderson	Harper	Lindeen	Spencer
Bittle	Hines	Norland	Svoboda
Brunow	Kreamer	Readinger	

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

SENATE FILE 53 SUBSTITUTED FOR HOUSE FILE 124

Hennessey of Delaware asked and received unanimous consent to substitute Senate File 53 for House File 124.

Senate File 53, a bill for an act to establish the license and qualifications of real estate apprentice salesmen, was taken up for consideration.

Schroeder of Pottawattamie offered amendment H—5217 filed by him and requested division as follows:

H—5217

Amend Senate File 53 as follows:

H—5217A

1. Page 2, by inserting after line 17 the following section:

"Sec. ..... Section one hundred seventeen point seven (117.7), subsection three (3), Code 1975, is repealed.

H—5217B

2. Page 12, by striking lines 24 through 30, inclusive, and inserting in lieu thereof the following:

"Sec. 20. In addition, each person possessing a license as a real estate salesman on January 1, 1976 shall complete the education requirement for real estate apprentice salesmen as provided in section six (6) of this Act and shall so inform the commission by December 31, 1977, or the license shall expire on December 31, 1977 and the person shall not be eligible for license renewal."

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5217A.

Drake of Muscatine rose on a point of order that amendment H—5217B was not germane.

The Speaker ruled the point not well taken and amendment H—5217B germane.

Schroeder of Pottawattamie moved the adoption of amendment H—5217B.

Roll call was requested by Harvey of Scott and Wulff of Black Hawk.

Under the provisions of Rule 71, Nealson of Muscatine refrained from voting.

On the question "Shall amendment H—5217B be adopted?"

The ayes were, 17:

Avenson	Horn	Miller, K. D.	Scheelhaase
Baker	Jesse	Monroe	Schroeder
Dyrland	Koogler	Pavich	Walter
Halvorson	Middleswart	Rinas	Mr. Speaker
Higgins			

The nays were, 61:

Bennett	Drake	Jochum	Pellett
Bina	Dunton	Jordan	Perkins
Bortell	Egenes	Junker	Poncy
Brandt	Evans	Krause	Small
Branstad	Fitzgerald	Lageschulte	Spear
Brockett	Gentleman	Lonergan	Spradling
Caffrey	Gilloon	McElroy	Stromer
Clark	Hansen	Menke	Tauke
Crabb	Harvey	Millen	Tofte
Crawford	Hennessey	Miller, A. V.	Varley
Cusack	Hines	Miller, O. L.	Welden
Daggett	Hinkhouse	Newhard	Wells
Danker	Howell	Oakley	West
Den Herder	Husak	O'Halloran	Wulff
Dieleman	Hutchins	Patchett	Wyckoff
Doyle			

Absent or not voting, 21:

Anderson	Hargrave	Lipsky	Norland
Bittle	Harper	Mennenga	Readinger
Brunow	Hullinger	Middleton	Spencer
Byerly	Kreamer	Nealson	Svoboda
Connors	Lindeen	Nielsen	Woods
Griffee			

Amendment H—5217B lost.

(Senate File 53 pending at adjournment and placed under unfinished business.)

MOTION TO SUSPEND RULES PREVAILED
(House File 1326)

Schroeder of Pottawattamie invoked Rule 32 on **House File 1326.**

Avenson of Fayette moved that Rule 32 be suspended and House File 1326 remain on the regular calendar.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 52, nays 33.

The motion prevailed and House File 1326 remains on the regular calendar.

INTRODUCTION OF BILLS

House File 1376, by Brandt, Hargrave, Higgins and Lipsky, a bill for an act relating to care review committees for health care facilities.

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

House File 1377, by Cusack and Higgins, a bill for an act relating to the possession of marijuana for personal use and providing a penalty.

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

House File 1378, by Cusack, a bill for an act relating to the pollution of air, water, and other natural resources.

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

House File 1379, by Tauke and Walter, a bill for an act relating to comparative negligence.

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

House File 1380, by Tauke and Walter, a bill for an act relating to motor vehicle accidents involving the guest statute.

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

House File 1381, by Doyle, Wells, Den Herder, Daggett, Caffrey, Hutchins, Millen, O'Halloran and Newhard, a bill for an act transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety.

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

House File 1382, by Small and Varley a bill for an act relating to the standardization of computer programs or systems used by counties.

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

House File 1383, by Millen, a bill for an act relating to recall of members of a county board of supervisors.

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

House File 1384, by Dyrland, a bill for an act to establish a professional standards board and to prescribe its duties.

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

House File 1385, by Brandt and O'Halloran, a bill for an act relating to credit for years of service under the Iowa public employees' retirement system.

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

House File 1386, by Brandt, a bill for an act relating to sexual abuse and providing penalties.

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

House File 1387, by Bina, a bill for an act to divert a portion of the sales tax revenue to the municipal assistance fund to provide financial assistance to cities and property tax relief.

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

House File 1388, by committee on natural resources, a bill for an act amending certain provisions relating to the disposal of solid waste and the establishment of sanitary disposal projects and providing for the use of injunctions in the case of certain violations.

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

House File 1389, by committee on county government (committee on county government), a bill for an act relating to bids for maintenance or construction of county buildings.

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

House File 1390, by committee on natural resources, a bill for an act relating to civil damages for the taking of game or furbearing animals.

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

House File 1391, by Hutchins, Krause and Small, a bill for an act relating to ancient remains and subjecting violators to a penalty.

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

House File 1392, by Cusack, a bill for an act relating to the disclosure of a person's social security number.

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

SENATE MESSAGES CONSIDERED

Senate File 194, a bill for an act relating to the selling of tangible goods by a licensee authorized to make supervised loans pursuant to the "Iowa Consumer Credit Code".

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

Senate File 380, a bill for an act relating to the effective date of certain acts or resolutions of the general assembly.

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

Senate File 443, a bill for an act relating to loans on residential real property by state banks.

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

Senate File 1122, a bill for an act relating to the employment rights of second deputy sheriffs.

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

Senate File 1126, a bill for an act relating to and appropriating funds to the Iowa state historical department.

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

Senate File 1133, a bill for an act allowing inspection stations to issue temporary permits for highway use on restricted title vehicles.

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

Senate File 1134, a bill for an act to permit either parent to consent to the application of a minor for an operator's license.

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

Senate File 1139, a bill for an act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation.

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

Senate File 1151, a bill for an act relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 19, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 292, a bill for an act to abolish certain liens and provide procedures for payment of charges at certain institutions.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 362, a bill for an act relating to the exclusion of banks from membership sales licensing requirements of the Code.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 442, a bill for an act relating to permissible investments by a state bank acting in a fiduciary capacity.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 292

H—5316

Amend House File 292 as amended, passed and reprinted by the House as follows:

1. Page 1, line 7, by inserting after the word "his" the words "or her".

2. Page 1, line 9, by inserting after the word "his" the words "or her".

3. Page 1, line 10, by inserting after the word "are" the word "presently".

4. Page 1, line 10, by striking the word "they" and inserting in lieu thereof the word "it".

5. Page 1, by striking line 11 and inserting in lieu thereof the following: "the auditor not to index the name of that person, as would otherwise be required by section one hundred twenty-five point thirty-three (125.33) of the Code. However the board may review its finding with respect to any person at any subsequent time at which another similar list is certified upon which that person's name appears. If the board finds upon review that that person or those legally liable for his or her support are presently able to pay for the treatment, that finding shall apply only to charges stated upon the list then before the board and any subsequent charges similarly certified, unless and until the board again changes its findings."

6. Page 1, by inserting after line 11 the following new sections:

"Sec. ..... Section one hundred twenty-five point thirty-two (125.32), Code 1975, is amended to read as follows:

125.32 TRANSFER FROM INSTITUTIONAL FUND. The

county auditor upon receipt of [such] certification by the facility *as required by section one hundred twenty-five point twenty-eight (125.28) of the Code* shall enter the same to the credit of the facility and issue a notice [to] *authorizing* the county treasurer[, authorizing him] to transfer the amount from the county mental health and institutions fund to the [state general fund] *credit of the facility*, which notice shall be filed by the treasurer as [his] authority for making such transfer, and [shall include] the amount transferred [in his] *shall be included in the auditor's* next remittance to the facility.

Sec. ..... Section one hundred twenty-five point thirty-three (125.33), Code 1975, is amended to read as follows:

125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of each county shall keep an accurate account of the total cost *to the county* of the care, maintenance, and treatment of any alcoholic and keep

Page 2

an index of the names of the alcoholics admitted from such county.

Sec. ..... Section one hundred twenty-five point thirty-four (125.34), Code 1975, is amended to read as follows:

125.34 COLLECTION OF CLAIMS BY BOARD OF SUPERVISORS. The board of supervisors shall collect the total amount of all such [claims and] *liabilities as they become due, from those persons whom the board has found, under section one (1) of this Act, are able to pay. The board shall* direct the county attorney to proceed with the collection of such [claims] *liabilities* as a part of the duties of [his] *that* office. The county shall be entitled to keep the total amount of all such [claims] *liabilities* collected. The county attorney, with the consent of the board of supervisors, may execute an agreement providing for the acceptance of a lesser amount owed by an alcoholic, his *or her* spouse, or estate to the county. The execution of such agreement may provide that the same is in satisfaction of all moneys owed the county."

7. Page 1, line 17, by inserting after the word "[treatment]" the words *"and whom the board has previously found, under section one (1) of this Act, is able to pay"*.

8. Page 1, by striking lines 21 and 22 and inserting in lieu thereof the words *"and treatment which exceeds the total amount of all claims of the first through the"*.

9. Page 1, line 25, by striking the words *"estate; and"* and inserting in lieu thereof the word *"estate."*

10. Page 1, by striking lines 26 and 27.

11. Page 1, line 35, by inserting after the word "his" the words "or her".

12. Page 1a, line 5, by inserting after the word "him" the words "or her".
13. Page 1a, line 5, by inserting after the word "are" the word "presently".
14. Page 1a, by inserting after line 6 the following: "The board may review its finding at any subsequent time while the person remains at the hospital-school, or is otherwise receiving care or treatment for which this chapter obligates the county to pay. If the board finds upon review that that person or those legally responsible for him or her are presently able to pay such expenses, that finding shall apply only to the charges so incurred during the period beginning on the date of the review and continuing thereafter, unless and until the board again changes its finding."

Page 3

15. Page 2, line 14, by inserting after the word "his" the words "or her".
16. Page 2, line 15, by inserting after the word "are" the word "presently".
17. Page 2, line 16, by striking the word "his" and inserting in lieu thereof the words "the person's".
18. Page 2, line 17, by striking the word "he".
19. Page 2, line 19, by striking the words "If the report shows" and inserting in lieu thereof the words "The court may, upon request of the board of supervisors, review its finding at any subsequent time while the person remains at the hospital-school, or is otherwise receiving care or treatment for which this chapter obligates the county to pay. If the court finds upon review that the person or those legally responsible for him or her are presently able to pay such expenses, that finding shall apply only to the charges incurred during the period beginning on the date of the board's request for the review and continuing thereafter, unless and until the court again changes its finding. When the court finds".
20. Page 2, line 20, by inserting after the word "his" the words "or her".
21. By striking page 2, line 24 through page 2a, line 6.
22. Page 2a, by inserting after line 6 the following new section:
"Sec. ..... Section two hundred twenty-two point eighty-two (222.82), Code 1975, is amended to read as follows:
supervisors of each county may direct the county attorney to proceed with the collection of said
222.82 COLLECTION OF CLAIMS. The board of *liabilities and* claims as a part of the duties of his office when the board of supervisors deems such action advisable. The board of supervisors may and is hereby empowered to compromise any and all

liabilities to the county arising under the chapter when such compromise is deemed to be in the best interests of the county. Any collections and liens shall be limited in conformance to section 614.1, subsection 4."

23. Page 2a, line 11, by inserting after the word "his" the words "or her".

24. Page 2a, by striking line 14 and inserting in lieu thereof the words "issue a notice [to his] *authorizing the* county treasurer[, authorizing him] to".

25. Page 2a, line 17, by striking the word "his" and inserting in lieu thereof the word "[his]".

Page 4

26. Page 2a, line 18, by striking the words "shall include" and inserting in lieu thereof the words "[shall include]".

27. Page 3, by striking line 1 and inserting in lieu thereof the words "[in his next remittance of state taxes] *shall be remitted* to the treasurer of".

28. Page 3, by striking lines 14, 15 and 16 and inserting in lieu thereof the words "of that person's hospitalization. If the board finds that neither the".

29. Page 3, line 17, by inserting after the word "his" the words "or her".

30. Page 3, line 19, by striking the words "make any charges against" and inserting in lieu thereof the words "index the names of".

31. Page 3, line 20, by striking the words "pursuant to" and inserting in lieu thereof the words "as would otherwise be required by".

32. Page 3, line 21, by inserting after the period the following: "However the board may review its finding with respect to any person at any subsequent time at which another list is furnished by the auditor upon which that person's name appears. If the board finds upon review that that person or those legally liable for his or her support are presently able to pay the expenses of that person's hospitalization, that finding shall apply only to charges stated upon the certificate from which the list was drawn up and any subsequent charges similarly certified, unless and until the board again changes its finding."

33. Page 4, line 7, by inserting after the word "[care]" the words "*and whom the board has previously found, under section eight (8) of this Act, is able to pay*".

34. Page 4, by striking lines 10 and 11 and inserting in lieu thereof the words "*person's care which exceeds the total amount of all claims of the first through the*".

35. Page 4, line 14, by striking the word "*estate;*"

and inserting in lieu thereof the word *"estate."*.

36. Page 4, by striking lines 15 through 18, inclusive.

37. Page 4, line 24, by striking the word "his" and inserting in lieu thereof the words "[his] *that person's*".

38. Page 4, line 25, by inserting after the word "he" the words *"or she"*.

39. Page 4, line 25, by inserting after the word "his" the words *"or her"*.

Page 5

40. Page 4, by striking lines 32 and 33 and inserting in lieu thereof the words *"county which exceeds the total amount of all claims of the first through the"*.

41. Page 5, line 1, by striking the words *"estate; and"* and inserting in lieu thereof the word *"estate."*

42. Page 5, by striking lines 2, 3 and 4.

43. Page 5, by striking lines 5 through 8 and inserting in lieu thereof the following new section:

"Sec. ..... All liens created under section two hundred thirty point twenty-five (230.25), as that section appeared in the Code of 1975 and prior editions of the Code, are abolished effective January 1, 1977, except as otherwise provided by this Act. The board of supervisors of each county shall, as soon as practicable after July 1, 1976, review all liens resulting from the operation of said section two hundred thirty point twenty-five (230.25) and make a determination as to the ability of the person against whom the lien exists to pay the charges represented by the lien, and if they find that the person is able to pay those charges they shall direct the county attorney of that county to take immediate action to enforce the lien. If action is commenced under this section on any lien prior to the effective date of the abolition thereof, that lien shall not be abolished but shall continue until the action is completed."

44. Page 5, after line 8, by inserting the following section:

"Sec. ..... Any claim filed against the estate of a decedent under the provisions of section one hundred twenty-five point thirty-six (125.36), Code 1975, section one hundred twenty-three B point sixteen (123B.16) as that section appeared in the Codes of 1973 and 1971, or sections two hundred twenty-two point eighty-one (222.81) or two hundred thirty point thirty (230.30) as they appeared in the Code of 1975 and prior Codes, which claim was filed but had not been satisfied prior to the effective date of this Act, shall be allowed only to the extent the claim would have been allowed if filed under sections

one hundred twenty-five point thirty-six (125.36), two hundred twenty-two point eighty-one (222.81), or two hundred thirty point thirty (230.30) of the Code as amended by this Act."

45. By renumbering sections and internal references in this Act and this amendment as necessary.

COMMUNICATION FROM THE SECRETARY OF STATE

February 20, 1976

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that the foregoing Act, Senate File 1060, was published in the Cherokee Daily Times, Cherokee, Iowa, February 12, 1976, and in the West Des Moines Express, West Des Moines, Iowa, February 12, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

SPONSOR WITHDRAWN
(House File 1309)

Small of Johnson requested he be withdrawn as a sponsor of **House File 1309.**

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House File 1245, amendment H—5286 to House File 1313, House File 1313, and House File 787. Had I been present, I would have voted "aye" on House File 1245, "nay" on amendment H—5286, "aye" on House File 1313, and "aye" on House File 787.

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber when the vote was taken on House File 787. Had I been present, I would have voted "aye."

PERKINS of Greene

I was necessarily absent from the House chamber when the vote to concur with the Senate on House File 787 and on final passage of House File 787 was taken. Had I been present I would have voted "aye."

HUTCHINS of Guthrie

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 113 **Education**

To provide a limited exception to teacher certification requirements.

S. B. 114 Agriculture

Establishing a program to research and discover a cure for animal diseases known as aujeszky's disease and vibriosis affecting swine, cattle and sheep and making an appropriation.

REPORTS OF COMMITTEES

Monroe of Des Moines, from the committee on state government, submitted the following reports:

MR. SPEAKER: Your committee on state government to whom was referred **House File 147**, a bill for an act relating to the Iowa state flag, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5302

Amend House File 147 as follows:
1. Page 1, by striking lines 29 through 35.
2. Page 2, by striking lines 1 through 5.
3. By renumbering the sections to accord with this amendment.

MONROE of Des Moines, Chair

Also:

MR. SPEAKER: Your committee on state government to whom was referred **House File 198**, a bill for an act to permit pari-mutuel betting in Iowa; to create a state racing commission and prescribe its powers and duties; to provide for licensing of certain organizations for the purpose of conducting horse races and racing meets; imposing taxes and fees and providing for their use and disbursement; and declaring certain acts to be unlawful and prescribing penalties for the commission of such acts, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5308

Amend House File 198 as follows:
1. Page 2, by inserting after line 11, the following new paragraphs:
"a. A member of the commission shall have been a resident of the state, a qualified elector and an owner of real property therein for not less than five years next preceding his appointment.
b. Before entering upon the discharge of duties, each appointee shall take the official oath.
c. No person who has a financial interest in a racetrack, or the operation of licensed wagering on the results of races, is qualified for membership on the commission or appointment or employment by the commission, but this provision shall not be construed to affect the entrance into a race of a

horse or dog belonging to a member, or the winning of a purse or award by such horse or dog."

2. Page 2, by inserting after line 28, the following new section:

"Sec. ..... *NEW SECTION.* PROHIBITED ACTIVITIES. No member, employee or appointee of the commission may without the prior approval of the commission:

1. Enter into any business dealing, venture or contract with an owner or lessee of a racetrack or any licensee.

2. Be employed in any capacity by any racetrack or licensee.

3. Participate as an owner-trainer, trainer or jockey in any racing meeting conducted in this state.

No other employee or appointee of an agency, body or department of the state may be employed in any capacity by any licensee authorized to do business in this state pursuant to this Act without prior permission and approval of the commission."

3. Page 2, by inserting after line 32, the following:

"When promulgating rules:

1. The commission shall prepare and promulgate such complete rules to govern the racing meetings as may be required to protect and promote public health, safety and the proper conduct of racing and pari-mutuel wagering and any other matter pertaining to the proper conduct of racing within this state.

2. The commission may visit and investigate the offices, tracks or places of business of any licensee, and place therein expert accountants and such other persons as it deems necessary for the purpose of ascertaining that the rules are being complied with.

3. The commission shall supervise the pari-mutuel departments of all tracks.

Page 2

4. Upon application in writing by on objector to any decision of track officials, made within three days after the official notification to the objector of the decision complained of, the commission shall review the objection. In the case of a suspension of a license by the track officials, such suspension shall commence at once and run for a period of twenty days. If at the end of this twenty-day period the commission has not held a hearing to review the decision of the officials, then the suspended license shall be reinstated until such time as the commission holds a hearing to review the objection.

5. The commission may issue subpoenas for the attendance of witnesses and the production of books, records and documents relevant and material to a particular matter before the commission.

6. Any member of the commission may administer oaths and such oaths shall be administered to any

person who appears before the commission to give testimony or information pertaining to matters before the commission."

4. Page 2, line 33, after the word "HORSE" insert the words "OR DOG".

5. Page 3, line 3, by inserting after the word "horse" the words "or dog".

6. Page 3, line 4, by striking the word "centralized".

7. Page 3, line 6, by inserting after the word "horse-race" the words or "dog-race".

8. Page 4, by inserting after line 1, the following:

"No license shall be granted to any nonprofit corporation or association if there is substantial evidence that the applicant for a license:

1. Has been suspended or ruled off a recognized course in another jurisdiction by the racing board or commission thereof.

2. Stockholders of the nonprofit corporation or members of the nonprofit association are not of good repute and moral character.

3. Should not, in the best interest of the safety, welfare, economy, health and peace of the people of the state, be granted a license.

4. Is not possessed of or has not demonstrated financial responsibility sufficient to meet adequately the requirements of the enterprise proposed to be authorized.

5. Is not the true owner of the enterprise proposed to be granted a license, that other persons have ownership in the enterprise which fact has not been

Page 3

disclosed or, if the applicant is a corporation, that ten per cent of the stock of such corporation is subject to a contract or option to purchase at any time during the period for which the license is issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license.

6. Is in a locality that is not in the public interest or convenience.

7. Has made a knowingly false statement of a material fact to the commission.

8. Has failed to meet any monetary obligation in connection with any racing meeting held in this state."

9. Page 4, line 18, by inserting after the word "horse" the words "or dog".

10. Page 4, line 20, by inserting after the word "horses" the words "or dogs".

11. Page 4, line 25, by inserting after the word "horse" the words "or dog".

12. Page 4, line 27, by inserting after the word

"horses" the words "or dogs".
13. Page 4, by striking line 28.
14. Page 4, line 29, by striking the words "multiple of ten".
15. Page 4, line 30, by inserting after the word "horse" the words "or dog".
16. Page 4, line 32, by inserting after the word "horses" the words "or dogs".
17. Page 4, line 34, by inserting after the word "horses" the words "or dogs".
18. Page 5, line 3, by inserting after the word "horses" the words "or dogs".
19. Page 5, by inserting after line 11, the following new section:
"Sec. ..... *NEW SECTION.* BREAKAGE. The term "breakage" means the odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents. A person licensed under this Act to conduct a racing meeting shall deduct the breakage from the pari-mutuel and such amounts shall be distributed as follows:
1. Fifty percent shall be retained by the licensee.
2. Twenty-five percent shall be retained by the licensee and used to supplement the general purse structure; and
3. Twenty-five percent shall be retained by the licensee to supplement purses in races in which Iowa bred horses or dogs are winners."
20. Page 5, line 13, by striking the word "running"

Page 4

and inserting the words "horse or dog".
21. Page 5, line 17, by inserting after the word "race" the words "or dog-race".
22. Page 7, line 4, by striking the words "divided into as many".
23. Page 7, by striking lines 5 through 15 and inserting in lieu thereof the words "deposited in the general fund of the state."
24. Page 7, line 16, by inserting after the word "HORSE" the words "OR DOG".
25. Page 8, line 7, by inserting after the word "HORSES" the words "OR DOGS".
26. Page 8, line 10, by inserting after the word "horses" the words "or dogs".
27. Page 8, line 12, by inserting after the word "horses" the words "or dogs".
28. Page 8, line 14, by inserting after the word "horse" the words "or dog".
29. Page 8, line 15, by inserting after the word "horse" the words "or dog".
30. Page 8, line 17, by inserting after the word "horse" the words "or dog".
31. Page 8, line 18, by inserting after the word "race" the words "or dog-race".

32. Page 8, by inserting after line 24, the following new section:

"Sec. ..... *NEW SECTION.* COMMISSION CHEMIST. The commission shall employ one or more chemists or contract with a qualified chemical laboratory to determine by chemical testing and analysis of saliva, urine, blood or other execretions or body fluids whether or not any substance or drug has been introduced which would affect the outcome of any race or whether or not any action has been taken or any substance or drug has been introduced which may interfere with the testing procedure. Procedures and actions taken on positive reports shall be in conformity with the standards of the national association of state racing commissioners, the association of official racing chemists, the New York jockey club, the United States trotting association, or such other procedures or standards as the commission may prescribe.

A commission chemist shall be in attendance at every race meeting held in this state.

A chemist or an agent of a chemist who willfully or intentionally fails to perform the functions of or duties of employment as required by this section, shall be banned for life from employment at any race meeting held in this state."

Page 5

33. Page 8, by striking line 27, and inserting in lieu thereof the words "any horse race or dog race or horse-race or dog-race meeting in connection with which".

34. Page 8, by striking line 31, and inserting in lieu thereof the words "horse races or dog races or horse-race or dog-race meetings in connection with which".

35. Page 9, by inserting after line 3, the following:

"1. At any racing meeting conducted under the provisions of this Act, a person shall be fined not more than five thousand dollars, or imprisoned in the county jail not more than one year or be subject to both fine and imprisonment, if he or she:

a. Influences or has any understanding or connivance with an owner, jockey, trainer, groom or other person associated with a stable, kennel or race in which any horse or dog participates to predetermine the result thereof.

b. Gives or offers a bribe in any form to an official owner, trainer, jockey, driver or groom, or accepts or solicits a bribe in any form.

c. Administers a drug, narcotic or hypnotic to a horse or dog in an attempt to affect the result of a horse, harness or dog race.

d. Has in possession or in use, while riding or

driving in any horse race, any mechanical or electric device other than an ordinary whip.

e. Commits any other corrupt or fraudulent practice in relation to racing which affects or may affect the result of a race.

f. For the purpose of selling or offering to sell predictions on horse races, harness races or dog races, advertises that he or she has predicted the outcome of any race which has been run in this state, unless such person has notified in writing the commission or a representative of the commission of his predictions at least three hours prior to the race involved on forms prescribed by the commission. No person shall advertise the fact that he or she has notified the commission or used the name of the commission in any way whatsoever to promote the activities described in this section. For the purposes of this paragraph the term "advertise" means the use of a newspaper, magazine or other publication, book, notice, circular, pamphlet, letter, handbill, tip sheet, poster, bill, sign, placard, card, label, tag window display, store sign, radio or television announcement, or any other means or methods now or

hereafter employed to bring to the attention of the public information concerning the outcome of horse or dog races. Nothing contained in this paragraph shall apply to any daily newspaper of general circulation which is regularly entered in the United States mail, or any other daily publication carrying complete past performances of horses or dogs entered in races, or to any regularly published magazine or periodical devoted to racing news, which magazine or periodical has been published for at least two years.

2. A member of the commission who at any time, directly or indirectly, receives any money, bribe, tip or other thing of value or service from any person connected with racing given with an intent to influence official action, or any person connected with racing who, directly or indirectly gives such money, bribe, tip or other thing of value or service to a member of the commission with intent to influence official action, shall be fined not more than five thousand dollars or imprisoned in the county jail not more than one year, or be subject to both the fine and imprisonment."

36. Page 9, line 6, by inserting after the word "races" the word "or dog races".

37. Page 9, line 7, by inserting after the word "horse-race" the words "or dog-race".

38. Page 9, line 15, by inserting after the word "HORSES" the words "AND DOGS".

39. Page 9, line 18, by inserting after the word "horse" the words "or dog".

40. Page 9, line 20, by inserting after the word "horse" the words "or dog".
41. Page 9, line 22, by inserting after the word "horse" the words "or dog".
42. Page 9, by striking lines 34 and 35.
43. Page 10, by striking lines 1 through 3.
44. Page 11, line 16, by inserting after the word "horse" the words "or dog".
45. Amend the title page, line 4, by inserting after the word "horse" the words "or dog".
46. Renumbering sections and correcting all internal references as required by this amendment.

MONROE of Des Moines, Chair

Husak of Tama, from the committee on agriculture, submitted the following report:

MR. SPEAKER: Your committee on agriculture to whom was referred **House File 199**, a bill for an act relating to the marketing of livestock and providing penalties, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5307

Amend House File 199, by striking everything after the enacting clause, and inserting in lieu thereof the following:

"Section 1. Section two hundred eleven point one (211.1), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

211.1 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Broker" means a compensated agent employed to negotiate sales of livestock.

2. "Consignment" means the transfer of possession of livestock to the care and custody of a livestock agency for the purpose of sale.

3. "Livestock" means cattle, horses, swine, sheep and poultry, but excluding any of those types of animals when bound for slaughter. "Livestock" does not include any other type of animal or fowl.

4. "Livestock history" means the information described in section three (3) of this Act.

5. "Livestock agency" means a person regularly engaged in livestock transactions and includes sales-yards, sales barns, auction markets, stockyards, order buyers, commission agents, and livestock dealers. A livestock agency is a merchant. A central public market is not a livestock agency or merchant.

6. "Merchant" means merchant as defined in section five hundred fifty-four point two thousand one hundred four (554.2104) of the Code.

7. "Owner" means a person having title to livestock which are the subject of a transaction.

8. "Person" means person as defined in section four point one (4.1) of the Code.

9. "Qualified livestock transaction" means as provided in section two (2) of this Act.

10. "Transaction" means either the sale of livestock, the brokering of livestock, or the consignment of livestock.

11. "Central public market" means a person who owns and operates a place, establishment, or facility **which is registered as a stockyard, but who is not** registered as a commission agent or dealer, under **the United States Packers and Stockyards Act of 1921,** as amended, Title VII, sections one hundred eighty-one (181) through two hundred thirty-one (231), United States Code.

Sec. 2. Section two hundred eleven point two (211.2), Code 1975, is amended by striking the section **and inserting in lieu thereof the following:**

211.2 EXEMPTION OF TRANSACTIONS FROM IMPLIED WARRANTIES. A transaction which complies with section

four (4) of this Act, as appropriate, is a qualified livestock transaction. Livestock which are the subject of a qualified livestock transaction shall be exempt from the implied warranties of section five hundred fifty-four point two thousand three hundred fourteen (554.2314) and five hundred fifty-four point two thousand three hundred fifteen (554.2315) of the Code with respect to that transaction, notwithstanding section five hundred fifty-four point two thousand three hundred sixteen (554.2316) of the Code. However, the exemption created by this section shall not be deemed to impair or modify any actual exclusion or modification of warranties as permitted by section five hundred fifty-four point two thousand three hundred sixteen (554.2316) of the Code.

Sec. 3. Section two hundred eleven point three (211.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

211.3 LIVESTOCK HISTORY.

1. When a written livestock history is to be used in a transaction, it shall be prepared on forms approved by, or prescribed and furnished by the department of agriculture. The form shall be signed by the owner of the livestock or his or her authorized agent, and shall state the names, mailing addresses, and residence or business locations of the present owner and all previous owners of the livestock within the thirty days preceding the date of the transaction.

2. If the identities of all previous owners within the preceding thirty days cannot be determined due to transactions which occurred outside the state of Iowa, the form shall so indicate and shall provide

full information concerning the out-of-state transaction resulting in the transportation of the livestock into Iowa.

3. If the livestock history is not available to the owner or a livestock agency due to the refusal of an owner to provide it, the owner or a livestock agency may prepare a livestock history which shall so indicate and which shall provide full information concerning its receipt of the livestock which are the subject of the transaction.

4. Except as provided in subsections two (2) and three (3) of this section, if the identities of all previous owners within the preceding thirty days are not determined or cannot be determined for any other reason, then the livestock shall not qualify for exemption under this Act.

5. The form shall require a description of the livestock including their number, breed and sex, and

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brands, tags, or other markings, if any.

6. The livestock history shall constitute an express warranty by the owner, or, by the livestock agency acting under the provisions of subsection three (3) of this section, as to the livestock which are the subject of the transaction.

7. If the livestock history is not the same for all livestock included in the transaction, a livestock history must be separately prepared and disclosed for all livestock included in the transaction.

8. Owners, and livestock agencies acting under the provisions of subsection three (3) of this section, shall retain one copy of each livestock history they prepare for at least two years after the date of the transactions to which it refers.

Sec. 4. Chapter two hundred eleven (211), Code 1975, is amended by adding the following new section:

NEW SECTION. 211.4 COMPLIANCE.

1. When selling livestock an owner who is not a livestock agency is deemed to have participated in a qualified livestock transaction if, prior to making the contract of sale, that owner does any of the following:

a. Delivers to the buyer a copy of the livestock history subscribed by that owner; or

b. Otherwise discloses the information required by the livestock history form; or

c. If the owner consigns the livestock to a livestock agency, the owner delivers a written livestock history to the livestock agency.

2. A livestock agency who participates in a transaction as the owner of the livestock, and who prepares a written livestock history as owner in accordance with section three (3) of this Act, and who discloses the history as provided for in subsection

three (3) of this section, is deemed to have participated in a qualified livestock transaction.

3. A livestock agency either selling livestock on consignment or brokering the sale of livestock is deemed to have participated in a qualified livestock transaction if it makes the livestock history form available at the place of business of the livestock agency for prospective buyers to see upon request prior to the making of a sale, and if it verbally announces immediately prior to the taking of bids or the receiving of other offers the name of the owner of the livestock and the number of owners previous thereto as reflected in the livestock history. The duty of the livestock agency in complying with this subsection shall be limited to accurately disclosing

the livestock history as received by the livestock agency. The fact that a buyer did not hear the announcement shall not defeat the exemption claimed with respect to that buyer. If a livestock agency acting as a consignee or broker receives a written livestock history, the livestock agency shall retain the written history for two years from the date of receipt, regardless of whether or not the livestock agency participates in a qualified livestock transaction.

Sec. 5. Chapter two hundred eleven (211), Code 1975, is amended by adding the following new sections:

NEW SECTION. 211.5 EXEMPTION IS A DEFENSE.

In any action or proceeding, the implied warranty exemption which is created by section two (2) of this Act shall be a defense, and the burden of pleading the defense and of proving compliance with section four (4) of this Act shall be on the person or livestock agency asserting the defense. Proof of a material error in or material omission from information supplied shall defeat a claim of exemption, except as otherwise provided in subsection three (3) of section four (4) of this Act with respect to a livestock agency.

NEW SECTION. 211.6 NONCOMPLIANCE NOT EVIDENCE.

The election by any owner or by any livestock agency not to provide livestock history or not to make any verbal declaration of the history of livestock ownership in a transaction shall not be admissible as evidence in any action brought by the buyer in that transaction if offered by that buyer as proof of, or as fact tending to prove, any allegation or claim other than fraud or misrepresentation asserted by the buyer in that action.

NEW SECTION. 211.7 FALSE STATEMENT—PENALTY.

Any person who knowingly furnishes, completes or states false livestock history commits a misdemeanor, punishable by a fine not exceeding one hundred dollars or by imprisonment in the county jail for not more

than thirty days.

NEW SECTION. 211.8 VETERINARY INSPECTION.

1. INSPECTIONS. A livestock agency or central public market operating under a permit issued by the department of agriculture shall cause to be provided veterinary inspections by a qualified veterinary inspector who has been approved by the secretary of agriculture. The veterinary inspector shall visually inspect all livestock marketed and shall issue certificates as to the apparent health of livestock so inspected. The veterinary inspector

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shall have other duties as determined by the secretary of agriculture.

2. CERTIFICATES. A livestock agency or central public market shall cause to be delivered with all livestock sold a verified veterinarian's certificate, on a form prescribed by the secretary of agriculture, which certifies that the health inspection of each animal sold was made during the twenty-four hour period immediately preceding the sale.

3. PENALTIES. A livestock agency or central public market which fails to comply with a duty imposed by this section commits a misdemeanor, and upon conviction may be sentenced to a fine not to exceed five hundred dollars, or to imprisonment in the county jail for a term not to exceed one year, or to both the fine and imprisonment.

4. INSPECTION FEES. The state department of agriculture shall collect a veterinary inspection fee agreed upon by the livestock agency or central public market and a qualified veterinary inspector, recommended by the livestock agency or central public market and approved by the secretary of agriculture plus a cost of administration not to exceed two dollars per month per livestock agency or central public market, on all livestock marketed through said livestock agency or central public market required to hold permits issued by the department of agriculture. Such fees, when collected, shall be placed by the secretary of agriculture in an "inspection fee revolving fund" under his or her jurisdiction. The department shall pay fees to each approved veterinary inspector for inspection services in accordance with agreements between such veterinarian and the livestock agency or central public market where inspections are accomplished, reduced by the allowable amounts for administration. Such fees shall be adjusted from time to time so that the amount collected will not exceed the costs of veterinary inspections and the administration thereof. The provisions of this section shall also apply to all livestock agencies or central public markets receiving livestock moved into this

state for sale through said livestock agency or central public market, except meat processing establishments or central public markets where full-time federal inspections are required and such requirement is complied with. Livestock agencies or central public markets not handling livestock shipped into this state for resale shall be exempt from the provisions of this section, as well as livestock meeting federal and state requirements for interstate shipment as

Page 6

to health at the time of entry into Iowa.

NEW SECTION. 211.9 BONDING CERTAIN LIVESTOCK AGENCIES. The secretary of agriculture may require reasonable bonds from every livestock agency operating in this state which is not presently bonded under the provisions of the United States Packers and Stockyards Act of 1921, as amended, Title VII, sections one hundred eighty-one (181) through two hundred thirty-one (231), United States Code, under such rules as he or she may prescribe to secure the performance of their obligations, and whenever the secretary after hearing under the Iowa Administrative Procedure Act finds any such agency is insolvent or has violated any provisions of this chapter he or she may suspend operations of the livestock agency forthwith for a reasonable specified period.

Sec. 6. Section five hundred fifty-four point two thousand three hundred fourteen (554.2314), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. This section does not apply to livestock which are the subject of a qualified livestock transaction as provided in section two hundred eleven point two (211.2) of the Code.

Sec. 7. Section five hundred fifty-four point two thousand three hundred fifteen (554.2315), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not apply to livestock which are the subject of a qualified livestock transaction as provided in section two hundred eleven point two (211.2) of the Code.

Sec. 8. Not later than September 30, 1976, the secretary of agriculture shall approve, or prescribe and distribute the forms to be used pursuant to this chapter. The distribution initially may be restricted to livestock agencies, veterinarians, and other outlets which in the discretion of the secretary will provide the widest practical dissemination and availability."

HUSAK of Tama, Chair

Small of Johnson, from the committee on commerce, submitted the following report:

MR. SPEAKER: Your committee on commerce to whom was referred **Senate File 487**, a bill for an act relating to the regulation of savings and loan associations organized under the laws of the state of Iowa, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the **same do pass.**

SMALL of Johnson, Chair

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 909**, a bill for an act relating to the platting of land, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5310

Amend House File 909 as follows:

1. Page 1, line 4, by striking the word "land," and inserting in lieu thereof the word "land[,]".

2. Page 1, line 8, by striking the word "*cities*" and inserting in lieu thereof the words "*a city*".

3. Page 1, line 10, by striking the words "has subdivided, or shall hereafter" and inserting in lieu thereof the words "[has subdivided, or] shall [hereafter]".

4. Page 1, line 11, by striking the words "[three] *two*" and inserting in lieu thereof the word "three".

5. Page 1, line 14, by striking the word "subdivisions" and inserting in lieu thereof the words "[subdivisions] *subdivision*".

6. Page 1, line 17, by striking the words "a lot or block in said city" and inserting in lieu thereof the words "[a lot or block in said city] *the subdivision*".

7. Page 1, lines 18 and 19, by striking the words "said city, or addition" and inserting in lieu thereof the words "[said city, or addition] *it*".

8. Page 2, line 3, by inserting after the word "*its*" the word "*political*".

9. Page 4, line 10, by striking the words "county surveyor" and inserting in lieu thereof the words "[county surveyor] *registered land surveyor*".

10. Page 4, line 18, by striking the words "or village" and inserting in lieu thereof the words "[or village]".

11. Page 4, line 32, by striking the word "village," and inserting in lieu thereof the word "[village,]".

12. Page 5, line 12, by striking the words and figures "nine (9) through eleven (11)" and inserting in lieu thereof the words and figures "ten (10) through twelve (12)".

13. Page 7, lines 23 and 24, by striking the words "or its approving agent".
14. Page 10, by inserting after line 16 the following new section:
"Sec. ..... *NEW SECTION.* APPLICABILITY. The provisions of this chapter shall not be applicable to parcels of land divided solely by the conveyance of land for right-of-way purposes to the state or any of its political subdivisions or other person having the power of eminent domain."
15. Page 13, line 4, by inserting after the word "its" the word "political".
16. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

NORLAND of Worth, Chair

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following report:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **House File 1161**, a bill for an act to define certain additional substances as controlled substances, and to amend the Iowa uniform controlled substances act to permit the board of pharmacy examiners to add to, delete from or alter the classification of the list of controlled substances established by that act, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass**:

H—5301
Amend House File 1161 as follows:
1. Page 4, by striking lines 17 through 21.

JESSE of Polk, Chair

AMENDMENTS FILED

H—5315
Amend the committee on state government amendment, H—5197, to House File 200 as follows:
1. Page 2, line 38, by striking the word "person" and inserting in lieu thereof the words "patient or the patient's adult representative who is".
2. Page 2, line 40, by striking the words "equal or".
3. Page 2, line 41, by striking the word "person" and inserting in lieu thereof the word "patient".
4. Page 2, by inserting after line 41 the words "If the pharmacist does so, he or she shall inform the patient or the patient's adult representative of the savings which the patient will obtain as a result of substitution and pass on to the patient or the patient's representative the full difference

in actual acquisition costs between the drug prescribed and the drug substituted."

CUSACK of Scott
DRAKE of Muscatine
EGENES of Story
BYERLY of Polk

H—5313

Amend House File 746 as follows:

1. Page 1, line 28, by inserting after the word "chapter" the following: *", nor any common carrier or other person from transporting for disposal purposes any bottle or container of beer or alcoholic liquor which has been emptied, reduced to garbage or been made incapable of refilling for purposes for which the container was originally intended".*

TAUKE of Dubuque

H—5314

Amend House File 1210 as follows:

1. Page 1, after line 34, by inserting after line 34 the following new section:

"Sec. ..... *NEW SECTION.* When a borrower of money using real estate as security for the money borrowed or a buyer of real estate by contract is required to, in addition to paying interest or interest and principal, periodically pay in advance to the lender or seller the whole or any part of the estimated annual property taxes, assessments, insurance premiums, or other charges upon the real estate involved, the lender or seller shall pay the borrower or buyer reasonable interest on the money paid in advance for so long as the lender or seller has possession of this money. For the purposes of this section, reasonable interest shall be at a lawful rate established by the parties at the time of making the loan or contract and shall approximately equal the average rate of interest paid by savings institutions on saving deposit accounts at the time of making the loan or contract."

2. Amend the title, by striking all of such title after the word "Act" in line 1 and inserting in lieu thereof the words "relating to contracts, and loans and contracts involving real estate."

MILLER of Buchanan
JORDAN of Linn
MENNENGA of Clinton
ANDERSON of Jasper

H—5303

Amend the amendment H—5194 to House File 1232 as follows:

Page 1, line 16, by inserting after the word "repairs." the words "However, farm equipment shall

not be purchased unless it is to be used only by personnel of the institution in farming the land under the control of the institution."

CAFFREY of Polk

H—5304

Amend House File 1279 as follows:

1. Page 8, by inserting after line 32 the following:

"6. The maximum monetary liabilities or the maximum monetary entitlements of any person as determined by this section are subject to the periodic adjustments provided in section eighteen (18) of this Act, and the maximum amounts specified in this section shall be superseded to the extent adjusted as provided in section eighteen (18) of this Act."

SMALL of Johnson

H—5311

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 61, line 25, by inserting after the word "anus," the words "or by contact between a finger of one person and the genitalia of another person".

SPEAR of Lee

H—5312

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 10, by striking lines 27 through 29 and inserting in lieu thereof the following: "place. An officer is justified in using deadly force only when the officer reasonably believes that the person attempting to escape is armed with a dangerous weapon, or is confined on a charge or conviction of a felony, or that there is a substantial risk that the person attempting to escape will cause death or serious physical injury unless his or her escape is prevented".

SPEAR of Lee

H—5305

Amend Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 5, line 15, by striking the word "chairman" and inserting in lieu thereof the word "chairperson".

2. Page 5, line 17, by striking the word "chairman" and inserting in lieu thereof the word "chairperson".

3. Page 5, line 30, by striking the word "chairman" and inserting in lieu thereof the word "chairperson".

4. Page 6, line 10, by striking the word "chair-

man" and inserting in lieu thereof the word "chair-person".

PATCHETT of Johnson

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:00 p.m. until 10:00 a.m., Tuesday, February 24, 1976.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day—Thirtieth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, FEBRUARY 24, 1976

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

Prayer was offered by the Reverend Charles Wallace, pastor of the Grace United Methodist Church, Sioux City, Iowa.

The Journal of Monday, February 23, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. B. Widmer, Iowa City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Readinger of Polk on request of Tauke of Dubuque; Byerly of Polk on request of Nielsen of Polk.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Fifty fifth grade students from Nevada Community School, Nevada, Iowa, accompanied by Mrs. Gallagher, Mrs. Fox and Mrs. Dunn. By Hines of Story.

Twenty-one students from Walnut Ridge Baptist Academy, Waterloo, Iowa, accompanied by Gary Carman. By O'Halloran of Black Hawk.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 147, 198, 199, 909 and 1161 and Senate File 487, under Rule 36.

SENATE MESSAGES CONSIDERED

Senate File 442, a bill for an act relating to permissible investments by a state bank acting in a fiduciary capacity.

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

Senate File 1092, a bill for an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 23, 1976, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state.

STEVEN C. CROSS, Secretary

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kreamer of Polk for the remainder of the day on request of Bittle of Polk.

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

The House resumed session, Speaker Cochran in the chair.

HOUSE INSISTS
(Senate File 1062)

Bina of Scott called up for consideration **Senate File 1062**, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by

referendum for certain budget expenditures, and moved that the House insist on its amendment to Senate File 1062 and that a conference committee be appointed.

A non-record roll call was requested.

The ayes were 55, nays 37.

The motion prevailed and the House insists on its amendment and that a conference committee be appointed.

CONFERENCE COMMITTEE APPOINTED
(Senate File 1062)

The Speaker announced the appointment of the conference committee to consider the difference between the House and the Senate concerning **Senate File 1062**: Avenson of Fayette, chair; Hargrave of Johnson, Wells of Linn, Millen of Van Buren, and Varley of Adair.

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 1201, a bill for an act relating to requirements for completion of driver's education courses, was taken up for consideration.

Dyrland of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 1201)

The ayes were, 53:

Anderson	Doyle	Jochum	O'Halloran
Avenson	Dunton	Jordan	Patchett
Baker	Dyrland	Koogler	Poncy
Bennett	Egenes	Krause	Small
Bina	Gilloon	Lipsky	Spear
Bittle	Griffee	Menke	Spencer
Brandt	Hansen	Mennenga	Stromer
Brunow	Hines	Middleswart	Svoboda
Caffrey	Horn	Miller, A. V.	Tauke
Connors	Howell	Miller, O. L.	Tofte
Crawford	Hullinger	Newhard	Walter
Cusack	Husak	Norland	Wells
Den Herder	Hutchins	Oakley	**Mr. Speaker**
Dieleman			

The nays were, 39:

Bortell	Hargrave	McElroy	Scheelhaase
Branstad	Harvey	Millen	Schroeder
Brockett	Hennessey	Miller, K. D.	Spradling
Crabb	Higgins	Monroe	Varley
Daggett	Hinkhouse	Nealson	Welden
Danker	Jesse	Nielsen	West
Drake	Junker	Pavich	Woods
Evans	Lageschulte	Pellett	Wulff
Gentleman	Lindeen	Perkins	Wyckoff
Halvorson	Lonergan	Rinas	

Absent or not voting, 7:

Byerly	Fitzgerald	Kreamer	Readinger
Clark	Harper	Middleton	

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

SENATE FILE 443 SUBSTITUTED FOR HOUSE FILE 645

Newhard of Jones asked and received unanimous consent to substitute Senate File 443 for House File 645.

Senate File 443, a bill for an act relating to loans on residential real property by state banks, was taken up for consideration.

Newhard of Jones asked for unanimous consent that Schroeder of Pottawattamie be allowed to explain amendment H—5325 while the amendment was being distributed.

Objection was raised.

Schroeder of Pottawattamie offered amendment H—5325 filed by him from the floor.

Small of Johnson rose on a point of order that amendment H—5325 was not germane.

The Speaker ruled the point well taken and amendment H—5325 not germane.

Schroeder of Pottawattamie asked for unanimous consent that amendment H—5325 not be printed in the House Journal and clip sheet.

Objection was raised.

Hinkhouse of Cedar moved that amendment H—5325 not be printed in the House Journal and clip sheet.

Tauke of Dubuque moved that the rules be suspended for the consideration of amendment H—5325.

Roll call was requested by Tauke of Dubuque and Walter of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H—5325?"

The ayes were, 38:

Bennett	Drake	Menke	Schroeder
Bittle	Evans	Millen	Stromer
Bortell	Halvorson	Miller, K. D.	Tauke
Branstad	Hansen	Nealson	Tofte
Brockett	Harvey	Nielsen	Varley
Crabb	Junker	Oakley	Walter
Crawford	Lageschulte	Pavich	Welden
Daggett	Lindeen	Pellett	Woods
Danker	Lipsky	Rinas	Wulff
Den Herder	McElroy		

The nays were, 51:

Anderson	Egenes	Husak	Patchett
Avenson	Fitzgerald	Hutchins	Perkins
Baker	Gentleman	Jochum	Poncy
Bina	Gilloon	Jordan	Scheelhaase
Brandt	Griffee	Koogler	Small
Brunow	Hargrave	Krause	Spear
Caffrey	Hennessey	Mennenga	Spencer
Connors	Higgins	Middleswart	Spradling
Cusack	Hines	Middleton	Svoboda
Dieleman	Hinkhouse	Miller, A. V.	Wells
Doyle	Horn	Miller, O. L.	Wyckoff
Dunton	Howell	Norland	Mr. Speaker
Dyrland	Hullinger	O'Halloran	

Absent or not voting, 10:

Byerly	Jesse	Monroe	Readinger
Clark	Kreamer	Newhard	West
Harper	Lonergan		

The motion lost.

Hinkhouse of Cedar asked and received unanimous consent to withdraw his motion that amendment H—5325 not be printed in the House Journal and clip sheet.

Schroeder of Pottawattamie asked and received unanimous consent that amendment H—5325 be withdrawn.

Amendment H—5325 was not printed in the House Journal and clip sheet.

Newhard of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 443)

The ayes were, 90:

Anderson	Dyrland	Junker	Pavich
Avenson	Egenes	Koogler	Pellett
Baker	Evans	Krause	Perkins
Bennett	Fitzgerald	Lageschulte	Poncy
Bina	Gentleman	Lindeen	Rinas
Bittle	Gilloon	Lipsky	Scheelhaase
Bortell	Griffee	McElroy	Schroeder
Brandt	Halvorson	Menke	Small
Branstad	Hansen	Mennenga	Spear
Brockett	Hargrave	Middleswart	Spencer
Brunow	Harvey	Middleton	Spradling
Caffrey	Hennessey	Millen	Stromer
Connors	Higgins	Miller, A. V.	Tauke
Crabb	Hines	Miller, K. D.	Tofte
Crawford	Hinkhouse	Miller, O. L.	Varley
Cusack	Horn	Monroe	Walter
Daggett	Howell	Nealson	Welden
Danker	Hullinger	Newhard	Wells
Den Herder	Husak	Nielsen	Woods
Dieleman	Hutchins	Norland	Wulff
Doyle	Jesse	O'Halloran	Wyckoff
Drake	Jochum	Patchett	Mr. Speaker
Dunton	Jordan		

The nays were, none.

Absent or not voting, 9:

Byerly	Kreamer	Oakley	Svoboda
Clark	Lonergan	Readinger	West
Harper			

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

HOUSE FILE 1115 WITHDRAWN

Norland of Worth asked and received unanimous consent to withdraw **House File 1115** from further consideration by the House.

HOUSE FILE 645 WITHDRAWN

Newhard of Jones asked and received unanimous consent to withdraw **House File 645** from further consideration by the House.

MOTION TO RECONSIDER
(House File 1201)

I move to reconsider the vote by which House File 1201 passed the House on February 24, 1975.

STROMER of Hancock

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 115 Transportation
Relating to the implied consent law.

S. B. 116 Natural resources
Relating to establishment of historical preservation districts.

EXPLANATION OF VOTE
(House File 1313)

I was necessarily absent from the House on Friday, February 20, 1976, when the vote was taken on House File 1313. Had I been present, I would have voted "nay."

OAKLEY of Clinton

SPONSOR ADDED

Cusack of Scott requested to be added as a sponsor to **House File 1386.**

REPORTS OF COMMITTEES

Rinas of Linn, from the committee on cities, submitted the following report:

MR. SPEAKER: Your committee on cities to whom was referred **House File 610**, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5324

Amend House File 610 as follows:

1. Page 2, line 26, by inserting after the word "city." the words "A self-supported municipal improvement district shall only include property in districts which are zoned commercial or industrial. A self-supported municipal improvement district shall not include any parcels of property which qualify for the homestead tax credit as claimed pursuant to chapter four hundred twenty-five (425) of the Code."

2. Page 3, by striking lines 10 through 13 and inserting in lieu thereof the following:

"a. The signatures of at least twenty-five percent of all owners of property within the proposed district. These signatures must together represent ownership of property with an assessed value of twenty-five percent or more of the assessed value of all of the property in the proposed district."

3. Page 5, by striking lines 11 through 15 and inserting in lieu thereof the words "at least twenty-five percent of all owners of property within the proposed district representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all the property in the proposed district, the adoption of the ordinance requires a unanimous vote of the council."

4. Page 5, by inserting after line 18 the following subsection:

"8. At any time prior to adoption of an ordinance establishing a district, the entire matter of establishing such district shall be withdrawn from council consideration if a petition is filed with its clerk containing the signatures of owners of property within the proposed district which has an assessed value of fifty percent or more of the assessed value of all of the property in the proposed district."

5. Page 7, line 11, by inserting after the word "adding" the word "any eligible property".

6. Page 8, lines 33 and 34, by striking the words "may initiate proceedings to order the construction of an improvement on its motion, and".

7. Page 9, lines 4 and 5, by striking the words "or upon the council's motion to initiate proceedings,".

8. By renumbering the remaining sections and subsections to accord with this amendment.

RINAS of Linn, Chair

Higgins of Scott, from the committee on human resources, submitted the following report:

MR. SPEAKER: Your committee on human resources to whom was referred **House File 1150**, a bill for an act relating to community-based correctional programs and services, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HIGGINS of Scott, Chair

AMENDMENTS FILED

H—5318

Amend the committee on state government amendment, H—5197, to House File 200, page 4, by inserting after line 1 the following section:

"Sec. ..... Section twenty-five A point fourteen (25A.14), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. In the event of a substitution, pursuant to section four (4) of this Act, or any unauthorized substitution by a pharmacist of a different drug product than that prescribed by a

physician, the state of Iowa shall not be liable for any injury as the result of such substitution under this chapter or other act of the general assembly."

DRAKE of Muscatine
HARVEY of Scott
DOYLE of Woodbury
VARLEY of Adair
WYCKOFF of Benton

H—5326

Amend House File 1008, page 1, by inserting after line 5 the following section:

"Sec. ..... The provisions of this Act shall not apply to persons who were born after June 30, 1957 and before July 1, 1958."

ANDERSON of Jasper
DYRLAND of Clayton
JORDAN of Linn
RINAS of Linn
JESSE of Polk
BINA of Scott
CRABB of Crawford
MENNENGA of Clinton
NEWHARD of Jones

H—5317

Amend House File 1009 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section three hundred eighty-four point fifty-one (384.51), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After adopting the resolution of necessity, the clerk shall certify to the county auditor of each county in which the city is located, a copy of the resolution of necessity, the plat and the schedule of assessments. In counties in which taxes are collected in two or more places, the resolution of necessity, the plat and the schedule of assessments shall be certified to the office of county auditor where the special assessments are collected. The county auditor shall preserve such resolution, plat and schedule as a part of the records of his or her office until the city certifies final assessment schedule as provided in section three hundred eighty-four point sixty (384.60) of the Code or certifies that the public improvement has been abandoned.

Sec. 2. Section three hundred eighty-four point sixty-five (384.65), subsection five (5), Code 1975, is amended to read as follows:

5. From the date of [adoption of the resolution of necessity] *filing of a certified copy of the resolution of necessity, the plat, and the schedule of as-*

sessments as provided in section three hundred eighty-four point fifty-one (384.51) of the Code, all special assessments with all interest and penalties become and remain a lien on the benefited properties until paid, and have equal precedence with ordinary taxes, and are not divested by any judicial sale."

DOYLE of Woodbury
BITTLE of Polk
OAKLEY of Clinton
CONNORS of Polk
GRIFFEE of Chickasaw

H—5322

Amend House File 1125 as follows:

1. Page 1, line 8, by inserting after the words "of the" the words "Acts of the Sixty-fifth General Assembly, 1975 Session, chapter one thousand twenty-six (1026), section two (2) and the".

2. Page 1, line 14, after the word "commission" insert the words "and the department of revenue".

3. Page 1, after line 21 insert the following:

"The department of revenue shall assess the land subject to the provisions of this Act and such assessment shall be based upon the market value of the land at the time of purchase. The assessment shall not include the value of capital improvements made subsequent to the date of purchase by the state conservation commission."

HALVORSON of Clayton

H—5323

Amend House File 1274 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter ninety-seven B (97B), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING ACCUMULATED SICK LEAVE TOWARD MEMBERSHIP SERVICE. Days accumulated for leave of absence when necessary by reason of sickness or injury under section seventy-nine point one (79.1) of the Code, for leave of absence for personal illness or injury under section two hundred seventy-nine point forty (279.40) of the Code, or for sick leave under any policy adopted by an employer shall be counted as membership service in computing retirement benefits under section ninety-seven B point forty-nine (97B.49) of the Code. Credit shall not be given for days in excess of ninety or days accumulated at a rate not greater than one day for each month of service for the first four years of employment and one and one-fourth days for each month of employment after the first four years, whichever is greater."

SPEAR of Lee

H—5319

Amend Senate File 53, as amended and passed by the Senate, page 2, by striking lines 29 through 32, and inserting in lieu thereof the following: "commission as a licensed real estate salesman. A licensed member shall be [actively] engaged in the real estate business [and shall have been so engaged for five years preceding his appointment, the last two of which shall have been] in [Iowa] *this state.*"

SCHROEDER of Pottawattamie

H—5320

Amend Senate File 53, as amended and passed by the Senate, as follows:

1. Page 8, line 4, by inserting after the word "fees" the words ", *except renewal fees which need not be annual,*".

2. Page 8, line 22, by striking the word "annually" and inserting in lieu thereof the word "[annually]".

3. Page 8, line 28, by striking the word "annual" and inserting in lieu thereof the word "[annual]".

SCHROEDER of Pottawattamie

H—5321

Amend H—5285, filed by the committee on education, to Senate File 205, as amended, passed, and reprinted by the Senate as follows:

1. Page 4, by striking lines 8, 9, and 10 and inserting in lieu thereof the following:

"37. Page 7, line 5, by inserting after the word "duty," the words "or immoral conduct"."

2. Page 4, by striking lines 11 and 12 and inserting in lieu thereof the following:

"38. Page 7, line 6, by striking the words "or any other just cause"."

SPEAR of Lee
DIELEMAN of Marion

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:02 p.m. until 10:00 a.m., Wednesday, February 25, 1976.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day—Thirty-first Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, FEBRUARY 25, 1976

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

Prayer was offered by the Reverend Richard Hogan, pastor of the First Christian Church, Council Bluffs, Iowa.

The Journal of Tuesday, February 24, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek on request of Hansen of O'Brien; Harper of Davis on request of McElroy of Fremont; Byerly of Polk on request of Nielsen of Polk.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Seventy eighth grade students from Woodward-Granger Community School, Woodward, Iowa, accompanied by Helen Jordan. By Varley of Adair.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 610 and 1150, under Rule 36.

INTRODUCTION OF BILLS

House File 1393, by Krause and Small, a bill for an act relating to the state archaeologist and providing a penalty.

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

House File 1394, by Pavich, a bill for an act relating to the exemption for a disabled dependent, under the Iowa income tax.

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

House File 1395, by Cusack, a bill for an act relating to a state building energy code and providing a penalty.

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

House File 1396, by Evans, a bill for an act relating to sources of contributions to political candidates, and providing a penalty for violations.

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

House File 1397, by Connors, Hutchins, Harper and Brunow, a bill for an act relating to the storage of flammable and combustible liquids.

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

House File 1398, by Brandt, a bill for an act relating to a dissolution of marriage action and providing a penalty.

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

House File 1399, by committee on education, a bill for an act relating to eligibility and payments under the tuition grant program and to make an appropriation.

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

House File 1400, by committee on ways and means, a bill for an act to correct certain references in the law relating to the use tax.

Read first time and **placed on the ways and means calendar.**

House File 1401, by committee on ways and means, a bill for an act to authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the Act retroactive.

Read first time and **placed on the ways and means calendar.**

House File 1402, by committee on transportation, a bill for an act relating to the requirement that a five-year road construction plan be prepared and adopted by cities with a population greater than five thousand.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 23, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 392, a bill for an act relating to the definition of tax year for corporation and individual income tax returns.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 392

H—5327

Amend House File 392, as passed by the House, as follows:

1. Page 1, by inserting after line 21 the following new sections:

"Sec. ..... The provisions of this Act are effective December 14, 1975 for all tax years ending on or after December 14, 1975 and to this extent the provisions of this Act are retroactive.

Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Dallas County News, a newspaper published in Adel, Iowa, and in the Cherokee Daily Times, a newspaper published in Cherokee, Iowa."

2. Amend the title, line 2, by inserting after the word "returns" the words "and making the Act retroactive".

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Hansen of O'Brien offered the following House Memorial Resolution 103 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable Roy J. Smith of Dickinson County, who was a member of the Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-ninth and Sixtieth General Assemblies from Dickinson County, passed away on July 27, 1975; *Now, Therefore,*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Hansen of O'Brien, Menke of O'Brien and Spencer of Clay.

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the members of the conference committee appointed on Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state, on the part of the Senate are: The Senator from Black Hawk, Mr. Nolting, chairperson; the Senator from Cherokee, Mr. Curtis; the Senator from Harrison, Mr. Culver; the Senator from Boone, Mr. Nystrom; and the Senator from Linn, Mr. Robinson.

STEVEN C. CROSS, Secretary

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1062

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and House of Representatives on Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, respectfully submit the following report:

1. That the Senate and House conferees failed to reach an agreement.

On the Part of the Senate:	On the Part of the House:
FRED W. NOLTING, Chair	DONALD AVENSON, Chair
CLOYD E. ROBINSON	WILLIAM J. HARGRAVE
WARREN CURTIS	JAMES D. WELLS
LOUIS P. CULVER	FLOYD H. MILLEN
JOHN NYSTROM	ANDREW VARLEY

SECOND CONFERENCE COMMITTEE APPOINTED
(Senate File 1062)

The Speaker announced the appointment of the second conference committee to consider the difference between the House and the Senate concerning Senate File 1062: Norland of Worth, chair; Bina of Scott, Hutchins of Guthrie, Bittle of Polk, and West of Marshall.

HOUSE CONCURRENT RESOLUTION 110
By Schroeder

Whereas, under the terms of House Concurrent Resolution 5 the compensation paid to Mr. David L. Wray, Mr. Steven C. Cross, and Mr. David L. Charles

ceased on January 12, 1976; and

Whereas, Mr. David L. Wray, Mr. Steven C. Cross, and Mr. David L. Charles have continued to perform the duties assigned them by the General Assembly but have been employed without compensation since January 12, 1976; and

Whereas, since an employment contract exists, Mr. David L. Wray, Mr. Steven C. Cross, and Mr. David L. Charles should receive compensation for performance of duties at least at the rate they received prior to January 12, 1976 until a definite compensation level is determined under the provisions of House Concurrent Resolution 104; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the annual compensation of Mr. David L. Wray as the chief clerk of the house shall be eighteen thousand (18,000) dollars for the period beginning January 12, 1976 and ending with the passage of House Concurrent Resolution 104; the annual compensation of Mr. Steven C. Cross as the Secretary of the senate shall be eighteen thousand (18,000) dollars for the period beginning January 12, 1976 and ending with the passage of House Concurrent Resolution 104; and the annual compensation of Mr. David L. Charles as assistant secretary of the senate shall be sixteen thousand (16,000) dollars for the period beginning January 12, 1976 and ending with the passage of House Concurrent Resolution 104.

Referred to the **administration committee.**

CONSIDERATION OF BILLS

House File 1362, a bill for an act relating to payment of judgments by cities, was taken up for consideration.

Speaker pro tempore Jesse in the chair at 3:58 p.m.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1362)

The ayes were, 88:

Anderson	Clark	Dyrland	Hennessey
Avenson	Cochran	Egenes	Higgins
Baker	Crabb	Evans	Hines
Bennett	Crawford	Fitzgerald	Hinkhouse
Bina	Cusack	Gentleman	Horn
Bittle	Danker	Gilloon	Hullinger
Brandt	Den Herder	Griffee	Husak
Branstad	Dieleman	Halvorson	Hutchins
Brockett	Doyle	Hansen	Jochum
Brunow	Drake	Hargrave	Jordan
Caffrey	Dunton	Harvey	Junker

Koogler	Miller, A. V.	Pellett	Stromer
Krause	Miller, O. L.	Perkins	Svoboda
Kreamer	Monroe	Poncy	Varley
Lageschulte	Nealson	Readinger	Walter
Lindeen	Newhard	Rinas	Welden
Lipsky	Nielsen	Scheelhaase	Wells
Lonergan	Norland	Schroeder	Woods
McElroy	Oakley	Small	Wulff
Menke	O'Halloran	Spear	Wyckoff
Mennenga	Patchett	Spencer	Mr. Speaker
Middleswart	Pavich	Spradling	(Jesse)
Middleton			

The nays were, 1:

Tauke

Absent or not voting, 10:

Bortell	Daggett	Millen	Tofte
Byerly	Harper	Miller, K. D.	West
Connors	Howell		

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

IMMEDIATE MESSAGE

(House File 1362)

Rinas of Linn asked and received unanimous consent that **House File 1362** be **immediately messaged** to the Senate.

SENATE AMENDMENT CONSIDERED

(House Concurrent Resolution 104)

Doyle of Woodbury called up for consideration **House Concurrent Resolution 104**, relating to the compensation of the chaplains, officers and employees of the General Assembly, amended by the Senate as follows:

H—5284

Amend House Concurrent Resolution 104 as amended, passed and reprinted by the House, as follows:

1. Page 1, line 1, by striking the words "WHEREAS, section" and inserting in lieu thereof the word "Section".

2. Page 1, lines 10 and 11, by striking the words "on the date of adoption of this resolution by both houses" and inserting in lieu thereof the words "January 12, 1976".

3. Page 1, lines 14 and 15, by striking the words "on the date of adoption of this resolution by both houses" and inserting in lieu thereof the words "January 12, 1976".

4. Page 1, lines 19 and 20, by striking the words "on the date of adoption of this resolution by both houses" and inserting in lieu thereof the words "January 12, 1976".

5. Page 4, line 6, by striking the number "18" and inserting in lieu thereof the number "17".
6. Page 4, line 7, by striking the number "18" and inserting in lieu thereof the number "17".
7. Page 4, line 12, by striking the number "13" and inserting in lieu thereof the number "12".
8. Page 5, line 7, by striking the number "13" and inserting in lieu thereof the number "12".
9. Page 7, line 8, by striking the number "13" and inserting in lieu thereof the number "12".
10. Page 7, by striking lines 11 through 14 and inserting in lieu thereof the words "be the next and succeeding higher steps. Secretaries shall be eligible for an unlimited number of steps at the discretion of the chief clerk of the house and the secretary of the senate and subject to approval of the house committee on administration or the senate committee on rules and administration, as the case may be, based on the following:".
11. Page 7, by striking lines 26 and 27.
12. Page 7, line 29, by inserting after the word "subcommittee" the words ", assistant floor leader,".
13. Page 8, by striking line 3 and inserting in lieu thereof the following "rate for grade 16 at whatever step they would otherwise be entitled to, unless the grade at which they are during the session is less than 16, in which case they shall be compensated at that lower grade and appropriate step."
14. Page 10, line 17, by inserting after the words "of" the words "providing staff and alternate methods of".

Page 2

15. Page 10, line 34, by striking the words "and Senate Concurrent Resolution Sixty-three (63)".
16. Page 11, by striking lines 4 through 8.
17. Page 11, by striking lines 9 through 16.

Speaker Cochran in the chair at 4:05 p.m.

Doyle of Woodbury offered the following amendment H—5332, to the Senate amendment H—5284, filed by him from the floor and moved its adoption:

H—5332

Amend the Senate amendment H—5284, to House Concurrent Resolution 104, as passed by the House, as follows:
1. Page 1, by striking lines 3 through 5.
2. Page 1, by striking lines 41 through 47.
3. Page 2, by striking lines 1 through 4.

Amendment H—5332 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5334, to the Senate amendment H—5284, filed by him from the floor:

H—5334

Amend the Senate amendment H—5284 to House Concurrent Resolution 104 as amended, passed, and reprinted by the House as follows:

1. Page 1, after line 17, by inserting the following:

"5. Page 3, line 33, by striking the figure "25" and inserting in lieu thereof the figure "23".

6. Page 3, line 34, by striking the figure "17" and inserting in lieu thereof the figure "15"."

2. By renumbering the remaining amendments.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5334, to the Senate amendment H—5284, and the following amendment H—5333, to the Senate amendment H—5284, filed by him from the floor:

H--5333

Amend the Senate amendment H—5284 to House Concurrent Resolution 104 as amended, passed, and reprinted by the House as follows:

1. Page 1, before line 18, by inserting the words:

"5. Page 1, line 21, by inserting after the figure the words "and in addition each such person shall receive compensation in an amount equal to the interest payments that were required because of funds which were borrowed to provide finances during the period of time that such persons did not receive a salary from the House and Senate for services rendered"."

2. By renumbering the remaining amendments.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5294, to the Senate amendment H—5284, filed by him on February 20, 1976, and found on page 595 of the House Journal.

Doyle of Woodbury moved that the House concur in the Senate amendment H—5284, as amended.

The motion prevailed and the House concurred in the Senate amendment H—5284, as amended.

Doyle of Woodbury moved the adoption of House Concurrent Resolution 104, as amended.

Roll call was requested by Caffrey of Polk and Kreamer of Polk.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, the following members refrained from voting: Nielsen of Polk, Pellett of Cass and Stromer of Hancock.

On the question "Shall the resolution be adopted?" (H.C.R. 104)

The ayes were, 75:

Avenson	Evans	Junker	Pavich
Baker	Fitzgerald	Krause	Perkins
Bina	Gentleman	Lageschulte	Poncy
Bittle	Gilloon	Lindeen	Readinger
Bortell	Halvorson	Lipsky	Rinas
Brandt	Hansen	Lonergan	Scheelhaase
Brockett	Hargrave	McElroy	Spear
Caffrey	Harvey	Mennenga	Spencer
Clark	Hennessey	Middleswart	Spradling
Connors	Hines	Middleton	Svoboda
Crabb	Hinkhouse	Millen	Tauke
Crawford	Horn	Miller, K. D.	Varley
Cusack	Howell	Miller, O. L.	Walter
Daggett	Hullinger	Monroe	Wells
Den Herder	Husak	Nealson	Woods
Doyle	Hutchins	Newhard	Wulff
Drake	Jesse	Norland	Wyckoff
Dunton	Jochum	Oakley	Mr. Speaker
Egenes	Jordan	O'Halloran	

The nays were, 17:

Anderson	Dieleman	Koogler	Patchett
Bennett	Dyrland	Kreamer	Schroeder
Branstad	Griffee	Menke	Small
Brunow	Higgins	Miller, A. V.	Welden
Danker			

Absent or not voting, 7:

Byerly	Nielsen	Stromer	West
Harper	Pellett	Tofte	

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

(House Concurrent Resolution 104)

Doyle of Woodbury asked and received unanimous consent that **House Concurrent Resolution 104 be immediately messaged** to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn for the remainder of the day and for February 26 and 27 on request of Millen of Van Buren.

UNFINISHED BUSINESS

The House resumed consideration of **Senate File 53, a** bill for an act to establish the license and qualifications of real estate apprentice salesmen.

Schroeder of Pottawattamie offered the following amendment H—5219 filed by him and moved its adoption:

H—5219

Amend Senate File 53 as follows:

1. Page 2, by inserting the following new section after line 17:

"Sec. ..... Section one hundred seventeen point seven (117.7), subsections 3 and 5, Code 1975, are amended to read as follows:

3. Nor shall the provisions of this chapter apply to an attorney, *who has completed a short course in real estate education of not less than thirty hours, pursuant to section one hundred seventeen point fifteen (117.15) of the Code,* admitted to practice in Iowa.

5. The acts of an auctioneer, *who has completed a short course in real estate education of not less than thirty hours pursuant to section one hundred seventeen point fifteen (117.15) of the Code,* in conducting a public sale or auction."

Amendment H—5219 lost.

Avenson of Fayette in the chair at 4:55 p.m.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5220 filed by him on February 13, 1976, and found on page 406 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H—5319 filed by him and moved its adoption:

H—5319

Amend Senate File 53, as amended and passed by the Senate, page 2, by striking lines 29 through 32, and inserting in lieu thereof the following: "commission as a licensed real estate salesman. A licensed member shall be [actively] engaged in the real estate business [and shall have been so engaged for five years preceding his appointment, the last two of which shall have been] in [Iowa] *this state.*"

A non-record roll call was requested.

The ayes were 39, nays 45.

Amendment H—5319 lost.

Schroeder of Pottawattamie offered the following amendment H—5320 filed by him and moved its adoption:

H—5320

Amend Senate File 53, as amended and passed by the Senate, as follows:

1. Page 8, line 4, by inserting after the word "fees" the words "*, except renewal fees which need not be annual,*".

2. Page 8, line 22, by striking the word "annually" and inserting in lieu thereof the word "[annually]".

3. Page 8, line 28, by striking the word "annual" and inserting in lieu thereof the word "[annual]".

Roll call was requested by Junker of Woodbury and Schroeder of Pottawattamie.

Under the provisions of Rule 71, Nealson of Muscatine refrained from voting.

On the question "Shall amendment H—5320 be adopted?"

The ayes were, 60:

Baker	Dunton	Krause	Pellett
Bennett	Egenes	Lageschulte	Perkins
Bortell	Evans	Lindeen	Rinas
Brandt	Gilloon	Lonergan	Scheelhaase
Brockett	Griffee	Menke	Schroeder
Brunow	Halvorson	Middleton	Spear
Caffrey	Hansen	Millen	Spencer
Clark	Harvey	Miller, A. V.	Spradling
Crabb	Higgins	Miller, K. D.	Stromer
Crawford	Hines	Monroe	Tauke
Daggett	Hinkhouse	Newhard	Varley
Danker	Hullinger	Norland	Walter
Dieleman	Jesse	Oakley	Welden
Doyle	Jochum	O'Halloran	Woods
Drake	Junker	Pavich	Wulff

The nays were, 26:

Bina	Horn	McElroy	Svoboda
Branstad	Howell	Mennenga	Wells
Cusack	Husak	Middleswart	West
Dyrland	Hutchins	Miller, O. L.	Wyckoff
Fitzgerald	Jordan	Poncy	Mr. Speaker (Avenson)
Gentleman	Koogler	Readinger	
Hennessey	Kreamer	Small	

Absent or not voting, 13:

Anderson	Connors	Harper	Nielsen
Bittle	Den Herder	Lipsky	Patchett
Byerly	Hargrave	Nealson	Tofte
Cochran			

Amendment H—5320 was adopted.

Hennessey of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Harvey of Scott refrained from voting on Senate File 53 and Nealson of Muscatine refrained from voting on Senate File 53 and all amendments thereto.

On the question "Shall the bill pass?" (S.F. 53)

The ayes were, 77:

Anderson	Evans	Kreamer	Poncy
Bennett	Fitzgerald	Lageschulte	Readinger
Bina	Gilloon	Lindeen	Rinas
Bittle	Halvorson	Lonergan	Small
Brandt	Hansen	McElroy	Spear
Branstad	Hargrave	Mennenga	Spencer
Brockett	Hennessey	Middleswart	Spradling
Brunow	Higgins	Middleton	Stromer
Caffrey	Hines	Millen	Svoboda
Clark	Hinkhouse	Miller, A. V.	Tauke
Cochran	Horn	Miller, O. L.	Varley
Crabb	Howell	Monroe	Walter
Crawford	Hullinger	Newhard	Welden
Cusack	Husak	Norland	Wells
Den Herder	Hutchins	Oakley	West
Dieleman	Jochum	O'Halloran	Wulff
Doyle	Jordan	Patchett	Wyckoff
Drake	Junker	Pavich	Mr. Speaker (Avenson)
Dunton	Koogler	Pellett	
Dyrland	Krause		

The nays were, 15:

Baker	Egenes	Menke	Scheelhaase
Bortell	Gentleman	Miller, K. D.	Schroeder
Daggett	Griffee	Nielsen	Woods
Danker	Jesse	Perkins	

Absent or not voting, 7:

Byerly	Harper	Lipsky	Tofte
Connors	Harvey	Nealson	

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

HOUSE FILES 244 AND 740 WITHDRAWN

Jesse of Polk asked and received unanimous consent to withdraw **House Files 244** and 740 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

HOUSE REFUSED TO CONCUR

Cusack of Scott called up for consideration **House File 812, a**

bill for an act to allow the governor to appoint the directors of certain commissions, amended by the Senate as follows:

H—5191

Amend House File 812 as passed by the House as follows:

1. Page 1, by striking lines 1 through 9.

2. Page 1, line 10, by striking the word and figure "Sec. 2." and inserting in lieu thereof the word and figure "Section 1.".

3. Page 1, line 14, by inserting after the word "commission." the words "The director shall serve at the pleasure of the governor.".

4. Page 1, line 15, by striking the figure "3." and inserting in lieu thereof the figure "2.".

Brandt of Black Hawk offered the following amendment H—5201, to the Senate amendment H—5191, filed by her:

H—5201

Amend the Senate amendment H—5191 to House File 812, as passed by the House, as follows:

1. By striking all of lines 4 through 11 and inserting in lieu thereof the following:

"2. Page 1 by striking all of lines 10 through 20 and inserting in lieu thereof the following:

Section 1. The legislative council shall appoint an interim study committee to study the structure of the civil rights commission."

Wyckoff of Benton rose on point of order that amendment H—5201, to the Senate amendment H—5191, was not germane.

The Speaker ruled the point not well taken and amendment H—5201 germane.

Brandt of Black Hawk moved the adoption of amendment H—5201, to the Senate amendment H—5191.

Amendment H—5201 lost.

Cusack of Scott moved that the House concur in the Senate amendment H—5191.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 1, nays 85.

The motion lost and the House refused to concur in the Senate amendment H—5191.

Speaker Cochran in the chair at 5:47 p.m.

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 1131, a bill for an act relating to children in need of assistance, with report of committee recommending passage, was taken up for consideration.

Higgins of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 1131)

The ayes were, 89:

Anderson	Evans	Koogler	Pavich
Avenson	Fitzgerald	Krause	Perkins
Baker	Gentleman	Lageschulte	Poncy
Bennett	Gilloon	Lindeen	Readinger
Bina	Griffee	Lonergan	Rinas
Brandt	Halvorson	McElroy	Schheelhaase
Branstad	Hansen	Menke	Schroeder
Brockett	Hargrave	Mennenga	Small
Brunow	Harvey	Middleswart	Spear
Caffrey	Hennessey	Middleton	Spencer
Clark	Higgins	Millen	Spradling
Connors	Hines	Miller, A. V.	Stromer
Crawford	Hinkhouse	Miller, K. D.	Svoboda
Cusack	Horn	Miller, O. L.	Tauke
Daggett	Howell	Monroe	Varley
Danker	Hullinger	Nealson	Walter
Den Herder	Husak	Newhard	Wells
Dieleman	Hutchins	Nielsen	West
Doyle	Jesse	Norland	Woods
Drake	Jochum	Oakley	Wulff
Dunton	Jordan	O'Halloran	Wyckoff
Dyrland	Junker	Patchett	Mr. Speaker
Egenes			

The nays were, 3:

Bortell	Kreamer	Welden

Absent or not voting, 7:

Bittle	Crabb	Lipsky	Tofte
Byerly	Harper	Pellett	

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

House File 1162, a bill for an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committed to the state training school for boys or the state training school for girls, with report of committee recommending passage, was taken up for consideration.

Horn of Linn offered the following amendment H—5207 filed by him:

H—5207

Amend House File 1162 as follows:

1. Page 1, by inserting before line 1 the following sections:

"Sec. ..... Section two hundred eighty-nine point one (289.1), Code 1975, is amended to read as follows:

289.1 AUTHORIZATION. The board of directors in any school district situated in whole or in part in any city having a population of twelve thousand or over, in which there shall reside or be employed, or both, fifteen or more children over [fourteen] *sixteen* years of age and under [sixteen] *eighteen* years of age, who are not in regular attendance in a full-time day school and who have not graduated from a four-year approved high school, shall establish and maintain part-time schools, departments, or classes for such children. In districts situated in whole or in part in cities having less than twelve thousand population, the board may establish and maintain such schools. When such part-time schools have been established, all persons having custody of such children shall cause them to attend the same.

Sec. ..... Section two hundred eighty-nine point three (289.3), Code 1975, is amended to read as follows:

289.3 STANDARDS—TIME OF INSTRUCTION. Such part-time schools, departments, or classes, for the attendance of children over [fourteen] *sixteen* and under [sixteen] *eighteen* years of age, shall be organized in accordance with standards established by the state board for vocational education, and shall provide for not less than eight hours of instruction per week during the length of term for which public schools are established in the district. Such part-time schools, departments, or classes shall be held between the hours of eight o'clock a.m. and six o'clock p.m.

Sec. ..... Section two hundred ninety-nine point one (299.1) unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any person having control of any child over seven and under [sixteen] *eighteen* years of age, in proper physical and mental condition to attend school, shall cause said child to attend some public school for at least twenty-four consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date, which date shall not be later than the first Monday in December.

Sec. ..... Section two hundred ninety-nine point two (299.2), Code 1975, is amended to read as follows:

Page 2

299.2 EXCEPTIONS. Section 299.1 shall not apply to any child:

1. Who is over the age of [fourteen] *sixteen* and is regularly employed.

[2. Whose educational qualifications are equal to those of pupils who have completed the eighth grade.]

[3] *2.* Who is excused for sufficient reason by any court of record or judge.

[4] *3.* While attending religious services or receiving religious instructions.

[5] *4.* Who is attending a private college preparatory school approved or probationally approved under the provisions of section 257.25, subsection 14.

5. Who is over the age of sixteen years and is enrolled and regularly attending vocational courses or high school completion courses at an area vocational school or any trade or vocational school which meets the conditions of section seven hundred thirteen A point six (713A.6) of the Code.

6. Who possesses a diploma stating that he has graduated from high school.

7. Who is enrolled in and attending classes on a part-time basis offered at an approved high school or a part-time school established pursuant to chapter two hundred eighty-nine (289) of the Code."

2. By renumbering sections as necessary.

Higgins of Scott rose on a point of order that amendment H—5207 was not germane.

The Speaker ruled the point well taken and amendment H—5207 not germane.

Higgins of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1162)

The ayes were, 86:

Anderson	Crawford	Gilloon	Hutchins
Avenson	Cusack	Griffee	Jesse
Baker	Daggett	Halvorson	Jochum
Bennett	Danker	Hansen	Jordan
Bina	Den Herder	Hargrave	Junker
Bittle	Dieleman	Harvey	Koogler
Bortell	Doyle	Hennessey	Krause
Brandt	Drake	Higgins	Lageschulte
Branstad	Dunton	Hines	Lindeen
Brockett	Dyrland	Hinkhouse	Lonergan
Brunow	Egenes	Horn	McElroy
Caffrey	Evans	Howell	Menke
Clark	Fitzgerald	Hullinger	Mennenga
Connors	Gentleman	Husak	Middleswart

Middleton	O'Halloran	Small	Walter
Miller, A. V.	Patchett	Spear	Welden
Miller, O. L.	Pavich	Spencer	Wells
Monroe	Perkins	Spradling	Woods
Newhard	Readinger	Stromer	Wulff
Nielsen	Rinas	Svoboda	Wyckoff
Norland	Scheelhaase	Varley	Mr. Speaker
Oakley	Schroeder		

The nays were, 1:

Miller, K. D.

Absent or not voting, 12:

Byerly	Kreamer	Nealson	Tauke
Crabb	Lipsky	Pellett	Tofte
Harper	Millen	Poncy	West

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 25, 1976, concurred in the House amendment to the Senate amendment and adopted the following concurrent resolution in **which the concurrence of the Senate was asked:**

House Concurrent Resolution 104, providing for compensation for the officers and employees of the 1976 Session of the Sixty-sixth General Assembly.

Also: That the members of the Second Conference Committee appointed on Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state, on the part of the Senate are: The Senator from Dallas, Mr. Rodgers, chairperson; the Senator from Montgomery, Mr. Hultman; the Senator from Lee, Mr. Junkins; the Senator from Polk, Mr. Kinley; and the Senator from Clinton, Mr. Shaff.

STEVEN C. CROSS, Secretary

AMENDMENT TO THE TEMPORARY RULES OF THE HOUSE

Griffee of Chickasaw called up for consideration the following amendment H—5123 to the temporary rules of the House filed by him and moved its adoption:

H—5123

Amend the Temporary Rules of the House, as adopted by the Sixty-sixth General Assembly, 1975 session, as follows:

1. Rule 71, line 2, by inserting after the period the following: "No member shall deem it appropriate to participate in debate on that question, nor to vote on any other part of that

question from a point when an individual feels he should invoke the rule upon himself."

Fitzgerald of Webster moved that the House adjourn until 10:00 a.m., Thursday, February 26, 1976.

The motion prevailed.

(Amendment H—5123 to the temporary rules of the House pending at adjournment.)

COMMUNICATION FROM THE SECRETARY OF STATE

February 23, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that the foregoing Act, House File 1121, was published in the Algona Kossuth County Advance, Algona, Iowa, February 16, 1976, and in the Quad-City Times, Davenport, Iowa, February 13, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the votes were taken on House Files 576, 787 and 845 and Senate File 524. Had I been present I would have voted "aye" on House Files 787 and 845 and Senate File 524 and "nay" on House File 576.

SPENCER of Clay

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 117 County government
Relating to a city and county fund to provide insurance for damage to public buildings.

S. B. 118 Commerce
Relating to electronic banking deals and potential uses of satellite facilities in Iowa.

S. B. 119 Transportation
Relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of federal and private aid for public transit programs.

REPORTS OF COMMITTEES

Connors of Polk, from the committee on labor and industrial relations, submitted the following report:

MR. SPEAKER: Your committee on labor and industrial relations to whom was referred **House File 1164**, a bill for an act relating to affirmative action programs of political subdivisions, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

CONNORS of Polk, Chair

Higgins of Scott, from the committee on human resources, submitted the following report:

MR. SPEAKER: Your committee on human resources to whom was referred **House File 1165**, a bill for an act amending certain programs for elderly, handicapped and low income persons, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

HIGGINS of Scott, Chair

AMENDMENTS FILED

H—5339

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b, Code 1975, is amended to read as follows:

b. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit, or permit the consumption thereon between the hours of two a.m. and six a.m. on any weekday, and between the hours of two a.m. on Sunday and six a.m. on the following Monday, however, a holder of a liquor control license or class "B" *or class "C"* beer permit granted the privilege of selling alcohlic liquor or beer on Sunday may sell or dispense such liquor or beer between the hours of noon and ten p.m. on Sunday.

Sec. ..... Section one hundred twenty-three point one hundred thirty-four (123.134), subsection five (5), Code 1975, is amended to read as follows:

5. Any club, hotel, motel, or commercial establishment holding a class "B" beer permit for whom the sale of goods and services other than beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to the provisions of section 123.49, subsection 2, paragraph "b", may sell and dispense beer to patrons on Sunday for consumption on the premises only*; and any person*

holding a class "C" beer permit, subject to the provisions of paragraph b of subsection two (2) of section one hundred twenty-three point forty-nine (123.49) of the Code, may sell beer to patrons on Sunday for consumption off the premises only. **For this privilege the class "B" *or class "C"* beer permit fees of the applicant shall be increased by twenty percent of the regular fees prescribed for the permit pursuant to this section and the privilege shall be noted on the beer permit. The department shall prescribe the nature and character of the evidence which shall be required of the applicant under this subsection."**

OAKLEY of Clinton
MONROE of Des Moines

H—5336

Amend House File 1051 as follows:

1. Page 1, line 4, by striking the words ", other than a mere cropper,".

SVOBODA of Iowa
PERKINS of Greene

H—5331

Amend House File 1256 as follows:

1. Page 1, line 10 by inserting after the word **"gasoline" the words *"or gas".***

2. Page 1, line 28 by inserting after the word *"gasoline"* the words *"or gas".*

SCHROEDER of Pottawattamie

H—5335

Amend House File 1279, page 18, line 33, by striking the words "but excluding" and inserting in lieu thereof the words "and including".

DUNTON of Keokuk

H—5337

Amend House File 1279 as follows:

1. Page 5, line 10, by striking the words "fifteen thousand" and inserting in lieu thereof the words "seventy-five hundred".

2. Page 5, line 25, by striking the word "fifty" and inserting in lieu thereof the words "one hundred".

3. Page 5, by striking all after the period in line 30 and all of lines 31 through 35.

4. Page 6, by striking all of lines 1 through 4.

5. Page 6, line 13, by striking the word "fifty" and inserting in lieu thereof the words "one hundred".

6. Page 6, line 23, by striking the words "for fifty weeks".

7. Page 6, line 30, by striking the words "for fifty weeks".

8. Page 7, line 28, by striking the words "fifteen thousand" and inserting in lieu thereof the words "seventy-five hundred".

9. Page 7, line 29, by striking the word "fifty" and inserting in lieu thereof the words "one hundred".

10. Page 7, line 30, by striking the word "fifty" and inserting in lieu thereof the words "one hundred".

11. Page 7, line 31, by striking the word "fifty" and inserting in lieu thereof the words "one hundred".

OAKLEY of Clinton

H—5341

Amend House File 1279 as follows:

1. Page 40, by inserting after line 20 the following:

"Sec. 59. RATE FILINGS BY INSURERS.

1. The commissioner of insurance shall adopt, pursuant to chapter seventeen A (17A) of the Code, rules necessary to implement the provisions of this Act.

2. Notwithstanding any other provision of law, all insurers issuing insurance coverage under this Act shall comply with the following provisions:

a. Within sixty days after July 1, 1976, each insurer shall file its proposed manual, rules, rates and rating plans with the commissioner for approval. Combined rates for the tort liability and reparations benefits coverage required after the effective date of sections one (1) through twenty (20) and section thirty-three (33) of this Act shall not exceed ninety percent of the combined tort liability coverage rates of such insurer in effect on July 1, 1976, or of the combined tort liability rates of such insurer approved by the commissioner and in effect at the time of the filing of the new rates required herein. There shall be no exception to the requirements of this provision, unless the commissioner shall find that the use of the rates required herein by any insurer will result in rates which are inadequate under section five hundred fifteen A point three (515A.3) of the Code. Notwithstanding the provisions of chapter five hundred fifteen A (515A) of the Code, no rate for the insurance required by this Act shall be increased prior to January 1, 1978, unless the insurer proposing such rate increase shall show that the rates required herein are inadequate under section five hundred fifteen A point three (515A.3) of the Code.

b. Within sixty days from the date of filing by such insurer, the commissioner may approve or

disapprove the filing. If no action is taken by the commissioner within sixty days, the filing shall be deemed approved.

c. If the commissioner approves the filing or the filing otherwise becomes effective, the manual, rules, rates and rating plans shall take effect upon the effective date of sections one (1) through twenty (20) of this Act. If the department disapproves the filing, the insurer shall revert to a rate level for required coverage which shall not exceed ninety percent of the combined premiums for tort liability coverage in effect for that insurer at the time such proposed new rates were filed.

Page 2

d. Upon complying with this subsection, any insurer appealing an order of disapproval may use the rates set forth in the disapproved filing during the pendency of the appeal, so long as such rates do not exceed its approved rates for tort liability coverage at the time of its rate filing required herein. As a condition to the use of such disapproved rates, the insurer must enter into a legally binding agreement with the commissioner to secure the repayment to the insurer's policyholders of the difference between the insurer's proposed rate and that rate which would be lower, by not less than ten percent, than the combined premiums for tort liability coverage at the time such proposed new rates were filed. In addition to the repayment of the difference in premium, the insurer shall agree to pay to the insured the legal rate of interest on any money refunded.

e. Any motor vehicle liability policy in force on January 1, 1977 and thereafter, shall reflect by endorsement any reduction in rates for the required coverage under this Act as filed by the insurer and such reduction shall be computed on a pro rata basis for the remaining term of said policy. Such endorsement may be issued at the renewal date of the policy or the termination of the policy. Any return premium shall be credited to the renewal policy or if the policy is terminated the return premium shall be refunded to the insured.

f. For the purposes of the implementation of this Act, rating organizations as defined in chapter five hundred fifteen A (515A) of the Code shall be permitted until January 1, 1978, to develop and furnish rates and forms to their members or subscribers. Provided, however, that members and subscribers of rating organizations shall not participate in the decisions or deliberations of such organizations in the development of such rates under this Act."

2. Page 39, line 34, by inserting after "1977" the words ", except section fifty-nine (59) of this

Act, which shall take effect on July 1, 1976".

WALTER of Pottawattamie
TAUKE of Dubuque
LONERGAN of Boone
DOYLE of Woodbury
GILLOON of Dubuque
MENNENGA of Clinton

H—5338

Amend House File 1326 as follows:

1. Page 1, line 26, by striking the figure "3.00" and inserting in lieu thereof the figure "4.00".

2. Page 1, line 32, by striking the figure "15.00" and inserting in lieu thereof the figure "12.00".

3. Page 1, line 34, by striking the figure "15.00" and inserting in lieu thereof the figure "12.00".

4. Page 2, by striking lines 7 through 10.

5. Page 4, by inserting after line 30 the following:

"Sec. ..... Section one hundred ten point seventeen (110.17), unnumbered paragraph seven (7), Code 1975, is amended to read as follows:

No license shall be required of minor pupils of the state school for the blind, state school for the deaf, nor of minor inmates of other state institutions **under the control of a director of a division of the department of social services, except that this** provision shall not apply to the inmates of the men's penitentiary at Fort Madison, the men's reformatory at Anamosa, and the women's reformatory at Rockwell City, nor shall any person during the time the United States is engaged in war who is a member of the military or naval forces of the United States on active duty, and a legal resident of the state of Iowa, be required to have a license to hunt or fish in this state. No license shall be required of inmates **of county [homes]** ***care facilities*** **or any person who** is [receiving old age assistance under chapter 249] ***sixty-five years of age or older.***"

6. Page 5, by striking lines 5 and 6 and inserting in lieu thereof the following: "***if*** **there is one [licensed] adult** ***possessing a valid hunting license*** **[accompanying each person]** ***present for every two persons*** under sixteen years of age."

7. By renumbering the sections in accordance with this amendment.

WYCKOFF of Benton
AVENSON of Fayette
HALVORSON of Clayton

H—5345

Amend House File 1332 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Chapter three hundred twenty-one

(321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new section:

NEW SECTION. ENFORCEMENT OF MOTOR VEHICLE TRAFFIC CONTROL AND SAFETY LAWS. The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with "on duty" members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws."

2. Amend the title, line 9, by inserting after the word "transportation" the words ", the department of public safety and the Iowa national guard".

3. Renumber the sections and correct internal references as necessary in conformance with this amendment.

MILLER of Buchanan
WYCKOFF of Benton
HARVEY of Scott
MENKE of O'Brien
SCHROEDER of Pottawattamie
KRAUSE of Palo Alto

H—5330

Amend House File 1369 as follows:

1. Page 1, by inserting after line 14 the following sections:

"Sec. ..... Section four hundred forty-one point one (441.1), Code 1975, is amended to read as follows:

441.1 OFFICE CREATED. In [every city in the state of Iowa having more than one hundred twenty-five thousand population and in] every county in the state of Iowa the office of assessor is hereby created.

Sec. ..... Section four hundred forty-one point two (441.2), Code 1975, is amended to read as follows:

441.2 CONFERENCE BOARD. In each county [and each city] having an assessor there shall be established a conference board. In counties the conference board shall consist of the mayors of all incorporated cities in the county whose property is assessed by the county assessor, one representative from the board of directors of each high school district of the county, who is a resident of the county, said board of directors appointing said representative for a one-year term and notifying the clerk of the conference

board as to their representative, and members of the board of supervisors. [In cities having an assessor the conference board shall consist of the members of the city council, school board and county board of supervisors.] In the counties the chairman of the board of supervisors shall act as chairman of the conference board[, in cities having an assessor the mayor of the city council shall act as chairman of the conference board]. In any action taken by the conference board, the mayors of all incorporated cities in the county whose property is assessed by the county assessor shall constitute one voting unit, the members of the city board of education or one representative from the board of directors of each high school district of the county shall constitute one voting unit, the members of the city council shall constitute one voting unit, and the county board of supervisors shall constitute one voting unit, each unit having a single vote and no action shall be valid except by the vote of not less than two out of the three units. The majority vote of the members present of each unit shall determine the vote of the unit. The assessor shall be clerk of the conference board.

Sec. ..... Chapter four hundred forty-one (441), Code 1975, is amended by adding the following new section:

NEW SECTION. DEPUTY ASSESSOR FOR CERTAIN CITIES. The assessor in counties having a city of more than one hundred twenty-five thousand population shall

Page 2

employ a deputy assessor for the city who is certified under the provisions of section four hundred forty-one point ten (441.10) of the Code.

Sec. ..... Section four hundred forty-one point fifty-one (441.51), Code 1975, is repealed."

2. Amend the title, line 1, by striking the words "a city or" and inserting in lieu thereof the words "assessors, including a".

3. Amend the title, line 3, by inserting after the figures "1976" the words "and a deputy assessor appointed for a city of more than one hundred twenty-five thousand population".

4. By numbering and renumbering sections as necessary.

MILLER of Buchanan
HARVEY of Scott
MONROE of Des Moines
JORDAN of Linn
TOFTE of Winneshiek
ANDERSON of Jasper
WYCKOFF of Benton

H—5346

Amend House File 1370 as follows:

1. Page 1, line 7, by striking the words ", not applied to the judgment".
2. Page 1, line 9, by inserting after the second word "to" the words "be applied to the judgment or".

BRUNOW of Appanoose

H—5340

Amend the Spear amendment, H—5312 to page 10 of Senate File 85 as reprinted as follows:

1. Line 9, by inserting after the word "felony" the words "or an aggravated misdemeanor".

SPEAR of Lee

H—5342

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 56, lines 29 through 31, by striking the words "as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew" and inserting in lieu thereof the words "as an ancestor, spouse of an ancestor, aunt, uncle, brother or sister of the whole or half blood, spouse of a brother or sister of the whole or half blood, descendant, spouse of a descendant, stepchild, niece, nephew, mother-in-law or father-in-law".

SPEAR of Lee

H—5343

Amend the Spear amendment H—5024 to page 216 A of Senate File 85 as reprinted as follows:

1. By striking lines 3 and 4 and inserting in lieu thereof the following:

"1. Page 216A, line 14, by striking the words "five years of a life sentence" and inserting in lieu thereof the words "ten years of a life sentence imposed for other than a criminal homicide of the first degree, or fifteen years of a life sentence imposed for a criminal homicide of the first degree".

SPEAR of Lee

H—5344

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 15B, line 59, by striking the words "after the twentieth week of pregnancy".
2. Page 15B, line 62, by striking the words "After the twentieth week of pregnancy, a" and inserting in lieu thereof the word "A".
3. Page 15B, line 68, by striking the words "serious misdemeanor" and inserting in lieu thereof the words "class D felony".

SPEAR of Lee

H—5328

Amend Senate File 1190 as follows:
1. Page 1, after line 16 the following:
"4. For replacement of
the departmental airplane .....$100,000."

CRABB of Crawford

H—5329

Amend Senate File 1190, page 1, line 12, by striking the figure "$1,105,812" and inserting in lieu thereof the figure "$1,172,812".

CRABB of Crawford

Note: For explanation of brackets and italics see page 91 of the House Journal.

On previous motion by Fitzgerald of Webster, the House adjourned at 6:05 p.m. until 10:00 a.m., Thursday, February 26, 1976.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day—Thirty-second Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, FEBRUARY 26, 1976

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

Prayer was offered by the Reverend Philip Ramstad, pastor of the United Church of Christ, Grinnell, Iowa.

The Journal of Wednesday, February 25, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard C. Rogers, Eldora, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis on request of McElroy of Fremont; Caffrey of Polk for February 26 and 27 on request of Hutchins of Guthrie; Byerly of Polk for February 26 and 27 on request of Nielsen of Polk.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Forty-three fifth, sixth, seventh and eighth grade students from the Seventh Day Adventist School, Des Moines, Iowa, accompanied by Bill Wood and Becky Barts. By Bittle of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Hansen of O'Brien from twenty-two constituents favoring change in the school finance formula.

By Miller of Buchanan from one hundred forty-nine employees of John Deere Tractor Works in Waterloo, Iowa, supporting legislation to change the Iowa state compensation law to allow an

injured employee to go to the doctor of their choice after emergency or first treatment by the employer's doctor.

By Gentleman of Polk from thirty-one residents of Polk County favoring House File 79, relating to the regulation of the practice of massage.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 1164 and 1165, under Rule 36.

INTRODUCTION OF BILLS

House File 1403, by committee on cities, a bill for an act relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state.

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

House File 1404, by Hansen, a bill for an act relating to an exception from the requirement of workmen's compensation coverage.

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

House File 1405, by Cusack and Bina, a bill for an act relating to the manner of electing members of local school district boards of directors.

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

House File 1406, by Wells, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties.

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

House File 1407, by committee on transportation, a bill for an act relating to a vehicle anti-theft law and providing penalties.

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

House File 1408, by Doyle, a bill for an act relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision.

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

House File 1409, by Mennenga, Walter, Dunton and Miller of Buchanan, a bill for an act relating to estimates of expenditure requirements submitted by state departments and establishments.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: **I am directed to inform your honorable body that the Senate has on February 24, 1976, passed the following bill in which the concurrence of the House is asked:**

Senate File 1190, a bill for an act relating to the financing and administration of the office of the attorney general and making an appropriation.

STEVEN C. CROSS, Secretary

On motion by Fitzgerald of Webster, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1410, by committee on natural resources, a bill for an act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land.

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

House File 1411, by committee on cities, a bill for an act relating to tax receipts.

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

House File 1412, by Cusack, a bill for an act relating to public utility rates approved by the Iowa commerce commission.

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

House File 1413, by Cusack, a bill for an act extending programs for the elderly, handicapped, and lower income persons and persons in need of health care and making an appropriation.

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

House File 1414, by Hansen, a bill for an act authorizing the creation of a mayor's court in certain cities, and providing for the jurisdiction, procedures and supervision thereof.

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

House File 1415, by Koogler and Anderson, a bill for an act relating to the ownership and operation of gasoline service stations and imposing a tax.

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

House File 1416, by Harvey, Tauke and Evans, a bill for an act relating to standards for review of plans and specifications for waste water disposal systems and relating to review of certain plans and specifications by city and county public works departments.

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

House File 1417, by Egenes, a bill for an act relating to the use of media services of the area education agencies by the area schools.

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

House File 1418, by Crawford and Hines, a bill for an act appropriating funds to the state board of regents for the construction of a music building at the Iowa State university of science and technology.

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

House File 1419, by Stromer, Hansen, Varley, Egenes and Millen, a bill for an act relating to funding for an adjustment to the merit system and executive council exempt pay plans and other exempt positions included in the state comptroller's centralized payroll system, the department of transportation and to positions under the jurisdiction of the state board of regents and providing an appropriation.

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

House File 1420, by Middleswart, a bill for an act providing low interest loans to lower income persons for single family dwelling thermal design improvements and making an appropriation.

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

House File 1421, by Cusack and O'Halloran, a bill for an act relating to periodic review of boards and commissions.

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

House File 1422, by Walter and Pavich, a bill for an act to allow volunteer fire chiefs and other volunteer fire fighters the

authority to use a siren when en route to fires and other emergencies.

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

House File 1423, by Koogler, a bill for an act to permit school boards to hold closed meetings when necessary to protect the reputation of a student.

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

House File 1424, by Bina, a bill for an act relating to the suspension of licenses to operate motor vehicles for violations of certain speed limits.

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

House File 1425, by Cusack, a bill for an act to appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource programs.

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

House File 1426, by Tauke, Walter, Crawford, Gentleman, Patchett, Bina, Lageschulte, Evans, Newhard, Bittle, Griffee, Lipsky, Svoboda, Small, Clark, Cusack and Egenes, a bill for an act to prohibit the state department of transportation from permitting trucks with a length of sixty-five feet on Iowa highways.

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

House File 1427, by Miller of Calhoun and Bennett, a bill for an act making an appropriation from the general fund of the state to the state conservation commission for improvement of Black Hawk Lake area.

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

House File 1428, by Bina, a bill for an act relating to the forfeiture of bail in nonindictable misdemeanors.

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

House File 1429, by Husak, a bill for an act relating to the exemption provided to each son and daughter and to each grandson and granddaughter of a deceased in computing inheritance tax.

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

House File 1430, by Millen, a bill for an act to make an appropriation to the hospital-schools revolving fund for capital improvements.

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

House File 1431, by Millen, a bill for an act to make an appropriation to the board of regents to finance removal of architectural barriers in buildings at the state universities.

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

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 1009, a bill for an act relating to the effective date of special assessments, with report of committee recommending passage, was taken up for consideration.

Doyle of Woodbury offered the following amendment H—5317 filed by Doyle, et al., and moved its adoption:

H—5317

Amend House File 1009 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section three hundred eighty-four point fifty-one (384.51), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After adopting the resolution of necessity, the clerk shall certify to the county auditor of each county in which the city is located, a copy of the resolution of necessity, the plat and the schedule of assessments. In counties in which taxes are collected in two or more places, the resolution of necessity, the plat and the schedule of assessments shall be certified to the office of county auditor where the special assessments are collected. The county auditor shall preserve such resolution, plat and schedule as a part of the records of his or her office until the city certifies final assessment schedule as provided in section three hundred eighty-four point sixty (384.60) of the Code or certifies that the public improvement has been abandoned.

Sec. 2. Section three hundred eighty-four point sixty-five (384.65), subsection five (5), Code 1975, is amended to read as follows:

5. From the date of [adoption of the resolution of necessity] *filing of a certified copy of the resolution of necessity, the plat, and the schedule of assessments as provided in section three hundred eighty-four point fifty-one (384.51) of the Code,* all special

assessments with all interest and penalties become and remain a lien on the benefited properties until paid, and have equal precedence with ordinary taxes, and are not divested by any judicial sale."

Amendment H—5317 was adopted.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1009)

The ayes were, 87:

Anderson	Egenes	Koogler	Readinger
Avenson	Evans	Krause	Rinas
Baker	Fitzgerald	Kreamer	Scheelhaase
Bennett	Gentleman	Lageschulte	Schroeder
Bina	Gilloon	Lindeen	Small
Bittle	Griffee	McElroy	Spear
Bortell	Halvorson	Menke	Spencer
Brandt	Hansen	Mennenga	Spradling
Brockett	Hargrave	Middleswart	Stromer
Clark	Harvey	Miller, A. V.	Svoboda
Connors	Hennessey	Miller, K. D.	Tauke
Crabb	Higgins	Miller, O. L.	Tofte
Crawford	Hines	Monroe	Varley
Cusack	Hinkhouse	Nealson	Walter
Daggett	Horn	Nielsen	Welden
Danker	Howell	Oakley	Wells
Den Herder	Hullinger	O'Halloran	West
Dieleman	Husak	Patchett	Woods
Doyle	Hutchins	Pavich	Wulff
Drake	Jesse	Pellett	Wyckoff
Dunton	Jordan	Perkins	Mr. Speaker
Dyrland	Junker	Poncy	

The nays were, none.

Absent or not voting, 12:

Branstad	Caffrey	Lipsky	Millen
Brunow	Harper	Lonergan	Newhard
Byerly	Jochum	Middleton	Norland

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

House File 1256, a bill for an act relating to the identification of gasoline storage containers and prohibiting certain conduct under penalty of law, was taken up for consideration.

Tofte of Winneshiek offered the following amendment H—5185 filed by him and moved its adoption:

H—5185

Amend House File 1256 as follows:

1. Page 1, line 8, by striking the word "*five*" and inserting in lieu thereof the word "*six*".
2. Page 1, line 27, by striking the word "*five*" and inserting in lieu thereof the word "*six*".

Amendment H—5185 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5331 filed by him and moved its adoption:

H—5331

Amend House File 1256 as follows:
1. Page 1, line 10 by inserting after the word "gasoline" the words "*or gas*".
2. Page 1, line 28 by inserting after the word "*gasoline*" the words "*or gas*".

Amendment H—5331 was adopted.

Connors of Polk offered the following amendment H—5354 filed by Connors, Hutchins and Hullinger from the floor and moved its adoption:

H—5354

Amend House File 1256 as follows:
1. Page 1, by inserting before line 1 the following section:
"Section 1. Chapter one hundred one (101), Code 1975, is amended by adding the following new section:
NEW SECTION. If the state fire marshal has reasonable grounds for believing that a leak exists in a flammable or combustible liquid storage tank or in the distribution system of a flammable or combustible liquid storage tank the state fire marshal shall issue a written order to the owner or lessee of the storage tank or distribution system requiring that the storage tank and distribution system be emptied and removed or repaired immediately upon receipt of the written order."
2. Renumber sections and correct internal references in accordance with this amendment.
3. Amend the title, line 1, by striking the words "the identification of gasoline" and inserting in lieu thereof the words "flammable or combustible liquid".

Amendment H—5354 was adopted.

Wyckoff of Benton offered the following amendment H—5350 filed by him from the floor and moved its adoption:

H—5350

Amend House File 1256 as follows:
1. Page 2, line 4, by striking the words "*a motor vehicle*" and inserting in lieu thereof the words "*any*

motor vehicle or any other machine powered by an internal combustion engine".

Amendment H—5350 was adopted.

Hullinger of Decatur moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1256)

The ayes were, 85:

Anderson	Fitzgerald	Krause	Perkins
Avenson	Gentleman	Lageschulte	Poncy
Baker	Gilloon	Lindeen	Readinger
Bennett	Griffee	Lonergan	Rinas
Bina	Halvorson	McElroy	Scheelhaase
Bortell	Hansen	Menke	Schroeder
Brandt	Hargrave	Mennenga	Spear
Clark	Harvey	Middleswart	Spencer
Connors	Hennessey	Millen	Spradling
Crabb	Higgins	Miller, A. V.	Stromer
Crawford	Hinkhouse	Miller, K. D.	Tauke
Cusack	Horn	Miller, O. L.	Tofte
Daggett	Howell	Monroe	Varley
Danker	Hullinger	Nealson	Walter
Den Herder	Husak	Newhard	Welden
Dieleman	Hutchins	Nielsen	Wells
Doyle	Jesse	Norland	West
Drake	Jochum	Oakley	Woods
Dunton	Jordan	O'Halloran	Wulff
Dyrland	Junker	Patchett	Wyckoff
Egenes	Koogler	Pavich	Mr. Speaker
Evans			

The nays were, none.

Absent or not voting, 14:

Bittle	Byerly	Kreamer	Pellett
Branstad	Caffrey	Lipsky	Small
Brockett	Harper	Middleton	Svoboda
Brunow	Hines		

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

House File 200, a bill for an act relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state, and clarifying the right of a wholesale drug salesman to possess prescription drugs, with report of committee recommending amendment and passage, was taken up for consideration.

Patchett of Johnson offered the following amendment H—5197 filed by the committee on state government:

H—5197

Amend House File 200 as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred fifty-five point three (155.3), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. "Demonstrated bioavailability" is a term used to refer to the rate and extent of absorption of a drug or drug ingredient from a specified dosage form, as reflected by the time-concentration curve of the drug or drug ingredient in the systemic circulation.

NEW SUBSECTION. "Manufacturer" means a person who prepares, compounds, processes or fabricates any prescription drug.

NEW SUBSECTION. "Packer" or "distributor" means a person who repackages or otherwise changes the container, wrapper or labeling of any prescription drug in furtherance of the distribution of the drug, but does not include a retailer who repackages a prescription drug at the time of sale to its ultimate consumer.

NEW SUBSECTION. "Brand name" or "trade name" means the registered trademark name given to a drug product or ingredient by its manufacturer, labeler or distributor.

NEW SUBSECTION. "Generic name" means the official title of a drug or drug ingredient published in an official compendium as defined in section two hundred three A point two (203A.2), subsection six (6), of the Code.

NEW SUBSECTION. The "finished dosage form" of a prescription drug is that form of the drug which is or is intended to be dispensed or administered to the patient, and which requires no further manufacturing or processing other than packaging, reconstituting and labeling.

Sec. 2. Section one hundred fifty-five point thirteen (155.13), subsection six (6), Code 1975, is amended to read as follows:

6. Substitution of a drug[,] *or* substance[, or brand] other than the drug [,] *or* substance [or brand] ordered in the prescription of a physician, dentist, podiatrist or veterinarian licensed by law.

Sec. 3. Chapter one hundred fifty-five (155), Code 1975, is amended by adding the following new section:

NEW SECTION. NONEQUIVALENT DRUG OR PRODUCT LIST. The board shall be responsible for designating drugs or drug products which, because of the lack

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of demonstrated bioavailability, would pose a substantial threat to the health, safety, and welfare

of the people of Iowa if such drugs or drug products were subject to dispensing under the provisions of section four (4) of this Act. Within one hundred eighty days after the effective date of this Act, the board shall cause to be issued a list of those drugs or drug products which have been demonstrated as being nonequivalent and are not interchangeable as determined by the federal food and drug administration. The board shall mail a copy of the nonequivalent drug or drug product list to each pharmacy registered with it and each physician, dentist, podiatrist and veterinarian licensed to practice in this state. Thereafter, the board shall from time to time make additions to or deletions from the nonequivalent drug or drug product list as determined by the federal food and drug administration. Notification of such additions or deletions shall be made promptly to each pharmacist registered with the board and each physician, dentist, podiatrist and veterinarian licensed to practice in this state.

Sec. 4. Chapter one hundred fifty-five (155), Code 1975, is amended by adding the following new section:

NEW SECTION. PRODUCT SELECTION BY PHARMACIST—RESTRICTIONS.

1. If a physician, dentist, podiatrist or veterinarian prescribes, either in writing or orally, a drug by its brand or trade name and does not specifically state that only that designated brand or trade name drug product is to be dispensed, and if the pharmacy to which the prescription is presented or communicated has in stock one or more other drug products with the same generic name and demonstrated bioavailability as the one prescribed, the pharmacist may exercise his or her professional judgment in the economic interest of the person purchasing the prescription by selecting a drug product generically equivalent to but of equal or lesser cost than the one prescribed for dispensing and sale to the person.

2. The pharmacist shall not dispense a generically equivalent drug product under this section if:

a. The prescriber indicates that no drug product selection shall be made; or

b. The person presenting the prescription indicates that only the specific drug product prescribed is to be dispensed; or

c. The drug product to be dispensed is listed in the nonequivalent drug product list.

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Sec. 5. Section two hundred three A point two (203A.2), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. "Manufacturer" means a person who prepares, compounds, processes or fabricates any

prescription drug.

NEW SUBSECTION. "Packer" or "distributor" means a person who repackages or otherwise changes the container, wrapper or labeling of any prescription drug in furtherance of the distribution of the drug or cosmetic, but does not include a retailer who repackages a drug or cosmetic at the time of sale to its ultimate consumer.

Sec. 6. Section two hundred three A point ten (203A.10), subsection two (2), Code 1775, is amended to read as follows:

2. If in package form unless it bears a label containing (a) the name and place of business of the manufacturer[,] *and of the* packer[,] or distributor; and (b) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under clause "a" of this subsection reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board. *Any drug subject to and in compliance with section seven (7) of this Act shall be deemed in compliance with clause "a" of this subsection.*

Sec. 7. Chapter two hundred three A (203A), Code 1975, is amended by adding the following new section:

NEW SECTION. INFORMATION FILED AND PLACED ON LABELS. Any prescription drug, as defined in section one hundred fifty-five point three (155.3), subsection ten (10) of the Code, is misbranded unless:

1. The label sets forth:

a. The generic name of the drug, which shall be printed in a type size at least half as large as that used for the brand or trade name of the drug product; and

b. The name and place of business of the actual manufacturer of the finished dosage form of the drug and the name and place of business of the packer or distributor of the drug.

2. There has been filed with the board by the manufacturer packer or distributor of the drug a statement which is accurate with respect to the drug setting forth the information required by subsection one (1) of this section together with all additional information relating to demonstrated bioavailability, side effects, contraindications and effectiveness

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as may be required by rules of the board."

2. Amend the title by striking from line 4 the words "state, and" and by striking all of lines 5 and 6, and inserting in lieu thereof the word "state."

Cusack of Scott offered the following amendment H—5315, to the committee amendment H—5197, filed by Cusack, et al., and moved its adoption:

H—5315

Amend the committee on state government amendment, H—5197, to House File 200 as follows:

1. Page 2, line 38, by striking the word "person" and inserting in lieu thereof the words "patient or the patient's adult representative who is".

2. Page 2, line 40, by striking the words "equal or".

3. Page 2, line 41, by striking the word "person" and inserting in lieu thereof the word "patient".

4. Page 2, by inserting after line 41 the words "If the pharmacist does so, he or she shall inform the patient or the patient's adult representative of the savings which the patient will obtain as a result of substitution and pass on to the patient or the patient's representative the full difference in actual acquisition costs between the drug prescribed and the drug substituted."

Amendment H—5315 was adopted.

Drake of Muscatine offered the following amendment H—5318, to the committee amendment H—5197, filed by Drake, et al., and moved its adoption:

H—5318

Amend the committee on state government amendment, H—5197, to House File 200, page 4, by inserting after line 1 the following section:

"Sec. ..... Section twenty-five A point fourteen (25A.14), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. In the event of a substitution, pursuant to section four (4) of this Act, or any unauthorized substitution by a pharmacist of a different drug product than that prescribed by a physician, the state of Iowa shall not be liable for any injury as the result of such substitution under this chapter or other act of the general assembly."

Amendment H—5318 was adopted.

Gilloon of Dubuque offered the following amendment H—5351, to the committee amendment H—5197, filed by Gilloon, Dyrland, Horn, Tauke, Jochum, Hines and Husak from the floor:

H—5351

Amend the committee on state government amendment H—5197 to House File 200 as follows:

1. Page 2, by inserting after line 41 the following: "If the cost of the prescription or any part thereof shall be paid by expenditure of public funds authorized under chapters two hundred thirty-nine (239), two hundred forty-nine (249), two hundred forty-nine A (249A), two hundred fifty-two

(252), two hundred fifty-three (253), two hundred fifty-four (254), or two hundred fifty-five (255) of the Code of Iowa, the pharmacist shall exercise his or her professional judgment in the economic interest of the person purchasing the prescription by selecting a drug product generically equivalent to and of demonstrated bioavailability but of a lesser cost than the one prescribed for dispensing and sale to the person, unless the physician, dentist, or podiatrist specifically states that only that designated brand or trade name drug product is to be dispensed. "

Drake of Muscatine asked and received unanimous consent that **House File** 200, and amendment H—5351, to the committee amendment H—5197, be **temporarily deferred.**

SENATE AMENDMENT CONSIDERED

Jochum of Dubuque called up for consideration **House File 863,** a bill for an act relating to workmen's compensation laws, amended by the Senate as follows:

H—5121

Amend House File 863, as amended and passed by the House, as follows:

1. Page 1, by striking line 35, and inserting in lieu thereof ", the primary purpose of which, although not necessarily the stated purpose, is farming or ownership of agricultural land, and".

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

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

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

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

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

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

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

9. Page 11, line 20, by striking the word "reasonable" and inserting in lieu thereof the words

"reasonably necessary".

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

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

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

13. Page 14, line 4, by striking the word "their" and inserting in lieu thereof the words "his or her".

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

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

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

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"86.12 FAILURE TO REPORT. The industrial commissioner may require any employer to supply the information required by section eighty-six point ten (86.10) of the Code or to file a report required by section eighty-six point eleven (86.11) of the Code, by written demand sent to the employer's last known address. Upon failure to supply such information or file such report within twenty days, the employer may".

17. Page 15, by striking line 1.

18. Page 15, line 4, by striking the words "if the facts justify it".

19. Page 15, line 5, by inserting after the word "enter" the words "a finding of fact and may enter".

20. Page 15, line 10, by inserting after the word "such" the words "finding and".

21. Page 15, line 15, by inserting after the word "the" the words "finding and".

22. Page 15, line 31, by inserting after the word "injury" the words "in the same manner and to the same extent as an employer under this section".

23. Page 15, by striking lines 32 through 35.

24. Page 16, after line 15, by inserting the following section:

"Sec. ..... Sections eighty-six point fifteen (86.15), and eighty-six point sixteen (86.16), Code 1975, are repealed."

25. Page 16, line 18, by inserting after the figure "86.17" the word *"ARBITRATION"*.

26. Page 16, line 18, by inserting after the word "HEARINGS" the words *"Petitions for arbitration shall be heard before a deputy industrial com-*

missioner. Such hearings shall be conducted pursuant to the provisions of chapter seventeen A (17A) of the Code for contested cases."

27. Page 16, lines 18 and 19 by striking the words "or the board of arbitration" and inserting in lieu thereof the words "[or the board of arbitration]".

28. Page 16, lines 21 and 22 by striking the words "or the board of arbitration" and inserting in lieu thereof the words "[or the board of arbitration]".

29. Page 16, after line 30, by inserting the following sections:

"Sec. ..... Section eighty-six point eighteen (86.18), Code 1975, is amended to read as follows:

86.18 LIBERAL RULES OF EVIDENCE. [While sitting as a board of arbitration, or when] *When* conducting

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a hearing on review, or in making any investigation or inquiry, [neither the board of arbitration nor] the commissioner or his deputies shall *not* be bound by common law or statutory rules of evidence or by technical or formal rules of procedure; but they shall hold such arbitrations, or conduct such hearings and make such investigations and inquiries in such manner as is best suited to ascertain and conserve the substantial rights of all parties thereto. Process and procedure under this chapter shall be as summary as reasonably may be.

Sec. ..... Section eighty-six point nineteen (86.19), Code 1975, is amended to read as follows:

86.19 APPOINTMENT OF REPORTER. The industrial commissioner, or one of his deputies, may appoint a shorthand reporter to report the proceedings of any hearing before the commissioner, or one of his deputies, [or board of arbitration,] and fix the reasonable amount of compensation for such service, which amount shall be taxed as other costs. Any such reporter shall faithfully and accurately report any proceeding for which he or she shall be employed.

Sec. ..... Section eighty-six point twenty-one (86.21), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The deposition of any witness may be taken and used as evidence in any hearing pending before a [board of arbitration or] the industrial commissioner or one of his deputies in compensation proceedings.

Sec. ..... Section eighty-six point twenty-three (86.23), Code 1975, is amended to read as follows:

86.23 FINDINGS OF [ARBITRATION BOARD OR] DEPUTY COMMISSIONER FILED. The decision of a deputy industrial commissioner [or board of arbitration,] together with a statement or certificate of evidence submitted at the hearing, the findings of fact,

ruling of law, and any other matters pertinent to questions arising at such hearing, shall be filed in the office of the industrial commissioner."

30. Page 16, lines 34 and 35, by striking the words "or board of arbitration" and inserting in lieu thereof the words ["or board of arbitration]".

31. Page 17, line 7, by striking the words "or board of arbitration" and inserting in lieu thereof the words "[or board of arbitration]".

32. Page 17, line 10, by striking line 10 and inserting in lieu thereof the words "[the board, or] may remand it to the [board] *deputy*".

33. Page 17, line 16, by striking the words "Additional evidence" and inserting in lieu there-

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of the words "[Additional evidence] *Evidence*".

34. Page 17, line 27, by inserting after the word "mail" the words "*with return receipt requested*".

35. Page 18, line 10, by striking the words "or board of arbitration" and inserting in lieu thereof the words "[or board of arbitration]".

36. Page 18, after line 17, by inserting the following sections:

Sec. ..... Section eighty-six point thirty-eight (86.38), Code 1975, is amended to read as follows:

86.38 EXAMINATION BY PHYSICIAN—FEE. The industrial commissioner may appoint a duly qualified, impartial physician to examine the injured employee and make report. The fee for this service shall be five dollars, to be paid by the industrial commissioner, together with traveling expenses, but the commissioner may allow additional reasonable amounts in extraordinary cases. Any physician so examining any injured employee shall not be prohibited from testifying before the industrial commissioner, [board of arbitration,] or any other person, commission, or court, as to the results of his examination or the condition of the injured employee.

Sec. ..... Section eighty-six point forty (86.40), Code 1975, is amended to read as follows:

86.40 [COMPENSATION OF ARBITRATORS COSTS] *COSTS.* [The arbitrators except the commissioner shall each receive five dollars as a fee for services, but the industrial commissioner may allow additional reasonable amounts in extraordinary cases. The fees shall be paid by the employer, who may deduct an amount equal to one-half the sum from any compensation found due the employee]. All [other] costs incurred in the hearing before [a board of arbitration] or the commissioner shall be taxed in the discretion of [such board or] the commissioner [as the case may be.]

Sec. ..... Section eighty-six point forty-one (86.41), Code 1975, is amended to read as follows:

86.41 WITNESS FEES. Witness fees and mileage on hearings before [an arbitration board] or the industrial commissioner shall be the same as in the district court.

Sec. ..... Section eighty-six point forty-two (86.42), Code 1975, is amended to read as follows:

86.42 JUDGMENT BY DISTRICT COURT ON AWARD. Any party in interest may present a certified copy of an order or decision of the commissioner, [or an award of a board of arbitration] from which no petition for review has been filed within the time

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allowed therefor, or a memorandum of agreement approved by the commissioner, and all papers in connection therewith, to the district court of the county in which the injury occurred, whereupon said court shall render a decree or judgment in accordance therewith and cause the clerk to notify the parties. Such decree or judgment, in the absence of a petition for judicial review of the decision of the industrial commissioner, shall have the same effect and in all proceedings in relation thereto shall thereafter be the same as though rendered in a suit duly heard and determined by said court."

37. Page 19, by striking lines 1 and 2 and inserting in lieu thereof "Within thirty days after voluntary payments are begun, the employer or insurance carrier shall file a notice with".

38. Page 19, line 18, by striking the word "with" and inserting in lieu thereof the word "and".

39. Page 19, line 18, by inserting after the word "denial" the words "shall be".

40. Page 19, line 19, by inserting after the word "mail" the words "with return receipt requested".

41. Page 19, line 24, by striking the words "of section" and inserting in lieu thereof the words "of time allowed under section".

42. Page 19, line 27, by striking the word "in" and inserting in lieu thereof the word "within".

43. Page 19, line 27, by striking the word "shall" and inserting in lieu thereof the word "must".

44. Page 19, line 28, by striking the word "within".

45. Page 19, line 30, by striking the word "if" and inserting in lieu thereof the word "is".

46. Page 20, line 4, by striking the figure "1976" and inserting in lieu thereof the figure "1977".

47. Page 20, line 5, by striking the figure "1976" and inserting in lieu thereof the figure "1977".

48. Page 20, line 9, by striking the figure "1976" and inserting in lieu thereof the figure "1977".

49. Page 20, line 9, by striking the word "such" and inserting in lieu thereof the word "that".

50. Page 20, by inserting after line 10 the following section:

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"Sec. ..... The Code editor is directed to strike the words "workmen's compensation" wherever they appear in the Code and insert in lieu thereof the words "workers' compensation"."

51. Amend the title, line 1, by inserting after the word "laws" the words "and providing a civil penalty".

52. By redesignating sections as necessary.

Husak of Tama offered the following amendment H—5221, to the Senate amendment H—5121, filed by him and Pellett of Cass:

H—5221

Amend the Senate amendment H—5121 to House File 863, as passed by the House, as follows:

1. Page 1, by inserting after line 2 the following:

"1. Page 1, line 14, by striking the word "one thousand" and inserting in lieu thereof the words "two thousand five hundred"."

2. By renumbering the amendments to conform to this amendment.

Speaker pro tempore Jesse in the chair at 4:52 p.m.

Husak of Tama moved the adoption of amendment H—5221, to the Senate amendment H—5121.

Roll call was requested by Stromer of Hancock and Lageschulte of Bremer.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Scheelhaase of Woodbury, Egenes of Story and Hinkhouse of Cedar refrained from voting.

On the question "Shall amendment H—5221, to the Senate amendment H—5121, be adopted?"

The ayes were, 56:

Anderson	Brunow	Danker	Griffee
Avenson	Clark	Den Herder	Halvorson
Baker	Cochran	Drake	Hansen
Bennett	Connors	Dunton	Harvey
Bortell	Crabb	Dyrland	Hullinger
Brockett	Daggett	Evans	Husak

Hutchins	McElroy	Newhard	Spradling
Jordan	Menke	Patchett	Stromer
Junker	Middleswart	Pellett	Svoboda
Koogler	Millen	Perkins	Tofte
Krause	Miller, A. V.	Readinger	Varley
Kreamer	Miller, K. D.	Schroeder	Welden
Lageschulte	Miller, O. L.	Spear	West
Lindeen	Nealson	Spencer	Wyckoff

The nays were, 31:

Bina	Gilloon	Lonergan	Small
Brandt	Hargrave	Mennenga	Tauke
Crawford	Hennessey	Monroe	Walter
Cusack	Higgins	Nielsen	Wells
Dieleman	Hines	O'Halloran	Woods
Doyle	Horn	Pavich	Wulff
Fitzgerald	Howell	Poncy	Mr. Speaker (Jesse)
Gentleman	Jochum	Rinas	

Absent or not voting, 12:

Bittle	Caffrey	Hinkhouse	Norland
Branstad	Egenes	Lipsky	Oakley
Byerly	Harper	Middleton	Scheelhaase

Amendment H—5221 was adopted.

Miller of Buchanan offered the following amendment H—5136, to the Senate amendment H—5121, filed by him:

H—5136

Amend the Senate amendment H—5121, to House File 863, as amended and passed by the House as follows:

1. Page 1, by inserting after line 28 the following:

"..... Page 5, by striking lines 16 through 31, and inserting in lieu thereof the following:

"For purposes of this section, the employer is obliged to furnish reasonable services and supplies to treat an injured employee. The employee has the right to choose the care. The employer's physician can require periodic observation to follow medical progress of the employee and correspond with the employee's designated practitioner in any area which could facilitate better treatment. If the employer's physician disagrees with the manner of treatment and progress of the employee, the employer may request alternate care. If the employer and employee cannot agree on such alternate care, the commissioner may, upon application and reasonable proof of the necessity therefore, allow and order other care.""

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

Connors of Polk rose on a point of order that amendment H—5136 was not in order inasmuch as the subject matter had been previously considered.

The Speaker ruled the point well taken and amendment H—5136 not in order.

Miller of Buchanan asked and received unanimous consent to suspend the rules for the consideration of amendment H—5136, to the Senate amendment H—5121, and moved its adoption.

Roll call was requested by Stromer of Hancock and Higgins of Scott.

On the question "Shall amendment H—5136, to the Senate amendment H—5121, be adopted?"

The ayes were, 59:

Anderson	Gilloon	Junker	Readinger
Avenson	Hansen	Krause	Rinas
Baker	Hargrave	Lonergan	Scheelhaase
Bina	Harvey	Middleswart	Spear
Bortell	Hennessey	Millen	Spencer
Brandt	Higgins	Miller, A. V.	Spradling
Cochran	Hines	Miller, K. D.	Svoboda
Connors	Hinkhouse	Monroe	Tauke
Crawford	Horn	Newhard	Walter
Cusack	Howell	Nielsen	Wells
Dieleman	Hullinger	O'Halloran	West
Doyle	Husak	Patchett	Woods
Dunton	Hutchins	Pavich	Wulff
Dyrland	Jochum	Perkins	Mr. Speaker (Jesse)
Fitzgerald	Jordan	Poncy	

The nays were, 31:

Bennett	Den Herder	Kreamer	Pellett
Branstad	Drake	Lageschulte	Schroeder
Brockett	Egenes	Lindeen	Stromer
Brunow	Evans	McElroy	Tofte
Clark	Gentleman	Menke	Varley
Crabb	Griffee	Mennenga	Welden
Daggett	Halvorson	Miller, O. L.	Wyckoff
Danker	Koogler	Nealson	

Absent or not voting, 9:

Bittle	Harper	Middleton	Oakley
Byerly	Lipsky	Norland	Small
Caffrey			

Amendment H—5136 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5279, to the Senate amendment H—5121, filed by him on February 18, 1976, and found on pages 518 and 519 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H—5281, to the Senate amendment H—5121, filed by him and moved its adoption:

H—5281

Amend the Senate amendment, H—5121, to House File 863, as amended and passed by the House, page 6, by striking lines 1 through 4 and inserting in lieu thereof the following:

"Sec. ..... The Code editor is directed to strike the words "workman", "workmen" and "workmen's compensation" wherever they appear in chapters eighty-five (85), eighty-five A (85A), eighty-six (86), and eighty-seven (87) of the Code and insert in lieu thereof the words "worker", "workers" and "workers' compensation"."

Amendment H—5281 was adopted.

Jochum of Dubuque moved the House concur in the Senate amendment H—5121, as amended.

A non-record roll call was requested.

The ayes were 74, nays 14.

The motion prevailed and the House concurred in the Senate amendment, as amended.

Jochum of Dubuque moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 863)

The ayes were, 21:

Baker	Hansen	Lageschulte	Schroeder
Bennett	Harvey	Middleswart	Small
Branstad	Hullinger	Miller, K. D.	Tofte
Clark	Husak	Miller, O. L.	West
Dunton	Hutchins	Perkins	Wulff
Griffee			

The nays were, 71:

Anderson	Den Herder	Hines	Mennenga
Avenson	Dieleman	Hinkhouse	Millen
Bina	Doyle	Horn	Miller, A. V.
Bortell	Drake	Howell	Monroe
Brandt	Dyrland	Jochum	Nealson
Brockett	Egenes	Jordan	Newhard
Brunow	Evans	Junker	Nielsen
Cochran	Fitzgerald	Koogler	Oakley
Connors	Gentleman	Krause	O'Halloran
Crabb	Gilloon	Kreamer	Patchett
Crawford	Halvorson	Lindeen	Pavich
Cusack	Hargrave	Lonergan	Pellett
Daggett	Hennessey	McElroy	Poncy
Danker	Higgins	Menke	Readinger

Rinas	Spradling	Varley	Woods
Scheelhaase	Stromer	Walter	Wyckoff
Spear	Svoboda	Welden	Mr. Speaker
Spencer	Tauke	Wells	(Jesse)

Absent or not voting, 7:

Bittle	Caffrey	Lipsky	Norland
Byerly	Harper	Middleton	

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

REGULAR CALENDAR

The House resumed consideration of **House File 200**, a bill for an act relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state, and clarifying the right of a wholesale drug salesman to possess prescription drugs, and amendment H—5351, to the committee amendment H—5197.

Gilloon of Dubuque asked and received unanimous consent that the following amendment H—5365, to the committee amendment H—5197, filed by him from the floor be substituted for amendment H—5351 and that amendment H—5351 be withdrawn:

H—5365

Amend the committee on state government amendment H—5197 to House File 200 as follows:

1. Page 2, by inserting after line 41 the following: "If the cost of the prescription or any part thereof shall be paid by expenditure of public funds authorized under chapters two hundred thirty-nine (239), two hundred forty-nine (249), two hundred forty-nine A (249A), two hundred fifty-two (252), two hundred fifty-three (253), two hundred fifty-four (254), or two hundred fifty-five (255) of the Code of Iowa, the pharmacist shall exercise his or her professional judgment by selecting a drug product of the same generic name and demonstrated bioavalibility but of a lesser cost than the one prescribed for dispensing and sale to the person unless the physician, dentist, or podiatrist specifically states that only that designated brand or trade name drug product is to be dispensed. Under no circumstances shall a pharmacy to which the prescription is presented or communicated be required to substitute a drug of the same generic name and demonstrated bioavallability but of lesser cost unless the pharmacy has in stock one or more other such drug products.

Gilloon of Dubuque moved the adoption of amendment H—5365, to the committee amendment H—5197.

Roll call was requested by Oakley of Clinton and Drake of Muscatine.

Rule 69 was invoked.

On the question "Shall amendment H—5365, to the committee amendment H—5197, be adopted?"

The ayes were, 45:

Bina	Halvorson	Lageschulte	Readinger
Brunow	Hansen	Lonergan	Rinas
Clark	Hargrave	Millen	Schroeder
Crawford	Harvey	Miller, A. V.	Spear
Cusack	Hennessey	Miller, K. D.	Spencer
Dieleman	Higgins	Miller, O. L.	Tauke
Drake	Hines	Nealson	Tofte
Dunton	Hinkhouse	Oakley	Varley
Dyrland	Howell	Pavich	Walter
Egenes	Hullinger	Perkins	Mr. Speaker (Jesse)
Gentleman	Husak	Poncy	
Gilloon	Jochum		

The nays were, 40:

Anderson	Danker	Krause	Pellett
Avenson	Den Herder	Lindeen	Scheelhaase
Baker	Doyle	McElroy	Spradling
Bennett	Evans	Menke	Stromer
Bortell	Griffee	Mennenga	Welden
Brandt	Horn	Monroe	Wells
Branstad	Hutchins	Newhard	West
Brockett	Jordan	Nielsen	Woods
Crabb	Junker	O'Halloran	Wulff
Daggett	Koogler	Patchett	Wyckoff

Absent or not voting, 14:

Bittle	Connors	Lipsky	Norland
Byerly	Fitzgerald	Middleswart	Small
Caffrey	Harper	Middleton	Svoboda
Cochran	Kreamer		

Amendment H—5365 was adopted.

Patchett of Johnson moved the adoption of the committee amendment H—5197, as amended.

Amendment H—5197, as amended, was adopted.

Patchett of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 200)

The ayes were, 84:

Anderson	Egenes	Koogler	Perkins
Avenson	Evans	Krause	Poncy
Baker	Fitzgerald	Lageschulte	Readinger
Bennett	Gentleman	Lindeen	Rinas
Bina	Gilloon	Lonergan	Scheelhaase
Bortell	Griffee	McElroy	Small
Brandt	Halvorson	Menke	Spear
Branstad	Hansen	Mennenga	Spencer
Brockett	Hargrave	Middleswart	Spradling
Brunow	Harvey	Millen	Stromer
Cochran	Hennessey	Miller, A. V.	Tauke
Connors	Higgins	Miller, K. D.	Tofte
Crabb	Hines	Miller, O. L.	Varley
Crawford	Hinkhouse	Monroe	Walter
Cusack	Horn	Nealson	Welden
Danker	Howell	Newhard	Wells
Den Herder	Hullinger	Nielsen	West
Dieleman	Hutchins	Oakley	Woods
Doyle	Jochum	O'Halloran	Wyckoff
Drake	Jordan	Patchett	Mr. Speaker
Dunton	Junker	Pavich	(Jesse)
Dyrland			

The nays were, 4:

Clark	Daggett	Pellett	Wulff

Absent or not voting, 11:

Bittle	Harper	Lipsky	Schroeder
Byerly	Husak	Middleton	Svoboda
Caffrey	Kreamer	Norland	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

House File 1026, a bill for an act relating to the appointment of conservators for veterans, with report of committee recommending passage, was taken up for consideration.

Nielsen of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1026)

The ayes were, 85:

Anderson	Connors	Egenes	Hines
Avenson	Crabb	Evans	Hinkhouse
Baker	Crawford	Fitzgerald	Horn
Bennett	Cusack	Gentleman	Howell
Bina	Daggett	Gilloon	Hullinger
Bortell	Danker	Griffee	Hutchins
Brandt	Den Herder	Halvorson	Jochum
Branstad	Dieleman	Hansen	Jordan
Brockett	Doyle	Hargrave	Junker
Brunow	Drake	Harvey	Koogler
Clark	Dunton	Hennessey	Krause
Cochran	Dyrland	Higgins	Lageschulte

Lindeen	Oakley	Schroeder	Walter
Lonergan	O'Halloran	Small	Welden
McElroy	Patchett	Spear	Wells
Menke	Pavich	Spencer	West
Mennenga	Pellett	Spradling	Woods
Miller A. V.	Perkins	Stromer	Wulff
Monroe	Poncy	Tauke	Wyckoff
Nealson	Readinger	Tofte	Mr. Speaker
Newhard	Rinas	Varley	(Jesse)
Nielsen	Scheelhaase		

The nays were, none.

Absent or not voting, 14:

Bittle	Husak	Middleton	Miller, O. L.
Byerly	Kreamer	Millen	Norland
Caffrey	Lipsky	Miller, K. D.	Svoboda
Harper	Middleswart		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(Amendment H—5221, to the Senate Amendment H—5121, to House File 863)

I move to reconsider the vote by which amendment H—5221, to the Senate amendment H—5121, to House File 863 was adopted by the House on February 26, 1976.

CONNORS of Polk

(Amendment H—5136, to the Senate Amendment H—5121, to House File 863)

I move to reconsider the vote by which amendment H—5136, to the Senate amendment H—5121, to House File 863, was adopted by the House on **February 26, 1976.**

MILLEN of Van Buren

(Amendment H—5121 to House File 863)

I move to reconsider the vote by which the House concurred in the Senate amendment H—5121, as amended, to House File 863.

HARGRAVE of Johnson

(House File 863)

I move to reconsider the vote by which House File 863 failed to pass the House.

HARGRAVE of Johnson

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House File 1362. Had I been present, I would have voted "aye."

DAGGETT of Adams

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 120 **Natural resources**
Relating to the operation of snowmobiles and subjecting violators to a penalty.

S. B. 121 **Agriculture**
Relating to deferred patronage dividends paid by cooperatives.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of February, 1976: House Files 188, 362, 918, 1010, 1037, 1080 and 1082.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

REPORT OF COMMITTEE

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following report:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **Senate File 1050**, a bill for an act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

JESSE of Polk, Chair

AMENDMENTS FILED

H—5353

Amend House File 1074 as follows:
1. Page 3, after line 1, by inserting the following new section:
"Sec. ..... Section six hundred six point fifteen (606.15), Code 1975, is amended by adding the following new subsection:
NEW SUBSECTION. For filing a citation as referred to in section three hundred twenty-one point four hundred eighty-five (321.485), subsection two (2), paragraph a, of the Code, two dollars."

KOOGLER of Mahaska

H—5363

Amend House File 1217 as follows:
1. Page 1, line 2, by striking the words

"capitol planning commission" and inserting in lieu thereof the words "general services department".

2. Amend the title page, line 1, by striking the words "capitol planning commission" and inserting in lieu thereof the words "general services department".

BROCKETT of Marshall

H—5364

Amend House File 1217 page 1, line 13, by striking "$3,000,000" and inserting in lieu thereof "$2,282,657".

BROCKETT of Marshall
GRIFFEE of Chickasaw

H—5355

Amend House File 1277, page 4, line 26, by inserting after the word "state." the words "*Section two hundred thirty point nineteen (230.19) of the Code shall be applicable to liability to the state arising under this section.*"

BAKER of Buena Vista
DANKER of Pottawattamie
PELLETT of Cass
BORTELL of Madison
HUTCHINS of Guthrie

H—5348

Amend House File 1279 as follows:

1. Page 10, by striking lines 26 and 27.

HORN of Linn

H—5349

Amend House File 1279 as follows:

1. Page 10, line 16, by striking the word "willfully" and inserting in lieu thereof the word "deliberately".

MIDDLETON of Black Hawk

H—5360

Amend House File 1279, page 2, by inserting after line 10 the following new subsection:

" ..... "Occupation" means the injured person's regular occupation."

DUNTON of Keokuk

H—5361

Amend House File 1279 as follows:

1. Page 20, by striking lines 1 through 18.

NEWHARD of Jones

H—5362

Amend House File 1279 as follows:

1. Page 1, by striking lines 20 through 27

and inserting in lieu thereof the following:

"6. "Income loss" means loss of income from employment, employment usually performed and self-employment the injured person would have performed had he not been injured, reduced by any income he would have earned in available, suitable employment if offered."

NEWHARD of Jones

H—5359

Amend House File 1326 as follows:

1. Page 5, by inserting after line 8 the following new section:

"Sec. ..... Section one hundred ten B point 2 (110B.2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirteen (113), section two (2), is amended to read as follows:

110B.2 STAMP REQUIRED. No person *required to have a license* shall hunt or take any migratory waterfowl within this state without first procuring a state migratory waterfowl stamp and having such stamp in his possession while hunting or taking any migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. The commission shall determine the form of the stamp and shall furnish the stamps to the county recorders and their designated depositaries for issuance or sale in the same manner as hunting licenses are issued or sold under chapter 110."

WYCKOFF of Benton
AVENSON of Fayette

H—5352

Amend the committee on transportation amendment H—5289 to House File 1332 as follows:

1. By striking line 17 and inserting in lieu thereof the following:

"6. Page 6, by striking lines 6 through 22 and inserting in lieu thereof the following:

Sec. 16. Section three hundred twenty-one point three hundred twenty-four (321.324), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red [light or flashing red] light *or an authorized emergency vehicle of a fire department displaying a blue light* [from directly in front thereof], or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of

the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. *For the purposes of this section, "red light" or "blue light" means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red or blue light.*"

2. By inserting after line 19 the following:

"8. Page 8, by inserting after line 16 the following:

"e. A flashing blue light on a vehicle upon which a blue light is permitted pursuant to subsection three (3) of this section."

DRAKE of Muscatine
KOOGLER of Mahaska
HUTCHINS of Guthrie
BORTELL of Madison
KRAUSE of Palo Alto

H—5347

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 414, by striking all of lines 29 through 35.

2. Page 415, by striking all of lines 1 through four.

3. Page 422, line 33, by inserting after "(552.3)," the words "five hundred ninety-eight point twenty-seven (598.27),".

SPEAR of Lee

H—5357

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 268, by striking all of lines 11 through 16.

2. Page 421, line 30, by inserting after the word "Sections" the words "ninety-eight point forty (98.40), ninety-eight point forty-one (98.41),".

SPEAR of Lee

H—5358

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 330, by striking all of lines 30 through 35.

2. Page 331, by striking all of lines 1 through 7.

3. Page 422, line 21, by inserting after "(252.19)," the words "two hundred eighty-seven point four (287.4),".

SPEAR of Lee

H—5356

Amend Senate File 205, as amended, passed, and reprinted by the Senate as follows:

1. Page 7, by inserting after line 23, the following sections:

"Sec. 3. Chapter two hundred seventy-two A (272A), Code 1975, is amended by adding the following new section:

NEW SECTION. APPOINTMENT OF HEARING OFFICERS. The commission shall designate qualified persons to serve as hearing officers who are experienced in the educational system of this state when a hearing is requested under the provisions of section four (4) of this Act. The hearing shall be held pursuant to the provisions of chapter seventeen A (17A) of the Code relating to contested cases. The full costs of the hearing shall be shared equally by the parties. A person who is employed as a teacher or administrator by a school district shall not be eligible to serve as a hearing officer.

Sec. 4. Chapter two hundred seventy-nine (279), Code 1975, is amended by adding the following new sections:

NEW SECTION. CONTINUING CONTRACT FOR ADMINISTRATORS. Contracts with administrators shall be in writing and shall contain all of the following:

1. The term of employment.
2. The length of time during the school year services are to be performed.
3. The compensation per week of five consecutive days or month of four consecutive weeks.
4. A statement that the contract is invalid if the administrator is under contract with another board of directors in this state covering the same period of time, until such contract shall have been released or terminated by its provisions.
5. Such other matters as may be agreed upon.

The contract shall be signed by the president and the administrator and shall be filed with the secretary of the board before the administrator enters upon performance of the contract. A contract shall not be tendered by an employing board to an administrator under its jurisdiction prior to March first. A contract shall not be required to be signed by the administrator and returned to the board in less than twenty-one days after being tendered.

For purposes of this section and the following section, the term "administrator" includes school superintendents, assistant superintendents, educational directors, principals, assistant principals, and other school supervisors as determined under the provisions

of section twenty point four (20.4) of the Code.

NEW SECTION. CONTRACT WITH ADMINISTRATORS—

AUTOMATIC CONTINUATION OR TERMINATION. An administrator's contract shall remain in force and effect for the period stated in the contract. The contract shall be automatically continued in force and effect for one year beyond the end of its term, except as modified or terminated by mutual agreement of the board of directors and the administrator, or until terminated as hereinafter provided.

An administrator may file his or her written resignation with the secretary of the board on or before May first of each year.

Administrators employed in a school district for less than two consecutive years are probationary administrators. If a board determines that it should terminate a probationary administrator's contract, the board shall notify the administrator not later than March thirty-first that the contract will not be renewed beyond the current year. The notice shall be in writing by letter, personally delivered, or mailed by certified mail. The notification shall be complete when received by the administrator. Within ten days after receiving the notice, the administrator may request a private conference with the board to discuss the reasons for termination. The board's decision to terminate a probationary administrator's contract shall be final unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the administrator.

The board may, by majority vote of the membership of the board, cause the contract of an administrator to be terminated. If the board determines that it should consider the termination of an administrator's contract who has been employed in the school district for two consecutive years or more, the following procedure shall apply:

On or before March thirty-first, the administrator shall be notified in writing by a letter personally delivered or mailed by certified mail that the board has voted to consider termination of the contract. The notification shall be complete when received by the administrator.

The notice shall state the specific reasons to be used by the board for considering termination. Such reasons shall be: Incompetency, inattention to duty, unsatisfactory performance, insubordination, physical or mental disability or sickness which interferes with performance of duty as shown by

competent medical evidence and following a one-year leave of absence, or any other good cause.

Within five days after receipt of the written notice that the board has voted to consider termination of the contract, the administrator may request in

writing to the secretary of the board that the notification be forwarded to the professional teaching practices commission along with a request that the professional teaching practices commission appoint a hearing officer, who shall hold a hearing, make a findings of fact, and a recommendation to the board. The hearing shall be held no sooner than ten days and not later than twenty days following the administrator's request.

The hearing officer appointed by the professional teaching practices commissions shall notify the secretary of the board and the administrator in writing concerning the date, time, and location of the hearing. The board may be represented by a local representative, if any, and the administrator shall appear and may be represented by counsel or by representative, if any. The hearing shall be conducted pursuant to rules promulgated by the professional teaching practices commission under chapter seventeen A (17A) of the Code. Evidence presented at the hearing shall be limited to the specific reasons stated in the notice to consider termination. A transcript or recording shall be made of the proceedings at the hearing. No school board member or administrator shall be liable for any damage to any administrator or board member if any statement made at the hearing is determined to be erroneous as long as the statement was made in good faith.

The hearing officer shall, within ten days following the date of the hearing, make a decision as to whether or not the administrator should be dismissed, and shall give a copy of the decision to the administrator and the school board. The recommendations of the hearing officer shall become the final decision of the board unless within ten days after the filing of the decision the administrator files a written notice of appeal with the board, or the board on its own motion determines to review the decision.

If the administrator appeals to the board, or if the board determines on its own motion to review the recommendation of the hearing officer, a private hearing shall be held before the board within five days after the petition for review, or motion for review, has been made. The board may hear the case de novo or upon the record as submitted before the

Page 4

hearing officer. The secretary of the board shall give the administrator written notice of the time, place, and date of the hearing. The board shall meet within five days after the hearing to determine the question of continuance or discontinuance of the contract. The board shall take action by a roll call vote, entered in the minutes of the board, and the action of the board shall be final unless appealed

to the district court by the administrator.

The secretary of the board shall mail notice of the board's action to the administrator by certified mail, which notice shall be mailed within twenty-four hours following the board's decision.

The administrator may within thirty days after notification by the board of discontinuance of the contract appeal to the district court of the county in which the administrative office of the school district is located.

The court may affirm the board action. The court shall reserve, modify, or grant any other appropriate relief from the board action, equitable or legal, and including declaratory relief, if substantial rights of the administrator have been prejudiced because the board action is defined by any of the following:

1. In violation of constitutional or statutory provisions.
2. In excess of the statutory authority of the board.
3. In violation of board policy or rule.
4. Made upon unlawful procedure.
5. Affected by other error of law.
6. Is unsupported by substantial evidence in the record made before the board when that record is reviewed as a whole.
7. Unreasonable, arbitrary, or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

An administrator may be discharged for cause under the provisions of section two hundred seventy-nine point twenty-four (279.24) of the Code in the same manner as teachers are discharged."

2. Amend the title, line 2, by inserting after the word "teachers' " the words "and administrators' ".

HORN of Linn

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:21 p.m. until 10:00 a.m., Friday, February 27, 1976.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day—Thirty-third Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, FEBRUARY 27, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by Sister Jude Fitzpatrick, principal of the St. Theresa Catholic School, Des Moines, Iowa.

The Journal of Thursday, February 26, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard N. Rowe, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mennenga of Clinton on request of Miller of Buchanan; Oakley of Clinton on request of Schroeder of Pottawattamie.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Thirty-four fifth grade students from Rex Mathes Elementary School, West Des Moines, Iowa, accompanied by Mrs. Freed. By Bittle of Polk.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 1050, under Rule 36.

INTRODUCTION OF BILLS

House File 1432, by committee on transportation, a bill for an act relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction

equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations.

Read first time and **placed on the calendar.**

House File 1433, by committee on natural resources, a bill for an act relating to the powers of the department of environmental quality for air quality and a civil penalty for violations.

Read first time and **placed on the calendar.**

House File 1434, by committee on education, a bill for an act relating to the state sanatorium.

Read first time and **placed on the calendar.**

House File 1435, by committee on education, a bill for an act to provide for the regulation of bicycles by the state board of regents.

Read first time and **placed on the calendar.**

House File 1436, by committee on education, a bill for an act relating to the state psychopathic hospital.

Read first time and **placed on the calendar.**

House File 1437, by committee on agriculture, a bill for an act establishing a program to reseach and discover a cure for animal diseases know as aujeszky's disease and vibriosis affecting swine, cattle and sheep and making an appropriation.

Read first time and **placed on the calendar.**

House File 1438, by committee on human resources, a bill for an act creating an Iowa legal services corporation and providing legal services to indigent and low-income persons of this state.

Read first time and **placed on the calendar.**

House File 1439, by committee on natural resources, a bill for an act relating to birds of prey.

Read first time and **placed on the calendar.**

House File 1440, by committee on county government, a bill for an act to prohibit the notation of the amount of the security

interest on certificate of title, the release form, or notation certificate for a motor vehicle.

Read first time and **placed on the calendar.**

House File 1441, by committee on county government, a bill for an act to increase the amount of aid paid counties for care of persons residing in county care facilities, and to increase the appropriation to the state mental aid fund.

Read first time and **placed on the calendar.**

House File 1442, by Byerly, a bill for an act to legalize and validate the proceedings of the board of directors of the Des Moines Area Community College (merged Area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, and the Polk County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 1443, by Miller of Buchanan, a bill for an act relating to the sale of strychnine and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 25, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1081, a bill for an act relating to the funding of the Iowa state commerce commission and the department of public defense.

Also: That the Senate has on February 25, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1142, a bill for an act making appropriations to the state department of health for the funding of the state department of health and various programs under the department.

Also: That the Senate has on February 25, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1192, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 746, a bill for an act relating to transportation of alcoholic liquors or beer, with report of committee recommending amendment and passage, was taken up for consideration.

Tauke of Dubuque offered the following amendment H—5296 filed by him and moved its adoption:

H—5296

Amend House File 746 as follows:
1. Page 1, by striking all of line 24 and inserting in lieu thereof the following: *"be in a compartment of the motor vehicle which is either locked or is not accessible from within the passenger section of the motor".*

A non-record roll call was requested.

The ayes were 40, nays 46.

Amendment H—5296 lost.

Krause of Palo Alto offered the following amendment H—5171 filed by the committee on transportation and moved its adoption:

H—5171

Amend House File 746, page 1, line 24, by inserting after the word *"not"* the word *"readily"*.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 43, nays 46.

Amendment H—5171 lost.

Hutchins of Guthrie offered the following amendment H—5213 filed by him:

H—5213

Amend House File 746 as follows:
1. Page 1, by inserting after line 28 the following new paragraph:
"Any person other than a common carrier violating the provisions of this section shall upon conviction be fined not to exceed one hundred dollars or imprisoned in the county jail for not to exceed thirty days or be subject to both such fine and imprisonment."

Doyle of Woodbury offered the following amendment H—5366, to amendment H—5213, filed by him from the floor and moved its adoption:

H—5366

Amend H—5213 to House File 746 as follows:

1. Page 1 by striking all of line 8 and inserting in lieu thereof the following: "."

Amendment H—5366 was adopted.

Hutchins of Guthrie moved the adoption of amendment H—5213, as amended.

Amendment H—5213, as amended, was adopted.

Tauke of Dubuque offered the following amendment H—5313 filed by him:

H—5313

Amend House File 746 as follows:

1. Page 1, line 28, by inserting after the word "chapter" the following: "*, nor any common carrier or other person from transporting for disposal purposes any bottle or container of beer or alcoholic liquor which has been emptied, reduced to garbage or been made incapable of refilling for purposes for which the container was originally intended*".

Schroeder of Pottawattamie asked for unanimous consent to strike the words *"for disposal purposes"* in lines 4 and 5 of amendment H—5313.

Objection was raised.

Schroeder of Pottawattamie asked and received unanimous consent that action on amendment H—5313 be temporarily deferred.

Wyckoff of Benton moved to reconsider the vote by which amendment H—5296 failed to be adopted by the House.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 45, nays 41.

The motion prevailed and the House reconsidered amendment H—5296.

Koogler of Mahaska asked and received unanimous consent that **House File 746 be deferred** and that the bill retain **its place on the calendar.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for the remainder of the day on request of Dyrland

of Clayton; Koogler of Mahaska for the remainder of the day on request of Baker of Buena Vista.

CONSIDERATION OF BILLS

House File 1063, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons, with report of committee recommending passage, was taken up for consideration.

Hullinger of Decatur offered the following amendment H—5205 filed by him and moved its adoption:

H—5205

Amend House File 1063 as follows:
1. Page 1, by striking all of lines 1 through 13.

Amendment H—5205 was adopted.

With the adoption of amendment H—5205, amendment H—5199, filed by Brandt of Black Hawk on February 12, 1976 and found on page 383 of the House Journal was out of order.

Brandt of Black Hawk asked and received unanimous consent to withdraw the following amendments filed by her:

H—5198 filed February 11, 1976, and found on pages 359 and 360 of the House Journal.

H—5200 filed February 12, 1976, and found on page 383 of the House Journal.

Brandt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1063)

The ayes were, 84:

Anderson	Danker	Harper	**Krause**
Avenson	Dieleman	Harvey	**Kreamer**
Baker	Doyle	Hennessey	**Lageschulte**
Bennett	**Drake**	**Higgins**	**Lindeen**
Bina	Dunton	**Hines**	Lonergan
Bortell	Dyrland	Hinkhouse	**McElroy**
Brandt	**Egenes**	**Horn**	**Menke**
Branstad	Evans	**Howell**	**Middleswart**
Brockett	**Fitzgerald**	Hullinger	**Middleton**
Brunow	Gentleman	**Husak**	Millen
Clark	Gilloon	**Hutchins**	Miller, A. V.
Connors	Griffee	Jesse	Miller, K. D.
Crawford	**Halvorson**	Jochum	**Miller, O. L.**
Cusack	**Hansen**	**Jordan**	**Monroe**
Daggett	Hargrave	Junker	**Newhard**

O'Halloran	Scheelhaase	Stromer	Welden
Pavich	Schroeder	Svoboda	West
Pellett	Small	Tauke	Woods
Perkins	Spear	Tofte	Wulff
Poncy	Spencer	Varley	Wyckoff
Readinger	Spradling	Walter	Mr. Speaker

The nays were, 5:

Bittle	Den Herder	Nealson	Nielsen
Crabb			

Absent or not voting, 10:

Byerly	Lipsky	Oakley	Rinas
Caffrey	Mennenga	Patchett	Wells
Koogler	Norland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1048, a bill for an act to prohibit the jailing of juveniles for misdemeanor offenses committed in violation of chapter three hundred twenty-one (321) of the Code, with report of committee recommending amendment and passage, was taken up for consideration.

Higgins of Scott asked and received unanimous consent to withdraw amendment H—5108 filed by him on February 2, 1976, and found on page 229 of the House Journal.

Higgins of Scott offered the following amendment H—5206 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5206

Amend House File 1048 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point four hundred eighty-two (321.482), Code 1975, is amended to read as follows:

321.482 PENALTIES FOR MISDEMEANOR. It is a misdemeanor for any person to do any act forbidden or to fail to perform any act required by any of the provisions of this chapter unless any such violation is by this chapter or other law of this state declared to be a felony. Chapter 232 shall have no application in the prosecution of *first and second* offenses committed in violation of this chapter which are punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days. *In the case of third and subsequent such offenses by a person under the age of eighteen, the juvenile court and the criminal court shall have concurrent jurisdiction over the person.*

Every person *eighteen years of age or older*

convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days. ***Every person under the age of eighteen convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars."***

Amendment H—5206 was adopted.

Higgins of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1048)

The ayes were, 79:

Anderson	Egenes	Jochum	Readinger
Avenson	Fitzgerald	Jordan	Rinas
Baker	Gentleman	Junker	Scheelhaase
Bennett	Gilloon	Krause	Schroeder
Bina	Griffee	Lageschulte	Small
Bittle	Halvorson	Lindeen	Spear
Brandt	Hansen	Lonergan	Spencer
Brockett	Hargrave	McElroy	Spradling
Brunow	Harper	Menke	Stromer
Clark	Harvey	Middleton	Svoboda
Connors	Hennessey	Millen	Tauke
Crawford	Higgins	Miller, A. V.	Tofte
Cusack	Hines	Miller, K. D.	Varley
Danker	Hinkhouse	Miller, O. L.	Walter
Den Herder	Horn	Monroe	Wells
Dieleman	Howell	Newhard	West
Doyle	Hullinger	O'Halloran	Wulff
Drake	Husak	Pavich	Wyckoff
Dunton	Hutchins	Perkins	Mr. Speaker
Dyrland	Jesse	Poncy	

The nays were, 12:

Bortell	Daggett	Middleswart	Pellett
Branstad	Evans	Nealson	Welden
Crabb	Kreamer	Nielsen	Woods

Absent or not voting, 8:

Byerly	Koogler	Mennenga	Oakley
Caffrey	Lipsky	Norland	Patchett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1277 DEFERRED TEMPORARILY

Baker of Buena Vista asked and received unanimous consent that **House File 1277** be temporarily deferred.

House File 1278, a bill for an act relating to certain reporting, licensing and confidentiality requirements pertaining to the Iowa drug abuse authority, was taken up for consideration.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1278)

The ayes were, 89:

Anderson	Dyrland	Junker	Poncy
Avenson	Egenes	Krause	Readinger
Baker	Evans	Kreamer	Rinas
Bennett	Fitzgerald	Lageschulte	Scheelhaase
Bina	Gentleman	Lindeen	Schroeder
Bittle	Gilloon	Lonergan	Small
Bortell	Griffee	McElroy	Spear
Brandt	Halvorson	Menke	Spencer
Branstad	Hansen	Middleswart	Spradling
Brockett	Hargrave	Millen	Stromer
Brunow	Harper	Miller, A. V.	Svoboda
Clark	Harvey	Miller, K. D.	Tauke
Connors	Hennessey	Miller, O. L.	Tofte
Crabb	Hines	Monroe	Varley
Crawford	Hinkhouse	Nealson	Walter
Cusack	Horn	Newhard	Welden
Daggett	Howell	Nielsen	Wells
Danker	Husak	Norland	West
Den Herder	Hutchins	O'Halloran	Woods
Dieleman	Jesse	Pavich	Wulff
Doyle	Jochum	Pellett	Wyckoff
Drake	Jordan	Perkins	Mr. Speaker
Dunton			

The nays were, none.

Absent or not voting, 10:

Byerly	Hullinger	Mennenga	Oakley
Caffrey	Koogler	Middleton	Patchett
Higgins	Lipsky		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Polk for the remainder of the day on request of Baker of Buena Vista.

Senate File 1021, a bill for an act relating to the alienation of preserves, with report of committee recommending passage, was taken up for consideration.

Hullinger of Decatur moved that the bill be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1021)

The ayes were, 81:

Anderson	Dunton	Jochum	Pellett
Avenson	Dyrland	Jordan	Perkins
Baker	Egenes	Junker	Readinger
Bennett	Fitzgerald	Kreamer	Scheelhaase
Bina	Gentleman	Lageschulte	Schroeder
Bittle	Gilloon	Lindeen	Spear
Bortell	Griffee	Lonergan	Spencer
Brandt	Halvorson	McElroy	Spradling
Branstad	Hansen	Menke	Stromer
Brockett	Hargrave	Middleswart	Svoboda
Brunow	Harper	Millen	Tauke
Clark	Hennessey	Miller, A. V.	Tofte
Crabb	Higgins	Miller, K. D.	Varley
Crawford	Hinkhouse	Miller, O. L.	Welden
Cusack	Horn	Monroe	Wells
Daggett	Howell	Nealson	West
Danker	Hullinger	Newhard	Woods
Den Herder	Husak	Norland	Wulff
Dieleman	Hutchins	O'Halloran	Wyckoff
Doyle	Jesse	Pavich	Mr. Speaker
Drake			

The nays were, 8:

Evans	Hines	Poncy	Small
Harvey	Krause	Rinas	Walter

Absent or not voting, 10:

Byerly	Koogler	Middleton	Oakley
Caffrey	Lipsky	Nielsen	Patchett
Connors	Mennenga		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, was taken up for consideration.

Baker of Buena Vista offered the following amendment H—5355 filed by Baker, et al., and moved its adoption:

H—5355

Amend House File 1277, page 4, line 26, by inserting after the word "state." the words *"Section two hundred thirty point nineteen (230.19) of the Code shall be applicable to liability to the state arising under this section."*

Amendment H—5355 was adopted.

Baker of Buena Vista moved that the bill be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1277)

The ayes were, 88:

Anderson	Dunton	Jochum	Poncy
Avenson	Dyrland	Jordan	Readinger
Baker	Egenes	Junker	Rinas
Bennett	Evans	Krause	Scheelhaase
Bina	Fitzgerald	Kreamer	Schroeder
Bittle	Gentleman	Lageschulte	Small
Bortell	Gilloon	Lindeen	Spear
Brandt	Halvorson	Lonergan	Spencer
Branstad	Hansen	McElroy	Spradling
Brockett	Hargrave	Menke	Stromer
Brunow	Harper	Millen	Svoboda
Clark	Harvey	Miller, A. V.	Tauke
Connors	Hennessey	Miller, K. D.	Tofte
Crabb	Higgins	Miller, O. L.	Varley
Crawford	Hines	Monroe	Walter
Cusack	Hinkhouse	Nealson	Welden
Daggett	Horn	Newhard	Wells
Danker	Howell	Norland	West
Den Herder	Hullinger	O'Halloran	Woods
Dieleman	Husak	Pavich	Wulff
Doyle	Hutchins	Pellett	Wyckoff
Drake	Jesse	Perkins	Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Byerly	Koogler	Middleswart	Oakley
Caffrey	Lipsky	Middleton	Patchett
Griffee	Mennenga	Nielsen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1198, a bill for an act relating to jurisdiction over septic tanks, with report of committee recommending amendment and passage, was taken up for consideration.

Hullinger of Decatur offered the following amendment H—5215 filed by the committee on natural resources:

H—5215

Amend House File 1198 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred thirty-five point eleven (135.11), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighteen (118), section one (1), is amended by adding the following new subsection:

***NEW SUBSECTION.* Exercise jurisdiction over private residential sewage disposal facilities, including**

septic tanks, and inspection of their wastewater discharges.

Sec. 2. Section four hundred fifty-five B point forty-five (455B.45), subsection two (2), Code 1975, is amended to read as follows:

2. The construction or use of any new outlet for the discharge of any sewage or wastes directly into the water of the state. [However, no permit shall be required for any new disposal system or extension or addition to any existing disposal system that receives only domestic or sanitary sewage from a building, housing or occupied by fifteen persons or less.]"

Speaker pro tempore Jesse in the chair at 12:17 p.m.

Wyckoff of Benton asked and received unanimous consent that action on **House File 1198** be **temporarily deferred.**

(Amendment H—5215 pending.)

House File 1281, a bill for an act creating an interagency coordinating council on radiation safety and prescribing its powers and duties, was taken up for consideration.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1281)

The ayes were, 62:

Anderson	Dyrland	Krause	Small
Avenson	Egenes	Lageschulte	Spear
Baker	Evans	Lindeen	Spencer
Bina	Fitzgerald	Lonergan	Spradling
Bittle	Gentleman	McElroy	Stromer
Brandt	Gilloon	Miller, A. V.	Svoboda
Brockett	Halvorson	Miller, K. D.	Tauke
Brunow	Hargrave	Miller, O. L.	Tofte
Cochran	Harper	Monroe	Varley
Connors	Hennessey	Newhard	Walter
Crawford	Hines	O'Halloran	Wells
Cusack	Hinkhouse	Pavich	Wulff
Dieleman	Horn	Poncy	Wyckoff
Doyle	Howell	Readinger	Mr. Speaker (Jesse)
Drake	Hullinger	Rinas	
Dunton	Junker	Scheelhaase	

The nays were, 21:

Bennett	Hansen	Kreamer	Perkins
Bortell	Harvey	Menke	Schroeder
Branstad	Husak	Millen	Welden
Crabb	Hutchins	Nealson	West
Daggett	Jordan	Pellett	Woods
Danker			

Absent or not voting, 16:

Byerly	Griffee	Lipsky	Nielsen
Caffrey	Higgins	Mennenga	Norland
Clark	Jochum	Middleswart	Oakley
Den Herder	Koogler	Middleton	Patchett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Newhard of Jones in the chair at 12:44 p.m.

House File 1282, a bill for an act relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed, was taken up for consideration.

SENATE FILE 1151 SUBSTITUTED FOR HOUSE FILE 1282

Jesse of Polk asked and received unanimous consent to substitute Senate File 1151 for House File 1282.

Senate File 1151, a bill for an act relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed, was taken up for consideration.

Jesse of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1151)

The ayes were, 83:

Anderson	Dyrland	Jochum	Poncy
Avenson	Egenes	Jordan	Readinger
Baker	Evans	Junker	Rinas
Bennett	Fitzgerald	Krause	Scheelhaase
Bina	Gentleman	Kreamer	Schroeder
Bittle	Gilloon	Lageschulte	Small
Bortell	Halvorson	Lindeen	Spencer
Brandt	Hansen	Lonergan	Spradling
Branstad	Hargrave	McElroy	Stromer
Brockett	Harper	Menke	Svoboda
Brunow	Harvey	Middleswart	Tauke
Cochran	Hennessey	Millen	Tofte
Connors	Higgins	Miller, A. V.	Varley
Crabb	Hines	Miller, K. D.	Walter
Crawford	Hinkhouse	Miller, O. L.	Welden
Cusack	Horn	Monroe	Wells
Daggett	Howell	Nealson	West
Dieleman	Hullinger	O'Halloran	Wulff
Doyle	Husak	Pavich	Wyckoff
Drake	Hutchins	Pellett	Mr. Speaker (Newhard)
Dunton	Jesse	Perkins	

The nays were, none.

Absent or not voting, 16:

Byerly	Den Herder	Mennenga	Oakley
Caffrey	Griffee	Middleton	Patchett
Clark	Koogler	Nielsen	Spear
Danker	Lipsky	Norland	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(House File 1036)

Kreamer of Polk asked and received unanimous consent to withdraw his motion to reconsider **House File 1036** filed on January 27, 1976, and found on page 136 of the House Journal.

Speaker pro tempore Jesse in the chair at 12:54 p.m.

HOUSE FILE 1282 WITHDRAWN

Newhard of Jones asked and received unanimous consent to withdraw **House File** 1282 from further consideration by the House.

HOUSE FILE 1283 DEFERRED

House File 1283, a bill for an act relating to ways condemned by landowners having no access to the property, was taken up for consideration.

Bortell of Madison offered the following amendment H—5229 filed by him and moved its adoption:

H—5229

Amend House File 1283 as follows:
1. Page 1, line 6, by striking "[public]" and inserting in lieu thereof the word "public".

Crabb of Crawford asked for unanimous consent that House File 1283 be deferred.

Objection was raised.

Crabb of Crawford moved that House File 1283 be deferred and that the bill retain its place on the calendar.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 44, nays 40.

The motion prevailed and **House File 1283** was **deferred** and the bill **retained its place on the calendar.**

(Amendment H—5229 pending.)

House File 1051, a bill for an act relating to farm tenants, with report of committee recommending passage, was taken up for consideration.

Svoboda of Iowa offered the following amendment H—5336 filed by her and Perkins of Greene and moved its adoption:

H—5336

Amend House File 1051 as follows:
1. Page 1, line 4, by striking the words
", other than a mere cropper,".

Amendment H—5336 was adopted.

Perkins of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1051)

The ayes were, 77:

Anderson	Drake	Krause	Rinas
Avenson	Dunton	Lageschulte	Scheelhaase
Baker	Dyrland	Lindeen	Small
Bennett	Egenes	Lonergan	Spear
Bina	Evans	McElroy	Spencer
Bittle	Fitzgerald	Menke	Spradling
Bortell	Gentleman	Middleswart	Stromer
Brandt	Gilloon	Miller, A. V.	Svoboda
Branstad	Halvorson	Miller, K. D.	Tauke
Brunow	Hansen	Miller, O. L.	Tofte
Cochran	Harper	Monroe	Varley
Connors	Hennessey	Newhard	Walter
Crabb	Hines	Norland	Wells
Crawford	Horn	O'Halloran	West
Cusack	Howell	Pavich	Woods
Daggett	Hullinger	Pellett	Wulff
Danker	Hutchins	Perkins	Wyckoff
Den Herder	Jochum	Poncy	Mr. Speaker (Jesse)
Dieleman	Jordan	Readinger	
Doyle	Junker		

The nays were, 6:

Harvey	Millen	Schroeder	Welden
Kreamer	Nealson		

Absent or not voting, 16:

Brockett	Griffee	Husak	Middleton
Byerly	Hargrave	Koogler	Nielsen
Caffrey	Higgins	Lipsky	Oakley
Clark	Hinkhouse	Mennenga	Patchett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the day on request of Kreamer of Polk.

The House resumed consideration of **House File 1198**, a bill for an act relating to jurisdiction over septic tanks, and amendment H—5215 filed by the committee on natural resources.

Hullinger of Decatur moved the adoption of amendment H—5215.

Amendment H—5215 was adopted.

Hullinger of Decatur moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1198)

The ayes were, 71:

Anderson	**Fitzgerald**	Lindeen	Readinger
Avenson	**Gentleman**	Lonergan	**Rinas**
Baker	Gilloon	McElroy	Schroeder
Bina	**Halvorson**	Menke	**Small**
Bittle	Hansen	Middleswart	Spear
Brandt	Hargrave	Millen	Spencer
Brunow	Harper	Miller, A. V.	Spradling
Cochran	Hennessey	Miller, K. D.	Stromer
Connors	Hines	Miller, O. L.	Svoboda
Crawford	Horn	Monroe	Tauke
Cusack	Howell	Nealson	**Tofte**
Den Herder	Hullinger	Newhard	Varley
Dieleman	Hutchins	Norland	Walter
Doyle	Jochum	O'Halloran	Welden
Drake	Jordan	Pavich	Woods
Dunton	Krause	Pellett	Wyckoff
Dyrland	Kreamer	Perkins	Mr. Speaker
Egenes	Lageschulte	Poncy	(Jesse)

The nays were, 9:

Bennett	Crabb	Danker	West
Bortell	Daggett	Harvey	Wulff
Branstad			

Absent or not voting, 19:

Brockett	Griffee	Koogler	Oakley
Byerly	Higgins	Lipsky	Patchett
Caffrey	Hinkhouse	Mennenga	Scheelhaase
Clark	Husak	Middleton	Wells
Evans	Junker	Nielsen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 837 WITHDRAWN

Krause of Palo Alto asked and received unanimous consent to withdraw **House File** 837 from further consideration by the House.

HOUSE FILE 124 WITHDRAWN

Hennessey of Delaware asked and received unanimous consent to withdraw **House File** 124 from further consideration by the House.

Speaker Cochran in the chair at 1:42 p.m.

REREFERRED TO THE COMMITTEE ON ENERGY
(House File 1420)

The Speaker announced that **House File 1420,** previously referred to the committee on commerce, is rereferred to the committee on **energy.**

ANNOUNCEMENT BY THE SPEAKER

Pursuant to House Rule 8, the Speaker appointed the following members of the House to the House steering committee:

HOUSE STEERING COMMITTEE

Jesse of Polk, Chair
Avenson of Fayette, Ranking Majority Member
Varley of Adair, Ranking Minority Member
Connors of Polk
Cusack of Scott
Daggett of Adams
Den Herder of Sioux
Harper of Davis
Hinkhouse of Cedar
Hullinger of Decatur
Middleswart of Warren
Monroe of Des Moines
Schroeder of Pottawattamie
Pellett of Cass
Tauke of Dubuque

MOTION TO RECONSIDER
(Amendment H—5171 to House File 746)

I move to reconsider the vote by which amendment H—5171 to House File 746 failed to be adopted by the House.

KRAUSE of Palo Alto

MOTION TO RECONSIDER
(House File 1198)

I move to reconsider the vote by which House File 1198 passed the House on February 27, 1976.

WYCKOFF of Benton

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 122 Cities

Relating to the deposit of public funds, authorizing the deposit or investment of public funds in certain approved savings and loan associations and in approved banks in the state, authorizing investment of public funds in certain notes, certificates, bonds, or other evidences of indebtedness, relating to the interest rates public funds can draw, and requiring certain savings and loan associations to contribute to the state sinking fund or be subject to a ten percent penalty on the amount of assessment due.

PROOF OF PUBLICATION

Published copy of House File 1442 and verified proof of publication of said bill in The Des Moines Register on January 29, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when votes were taken on the following bills. Had I been present I would have voted as follows:

Monday, February 23, 1976, "aye" on House Files 787 and 845 and Senate File 524; "nay" on House File 576.

Tuesday, February 24, 1976, "aye" on House File 1201 and "nay" on **Senate File 443.**

Wednesday, February 25, 1976, "aye" on House Files 1131, 1162 and 1362, House Concurrent Resolution 104 and Senate File 53.

Thursday, February 26, 1976, "aye" on House Files 863, 1009, 1026 and 1256.

HARPER of Davis

SUBCOMMITTEE ASSIGNMENTS

House File 1352
Agriculture
Hinkhouse, Chair
Pellett
Spradling

House File 1372
Agriculture
Miller of Cerro Gordo, Chair
Pellett
Bennett

House File 1377
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Gentleman

House File 1379
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Hennessey
Poncy

House File 1380
Judiciary and Law Enforcement
Nielsen of Polk, Chair
Hennessey
Poncy

House File 1381
State Government
Monroe, Chair
Woods
Harvey

House File 1382
State Government
Small, Chair
Monroe
Crawford

House File 1385
State Government
Monroe, Chair
Woods
Harvey

House File 1386
Judiciary and Law Enforcement
Newhard, Chair
Higgins
Lageschulte

House File 1391
State Government
Monroe, Chair
Woods
Harvey

House File 1393
Natural Resources
Tofte, Chair
Spencer
Egenes

House File 1398
Judiciary and Law Enforcement
Gentleman, Chair
Nielsen of Polk
Oakley

Senate File 455
County Government
Lonergan, Chair
Jordan
Lindeen

Senate File 515
County Government
Gilloon, Chair
West
Jordan

Senate File 547
County Government
Gilloon, Chair
Pellett
Tauke

Senate File 1092
Judiciary and Law Enforcement
Jesse, Chair
Poncy
Bittle

Senate File 1122
County Government
Baker, Chair
Spradling
Bortell

Senate File 1133
County Government
Miller of Calhoun, Chair
Danker
Lindeen

Senate File 1134
Transportation
Koogler, Chair
Brunow
Harper
Schroeder
Welden
Bortell

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S. B. 109
Agriculture
Bennett, Chair
Lageschulte
Lindeen

S. B. 110
Agriculture
Crabb, Chair
Pellett
Danker

S. B. 115
Transportation
Koogler, Chair
Rinas
Tauke

S. B. 118
Commerce
Small, Chair
Evans
Krause
Bina
Lonergan
Hennessey
Brockett

S. B. 119
Transportation
Harper, Chair
Gilloon
Wulff

S. B. 120
Branstad, Chair
Middleswart
Varley

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 27, 1976, he approved and transmitted to the Secretary of State the following bill:

Senate File 1102, an act to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership.

REPORTS OF COMMITTEES

Connors of Polk, from the committee on labor and industrial relations, submitted the following reports:

MR. SPEAKER: Your committee on labor and industrial relations to whom was referred **House File 721**, a bill for an act relating to workmen's compensation medical benefits, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

CONNORS of Polk, Chair

Also:

MR. SPEAKER: Your committee on labor and industrial relations to whom was referred **House File 1196**, a bill for an act relating to concession booths at a fair or carnival, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

CONNORS of Polk, Chair

Krause of Palo Alto, from the committee on transportation, submitted the following report:

MR. SPEAKER: Your committee on transportation to whom was referred ***Senate File 204***, a bill for an act relating to registration of motor vehicles, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5383

Amend Senate File 204, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 10, by striking the words "subsection one (1)".

2. Page 1, line 10, by inserting after the word "chapter," the words "or if the vehicle is owned by a partnership or corporation and there are any delinquent citations or notices of violation of the provisions of section three hundred twenty-one point two hundred thirty-six (321.236) of this chapter issued against the partnership or corporation".

3. Page 1, line 21, by inserting after the word "resolution." the following: "For purposes of this Act, a citation or notice of violation shall be deemed delinquent if not paid or adjudicated by a court of competent jurisdiction prior to fourteen (14) days after the court appearance date."

4. Page 1, line 23, by inserting after the word "warrants" the words "and delinquent citations or notices of violation against partnerships or corporations".

5. Page 1, line 27, by inserting after the word "persons" the words ", including the address of each,".

6. Page 1, by striking lines 28 through 32 and inserting in lieu thereof the following: "issued and is outstanding and all partnerships or corporations with delinquent citations or notices of violation. Upon application by a person, partnership or corporation whose name is on such list, the court shall issue a receipt to the person if all warrants issued pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of this chapter have been recalled and to an agent of a partnership or corporation if there are no longer any delinquent citations or notices of violation outstanding against the partnership or corporation issued pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of this chapter. The receipt shall state that the warrants have been recalled or that there are no longer delinquent citations or notices of violation outstanding and that the county treasurer need no longer refuse renewal of registration pursuant to this Act. The receipt shall be presented to the county treasurer with application for renewal of registration. For each person, partnership or corporation on such list the".

Page 2

7. Page 1, line 35, by striking the words "subsection one (1)".

8. Page 2, lines 1 and 2, by striking the words "an amount agreed upon by the county supervisors and the local authorities" and inserting in lieu thereof the words "the amount of two (2) dollars".

9. Page 2, line 8, by striking the words "subsection one (1)".

10. Page 2, line 11, by inserting after the word "warrants" the words "and delinquent citations or notices of violation".

11. Page 2, by striking lines 16 and 17.

KRAUSE of Palo Alto, Chair

AMENDMENTS FILED

H—5367

Amend amendment H—5313 to House File 746 as follows:

1. Lines 4 and 5 by striking the words *"for disposal purposes"*.

SCHROEDER of Pottawattamie

H—5376

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point one (123.1), Code 1975, is amended to read as follows:

123.1 PUBLIC POLICY DECLARED. This chapter shall be cited as the "Iowa Beer, *Wine* and Liquor Control Act", and shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals, and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be public policy that the traffic in alcoholic liquors is so affected with a public interest that it should be regulated to the extent of prohibiting all traffic in them, except as provided in this chapter.

Sec. ..... Section one hundred twenty-three point two (123.2), Code 1975, is amended to read as follows:

123.2 GENERAL PROHIBITION. It shall be unlawful to manufacture for sale, sell, offer or keep for sale, possess, or transport alcoholic liquor, *wine* or beer except upon the terms, conditions, limitations, and restrictions enumerated in this chapter.

Sec. ..... Section one hundred twenty-three point three (123.3), subsections four (4), seven (7), eight (8), and ten (10), Code 1975, are amended to read as follows:

4. "Local authority" means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by this chapter to approve or deny applications for retail beer *or wine* permits and liquor control licenses; to recommend that such permits or licenses be granted and issued by the department; and to take such other actions as are reserved to them by this chapter.

7. "Wine" means any beverage containing alcohol obtained by the fermentation of the natural sugar contents of fruits or other agricultural products *and containing not more than seventeen percent alcohol by weight.*

8. "Alcoholic liquor", "alcoholic beverage" or "intoxicating liquor" includes the [three] *two* varieties of liquor defined in subsections [5, 6, and 7] *five (5) and six (6)*, except beer as defined in subsection 9 but including all beverages made as described in such subsection which contain more than four percent of alcohol by weight, and every liquid or solid, patented or not, containing alcohol, spirits, or wine *containing more than seventeen percent alcohol by*

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weight, and susceptible of being consumed by a human being, for beverage purposes.

10. "Person" means any individual, association, partnership, corporation, club, hotel or motel, or municipal corporation owning or operating a bona fide airport, marina, park, coliseum, auditorium, or recreational facility in or at which the sale of alcoholic liquor, *wine* or beer is only an incidental part of such ownership or operation.

Sec. ..... Section one hundred twenty-three point three (123.3), subsection eleven (11), paragraph c, Code 1975, is amended to read as follows:

c. He is not prohibited by the provisions of section 123.40 from obtaining a liquor control license, *or wine* or beer permit.

Sec. ..... Section one hundred twenty-three point three (123.3), subsections thirteen (13), seventeen (17), nineteen (19), twenty (20), twenty-five (25), twenty-six (26), twenty-seven (27), and thirty-one (31), Code 1975, are amended to read as follows:

13. "Permit" or "license" means an express written authorization issued by the department for the manufacture or sale, or both, of alcoholic liquor, *wine* or beer.

17. "Distillery", "winery", and "brewery" means not only the premises wherein alcohol or spirits is distilled, or rectified wine is fermented, or beer is brewed, but in addition a person owning, representing, or in charge of such premises and the operations conducted thereon, including the blending and bottling or other handling and preparation of alcoholic liquor, *wine* or beer in any form.

19. "Importer" means the person transporting or ordering, authorizing, or arranging the transportation of alcoholic liquor, *wine* or beer into this state whether such person is a resident of this state or not.

20. "Import" means the transporting or ordering or arranging the transportation of alcoholic liquor, *wine* or beer into this state whether by a resident of this state or not.

25. The prohibited "sale" of alcoholic liquor, *wine* or beer under this chapter includes soliciting for sales, taking orders for sales, keeping or exposing for sale, delivery or other trafficking for a valuable consideration promised or obtained, and procuring or allowing procurement for any other person.

26. "Wholesaler" means any person, other than a *vintner,* brewer or bottler of beer *or wine,* who shall sell, barter, exchange, offer for sale, have

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in possession with intent to sell, deal or traffic in alcoholic liquor, *wine* or beer. No wholesaler

shall be permitted to sell for consumption upon the premises.

27. "Retailer" means any person who shall sell, barter, exchange, offer for sale, or have in possession with intent to sell any alcoholic liquor for consumption on the premises where sold, or beer *or wine* for consumption either on or off the premises where sold.

31. "Licensed premises" or "premises" means all rooms or enclosures where alcoholic beverages, *wine* or beer are sold or consumed under authority of a liquor control license, *wine* or beer permit.

Sec. ..... Section one hundred twenty-three point three (123.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Retail wine permit" means a class "B" or class "C" wine permit issued under the provisions of this chapter.

Sec. ..... Section one hundred twenty-three point four (123.4), Code 1975, is amended to read as follows:

123.4 DEPARTMENT CREATED—PLACE OF BUSINESS. There is hereby created an Iowa beer and liquor control department to administer and enforce the laws of this state concerning beer, *wine* and alcoholic liquor. The principal place of business of the department shall be in the city of Des Moines, and suitable quarters or offices shall be provided the department in such city by the authority designated by law to provide such quarters or offices to state departments or agencies.

Sec. ..... Section one hundred twenty-three point fourteen (123.14), subsections one (1) and three (3), Code 1975, are amended to read as follows:

1. The division of beer and liquor law enforcement of the department of public safety, created pursuant to section 80.25, shall be the primary beer, *wine* and liquor law enforcement authority for this state.

3. The division of beer and liquor law enforcement shall be allowed full access to all records, reports, audits, tax reports and all other documents and papers in the department pertaining to liquor licensees, *wine* and beer permittees and their business.

Sec. ..... Section one hundred twenty-three point fifteen (123.15), Code 1975, is amended to read as follows:

123.15 HEARING BOARD ESTABLISHED. There is hereby created a three-member hearing board for the purpose of conducting departmental hearings relating to

Page 4

controversies concerning the issuance, suspension, or revocation of special liquor permits, liquor control licenses, *wine* and beer permits authorized under this chapter. One member shall be appointed by the council from its membership, which member may be periodically

replaced by appointment of another council member; one member shall be the attorney general or his designee; and one member shall be the commissioner of public safety or his designee. The hearing board shall establish and adopt rules and procedures for conducting departmental hearings under this chapter.

Sec. ..... Section one hundred twenty-three point sixteen (123.16), subsection two (2), paragraph b, Code 1975, is amended to read as follows:

b. The granting or refusing of liquor licenses and permits, *wine* and beer permits, and the suspension or revocation of such licenses and permits.

Sec. ..... Section one hundred twenty-three point eighteen (123.18), Code 1975, is amended to read as follows:

123.18 FAVORS FROM LICENSEE OR PERMITTEE. No person responsible for the administration or enforcement of this chapter shall accept or solicit donations, gratuities, political advertising, gifts, or other favors, directly or indirectly, from any liquor control licensee, *wine* or beer permittee. A violation of this section shall subject the violator to the general penalties provided by this chapter.

Sec. ..... Section one hundred twenty-three point nineteen (123.19), subsection one (1), Code 1975, is amended to read as follows:

1. Any manufacturer, distiller[, vintner,] or importer of alcoholic beverages shipping, selling, or having alcoholic beverages brought into this state for resale by the state shall, as a condition precedent to the privilege of so trafficking in alcoholic liquors in this state, annually make application for and shall hold a distiller's certificate of compliance which shall be issued by the director for such purpose. No brand of alcoholic liquor shall be sold by the department in this state unless the manufacturer, distiller, [vintner,] importer, and all other persons participating in the distribution of such brand in this state have obtained such certificate. Such certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the director unless otherwise suspended or revoked for cause. Each application for a certificate of compliance or renewal thereof shall be made in such

manner and upon such forms as shall be prescribed by the director and shall be accompanied by a fee of fifty dollars payable to the department. However, the provisions of this subsection need not apply to a manufacturer, distiller, [vintner,] or importer who ships or sells in this state no more than eleven gallons or its case equivalent during any fiscal year as a result of "special orders" which might be placed,

as defined and allowed by departmental rules adopted under this chapter.

Sec. ..... Section one hundred twenty-three point twenty-one (123.21), subsections six (6) and ten (10), Code 1975, are amended to read as follows:

6. Providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each brand, class, or variety of liquor kept for sale under this chapter. Provide for the filing or posting of prices *charged in sales* between class "A" beer *and wine* permit holders and retailers as provided in this chapter, and establish or control such prices as may be based on minimum standards of fill, quantity, or alcoholic content for each individual sale of intoxicating liquor, *wine* or beer as deemed necessary for retail or consumer protection.

10. Prescribing the time, manner, means, and method by which distillers, [vintners,] vendors, or others authorized under this chapter may deliver or transport alcoholic liquors and prescribing the time, manner, means, and methods by which alcoholic liquor may be lawfully conveyed, carried, or transported.

Sec. ..... Section one hundred twenty-three point twenty-two (123.22), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The department shall have the sole and exclusive right of importation, into the state, of all forms of alcoholic liquor, except as otherwise provided in this chapter, and no person shall so import any such alcoholic liquor, except that an individual of legal age may import and have in his possession an amount of alcoholic liquor not exceeding one quart or, in the case of alcoholic liquor personally obtained outside the United States, one gallon for personal consumption only in a private home or other private accommodation. No distillery shall sell any alcoholic liquor within the state to any person but only to the department, except as otherwise provided in this chapter. It is the intent of this section to vest in the department exclusive control within the state both as purchaser and vendor of all alcoholic liquor sold by distilleries within the state or imported

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therein, except beer *and wine*, and except as otherwise provided in this chapter.

Sec. ..... Section one hundred twenty-three point twenty-nine (123.29), subsection four (4), paragraph c, Code 1975, is amended to read as follows:

c. That neither the applicant, if he is an individual, nor any members of the firm or officers of the corporation, if the applicant is not an individual, has been convicted of any violation of the laws of this state with reference to the sale of alcoholic liquors, *wine* or beer within the three

years preceding the date of the affidavit.

Sec. ..... Section one hundred twenty-three point thirty (123.30), subsection three (3), paragraphs a, b, c, and d, Code 1975, are amended to read as follows:

a. CLASS "A". A class "A" liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors from the department only, and to sell such liquors, *wine* and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

b. CLASS "B". A class "B" liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors from the department only, and to sell such liquors, *wine* and beer, to patrons by the individual drink for consumption on the premises only, however, *wines and* beer may also be sold for consumption off the premises. Each such license shall be effective throughout the premises described in the application.

c. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from the department only, and to sell such liquors, *wine* and beer, to patrons by the individual drink for consumption on the premises only, however, *wine and* beer may also be sold for consumption off the premises.

d. CLASS "D". A class "D" liquor control license may be issued to a railway corporation, to an air common carrier, and to passenger-carrying boats or ships for hire with a capacity of twenty-five persons or more operating in inland or boundary waters, and shall authorize the holder to sell or furnish alcoholic beverages, *wine* and beer to passengers for consumption only on trains, watercraft as described herein, or aircraft, respectively. Each such license shall be

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valid throughout the state as a state license. Only one such license shall be required for all trains, watercraft, or aircraft operated in the state by the licensee.

Sec. ..... Section one hundred twenty-three point thirty-two (123.32), subsections one (1), two (2), and four (4), Code 1975, are amended to read as follows:

1. FILING OF APPLICATION. An application for a class "A", class "B", or class "C" liquor control license, [and] for a retail beer permit as provided in sections 123.128 and 123.129, *or for a retail wine permit as provided in this chapter,* accompanied by the required fee and bond, shall be filed with the

appropriate city council if the premises for which the license or permit is sought are located within **the corporate limits of a city, or with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city. An application for a class "D" liquor control license and for a class "A" beer *or wine* permit, accompanied by the required fee and bond, shall be filed with the department, which shall proceed in the same manner as in the case of an application approved by local authorities.**

2. ACTION BY LOCAL AUTHORITIES. **The local authority shall either approve or disapprove the issuance of a liquor control license or retail *wine or* beer permit, and shall endorse such approval or disapproval on the application and forward same along with the required fee and bond to the department.** Upon the initial issuance of a liquor control license **or retail beer *or wine* permit, the fact that the local authority determines that no liquor control license or retail beer *or wine* permit shall be issued shall not be held to be arbitrary, capricious, or without reasonable cause. There shall be no limit upon the number of liquor control licenses or retail beer *or wine* permits which may be approved for issuance by local authorities.**

4. APPEAL TO HEARING BOARD. **Any applicant for a liquor control license, *or a wine* or beer permit may appeal to the department hearing board, established pursuant to section 123.15, from the director's disapproval of an application for a license or permit. If, upon such appeal the hearing board shall determine that the local authority acted arbitrarily, capriciously, or without reasonable cause in disapproving the application, or that, where the local authority approved the application, the director's own**

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disapproval should be reversed, it shall order issuance of a license or permit. The same right of appeal to the hearing board shall be afforded a liquor control licensee, *or a wine* or beer permittee whose license or permit has been suspended or revoked under this chapter, and the hearing board shall reduce the period of suspension or order reinstatment of such license or permit for good cause shown.

Sec. ..... Section one hundred twenty-three point thirty-three (123.33), Code 1975, is amended to read as follows:

123.33 RECORDS. Every holder of a liquor control license shall keep a daily record of the gross receipts of his business. Each bottle emptied, except beer *or wine* bottles, shall be broken immediately by the licensee or his agent into a container provided for that purpose. The records herein required and the

premises of the licensee shall be open to agents of the division of beer and liquor law enforcement of the department of public safety during normal business hours of the licensee.

Sec. ..... Section one hundred twenty-three point thirty-four (123.34), Code 1975, is amended to read as follows:

123.34 EXPIRATION—SEASONAL LICENSE OR PERMIT. **All liquor control licenses, *wine* and beer permits,** unless sooner suspended or revoked, shall expire one year from date of issuance. The director shall cause sixty days' notice of such expiration to be given to each licensee or permittee in writing. However, the director may issue six-month or eight-month **seasonal licenses or class "B" beer *or wine* permits** for a proportionate part of the license or permit fee. No refund shall be made for seasonal licenses or permits. No seasonal license or permit shall be renewed except after a period of two months.

Sec. ..... Section one hundred twenty-three point thirty-five (123.35), Code 1975, is amended to read as follows:

123.35 SIMPLIFIED RENEWAL PROCEDURE. The director shall prescribe simplified application forms for the **renewal of liquor control licenses, *and wine* and beer** permits issued under the provisions of this chapter, which may be filed by licensees and permittees in lieu of a detailed renewal application form when qualifications and qualification information have not changed since the original issuance of the license or permit. Such simplified form shall require the licensee or permittee to verify under oath that the information contained in the original application

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remains current, and that no reason exists for the *department's refusal to* renew the license or permit as originally issued.

Such application, accompanied by the required fee and bond, shall be filed in the same manner as is provided for filing the initial application.

Sec. ..... Section one hundred twenty-three point thirty-six (123.36), subsection two (2), Code 1975, is amended to read as follows:

2. Class "A" liquor control licenses, the sum of six hundred dollars, except that for class "A" licenses in cities of less than two thousand population, and for clubs of less than two hundred fifty members, the license fee shall be four hundred dollars; however, the fee shall be two hundred dollars for any club which is a post, branch, or chapter of a veterans organization chartered by the Congress of the United States, if such club does not sell or permit the consumption of alcoholic beverages or beer *or wine* on the premises more than one day in any week,

and if the application for a license states that such club does not and will not sell or permit the consumption of alcoholic beverages or beer *or wine* on the premises more than one day in any week.

Sec. ..... Section one hundred twenty-three point thirty-seven (123.37), Code 1975, is amended to read as follows:

123.37 POWER TO LICENSE AND LEVY TAXES. **The power** to establish licenses and permits and levy taxes as imposed in title VI of the Code is vested exclusively with the state. Unless specifically provided, no local authority shall levy a local tax on the sale of alcoholic beverages, *wine* or beer, require the obtaining of a special license or permit for such sale on any establishment, or require the obtaining of a license by any person as a condition precedent to his employment in the sale, serving, or handling of alcoholic beverages, *wine* or beer within an establishment operating under a license or permit.

Sec. ..... Section one hundred twenty-three point **thirty-eight** (123.38), unnumbered paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

A special liquor permit, liquor control license, *wine* or beer permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the director may in his discretion allow the executor or administrator of

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a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use same.

Any such licensee or permittee, or his executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his creditors, may voluntarily surrender such license or permit to the department and when so surrendered the department shall notify the local authority, and the department [and] *or* such local authority, [or the local authority by itself in the case of a retail beer permit] *or both,* shall refund to the person so surrendering the license or permit a proportionate amount of [the] *any* fee [paid] *received by the department or that local authority* for such license or permit as follows: If surrendered during the first three months of the period for which said license or permit was issued the refund shall be three-fourths of the amount of the fee; if surrendered

more than three months but not more than six months after issuance the refund shall be one-half of the amount of the fee; if surrendered more than six months but not more than nine months after issuance the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for any special liquor permit, nor for a liquor control license, *or wine* or beer permit surrendered more than nine months after issuance. *For purposes of this paragraph, any portion of license or permit fees deposited in the county mental health and institutions fund shall not be deemed received either by the department or by a local authority.* No refund shall be made to any licensee or permittee, upon the surrender of his license or permit, if there is at the time of said surrender a complaint filed with the department or local authority, charging [him] *the person* with a violation of the provisions of this chapter. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of [his] *the* license or permit, to receive a refund as herein provided[.]*:* But if [his] *the* license or permit is revoked or suspended upon such hearing [he] *the licensee or permittee* shall not be eligible for the refund of any portion of [his] *the* license or permit fee.

Sec. ..... Section one hundred twenty-three point thirty-nine (123.39), Code 1975, is amended to read as follows:

123.39 SUSPENSION OR REVOCATION OF LIQUOR LICENSE, *WINE* OR BEER PERMIT. Any liquor control license, *wine* or beer permit issued under this chapter may, after notice in writing to the license or permit holder and reasonable opportunity for hearing, and subject to section 123.50 where applicable, be suspended for a period not to exceed one year or revoked by the local authority or the director for any of the following causes:

1. Misrepresentation of any material fact in the application for such license or permit.
2. Violation of any of the provisions of this chapter.
3. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any *wine or* beer permit which change was not previously reported to and approved by the local authority and the department.
4. An event which would have resulted in disqualification from receiving such license or permit when originally issued.
5. Any sale, hypothecation, or transfer of such license or permit.

6. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the department under this chapter when due.

Local authorities shall have the power to suspend **any retail *wine or* beer permit or liquor control** license for a violation of any ordinance or regulation adopted by such local authority. Local authorities are empowered to adopt ordinances or regulations for **the location of the premises of retail *wine or* beer** and liquor control licensed establishments and are empowered to adopt ordinances, not in conflict with the provisions of this chapter and that do not diminish **the hours during which beer, *wine* or alcoholic** beverages may be sold or consumed at retail, governing any other activities or matters which may affect the **retail sale and consumption of beer, *wine* and alcoholic** liquor and the health, welfare and morals of the community involved.

Sec. ..... Section one hundred twenty-three point forty (123.40), Code 1975, is amended to read as follows:

123.40. EFFECT OF REVOCATION. Any liquor control **licensee, *wine* or beer permittee whose license or**

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permit is revoked under this chapter shall not thereafter be permitted to hold a liquor control license, *wine* or beer permit in the state of Iowa for a period of two years from the date of such revocation. The spouse and business associates holding ten percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license, *wine* or beer permit, and no liquor control license, *wine* or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two years from the date of such revocation. In the event a license or permit is revoked the premises which had been covered by such license or permit shall not be relicensed for one year.

Sec. ..... Section one hundred twenty-three point forty-four (123.44), Code 1975, is amended to read as follows:

123.44 GIFT OF LIQUORS PROHIBITED. No manufacturer or wholesaler shall give away any alcoholic liquor of any kind or description at any time in connection with his business except for testing or sampling purposes only. No manufacturer, vintner, wholesaler, or importer, organized as a corporation pursuant to the laws of this state or any other state, and who deals in alcoholic liquor, *wine* or beer subject to this chapter shall offer or give anything of value to any council member, official or employee of the

department or directly or indirectly contribute in any manner any money or thing of value to any person seeking a public or appointive office or any recognized political party or a group of persons seeking to become a recognized political party.

Sec. ..... Section one hundred twenty-three point forty-five (123.45), Code 1975, is amended to read as follows:

123.45 INTEREST IN [LIQUOR] *REGULATED* BUSINESS.

No council member or department employee shall, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, *wine* or beer nor receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, *wine* or beer by persons so authorized under this chapter except that this provision shall not prevent any such member or employee from lawfully purchasing and keeping alcoholic liquor, *wine* or beer in his possession for personal use.

No person engaged in the business of manufacturing,

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bottling, or wholesaling alcoholic beverages, *wine* or beer, nor any jobber or agent of such person, shall directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages, *wine*, beer, or food within the place of business of a licensee or permittee authorized under the provisions of this chapter, to sell at retail; nor shall he directly or indirectly extend any credit for alcoholic beverages, *wine* or beer or pay for any such license or permit, nor directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under the provisions of this chapter to sell at retail. Any licensee or permittee who shall permit or assent or be a party in any way to any such violation or infringement of the provisions of this chapter shall be deemed guilty of a violation of the provisions of this chapter.

Sec. ..... Section one hundred twenty-three point forty-six (123.46), Code 1975, is amended to read as follows:

123.46 CONSUMPTION IN PUBLIC PLACES—INTOXICATION.

It is unlawful for any person to use or consume alcoholic liquors, *wine* or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors, *wine* or beer on any public school property or while attending any public or private school related functions, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this

section "school" means a school or that portion thereof, which provides teaching for any grade from kindergarten through grade twelve. Any person violating any provisions of this section shall be fined not to exceed one hundred dollars or sentenced not to exceed thirty days in the county jail.

Sec. ..... Section one hundred twenty-three point forty-seven (123.47), Code 1975, is amended to read as follows:

123.47 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply alcoholic liquor, *wine* or beer to any person knowing or having reasonable cause to believe him to be under legal age, and no person or persons under legal age shall individually or jointly have alcoholic liquor, *wine* or beer in his or their possession or control; except in the case of liquor, *wine* or beer given or dispensed to a person under legal age within a private home and

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with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, *wine* and beer during the regular course of his or her employment by a liquor control licensee, *wine* or beer permittee under this chapter.

Sec. ..... Section one hundred twenty-three point forty-nine (123.49), subsections one (1), two (2), and three (3), Code 1975, are amended to read as follows:

1. No person shall sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, *wine* or beer.

2. No person or club holding a liquor control license or retail *wine or* beer permit under this chapter, nor his agents or employees, shall do any of the following:

a. Knowingly permit any gaming, gambling, solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit. This paragraph shall not apply to games of skill, games of chance, or raffle conducted pursuant to chapter 99B, or to devices lawful under section 99B.10 or to games lawful under section 726.12.

b. Sell or dispense any alcoholic beverage, *wine* or beer on the premises covered by the license or permit, or permit the consumption thereon between the hours of two a.m. and six a.m. on any weekday, and between the hours of two a.m. on Sunday and six a.m. on the following Monday, however, a holder of a liquor control license or class "B" beer permit granted the privilege of selling alcoholic liquor or beer on Sunday may sell or dispense such liquor

or beer between the hours of noon and ten p.m. on Sunday.

c. Sell alcoholic beverages, *wine* or beer to any person on credit, except with a bona fide credit card. This provision shall not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

d. Keep on any premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the department, except still wines placed in dispensing or serving containers for temporary storage, and except mixed drinks or cocktails mixed on the premises for immediate **consumption. This prohibition shall not apply to** common carriers holding a class "D" liquor control

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license.

e. Reuse for packaging alcoholic liquor any container or receptacle used originally for packaging alcoholic liquor; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of alcoholic liquor; or **knowingly possess any original package which has been** so reused or adulterated.

f. Any person under legal age shall not be employed **in the sale or serving of alcoholic liquor, *wine* or** beer for consumption on the premises where sold unless **the person shall be at least eighteen years old and** the business of selling food or other services **constitutes more than fifty percent of the gross** business transacted therein and then only for the purpose of serving or clearing alcoholic beverages, ***wine* or beer as an incident to a meal. This paragraph shall not apply to class "C" beer *or wine* permit** holders.

g. Allow any person other than the licensee, permittee, or employees of such licensee or permittee, to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as permitted in section 123.95. This paragraph shall not apply to the lodging quarters of a class **"B" liquor control licensee *or wine* or beer permittee, or to common carriers holding a class "D" liquor** control license.

h. Sell, give, or otherwise supply any alcoholic **beverage, *wine* or beer to any person knowing or having** reasonable cause to believe him to be under the legal age, or permit any person knowing or having reasonable cause to believe him to be under legal age, to consume **any alcoholic beverage, *wine* or beer.**

i. In the case of a retail beer *or wine* permittee, knowingly allow the mixing or adding of alcohol **or any alcoholic beverage to beer *or wine* or any other**

beverage in or about his place of business.

3. No person under legal age shall misrepresent his or her age for the purpose of purchasing or attempting to purchase any alcoholic beverage, *wine* or beer from any licensee or permittee. If any person under legal age shall misrepresent his or her age, and the licensee or permittee establishes that he made reasonable inquiry to determine whether such prospective purchaser was over legal age, such licensee or permittee shall not be guilty of selling alcoholic liquor, *wine* or beer to minors.

Sec. ..... Section one hundred twenty-three point fifty (123.50), subsections two (2) and three (3), Code 1975, are amended to read as follows:

2. The conviction of any liquor control licensee, *or wine* or beer permittee for a violation of any of the provisions of section 123.49 shall, subject to subsection 3 of this section, be grounds for the suspension or revocation of the license or permit by the department or the local authority. However, if any liquor control licensee is convicted of any violation of subsection 2, paragraphs "a", "d" or "e", of such section, or any *wine or* beer permittee is convicted of a violation of paragraph "a", the liquor control license, *wine* or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond of the license or permit holder shall be forfeited to the department.

3. If any licensee, *wine or* beer permittee, or employee of such licensee or permittee shall be convicted of a violation of section 123.49, subsection 2, paragraph "h", or a retail *wine or* beer permittee shall be convicted of a violation of paragraph "i" of such subsection, the director or local authority shall, in addition to the other penalties fixed for such violations by this section, assess a penalty as follows:

a. Upon a first conviction, the violator's liquor control license, *or wine* or beer permit shall be suspended for a period of fourteen days.

b. Upon a second conviction within a period of two years, the violator's liquor control license, *or wine* or beer permit shall be suspended for a period of thirty days.

c. Upon a third conviction within a period of five years, the violator's liquor control license, *or wine* or beer permit shall be suspended for a period of sixty days.

d. Upon a fourth conviction within a period of five years, the violator's liquor control license, *or wine* or beer permit shall be revoked.

Sec. ..... Section one hundred twenty-three point fifty-six (123.56), Code 1975, is amended by striking

the section and inserting in lieu thereof the following:

123.56 NATIVE WINES. Subject to rules and regulations of the department, manufacturers of native wines from grapes, cherries, other fruit juices, or honey holding a class "A" wine permit as required by this chapter may sell, keep, or offer for sale and deliver the same. Such sales may be made at retail for off-premises consumption when sold on the

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premises of the manufacturer.

A manufacturer of native wines shall not sell such wines otherwise than as permitted in this chapter or allow any wine so sold to be consumed upon the premises of such manufacturer. However, native wines may be sampled when no charge is made therefor on the premises where made prior to sale. Any person may manufacture native wine for consumption on his own premises when such wine or any part thereof is not manufactured for sale.

For the purposes of this section "manufacturer" includes only those persons who process the fruit or honey by fermentation into wines in Iowa.

Sec. ..... Section one hundred twenty-three point fifty-nine (123.59), Code 1975, is amended to read as follows:

123.59 BOOTLEGGING. Any person who, by himself, or through another acting for him, shall keep or carry on his person, or in a vehicle, or leave in a place for another to secure, any alcoholic liquor, *wine* or beer with intent to sell or dispense of such liquor, *wine* or beer by gift or otherwise in violation of law, or who shall, within this state, in any manner, directly or indirectly, solicit, take, or accept any order for the purchase, sale, shipment, or delivery of such alcoholic liquor, *wine* or beer in violation of law, or aid in the delivery and distribution of any alcoholic liquor, *wine* or beer so ordered or shipped, or who shall in any manner procure for, sell, or give any alcoholic liquor, *wine* or beer to any person under legal age, for any purpose except as authorized and permitted in this chapter, shall be a bootlegger and be subject to the general penalties provided by this chapter.

Sec. ..... Section one hundred twenty-three point sixty (123.60), Code 1975, is amended to read as follows:

123.60 NUISANCE. The premises where the unlawful manufacture or sale, or keeping with intent to sell, use or give away, of alcoholic liquors, *wine* or beer is carried on, and any vehicle or other means of conveyance used in transporting such liquor, *wine* or beer in violation of law, and the furniture, fixtures, vessels and contents, kept or used in

connection with such activities are nuisances and shall be abated as provided in this chapter.

Sec. ..... Section one hundred twenty-three point seventy-one (123.71), Code 1975, is amended to read as follows:

123.71 CONDITIONS. In no case shall a bootlegger

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injunction proceeding, as provided in this chapter, be maintained unless it be shown to the court that efforts in good faith have been made to discover the base of supplies or place where the defendant charged as a bootlegger conducts his unlawful business or receives or manufacturers the alcoholic liquor, *wine* or beer, of which he is charged with bootlegging.

Sec. ..... Section one hundred twenty-three point seventy-two (123.72), Code 1975, is amended to read as follows:

123.72 ORDER OF ABATEMENT. If the existence of a nuisance is established in a civil or criminal action, an order of abatement shall be entered as a part of the judgment in the case. Such order shall direct the confiscation of all alcoholic liquor, *wine* or beer by the state; the removal from the premises involved of all fixtures, furniture, vessels, or movable property used in any way in conducting the unlawful business; the sale of all such removed property as well as any vehicle or other means of conveyance which has been abated, such sale to be conducted in the manner provided for the sale of chattels under execution; and the effective closing of the premises against use for the purpose of manufacture, sale, or consumption of alcoholic liquor, *wine* or beer for a period of one year, unless sooner released by the court.

Sec. ..... Section one hundred twenty-three point eighty-one (123.81), Code 1975, is amended to read as follows:

123.81 FORFEITURE OF BOND. If the owner of a property who has filed an abatement bond as provided in this chapter fails to abate the liquor, *wine* or beer nuisance on the premises covered by the bond, or fails to prevent the maintenance of any liquor, *wine* or beer nuisance on said premises at any time within a period of one year after entry of the abatement order, the court shall, after a hearing in which such fact is established, direct an entry of such violation of the terms of the owner's bond, to be made on the record and the undertaking of his bond thereupon forfeited.

Sec. ..... Section one hundred twenty-three point eighty-four (123.84), Code 1975, is amended to read as follows:

123.84 JUDGMENT. If the court after hearing finds a liquor, *wine* or beer nuisance has been maintained

on the premises covered by the abatement bond and that liquor, *wine* or beer has been sold or kept for sale on the premises contrary to law within one year

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from the date of the giving of such bond, then the court shall order the forfeiture of the bond and enter judgment for the full amount of such bond against the principal and sureties thereof, and the lien on the real estate created pursuant to section 123.79 shall be decreed foreclosed and the court shall provide for a special and general execution for the enforcement of such decree and judgment.

Sec. ..... Section one hundred twenty-three point ninety-two (123.92), Code 1975, is amended to read as follows:

123.92 CIVIL LIABILITY APPLICABLE TO SALE OR GIFT OF BEER, *WINE* OR INTOXICANTS BY LICENSEES. Every husband, wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person or resulting from the intoxication of any such person, shall have a right of action, severally or jointly against any licensee or permittee who shall sell or give any beer, *wine* or intoxicating liquor to any such person while he is intoxicated, or serve any such person to a point where such person is intoxicated for all damages actually sustained.

Every liquor control licensee and class "B" beer *or wine* permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the department.

Sec. ..... Section one hundred twenty-three point ninety-five (123.95), Code 1975, is amended to read as follows:

123.95 PREMISES MUST BE LICENSED—EXCEPTION AS TO CONVENTIONS AND SOCIAL GATHERINGS. It is unlawful for any person to allow the dispensing or consumption of intoxicating liquor, except sacramental wines *and wine* and beer, in any establishment unless such establishment is licensed under this chapter.

However, bona fide conventions or meetings may bring their own legal liquor onto the licensed premises if the liquor is served to delegates or guests without cost. All other provisions of this chapter shall be applicable to such premises. The provisions of this section shall have no application to private social gatherings of friends or relatives in a private home or a private place which is not of a commercial nature nor where goods or services may be purchased or sold nor any charge or rent or other thing of value is exchanged for the use of such premises for any purpose other than for sleeping quarters.

Sec. ..... Section one hundred twenty-three point

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one hundred twenty-one (123.121), Code 1975, is amended to read as follows:

123.121 VENUE. In any prosecution under this chapter for the unlawful sale of alcoholic liquor, *wine* or beer a sale of alcoholic liquor, *wine* or beer which requires a shipment or delivery of such liquor, *wine* or beer shall be deemed to be made in the county in which such delivery is made by the carrier to the consignee, his agent, or employee.

In any prosecution under this chapter for the unlawful transportation of intoxicating liquor, the offense shall be held to have been committed in any county in which such liquor is received for transportation, through which it is transported, or in which it is delivered.

Sec. ..... Section one hundred twenty-three point one hundred twenty-two (123.122), Code 1975, is amended to read as follows:

123.122 PERMIT OR LICENSE REQUIRED. No person shall manufacture for sale or sell beer *or wine* at wholesale or retail unless a permit is first obtained as provided in this division or, a liquor control license authorizing the retail sale of beer *or wine or both* is first obtained as provided in division I of this chapter. No liquor control license holder shall be required to hold a separate class "B" beer *or wine* permit or to post a separate bond.

Sec. ..... Section one hundred twenty-three point one hundred twenty-three (123.123), Code 1975, is amended to read as follows:

123.123 EFFECT ON LIQUOR CONTROL LICENSEES. All applicable provisions of this division relating to class "B" beer *or wine* permits shall apply to liquor control licensees in the purchasing, storage, handling, serving, and sale of beer *or wine*.

Sec. ..... Section one hundred twenty-three point one hundred twenty-four (123.124), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Permits for the manufacture and sale, or sale of wine shall also be divided into three classes, and shall be known as either class "A", "B", or "C" wine permits. Except as provided in section one hundred twenty-three point fifty-six (123.56) of the Code, a class "A" wine permit shall allow the holder to manufacture and sell wine at wholesale. All applicants for a class "A" wine permit shall be residents of the state of Iowa for a period of at least two consecutive years immediately prior to making application therefor.

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If such applicant is a corporation or partnership, the two-year residency requirement shall apply to

each of the officers, directors, and partners of such applicant. The holder of a class "A" wine permit may manufacture wine of more than seventeen percent alcohol by weight for shipment outside the state only or for sale to the Iowa beer and liquor control department. A class "B" wine permit shall allow the holder to sell wine at retail for consumption on or off the premises. A class "C" wine permit shall allow the holder to sell wine at retail for consumption off the premises.

Sec. ..... Section one hundred twenty-three point one hundred twenty-five (123.125), Code 1975, is amended to read as follows:

123.125 ISSUANCE OF PERMITS. The director shall issue class "A", "B", and "C" beer *permits or wine* permits and may suspend or revoke such permits for cause as provided in this chapter.

Sec. ..... Section one hundred twenty-three point one hundred twenty-six (123.126), Code 1975, is amended to read as follows:

123.126 PROHIBITED INTEREST. It shall be unlawful for any person or persons to be either directly or indirectly interested in more than one class of beer *or one class of wine* permit.

Sec. ..... Section one hundred twenty-three point one hundred twenty-nine (123.129), subsection five (5), Code 1975, is amended to read as follows:

5. States the number of square feet of interior floor space which comprises the retail sales area of the premises for which the permit is sought *except that this provision shall not be necessary or applicable in obtaining a class "C" wine permit.*

Sec. ..... Section one hundred twenty-three point one hundred thirty (123.130), Code 1975, is amended to read as follows:

123.130 AUTHORITY UNDER CLASS "A" PERMIT. Any person holding a class "A" permit issued by the department shall be authorized to manufacture and sell, or sell at wholesale, beer *or wine as the case may be* for consumption off the premises, such sales within the state to be made only to persons holding subsisting class "A", "B" or "C" permits, or liquor control licenses issued in accordance with the provisions of this chapter.

Sec. ..... Section one hundred twenty-three point one hundred thirty-one (123.131), Code 1975, is amended to read as follows:

123.131 AUTHORITY UNDER CLASS "B" PERMIT. Subject

to the provisions of this chapter, any person holding a class "B" permit shall be authorized to sell beer *or wine as the case may be* for consumption on or off the premises. However, unless otherwise provided in this chapter, no sale of beer *or wine* shall be

made for consumption on the premises unless the place where such service is made is equipped with tables and seats sufficient to accommodate not less than twenty-five persons at one time.

Sec. ..... Section one hundred twenty-three point one hundred thirty-two (123.132), Code 1975, is amended to read as follows:

123.132 AUTHORITY UNDER CLASS "C" PERMIT. Any person holding a class "C" permit shall be allowed to sell beer *or wine as the case may be* for consumption off the premises. Such sales shall be in original containers only.

Sec. ..... Section one hundred twenty-three point one hundred thirty-three (123.133), Code 1975, is amended to read as follows:

123.133 SALE ON TRAINS—BOND. Subject to the provisions of this chapter, any dining car company, sleeping car company, railroad company, or railway company may make application to the director for special class "B" permit, and the director may issue a permit to any such company which shall authorize the holder to keep for sale and sell beer *or wine as the case may be* on any dining car, sleeping car, buffet car, or observation car operated by such applicant in, through, or across the state. The application for such permit shall be in such form and contain such information as may be required by the director. Each such permit shall be good throughout the state as a state permit. Only one such permit shall be required for all cars operated in this state by such applicant, but a duplicate of such permit shall be posted in each car in which such beverages are sold; and no further permit shall be required or tax levied for the privilege of selling beer *and wine* for consumption in such cars. As a condition precedent to the issuing of any such permit, the applicant shall give bond to the department, with good and sufficient sureties thereon to be approved by the director, conditioned upon faithful compliance with the provisions of this chapter in the penal sum of one thousand dollars.

Sec. ..... Section one hundred twenty-three point one hundred thirty-four (123.134), subsections two (2) and three (3), Code 1975, are amended to read as follows:

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2. The annual permit fee for a class "B" permit *except for a class "B" wine permit* shall be graduated according to population as follows:

a. For premises located within the corporate limits of cities with a population of ten thousand and over, three hundred dollars.

b. For premises located within the corporate limits of cities with a population of at least fifteen

hundred but less than ten thousand, two hundred dollars.

c. For premises located within the corporate limits of cities with a population of under fifteen hundred, one hundred dollars.

d. For premises located outside the corporate limits of any city, a sum equal to that charged in the incorporated city located nearest the premises to be operated under the permit, and in case there is doubt as to which of two or more differing corporate limits are the nearest, the permit fee which is the largest shall prevail.

3. The annual permit fee for a class "C" permit *except for a class "C" wine permit* shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:

a. Up to one thousand five hundred square feet, the sum of seventy-five dollars.

b. Over one thousand five hundred square feet and up to two thousand square feet, the sum of one hundred dollars.

c. Over two thousand and up to five thousand square feet, the sum of two hundred dollars.

d. Over five thousand square feet, the sum of three hundred dollars.

Sec. ..... Section one hundred twenty-three point one hundred thirty-four (123.134), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. The annual permit fee for a class "A" wine permit shall be two hundred fifty dollars.

NEW SUBSECTION. The annual permit fee for a class "B" wine permit shall be two hundred dollars.

NEW SUBSECTION. The annual permit fee for a class "C" wine permit holder whose food sales represent at least seventy-five percent of his total dollar volume shall be graduated on a basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit as follows:

a. Up to two thousand five hundred square feet, the sum of seventy-five dollars.

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b. Over two thousand five hundred square feet and up to five thousand square feet, the sum of one hundred dollars.

c. Over five thousand square feet and up to ten thousand square feet, the sum of one hundred fifty dollars.

d. Over ten thousand square feet and up to twenty thousand square feet, the sum of two hundred dollars.

e. Over twenty thousand square feet, the sum of three hundred dollars.

The annual permit fee for a class "C" wine permit

holder whose total food sales represent less than seventy-five percent of his total dollar volume shall be three hundred dollars.

Sec. ..... Section one hundred twenty-three point one hundred thirty-five (123.135), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION.

a. Any manufacturer, vintner, bottler, importer, or vendor of wine or any agent thereof desiring to ship, sell, or have wine brought into this state for sale at wholesale by a class "A" permittee shall first make application for and shall be issued a vintner's certificate of compliance by the director for such purpose. Such certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the director unless otherwise revoked for cause. Each application for a certificate of compliance or renewal thereof shall be accompanied by a fee of one hundred dollars payable to the department. Each holder of a certificate of compliance shall furnish such information and in such form as the director may require. Any vintner, or wine bottler whose plant is located in Iowa and who otherwise holds a class "A" wine permit to sell wine at wholesale shall be exempt from the fee, but not of the terms and conditions, as in this section provided.

b. At the time of applying for a certificate of compliance, each applicant shall file with the department a list of all class "A" wine permittees with whom it intends to do business and shall designate the geographic area in which its products are to be distributed by such permittees. Certificate holders shall have the authority to appoint more than one class "A" wine permittee to service the same geographic territory. The listing of class "A" permittees and geographic area as filed with the department may be amended from time to time by the holder of a certificate of compliance.

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c. All class "A" permit holders shall sell only those brands of wine which are manufactured, bottled, fermented, shipped, or imported by a person holding a current certificate of compliance. Any employee or agent working for or representing the holder of a certificate of compliance within this state shall register his name and address with the department, which names and addresses shall be filed with the department's copy of the certificate of compliance issued excepting that this provision shall not require the listing of those persons who are employed on the premises of a bottling plant, or winery where wine is manufactured, fermented or bottled in Iowa or to the listing of those persons who are thereafter engaged

in the transporting of such wine.

d. It shall be unlawful for any holder of a certificate of compliance or his agent, or any class "A" wine permit holder or his agent, to grant to any retail wine permit holder, or any retail liquor licensee, directly or indirectly, any rebates, free goods, or discounts on wine.

e. It shall be unlawful for any holder of a certificate of compliance or his agent who is engaged in the business of selling wine to class "A" wine permittees to discriminate in price, allowance, rebate, refund, commission, discount or service between such class "A" wine permittees authorized to sell wine at wholesale. The term "discriminate" shall mean the granting of more favorable prices, allowances, rebates, refunds, commissions, discounts or services to one class "A" wine permit holder than to another.

Notwithstanding the terms, provisions or conditions of any agreement between the holder of a certificate of compliance and a class "A" wine permit holder for the sale and distribution of wine, such agreement or contract shall be for a period of no less than that period covered by the permit of the designated class "A" wine permittee and such agreement or contract shall not be amended or cancelled during such period unless notification is given in writing by such certificate holder to an affected class "A" wine permit holder ninety days prior to such contemplated change in contract or an amendment of assigned geographic territory.

f. No signs or other matter advertising any brand of wine shall be erected or placed upon the outside of any premises which are occupied by a licensee or permittee authorized to sell wine at retail.

g. Except as hereinafter provided, no retail permittee authorized to sell wine shall sell such

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wine for off-premise consumption for less than cost adjusted to the nearest cent. Cost, for the purposes of this section, shall be determined by the director with the approval of a majority of the members of the Iowa beer and liquor control council and shall be determined by establishing a minimum percentage markup for sales of wine at retail whether in case lot or less. To determine "cost", a minimum percentage markup shall be applied to the wholesale price of wine sold by class "A" wine permittees to permittees authorized to sell wine at retail.

With prior approval and as prescribed by the director, and upon application to and on forms provided by the department, the director may authorize retail wine permittees and liquor control licensees to sell wine for off-premise consumption below cost for the following reasons:

(1) Discontinuance of business.

(2) Discontinuance of a brand or package size of wine that has been in inventory on the retail premises for a period of at least nine months. Any brand or package size of wine discontinued shall not be repurchased at wholesale by the discontinuing retailer for a period of twelve months.

(3) For such other reason of hardship as might be specified by the applicant and as allowed and approved by the director.

h. Notwithstanding any other penalties provided by this chapter, any holder of a certificate of compliance relating to wine, class "A", "B" or "C" wine permittee or retail liquor licensee who shall violate any of the provisions of this section shall be subject to a fine not to exceed one thousand dollars or be subject to suspension of the certificate of compliance, license or permit for a period not to exceed one year or be subject to both such fine and suspension.

Sec. ..... Chapter one hundred twenty-three (123), Code 1975, is amended by adding the following new section:

NEW SECTION. WINE GALLONAGE TAX. There shall be levied and collected from all class "A" permittees selling wine on all wine manufactured for sale or sold in this state at wholesale and on all wine imported into this state for sale at wholesale and sold in this state at wholesale, a tax of forty cents for every wine gallon, and at the like rate for any other quantity or for the fractional parts of a wine gallon.

No tax shall be levied or collected on wine shipped

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outside this state by a class "A" permittee or sold by one class "A" permittee to another class "A" permittee.

All revenue derived from the wine tax shall be deposited in the beer and liquor control fund established by section one hundred twenty-three point fifty-three (123.53) of this chapter and shall be distributed as follows:

1. Two-thirds of the revenue derived from the wine tax shall be distributed in accordance with subsections three (3), four (4), five (5), and six (6) of section one hundred twenty-three point fifty-three (123.53) of this chapter; provided, however, that the total amount so distributed shall not exceed an amount equal to the funds distributed pursuant to such subsections during the fiscal year ending June 30, 1972, as adjusted by the percent change in the gross sales of the state liquor stores in each year thereafter.

2. One-third of the revenue derived from the wine

tax shall be distributed in accordance with subsection seven (7) of section one hundred twenty-three point fifty-three (123.53) of this chapter; provided, however, that the total amount so distributed shall not exceed an amount equal to the funds distributed pursuant to such subsection during the fiscal year ending June 30, 1972, as adjusted by the percent change in the gross sales of the state liquor stores in each year thereafter.

3. The revenue derived from the wine tax remaining in the beer and liquor control fund after the distributions pursuant to subsections one (1) and two (2) of this section shall be transferred by the state comptroller to the general fund of the state.

All of the provisions of this chapter relating to the administration of the wine tax shall apply to this section.

Sec. ..... Section one hundred twenty-three point one hundred thirty-seven (123.137), Code 1975, is amended to read as follows:

123.137 REPORT OF BARREL *AND GALLONAGE* SALES—PENALTY. Every person holding a class "A" permit shall on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which such person is issued a permit, make a report under oath to the department upon forms to be furnished by the department for such purpose showing the exact number of barrels of beer, *gallons of wine* or fractional parts thereof, sold by such permit holder during the preceding

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calendar month. Such report shall also state such information as the director may require, and such permit holders shall at the time of filing said report pay to the department the amount of tax due at the rate fixed in section 123.136.

A penalty of ten percent of the amount of the tax shall be added thereto if the report is not filed and the tax paid within the time required by this section.

Sec. ..... Section one hundred twenty-three point one hundred thirty-eight (123.138), Code 1975, is amended to read as follows:

123.138 BOOKS OF ACCOUNT REQUIRED. Each class "A" permittee shall keep proper books of account and records showing the amount of beer *and wine* sold by him, which books of account shall be at all times open to inspection by the director. Each class "B" and class "C" permittee *and retail liquor licensee* shall keep proper books of account and records showing each purchase of beer *and wine* made by him, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which books of account and records shall be open to

inspection by the director and agents of the division of beer and liquor law enforcement of the department of public safety during normal business hours of the permittee.

Sec. ..... Section one hundred twenty-three point one hundred thirty-nine (123.139), Code 1975, is amended to read as follows:

123.139 SEPARATE LOCATIONS—CLASS "A". Every class "A" permittee having more than one place of business shall be required to have a separate permit for each separate place of business maintained by such permittee wherein such beer *or wine* is stored, warehoused, or sold.

Sec. ..... Section one hundred twenty-three point one hundred forty (123.140), Code 1975, is amended to read as follows:

123.140 SEPARATE LOCATIONS—CLASS "B" OR "C". Every person holding a class "B" or class "C" permit having more than one place of business where such beer *or wine* is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by this chapter.

Sec. ..... Section one hundred twenty-three point one hundred forty-one (123.141), Code 1975, is amended to read as follows:

123.141 KEEPING LIQUOR WHERE BEER IS SOLD. No alcoholic liquor for beverage purposes shall be used,

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or kept for any purpose in the place of business of class "B" permittees, or on the premises of such class "B" permittees, at any time. A violation of any provision of this section shall be grounds for suspension or revocation of the permit pursuant to section 123.50, subsection 3. This section shall not apply in any manner or in any way, to any railway car of any dining car company, sleeping car company, railroad company or railway company, having a special class "B" permit; to the premises of any hotel or motel for which a class "B" permit has been issued, other than that part of such premises regularly used by the hotel or motel for the principal purpose of selling beer, *wine* or food to the general public; or to drug stores regularly and continuously employing a registered pharmacist, from having alcohol in stock for medicinal and compounding purposes.

Sec. ..... Section one hundred twenty-three point one hundred forty-two (123.142), Code 1975, is amended to read as follows:

123.142 PURCHASE FROM NONPERMIT HOLDER. It shall be unlawful for the holder of any class "B" or class "C" permit issued under the provisions of this chapter to sell beer *and wine*, except beer *and wine* purchased from a person holding a subsisting class "A" permit

issued in accordance with the provisions of this chapter, and on which the tax provided in section 123.136 has been paid. However, the provisions of this section shall not apply to the holders of special class "B" permits issued under section 123.133 for sales in cars engaged in interstate commerce nor to class "D" liquor control licensees as provided in this chapter.

It shall be unlawful for any person not holding a class "A" permit to import beer *or wine* into this state for the purpose of sale or resale.

Sec. ..... Section one hundred twenty-three point one hundred forty-three (123.143), subsection two (2), Code 1975, is amended to read as follows:

2. All permit fees *including all retail class "B" and class "C" wine permit fees*, and taxes collected by the department under this division shall accrue to the state general fund, except as otherwise provided.

Sec. ..... Section one hundred twenty-three point one hundred forty-five (123.145), Code 1975, is amended to read as follows:

123.145 LABELS ON BOTTLES, BARRELS, ETC.—CONCLUSIVE EVIDENCE. The label on any bottle, keg, barrel, or other container in which beer *or wine* is

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offered for sale in this state, representing the alcoholic content of such beer as being in excess of four per centum by weight *or in the case of wine as representing the alcoholic content of such wine as being in excess of seventeen per centum by weight* shall be conclusive evidence as to the alcoholic content of the beer *or wine* contained therein."

2. By renumbering sections as necessary.

MONROE of Des Moines
PATCHETT of Johnson
OAKLEY of Clinton
HARVEY of Scott
HORN of Linn
NIELSEN of Polk

H—5369

Amend House File 1279 as follows:

1. Page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point four hundred ninety-four (321.494) is hereby repealed."

JESSE of Polk
OAKLEY of Clinton
HUSAK of Tama

H—5370

Amend House File 1279 as follows:

1. Title page by striking line 9.

JESSE of Polk
NIELSEN of Polk
TAUKE of Dubuque

H—5371

Amend House File 1279 as follows:

1. Pages 3, by striking lines 5 and 6.

2. Page 18, by striking lines 12 through 35 and page 19, by striking lines 1 through 35.

3. Page 19, by inserting after line 35 the following:

"Sec. 16. *NEW SECTION.* TAX BENEFIT DEDUCTED IN DAMAGE ACTIONS."

4. Page 20, line 1, by striking the numeral "4."

5. Page 22, by striking lines 8 through 10 and inserting in lieu thereof the following: "specified in this Act shall be adjusted".

6. Page 22, by striking lines 28 through 30 and inserting in lieu thereof the following: "for medical reparations benefits by using".

7. By renumbering sections and subsections as necessary.

WALTER of Pottawattamie
TAUKE of Dubuque

H—5372

Amend House File 1279 as folows:

1. Page 22, by striking lines 6 through 35, and page 23 by striking lines 1 through 8.

2. By renumbering sections and subsections as necessary.

WALTER of Pottawattamie
TAUKE of Dubuque
JORDAN of Linn
PAVICH of Pottawattamie

H—5379

Amend House File 1279 as follows:

1. Page 1, by striking the words "reduced by any" from line 21 and by striking lines 22 through 27 and inserting in lieu thereof the following:

"or the complete inability of the injured person to perform any and every duty pertaining to an **occupation for remuneration or profit during the** first twenty-four months from the commencement of the disability, and during the period after the first twenty-four months from its commencement, the inability of the injured person to engage in any occupation for which the injured person is reasonably fitted by education, training, or experience with due regard for the injured person's earned

monthly income at the time total disability commenced, unless income from an occupation is seasonal or irregular, in which case the limit shall be equitably adjusted or apportioned on an annual basis. Total disability shall include but not be limited to (1) the total and irrecoverable loss of sight of both eyes, or (2) the total and irrecoverable loss of the use of both hands, or both feet, or one hand and one foot. Such benefits shall be payable from the first day of disability."

JESSE of Polk

H—5380

Amend House File 1326 as follows:

1. Page 1, by inserting after line 23, the following:

"..... Family license, husband and wife, for residents..... 8.00"

2. Page 1, by inserting after line 30, the following:

"..... Family license, husband and wife, for residents..... 8.00"

3. Page 2, by inserting after line 10, the following:

"d. Family license, husband and wife, for residents.....15.00"

4. By relettering the paragraphs in accord with this amendment.

EGENES of Story

H—5375

Amend House File 1348 as follows:

1. Page 1, line 15, by inserting after the word "attorney," the word "or".

2. Page 1, line 16, by striking the words ", or practicing as a photographer".

3. Page 3, line 23, by striking the words "photographic negatives,".

4. Page 3, by striking lines 31 through 34 and inserting in lieu thereof the words "Dental patients seeking estimates".

DANKER of Pottawattamie

H—5381

Amend House File 1390 as follows:

1. Page 1, by striking lines 34 and 35.

2. Page 2, by striking lines 1 through 6.

3. Page 2, by inserting after line 14 the following new section:

"Sec. ..... Chapter one hundred nine (109), Code 1975, is amended by adding the following new section:

NEW SECTION. Service of process upon or arrest of any person charged with provisions of this chapter for which damages may be assessed

pursuant to section one hundred nine point one hundred thirty (109.130) of the Code, shall serve as notice of the pendency of the liquidated damage claim. Trial on the criminal charge may be separated from the determination of the liquidated damage claim in the discretion of the court or by the request of the defendant, but upon conviction of the defendant in the criminal case, the only issue to be determined by the court on the liquidated damage claim is the fact of such conviction."

WYCKOFF of Benton

H—5373

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 312, by striking lines 16 through 28.

2. Page 421, by striking the words "fourteen (160.14)," and inserting in lieu thereof the words "fourteen (160.14), one hundred ninety-one point five (191.5),".

3. By renumbering the remaining section and internal references to accord with this amendment.

SPEAR of Lee

H—5374

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 251, by striking lines 32 through 35.

2. Page 252, by striking lines 1 through 6 and inserting in lieu thereof the following:

"53.35 [REFUSAL TO RETURN BALLOT] *VIOLATIONS.* Any person who[, having procured an official ballot or ballots, shall willfully neglect or refuse to cast or return the same in the manner provided, or who] shall willfully violate any provision of this chapter, shall, unless otherwise provided, be [fined not to exceed one hundred dollars, or imprisoned in the county jail not to exceed thirty days] *guilty of a simple misdemeanor.* Any person who applies for [a] *an official* ballot and willfully *violates any provision of this chapter* [neglects or refuses to return the same] shall be deemed to have committed an offense in the county to which such ballot was returnable."

SPEAR of Lee

H—5377

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 55, by inserting after line 16 the following new section:

"Sec. ..... *NEW SECTION.* SEXUAL CONTACT FOR HIRE. As used in this section, "sexual contact" means any

touching of the breast of a female or genitals of a male or female between persons not married to each other for the purpose of arousing or gratifying the sexual desires of either party. Any person who hires, or organizes one or more persons to perform acts, or who performs or engages in acts involving sexual contact in return for a fee is guilty of a serious misdemeanor."

DIELEMAN of Marion
JUNKER of Woodbury
WELLS of Linn
KREAMER of Polk
HOWELL of Floyd
DAGGETT of Adams
DANKER of Pottawattamie
BENNETT of Ida
HENNESSEY of Delaware
ANDERSON of Jasper
NEALSON of Muscatine
CRABB of Crawford
McELROY of Fremont
JORDAN of Linn
LINDEEN of Henry
MILLER of Cerro Gordo
KOOGLER of Mahaska
HALVORSON of Clayton
BORTELL of Madison
WOODS of Polk
BROCKETT of Marshall
SCHROEDER of Pottawattamie
EVANS of Grundy
WALTER of Pottawattamie
PELLETT of Cass
HINKHOUSE of Cedar
HARVEY of Scott
TAUKE of Dubuque
TOFTE of Winneshiek
HULLINGER of Decatur
SPENCER of Clay
SCHEELHAASE of Woodbury
HUTCHINS of Guthrie
WYCKOFF of Benton
RINAS of Linn
EGENES of Story
HUSAK of Tama
MIDDLESWART of Warren
LAGESCHULTE of Bremer
SPEAR of Lee
BAKER of Buena Vista
SPRADLING of Sioux
BRUNOW of Appanoose
HANSEN of O'Brien
DUNTON of Keokuk
MENNENGA of Clinton

H—5378

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 228, lines 19 and 20, by striking the words "AND RESTORATION OF CIVIL RIGHTS".

2. Page 228, lines 30 through 32, by striking the words ", and shall have the effect of restoring the right to vote and hold public office, and the certification of discharge shall so state".

3. Page 422, line 20, by striking the words "two hundred forty-eight point three (248.3),".

SPEAR of Lee

H—5382

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 37, by inserting after line 29 the following new section:

"Sec. ..... *NEW SECTION.* POSSESSION OF POLICE SCANNER. Any person who is convicted of any class of felony in any state or federal court and who subsequently possesses a radio receiver capable of receiving a radio frequency assigned to any law enforcement agency as of the effective date of this Act shall, upon conviction, be imprisoned in the county jail for not to exceed one year or be fined not to exceed one thousand dollars or be subject to both such fine and imprisonment."

DYRLAND of Clayton

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 2:14 p.m. until 9:00 a.m., Tuesday, March 2, 1976.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day—Thirty-fourth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, MARCH 2, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Thomas Carpe, pastor of the Exira Christian Church, Exira, Iowa.

The Journal of Friday, February 27, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. S. M. Haugland, Iowa Methodist Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleton of Black Hawk on request of Hargrave of Johnson; Griffee of Chickasaw on request of Howell of Floyd.

PRESENTATION OF VISITOR

Hinkhouse of Cedar presented to the House the Honorable Walter Dietz, former member of the House during the Forty-seventh through Forty-ninth and the Sixty-second General Assemblies representing Scott County.

PETITION FILED

The following petition was received and placed on file:

By Bortell of Madison from forty-one constituents protesting Senate File 1161 relating to the shortening of certain hunting and fishing seasons.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 721 and 1196 and Senate File 204, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 26, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 739, a bill for an act relating to the priority of secondary road assessment district projects in a secondary road construction program.

Also: That the Senate has on February 26, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 744, a bill for an act relating to registration of travel trailers.

Also: That the Senate has on February 27, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 835, a bill for an act providing that certain ammunition and firearms shall be deposited with the state criminalistics laboratory.

Also: That the Senate has on February 27, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1044, a bill for an act relating to fire drills and tornado drills in schools.

Also: That the Senate has on February 26, 1976, adopted and agreed to the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 1006, proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Also: That the Senate has on February 27, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 300, a bill for an act relating to the computation of the charges which state mental health institutes are required to make for care of patients thereof.

Also: That the Senate has on February 27, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 423, a bill for an act relating to insurance proceeds payable to physicians.

Also: That the Senate has on February 27, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1061, a bill for an act to allow for numerical or alphabetical designation of the county on motor vehicle licenses.

Also: That the Senate has on February 26, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1065, a bill for an act to permit the same purposes for a schoolhouse tax levied by special election as are permitted for a schoolhouse tax levied by regular election.

Also: That the Senate has on February 26, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1105, a bill for an act relating to the distribution of monthly aid to dependent children payments.

Also: That the Senate has on February 26, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1167, a bill for an act relating to security arrangements for inmates from other institutions at the state university hospital.

Also: That the Senate has on February 26, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1179, a bill for an act relating to the qualifications of a city or county assessor appointed to fill a vacancy which occurred prior to January 1, 1976.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 744

H—5391

Amend House File 744, page 1, by inserting after line 17 the following:

"A travel trailer may be stored under the provisions of section three hundred twenty-one point one hundred thirty-four (321.134), of the Code, provided the travel trailer is not used for human habitation for any period during storage and is not moved upon the highways of the state. A travel trailer stored under the provisions of section three hundred twenty-one point one hundred thirty-four (321.134) of the Code shall not be subject to either a personal property tax or a mobile home tax assessed under the provisions of chapter one hundred thirty-five D (135D) of the Code."

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1089, a bill for an act making an appropriation to the moneys and credits replacement fund, with report of committee recommending passage, was taken up for consideration.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1089)

The ayes were, 75:

Avenson	Caffrey	Dyrland	Harvey
Baker	Connors	Egenes	Hennessey
Bennett	Crabb	Evans	Hines
Bina	Crawford	Fitzgerald	Hinkhouse
Bittle	Daggett	Gentleman	Horn
Bortell	Danker	Gilloon	Howell
Brandt	Den Herder	Halvorson	Husak
Brockett	Dieleman	Hansen	Jordan
Brunow	Doyle	Hargrave	Junker
Byerly	Dunton	Harper	Koogler

Krause	Miller, K. D.	Readinger	Tauke
Lageschulte	Miller, O. L.	Scheelhaase	Tofte
Lindeen	Monroe	Schroeder	Varley
McElroy	Nealson	Small	Walter
Menke	Newhard	Spear	Wells
Mennenga	Patchett	Spencer	West
Middleswart	Pellett	Spradling	Wyckoff
Millen	Perkins	Stromer	Mr. Speaker
Miller, A. V.	Poncy	Svoboda	

The nays were, none.

Absent or not voting, 24:

Anderson	Higgins	Lipsky	O'Halloran
Branstad	Hullinger	Lonergan	Pavich
Clark	Hutchins	Middleton	Rinas
Cusack	Jesse	Nielsen	Welden
Drake	Jochum	Norland	Woods
Griffee	Kreamer	Oakley	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REREFERRED TO COMMITTEE ON APPROPRIATIONS
(House File 1391)

The Speaker announced that **House File 1391,** previously referred to the committee on state government,was rereferred to the committee on **appropriations.**

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1090, a bill for an act relating to the appropriation of the department of public safety made for the fiscal year beginning July 1, 1975, with report of committee recommending passage, was taken up for consideration.

Krause of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1090)

The ayes were, 81:

Anderson	Caffrey	Egenes	Hines
Avenson	Connors	Evans	Hinkhouse
Baker	Crabb	Fitzgerald	Horn
Bennett	Crawford	Gentleman	Howell
Bina	Daggett	Gilloon	Hullinger
Bittle	Danker	Halvorson	Husak
Bortell	Den Herder	Hansen	Jordan
Brandt	Dieleman	Hargrave	Junker
Brockett	Doyle	Harper	Koogler
Brunow	Dunton	Harvey	Krause
Byerly	Dyrland	Hennessey	Lageschulte

Lindeen	Monroe	Readinger	Tauke
Lonergan	Nealson	Scheelhaase	Tofte
McElroy	Newhard	Schroeder	Varley
Menke	Norland	Small	Walter
Mennenga	Oakley	Spear	Welden
Middleswart	Patchett	Spencer	Wells
Millen	Pellett	Spradling	West
Miller, A. V.	Perkins	Stromer	Wyckoff
Miller, K. D.	Poncy	Svoboda	Mr. Speaker
Miller, O. L.			

The nays were, none.

Absent or not voting, 18:

Branstad	Higgins	Lipsky	Pavich
Clark	Hutchins	Middleton	Rinas
Cusack	Jesse	Nielsen	Woods
Drake	Jochum	O'Halloran	Wulff
Griffee	Kreamer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

WAYS AND MEANS CALENDAR

House File 1401, a bill for an act to authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the Act retroactive, was taken up for consideration.

Norland of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1401)

The ayes were, 83:

Anderson	Dyrland	Junker	Perkins
Avenson	Egenes	Koogler	Poncy
Baker	Evans	Krause	Readinger
Bennett	Fitzgerald	Lageschulte	Scheelhaase
Bina	Gentleman	Lindeen	Schroeder
Bittle	Gilloon	Lonergan	Small
Bortell	Halvorson	McElroy	Spear
Brandt	Hansen	Menke	Spencer
Brockett	Hargrave	Mennenga	Spradling
Brunow	Harper	Middleswart	Stromer
Byerly	Harvey	Millen	Svoboda
Caffrey	Hennessey	Miller, A. V.	Tauke
Connors	Hines	Miller, K. D.	Tofte
Crabb	Hinkhouse	Miller, O. L.	Varley
Crawford	Horn	Monroe	Walter
Daggett	Howell	Nealson	Welden
Danker	Hullinger	Newhard	Wells
Den Herder	Husak	Norland	West
Dieleman	Hutchins	Oakley	Wyckoff
Doyle	Jochum	Patchett	Mr. Speaker
Dunton	Jordan	Pellett	

The nays were, none.

Absent or not voting, 16:

Branstad	Griffee	Lipsky	Pavich
Clark	Higgins	Middleton	Rinas
Cusack	Jesse	Nielsen	Woods
Drake	Kreamer	O'Halloran	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REGULAR CALENDAR

House File 1280, a bill for an act to merge the division of alcoholism and the Iowa drug abuse authority into a single state chemical substances abuse agency effective July 1, 1977, and to require that the governor submit by January 17, 1977 initial proposals relative to the statutory provisions under which the merged agency will function, was taken up for consideration.

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1280)

The ayes were, 81:

Anderson	Dyrland	Junker	Poncy
Avenson	Egenes	Koogler	Readinger
Baker	Evans	Krause	Scheelhaase
Bennett	Fitzgerald	Lageschulte	Schroeder
Bina	Gentleman	Lindeen	Small
Bittle	Gilloon	Lonergan	Spear
Bortell	Halvorson	McElroy	Spencer
Brandt	Hansen	Mennenga	Spradling
Brockett	Hargrave	Middleswart	Stromer
Brunow	Harper	Millen	Svoboda
Byerly	Harvey	Miller, A. V.	Tauke
Caffrey	Hines	Miller, O. L.	Tofte
Connors	Hinkhouse	Monroe	Varley
Crabb	Horn	Nealson	Walter
Crawford	Howell	Newhard	Welden
Daggett	Hullinger	Norland	Wells
Danker	Husak	Oakley	West
Den Herder	Hutchins	Patchett	Woods
Dieleman	Jochum	Pellett	Wyckoff
Doyle	Jordan	Perkins	Mr. Speaker
Dunton			

The nays were, 1:

Miller, K. D.

Absent or not voting, 17:

Branstad	Hennessey	Lipsky	O'Halloran
Clark	Higgins	Menke	Pavich
Cusack	Jesse	Middleton	Rinas
Drake	Kreamer	Nielsen	Wulff
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1322, a bill for an act relating to permissible investments by a state bank acting in a fiduciary capacity, was taken up for consideration.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1322)

The ayes were, 82:

Anderson	Dyrland	Koogler	Poncy
Avenson	Egenes	Krause	Readinger
Baker	Evans	Lageschulte	Scheelhaase
Bennett	Fitzgerald	Lonergan	Schroeder
Bina	Gentleman	McElroy	Small
Bittle	Gilloon	Menke	Spear
Bortell	Halvorson	Mennenga	Spencer
Brandt	Hansen	Middleswart	Spradling
Brockett	Hargrave	Millen	Stromer
Brunow	Harper	Miller, A. V.	Svoboda
Byerly	Harvey	Miller, K. D.	Tauke
Caffrey	Hines	Miller, O. L.	Tofte
Carpenter	Hinkhouse	Monroe	Varley
Crabb	Horn	Nealson	Walter
Crawford	Howell	Newhard	Welden
Daggett	Hullinger	Norland	Wells
Danker	Husak	Oakley	West
Den Herder	Hutchins	Patchett	Woods
Dieleman	Jochum	Pellett	Wyckoff
Doyle	Jordan	Perkins	Mr. Speaker
Dunton	Junker		

The nays were, none.

Absent or not voting, 17:

Branstad	Hennessey	Lindeen	O'Halloran
Clark	Higgins	Lipsky	Pavich
Cusack	Jesse	Middleton	Rinas
Drake	Kreamer	Nielsen	Wulff
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 648 WITHDRAWN

Newhard of Jones asked and received unanimous consent to withdraw **House File 648** from further consideration by the House.

House File 1326, a bill for an act relating to the taking of fish and game by hunting, fishing, and trapping and subjecting violators to a penalty, was taken up for consideration.

Egenes of Story offered the following amendment H—5380 filed by her and moved its adoption:

H—5380

Amend House File 1326 as follows:

1. Page 1, by inserting after line 23, the following:

"..... Family license, husband and wife, for residents..... 8.00"

2. Page 1, by inserting after line 30, the following:

"..... Family license, husband and wife, for residents..... 8.00"

3. Page 2, by inserting after line 10, the following:

"d. Family license, husband and wife, for residents.....15.00"

4. By relettering the paragraphs in accord with this amendment.

Amendment H—5380 lost.

Wyckoff of Benton offered amendment H—5338 filed by Wyckoff, et al., and requested divisions as follows:

H—5338

Amend House File 1326 as follows:

H—5338A

1. Page 1, line 26, by striking the figure "3.00" and inserting in lieu thereof the figure "4.00".

2. Page 1, line 32, by striking the figure "15.00" and inserting in lieu thereof the figure "12.00".

3. Page 1, line 34, by striking the figure "15.00" and inserting in lieu thereof the figure "12.00".

H—5338B

4. Page 2, by striking lines 7 through 10.

5. Page 4, by inserting after line 30 the following:

"Sec. ..... Section one hundred ten point seventeen (110.17), unnumbered paragraph seven (7), Code 1975, is amended to read as follows:

No license shall be required of minor pupils of the state school for the blind, state school for the

deaf, nor of minor inmates of other state institutions under the control of a director of a division of the department of social services, except that this provision shall not apply to the inmates of the men's penitentiary at Fort Madison, the men's reformatory at Anamosa, and the women's reformatory at Rockwell City, nor shall any person during the time the United States is engaged in war who is a member of the military or naval forces of the United States on active duty, and a legal resident of the state of Iowa, be required to have a license to hunt or fish in this state. No license shall be required of inmates of county [homes] *care facilities* or any person who is [receiving old age assistance under chapter 249] *sixty-five years of age or older.*"

H—5338C

6. Page 5, by striking lines 5 and 6 and inserting in lieu thereof the following: "*if* there is one [licensed] adult *possessing a valid hunting license* [accompanying each person] *present for every two persons* under sixteen years of age."

H—5338D

7. By renumbering the sections in accordance with this amendment.

On motion by Wyckoff of Benton, amendment H—5338A was adopted.

By unanimous consent the following corrective amendment H—5390, to amendment H—5338, filed by Wyckoff of Benton from the floor, was adopted:

H—5390

Amend the Wyckoff amendment H—5338 to House File 1326 as follows:

1. By striking from lines 16 and 27 the word "inmates" and inserting in lieu thereof "[inmates] residents".

On motion by Wyckoff of Benton, amendment H—5338B, as amended, was adopted.

On motion by Wyckoff of Benton, amendment H—5338C was adopted.

On motion by Wyckoff of Benton, amendment H—5338D was adopted.

Daggett of Adams offered the following amendment H—5385 filed by him from the floor:

H—5385

Amend House File 1326 as follows:

1. Page 4, by inserting after line 11 the following new section:

"Sec. ..... Section one hundred ten point thirteen (110.13), Code 1975, is amended to read as follows:

110.13 UNLAWFUL *OBTAINING OR* USE—EFFECT. *A non-resident shall not obtain a resident license by falsely claiming residency in the state.* The use of a license by a person other than [that to whom] *the person to whom the license is* issued *is unlawful and* shall nullify [said] *the* license [and such use shall constitute]. *Violation of this section is* a misdemeanor *punishable by a fine of not more than one hundred dollars or imprisonment in the county jail of not more than thirty days or both such fine and imprisonment.*"

Daggett of Adams offered the following amendment H—5386, to amendment H—5385, filed by him from the floor and moved its adoption:

H—5386

Amend amendment H—5385 to House File 1326 as follows:

1. Lines 16 and 17, by striking the words *"or both such fine and imprisonment"*.

Amendment H—5386 was adopted.

On motion by Daggett of Adams, amendment H—5385, as amended, was adopted.

Wyckoff of Benton offered the following amendment H—5359 filed by him and Avenson of Fayette and moved its adoption:

H—5359

Amend House File 1326 as follows:

1. Page 5, by inserting after line 8 the following new section:

"Sec. ..... Section one hundred ten B point 2 (110B.2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirteen (113), section two (2), is amended to read as follows:

110B.2 STAMP REQUIRED. No person *required to have a license* shall hunt or take any migratory waterfowl within this state without first procuring a state migratory waterfowl stamp and having such stamp in his possession while hunting or taking any migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. The commission shall determine the form of the stamp and shall furnish the stamps to the county recorders and their designated depositaries for issuance

or sale in the same manner as hunting licenses are issued or sold under chapter 110."

Amendment H—5359 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5387 filed by him from the floor and moved its adoption:

H—5387

Amend House File 1326 as follows:

1. Page 4 by inserting after line 11 the following new section:

"Sec. ..... Section one hundred ten point ten (110.10), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred twelve (112), section four (4) is amended by striking the section and inserting in lieu thereof the following:

"110.10 TENURE OF LICENSE. Every license, except lifetime hunting and fishing licenses, shall expire on the last day of February following its issuance.

Sec. ..... Every annual license granted under chapter one hundred ten (110) of the Code which is issued during the calendar year of the effective date of this Act shall continue to be valid until the last day of February of the succeeding year."

Amendment H—5387 was adopted.

Hutchins of Guthrie offered the following amendment H—5388 filed by him from the floor and moved its adoption:

H—5388

Amend House File 1326 as follows:

1. Page 4, by inserting after line 11 the following new section:

"Sec. ..... Section one hundred ten point four (110.4), Code 1975, is amended to read as follows:

110.4 DEPOSITARIES—BOND. The county recorder may designate various depositaries for the sale of such licenses other than the office of the county recorder. The director may designate depositaries other than those designated by the recorders of the various counties but in so doing the interest of the state shall be fully protected either by a sufficient cash deposit or a satisfactory bond. [Depositaries designated by the county recorder or the director may have the privilege of charging an additional five percent of the cost of each license to be retained for the service rendered in issuing the license.] *The county recorder or the depositaries shall retain from the fee collected from the sale of*

each license as a service fee the amount of twenty-five cents. The service fees collected by the county recorder shall be retained and added quarterly to the general fund of the county. The service fees collected by depositaries may be retained by them for the service rendered in issuing the license.

Amendment H—5388 was adopted.

Dyrland of Clayton offered the following amendment H—5389 filed by him from the floor and asked and received unanimous consent that it be withdrawn:

H—5389

Amend House File 1326 as follows:

1. Page 4, after line 22 insert the following:

"*NEW SECTION.* No person under the age of sixty-five shall fish in a posted trout stream, without an unexpired trout stamp, unless that person is under the age of sixteen and is accompanied by a parent or guardian possessing an unexpired trout stamp."

Halvorson of Clayton offered the following amendment H—5392 filed by him and Avenson of Fayette from the floor:

H—5392

Amend House File 1326 as follows:

1. Page 1, by inserting after line 7 the following new section:

"Sec. ..... Section one hundred nine point one hundred ten (109.110), Code 1975, is amended to read as follows:

109.110 TRAPS AND TROTLINES ON BORDER RIVERS. It shall be lawful to operate in the Mississippi and Missouri rivers, one basket trap and one trotline provided the operator has purchased a regular fishing license that is required in section 110.1, and pays the regular fee of [one] *five* dollars for each basket trap or trotline. Each trap and trotline must have attached thereto an identification tag as required in section 109.107.

2. Page 3, line 5, by striking "$15.00" and inserting in lieu thereof "$35.00".

3. Page 3, line 8, by striking "$1.00" and inserting in lieu thereof "$5.00".

Amendment H—5392 was adopted.

Byerly of Polk offered the following amendment H—5393 filed by Byerly, Avenson, Hullinger and Brunow from the floor:

H—5393

Amend House File 1326 as follows:

Page 4, by adding after line 30 the following:
NEW SECTION. **A nonresident or alien shall not hunt upland game birds unless the hunter possesses unused tags for that game. A nonresident or alien shall not possess an untagged upland game bird. The nonresident or alien upland game bird tags shall permit the license holder to hunt members of the Gallinae as defined in section one hundred nine point forty-one (109.41) of the Code. The tags shall be issued by the commission and be distinguishable for each species for which the commission has established a possession limit in the amount of twice that limit. The tags shall bear the same number as the license and each tag shall be designed to be used only once. A nonresident or alien may purchase another nonresident or alien hunting license when the tags of the previous license are exhausted.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bittle of Polk for the remainder of the day on request of Egenes of Story.

By unanimous consent the following corrective amendment H—5395, to amendment H—5393, filed by Junker of Woodbury from the floor, was adopted:

H—5395

Amend the Byerly, et al., amendment H—5393 to House File 1326 as follows:
1. Line 3, by striking the words "or alien".
2. Line 5, by striking the words "or alien".
3. Line 7, by striking the words "or alien".
4. Lines 16 and 17 by striking the words "or alien".
5. Line 17, by striking the words "or alien".

Byerly of Polk moved the adoption of amendment H—5393, as amended.

Amendment H—5393, as amended, was adopted.

By unanimous consent the following corrective amendment H—5396, filed by Wyckoff of Benton from the floor, was adopted:

H—5396

Amend House File 1326 as follows:
1. Title page, line 1, by striking the word "taking" and inserting in lieu thereof the words "licensing, fees for licenses, exemptions from licenses, and possession".

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1326)

The ayes were, 70:

Anderson	Fitzgerald	Koogler	Norland
Avenson	Gilloon	Krause	Oakley
Baker	Halvorson	Lageschulte	O'Halloran
Bina	Hansen	Lindeen	Pellett
Bortell	Hargrave	Lipsky	Perkins
Brandt	Harper	Lonergan	Poncy
Brockett	Hennessey	McElroy	Schroeder
Brunow	Higgins	Menke	Spear
Byerly	Hines	Mennenga	Spencer
Connors	Hinkhouse	Middleswart	Svoboda
Crabb	Horn	Miller, A. V.	Tofte
Daggett	Howell	Miller, K. D.	Varley
Den Herder	Hullinger	Miller, O. L.	West
Dieleman	Husak	Monroe	Woods
Drake	Hutchins	Nealson	Wulff
Dunton	Jesse	Newhard	Wyckoff
Dyrland	Jochum	Nielsen	Mr. Speaker
Evans	Junker		

The nays were, 21:

Bennett	Egenes	Patchett	Spradling
Caffrey	Gentleman	Pavich	Tauke
Clark	Harvey	Readinger	Walter
Crawford	Jordan	Rinas	Welden
Danker	Millen	Scheelhaase	Wells
Doyle			

Absent or not voting, 8:

Bittle	Cusack	Kreamer	Small
Brandstad	Griffee	Middleton	Stromer

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

HOUSE FILE 1367 SUBSTITUTED FOR HOUSE FILE 650

Fitzgerald of Webster asked and received unanimous consent to substitute **House File 1367** for **House File 650.**

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent that the criminal code subcommittee be allowed to file amendments to **Senate File 85,** in lieu of full standing committee study.

RULE 32 INVOKED
(House File 1437)

Husak of Tama invoked Rule 32 on **House File 1437.** House

File 1437, presently on the regular calendar, was rereferred to the committee on appropriations.

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1444, by committee on transportation, a bill for an act to require a covering on vehicles carrying garbage, refuse or rubbish and providing a penalty.

Read first time and **placed on the calendar.**

House File 1445, by committee on county government, a bill for an act relating to vehicles used by sheriffs and deputies.

Read first time and **placed on the calendar.**

House File 1446, by committee on education, a bill for an act relating to exemptions from residency requirements for certain degree-granting institutions.

Read first time and **placed on the calendar.**

House File 1447, by committee on state government, a bill for an act relating to compliance of certain commercial buildings with certain fire protection requirements.

Read first time and **placed on the calendar.**

House File 1448, by committee on education, a bill for an act relating to the appointment and salary of the superintendent of public instruction.

Read first time and **placed on the calendar.**

House File 1449, by committee on judiciary and law enforcement, a bill for an act to prohibit the use of monitoring devices by employers against employees and providing a penalty.

Read first time and **placed on the calendar.**

House File 1450, by committee on state government, a bill for an act creating a Spanish-speaking peoples commission and prescribing its powers and duties and making an appropriation.

Read first time and **placed on the calendar.**

House File 1451, by committee on judiciary and law enforcement, a bill for an act relating to court reporters.

Read first time and **placed on the calendar.**

House File 1452, by committee on education, a bill for an act relating to the use of instruction permits by motorcycle operators.

Read first time and **placed on the calendar.**

House File 1453, by Horn, a bill for an act relating to uniforms for sheriffs and deputies.

Read first time and referred to committee on **county government.**

House File 1454, by committee on transportation, a bill for an act relating to airports and aeronautics and providing for a fee.

Read first time and **placed on the calendar.**

House File 1455, by Perkins, Miller of Cerro Gordo, and Hutchins, a bill for an act relating to the rights of unpaid sellers of livestock under the Iowa Uniform Commercial Code.

Read first time and referred to committee on **agriculture.**

House File 1456, by committee on county government (committee on county government), a bill for an act authorizing counties to appropriate moneys for the purpose of making grants to rural water districts.

Read first time and **placed on the calendar.**

House File 1457, by committee on state government, a bill for an act relating to the compensation of the beer and liquor control council.

Read first time and **placed on the calendar.**

House File 1458, by committee on judiciary and law enforcement, a bill for an act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973.

Read first time and **placed on the calendar.**

House File 1459, by committee on judiciary and law enforcement, a bill for an act relating to appeal procedures in condemnation actions.

Read first time and **placed on the calendar.**

House File 1460, by committee on human resources, a bill for an act striking references to the Iowa Annie Wittenmyer Home.

Read first time and **placed on the calendar.**

House File 1461, by committee on education, a bill for an act to provide a limited exception to teacher certification requirements for immigrant Thai nationals and Vietnamese nationals.

Read first time and **placed on the calendar.**

House File 1462, by committee on judiciary and law enforcement, a bill for an act relating to the permissible age for qualifying for appointment as judicial magistrate.

Read first time and **placed on the calendar.**

House File 1463, by committee on agriculture, a bill for an act relating to the weighing of bulk commodities.

Read first time and **placed on the calendar.**

House File 1464, by committee on judiciary and law enforcement, a bill for an act relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners.

Read first time and **placed on the calendar.**

House File 1465, by committee on judiciary and law enforcement, a bill for an act to establish district court administrators and to provide the funds therefor.

Read first time and **placed on the calendar.**

House File 1466, by committee on judiciary and law enforcement, a bill for an act relating to the possession, receipt, and transportation of firearms by persons convicted of a felony and providing penalties.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 1190, a bill for an act relating to the financing and administration of the office of the attorney general and making an appropriation.

Read first time and referred to committee on **appropriations.**

Senate File 1192, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy.

Read first time and referred to committee on **appropriations.**

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six absent.

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 1327, a bill for an act relating to public improvements bond and conditions, was taken up for consideration.

Middleswart of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1327)

The ayes were, 84:

Avenson	Dyrland	Junker	Perkins
Baker	Egenes	Koogler	Readinger
Bennett	Evans	Krause	Rinas
Bina	Fitzgerald	Kreamer	Scheelhaase
Bortell	Gentleman	Lageschulte	Schroeder
Brandt	Gilloon	Lindeen	Spear
Branstad	Halvorson	Lipsky	Spencer
Brockett	Hansen	Lonergan	Spradling
Brunow	Harper	McElroy	Stromer
Byerly	Harvey	Menke	Svoboda
Caffrey	Hennessey	Mennenga	Tauke
Clark	Higgins	Middleswart	Tofte
Crabb	Hines	Millen	Varley
Crawford	Hinkhouse	Miller, A. V.	Walter
Cusack	Horn	Miller, O. L.	Welden
Daggett	Howell	Newhard	Wells
Den Herder	Hullinger	Norland	West
Dieleman	Husak	Oakley	Woods
Doyle	Jesse	O'Halloran	Wulff
Drake	Jochum	Pavich	Wyckoff
Dunton	Jordan	Pellett	Mr. Speaker

The nays were, 4:

Danker	Monroe	Nealson	Poncy

Absent or not voting, 11:

Anderson	Griffee	Middleton	Patchett
Bittle	Hargrave	Miller, K. D.	Small
Connors	Hutchins	Nielsen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 484 WITHDRAWN

Monroe of Des Moines asked and received unanimous consent to withdraw **House File 484** from further consideration by the House.

House File 1069, a bill for an act relating to the maximum interest rate which may be paid by persons borrowing for a business purpose, including certain agricultural loans, with report of committee recommending passage, was taken up for consideration.

Hennessey of Delaware offered the following amendment H—5394 filed by him from the floor and moved its adoption:

H—5394

Amend House File 1069 as follows:
1. Page 1, by striking lines 6 through 8 and inserting in lieu thereof the words "Revenue Code, ***and any person borrowing money in the principal amount of twenty-five thousand dollars or more for a business purpose, and any person borrowing money in the principal amount of thirty-five thousand dollars or more for an agricultural purpose,*** **may agree in writing to pay any rate".**

Nielsen of Polk asked for unanimous consent that House File 1069 be deferred.

Objection was raised.

Nielsen of Polk moved that House File 1069 be temporarily deferred and that the bill retain its place on the calendar.

The motion prevailed and **House File 1069** was **deferred and retained.**

House File 1367, a bill for an act relating to loans by a state bank to its officers, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5397 filed by Schroeder, Walter and Tauke from the floor:

H—5397

Amend House File 1367 as follows:
1. Page 2, by inserting after line 25 the following:
"Sec. ..... Section five hundred twenty-four point one thousand two hundred two (524.1202), subsection one (1), Code 1975, is amended to read as follows:
1. Except as otherwise provided in subsection 2 of this section, no state bank shall establish a bank office ***outside the corporate limits of a municipal corporation or*** in a municipal corporation [or un-

incorporated area] in which there is already an established state or national bank or office, however the subsequent chartering and establishment of any state or national bank, through the opening of its principal place of business within the municipal corporation where the bank office is located, shall not affect the right of the bank office to continue in operation in that municipal corporation. *The existence and continuing operation of a bank office shall not be affected by the subsequent discontinuance of a municipal corporation pursuant to the provisions of sections three hundred sixty-eight point eleven (368.11) to three hundred sixty-eight point twenty-two (368.22), inclusive, of the Code. A bank office existing and operating on the effective date of this Act, which is not located within the confines of a municipal corporation, shall be allowed to continue its existence and operation without regard to this subsection.*

Sec. ..... Section five hundred twenty-four point one thousand two hundred two (524.1202), subsection two (2), Code 1975, is amended to read as follows:

2. [A state bank located in a municipal corporation may establish not more than two bank offices within the boundaries of the municipal corporation, each of which shall have adequate off street parking as determined by the superintendent, and may also have facilities to serve pedestrian customers.] A state bank located in a municipal corporation, or in an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, having a population of [over fifty] *less than two hundred* thousand according to the most recent federal census may establish [two such offices within the boundaries of the municipal corporation or urban complex; if the municipal corporation or urban complex has a population of over one hundred thousand but not over two hundred thousand, the state bank may establish three such offices within the boundaries of the municipal corporation or urban

Page 2

complex, if] *not more than three bank offices within the boundaries of the municipal corporation or urban complex, each of which shall have adequate off-street parking as determined by the superintendent, and may also have facilities to serve pedestrian customers. If* the municipal corporation or urban complex has a population of over two hundred thousand, the state bank may establish four such offices within the boundaries of the municipal corporation or urban complex. Such a facility located in the proximity of a state bank's principal place of business may be found by the superintendent to be an integral part

of the principal place of business, and not a bank office within the meaning of this section."

2. Amend the title, line 1, by striking the words "to its officers" and inserting in lieu thereof the words "and its bank offices to officers of the bank or its bank offices".

3. By renumbering sections as necessary.

Small of Johnson rose on a point of order that amendment H—5397 was not germane.

The Speaker ruled the point well taken and amendment H—5397 not germane.

Schroeder of Pottawattamie moved that the rules governing germaneness be suspended for the consideration of amendment H—5397.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 41, nays 42.

The motion lost.

Newhard of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1367)

The ayes were, 90:

Anderson	Evans	Lageschulte	Perkins
Avenson	Fitzgerald	Lindeen	Readinger
Baker	Gentleman	Lipsky	Rinas
Bennett	Gilloon	Lonergan	Scheelhaase
Bina	Halvorson	McElroy	Schroeder
Bortell	Hansen	Menke	Small
Brandt	Hargrave	Mennenga	Spear
Branstad	Harper	Middleswart	Spencer
Brockett	Harvey	Millen	Spradling
Brunow	Hennessey	Miller, A. V.	Stromer
Byerly	Higgins	Miller, K. D.	Svoboda
Caffrey	Hines	Miller, O. L.	Tauke
Clark	Hinkhouse	Monroe	Tofte
Crawford	Horn	Nealson	Varley
Daggett	Howell	Newhard	Walter
Danker	Hullinger	Nielsen	Welden
Den Herder	Husak	Norland	Wells
Dieleman	Jochum	Oakley	West
Doyle	Jordan	O'Halloran	Woods
Drake	Junker	Patchett	Wulff
Dunton	Koogler	Pavich	Wyckoff
Dyrland	Krause	Pellett	Mr. Speaker
Egenes	Kreamer		

The nays were, 1:

Poncy

Absent or not voting, 8:

Bittle	Crabb	Griffee	Jesse
Connors	Cusack	Hutchins	Middleton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1106, a bill for an act relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly, with report of committee recommending amendment and passage, was taken up for consideration.

McElroy of Fremont offered the following amendment H—5274 filed by the committee on state government and moved its adoption:

H—5274

Amend House File 1106, page 1, by striking all of lines 20 through 24, and inserting in lieu thereof the following:

"Sec. 4. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Red Oak Express, a newspaper published in Red Oak, Iowa, and in The Evening Sentinel, a newspaper published in Shenandoah, Iowa."

Amendment H—5274 was adopted.

Byerly of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1106)

The ayes were, 87:

Anderson	Daggett	Higgins	Lindeen
Avenson	Dieleman	Hines	Lipsky
Baker	Doyle	Hinkhouse	Lonergan
Bennett	Drake	Howell	McElroy
Bina	Dunton	Hullinger	Menke
Bortell	Dyrland	Husak	Mennenga
Brandt	Egenes	Hutchins	Middleswart
Brockett	Evans	Jesse	Millen
Brunow	Fitzgerald	Jochum	Miller, A. V.
Byerly	Halvorson	Jordan	Miller, K. D.
Caffrey	Hansen	Junker	Miller, O. L.
Clark	Hargrave	Koogler	Monroe
Connors	Harper	Krause	Nealson
Crabb	Harvey	Kreamer	Newhard
Crawford	Hennessey	Lageschulte	Nielsen

Norland	Poncy	Spencer	Welden
Oakley	Readinger	Spradling	Wells
O'Halloran	Rinas	Stromer	West
Patchett	Scheelhaase	Tauke	Woods
Pavich	Schroeder	Tofte	Wyckoff
Pellett	Small	Varley	Mr. Speaker
Perkins	Spear	Walter	

The nays were, 2:

Danker	Gentleman

Absent or not voting, 10:

Bittle	Den Herder	Horn	Svoboda
Branstad	Gilloon	Middleton	Wulff
Cusack	Griffee		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(House File 1322)

Newhard of Jones moved to reconsider the vote by which House File 1322, a bill for an act relating to permissible investments by a state bank acting in a fiduciary capacity, passed the House on March 2, 1976.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 88, nays 0.

The motion prevailed.

Newhard of Jones moved to reconsider the vote by which House File 1322 was placed on its last reading.

The motion prevailed.

SENATE FILE 442 SUBSTITUTED FOR HOUSE FILE 1322

Newhard of Jones asked and received unanimous consent to substitute Senate File 442 for House File 1322.

Senate File 442, a bill for an act relating to permissible investments by a state bank acting in a fiduciary capacity, was taken up for consideration.

Newhard of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 442)

The ayes were, 89:

Anderson	Egenes	Kreamer	Poncy
Avenson	**Evans**	Lageschulte	Readinger
Baker	Fitzgerald	Lindeen	Rinas
Bennett	**Gentleman**	Lipsky	**Scheelhaase**
Bina	Gilloon	Lonergan	**Schroeder**
Bortell	**Halvorson**	McElroy	**Small**
Brandt	Hansen	Menke	Spear
Branstad	**Harper**	Mennenga	Spencer
Brockett	Harvey	Middleswart	Spradling
Brunow	Hennessey	Millen	**Stromer**
Byerly	Higgins	Miller, A. V.	**Svoboda**
Caffrey	Hinkhouse	Miller, K. D.	**Tauke**
Clark	Horn	Miller, O. L.	**Tofte**
Connors	Howell	Monroe	Varley
Crabb	Hullinger	Nealson	**Walter**
Crawford	**Husak**	Newhard	Welden
Daggett	**Hutchins**	Nielsen	Wells
Danker	**Jesse**	Oakley	**West**
Dieleman	Jochum	Patchett	**Woods**
Doyle	**Junker**	Pavich	**Wulff**
Drake	Koogler	Pellett	Wyckoff
Dunton	Krause	Perkins	**Mr. Speaker**
Dyrland			

The nays were, none.

Absent or not voting, 10:

Bittle	Griffee	Jordan	Norland
Cusack	Hargrave	Middleton	**O'Halloran**
Den Herder	Hines		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 650 AND 1322 WITHDRAWN

Newhard of Jones asked and received unanimous consent to withdraw **House Files 650** and **1322** from further consideration by the House.

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 1123, a bill for an act relating to noxious weeds, with report of committee recommending amendment and passage, was taken up for consideration.

Bortell of Madison offered the following amendment **H—5273** filed by the committee on agriculture and moved its adoption:

H—5273

Amend House File 1123 as follows:

1. Page 1, line 10, by inserting after the word "perennial," the words *"poison hemlock (conium maculatum),"*.

Amendment H—5273 was adopted.

Fitzgerald of Webster moved the previous question on House File 1123 and all amendments and motions filed thereto.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 55, nays 37.

The motion prevailed.

Hinkhouse of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1123)

The ayes were, 76:

Anderson	Dunton	Jordan	Patchett
Avenson	Dyrland	Junker	Pellett
Baker	Evans	Koogler	Perkins
Bennett	Fitzgerald	Krause	Poncy
Bina	Gentlemen	Lageschulte	Readinger
Bortell	Halvorson	Lindeen	Scheelhaase
Brandt	Hansen	Lonergan	Small
Branstad	Harper	McElroy	Spear
Brockett	Hennessey	Menke	Spencer
Brunow	Higgins	Mennenga	Spradling
Byerly	Hines	Middleswart	Stromer
Caffrey	Hinkhouse	Miller, A. V.	Svoboda
Crabb	Horn	Miller, K. D.	Varley
Crawford	Howell	Miller, O. L.	Wells
Daggett	Hullinger	Monroe	West
Danker	Husak	Nealson	Woods
Den Herder	Hutchins	Nielsen	Wulff
Dieleman	Jesse	Norland	Wyckoff
Drake	Jochum	Oakley	Mr. Speaker

The nays were, 16:

Clark	Hargrave	Millen	Tauke
Doyle	Harvey	O'Halloran	Tofte
Egenes	Kreamer	Pavich	Walter
Gilloon	Lipsky	Rinas	Welden

Absent or not voting, 7:

Bittle	Cusack	Middleton	Schroeder
Connors	Griffee	Newhard	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1128, a bill for an act to provide an alternative to membership in the Iowa public employees' retirement system, with report of committee recommending amendment and passage, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—5275 filed by the committee on state government:

H—5275

Amend House File 1128 as follows:
1. Page 1, by inserting after line 19 the following:
"Under provisions of chapter seventeen A (17A), Code 1975, the employment security commission shall promulgate rules which will bring this Act into compliance with chapter eighteen (18), Title XXIX, USC."

Stromer of Hancock asked and received unanimous consent that **House File 1128** be **deferred** and that the bill retain its place on the **calendar.**

(Amendment H—5275 pending.)

MOTIONS TO RECONSIDER

(Amendment H—5215 to House File 1198)

I move to reconsider the vote by which amendment H—5215 to House File 1198 was adopted by the House.

WYCKOFF of Benton

(House File 1280)

I move to reconsider the vote by which House File 1280 passed the House on March 2, 1976.

GILLOON of Dubuque

(House File 1048)

I move to reconsider the vote by which House File 1048 passed the House on February 27, 1976.

WYCKOFF of Benton

(Amendment H—5206 to House File 1048)

I move to reconsider the vote by which amendment H—5206 to House File 1048 was adopted by the House on February 27, 1976.

WYCKOFF of Benton

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when votes were taken on the following bills. Had I been present, I would have voted as follows:

Thursday, February 26, 1976, "nay" on House File 863; "aye" on House Files 200, 1009, 1026 and 1256.

Friday, February 27, 1976, "aye" on House Files 1048, 1051, 1063, 1277, 1278 and 1281; Senate Files 1021 and 1151.

CAFFREY of Polk

I was necessarily absent from the House chamber when votes were taken on the following bills on Friday, February 27, 1976. Had I been present, I

would have voted as follows: "Aye" on House Files 1063, 1048, 1278, 1277, 1281, 1051 and 1198, and Senate Files 1021 and 1151.

KOOGLER of Mahaska

I was necessarily absent from the House chamber when the votes were taken on Senate Files 1089 and 1090 and House Files 1401, 1280 and 1322. Had I been present, I would have voted "aye" on all of these.

O'HALLORAN of Black Hawk

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 123 Cities
Relating to bonds and pledge orders issued by cities.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of March, 1976: House File 774.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 1, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 188, an act authorizing the Director of the Department of General Services with approval of the State Executive Council to proceed with the acquisition of additional land for the extension of the State Capitol grounds.

House File 362, an act relating to the exclusion of banks from membership sales licensing requirements of the Code.

House File 918, an act making an appropriation to pay attorney fees and expenses for counsel for the parties in the election contest of Spradling v. Stephens.

House File 1010, an act to permit voters registering under acts of the Sixty-sixth General Assembly, 1975 Session, Chapter Eighty-one (81), Section Forty-seven (47), to send their registration forms to the Commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this act shall take effect upon publication.

House File 1037, an act appropriating funds to the Capitol Planning Commission.

House File 1080, an act relating to the appropriation of funds to legislative agencies and making appropriations to agencies involved in the legislative process.

House File 1082, an act making an appropriation from the general fund of the state to regulatory boards and commissions, governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture, and real estate.

Senate File 1031, an act appropriating funds for the financing of programs under the administration of the Iowa Employment Security Commission, the Industrial Commissioner, and the Public Employment Relations Board.

Senate File 1063, an act relating to the certification of deputy assessors.

AMENDMENTS FILED

H—5400

Amend House File 769 as follows:
1. Page 33, line 14, by striking the word "forty" and inserting in lieu thereof the word "eighty".

NEWHARD of Jones

H—5405

Amend House File 1008 as follows:
1. Page 1, by inserting after line 5 the following:
"Sec. ..... Section one hundred twenty-three point thirty-six (123.36), Code 1975, is amended by striking subsection six (6) and inserting in lieu thereof the following:
6. Holders of liquor control licenses, subject to the provisions of section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b of the Code may sell and dispense alcoholic liquor for consumption on the premises and beer for consumption on or off the premises between the hours of noon and midnight on Sunday to persons who have attained the age of nineteen years or more. For this privilege, such licensees shall pay an additional fee of twenty percent of their regular fee as prescribed for their licenses and the privilege shall be noted on the liquor control license.
Sec. ..... Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b, Code 1975, is amended to read as follows:
b. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit *to persons who have attained the age of nineteen years or more*, or permit the consumption thereon between the hours of two a.m. and six a.m. on any weekday, and between the hours of two a.m. on Sunday and six a.m. on the following Monday *to such persons*, however, a holder of a liquor control license or [class "B"] *retail* beer permit granted the privilege of selling alcoholic liquor or beer *to persons who have attained the age of nineteen years or more* on Sunday may sell

or dispense such liquor or beer between the hours of noon and [ten p.m.] *midnight* on Sunday.

Sec. ..... Section one hundred twenty-three point one hundred thirty-four (123.134), Code 1975, is amended by striking subsection five (5) and inserting in lieu thereof the following:

5. Any retail beer permittee wishing to sell beer between the hours of noon and midnight on Sunday to persons who have attained the age of nineteen years or more may do so by paying an additional permit fee of twenty percent of the regular fees prescribed for the permit and the privilege shall be noted on the beer permit.

Sec. ..... Section one hundred twenty-three point thirty-six (123.36), subsection seven (7), Code 1975, is amended by striking unnumbered paragraphs one (1) and two (2)."

2. By renumbering sections as necessary.

MONROE of Des Moines

H—5406

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point thirty (123.30), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. CLASS "E".

1. A class "E" liquor control license may be issued for a period not to exceed one day to a college or university, and shall authorize the holder to purchase alcoholic liquors from the department only, and to sell such liquors by the individual drink for consumption on the premises only: Provided that wine may be sold by the bottle for consumption on the premises only. Not more than one class "E" license may be issued to the same college or university within a single calendar month.

2. A class "E" license shall be issued by the director upon application of the administrative body of a college or university, and payment of a fee of ten dollars. No bond shall be required. Application to local authorities shall not be required for a class "E" license, and approval of local authorities shall not be a condition precedent to the issuance of a class "E" liquor control license.

3. A class "E" liquor control license shall be issuable for use on specified premises, and for use only between the hours of twelve o'clock noon and twelve o'clock midnight. A class "E" liquor control license may be issued only for bona fide educational activities approved by the administration of the college or university and held under the direction and supervision of staff members of the college or university: However, those activities may be held on, and a class "E" license may be issued for, premises

not owned or subject to the possession of the college or university.

4. The director may adopt rules providing for the issuance and use of class "E" liquor control licenses, and may limit the types of alcoholic liquor which may be purchased and sold by class "E" liquor control licensees to wines, cordials and after dinner liqueurs.

5. A class "E" liquor control licensee shall not be subject to the tax specified in section one hundred twenty-three point ninety-six (123.96) of the Code."

2. By renumbering sections as necessary.

MONROE of Des Moines
WELLS of Linn

H—5384

Amend House File 1069 as follows:

1. Page 1, line 7, by striking the word "*twenty-five*" and inserting in lieu thereof the word "*thirty-five*".

HENNESSEY of Delaware

H—5402

Amend the Hennessey amendment H—5394 to House File 1069 as follows:

1. By striking all of lines 5 and 6 and the words "*principal amount*" from line 7.

NIELSEN of Polk

H—5401

Amend House File 1196 as follows:

1. Page 1, by inserting after line 5 the following new section:

"Sec. ..... Section eighty-eight A point one (88A.1), Code 1975, is amended by adding the following new unnumbered paragraph:

"The provisions of this chapter shall not apply to carnivals or concession booths that are school sponsored, or concession booths operated by social fraternal organizations, or church or church related organizations."

WELLS of Linn

H—5398

Amend the committee on natural resources amendment H—5215, to House File 1198, as follows:

1. Line 12, by inserting after the word "discharges." the following: "However, no permit shall be required for any new disposal system or extension or addition to the existing disposal system that receives only domestic or sanitary sewage from a building, housing or occupied by fifteen persons or less, unless required by city or county ordinance.".

WYCKOFF of Benton

H—5403

Amend House File 1330 as follows:

1. Page 2, by inserting after line 25 the following new section:

"Sec. ..... Section three hundred six B point five (306B.5), Code 1975, is amended by striking the section."

RINAS of Linn
KRAUSE of Palo Alto
DRAKE of Muscatine

H—5404

Amend House File 1391 as follows:

1. Page 1, by striking lines 29 through 35.
2. Page 2, by striking lines 1 through 9.
3. By renumbering the sections in accordance with this amendment.

MONROE of Des Moines

H—5399

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Title page, by striking line 8.

OAKLEY of Clinton

H—5407

Amend Senate File 1072 as follows:

1. Page 1, line 10, by inserting after the word "court" the words "as determined by the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two (2), unless an Act setting such salaries is approved by the 1976 Session of the Sixty-sixth General Assembly,".
2. Page 2, line 6, after the word "magistrates," insert the words "as determined by the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two (2), unless an Act setting such salaries is approved by the 1976 Session of the Sixty-sixth General Assembly,".

DUNTON of Keokuk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:58 p.m. until 10:00 a.m., March 3, 1976.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day—Thirty-fifth Session

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, MARCH 3, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Clyde Norrgard, former pastor of the Messiah Lutheran Church, Burlington, Iowa.

The Journal of Tuesday, March 2, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. B. H. Osten, Northwood, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kreamer of Polk on request of Welden of Hardin.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Seventy-five fifth grade students from Hanawalt Elementary School, Des Moines, Iowa, accompanied by Mrs. Cronin, Mrs. Renaud and Mrs. Winterberg. By Gentleman of Polk.

Nineteen students from the contemporary affairs class, Denison High School, Denison, Iowa, accompanied by Martin Peterson. By Crabb of Crawford.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Miller of Buchanan offered the following **House Memorial Resolution 104** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 104

***Whereas*, The Honorable Raymond P. Harrington of Buchanan County,**

who was a member of the Fifty-eighth and Sixty-first sessions of the General Assembly, passed away on February 20, 1976; *Now, Therefore,*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee, Miller of Buchanan, Wyckoff of Benton and Jordan of Linn.

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 1190, a bill for an act relating to state department of health inspectors, was taken up for consideration.

Dieleman of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1190)

The ayes were, 88:

Anderson	Dyrland	Krause	Perkins
Avenson	Egenes	Lageschulte	Poncy
Baker	Evans	Lipsky	Readinger
Bennett	Fitzgerald	Lonergan	Rinas
Bina	Gentleman	McElroy	Scheelhaase
Bittle	Gilloon	Menke	Schroeder
Bortell	Halvorson	Mennenga	Small
Brandt	Hansen	Middleswart	Spear
Branstad	Harper	Middleton	Spencer
Brockett	Harvey	Millen	Spradling
Brunow	Higgins	Miller, A. V.	Stromer
Caffrey	Hines	Miller, K. D.	Svoboda
Clark	Hinkhouse	Miller, O. L.	Tauke
Crabb	Horn	Nealson	Tofte
Crawford	Howell	Newhard	Varley
Cusack	Husak	Nielsen	Walter
Daggett	Hutchins	Norland	Welden
Danker	Jesse	Oakley	West
Den Herder	Jochum	O'Halloran	Woods
Dieleman	Jordan	Patchett	Wulff
Doyle	Junker	Pavich	Wyckoff
Dunton	Koogler	Pellett	Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Byerly	Griffee	Hullinger	Monroe
Connors	Hargrave	Kreamer	Wells
Drake	Hennessey	Lindeen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1329, a bill for an act relating to corporate status for the area education agencies, was taken up for consideration.

Miller of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1329)

The ayes were, 86:

Anderson	Egenes	Krause	Perkins
Avenson	Evans	Lageschulte	Poncy
Baker	Fitzgerald	Lindeen	Readinger
Bennett	Gentleman	Lipsky	Rinas
Bina	Halvorson	Lonergan	Scheelhaase
Bittle	Hansen	McElroy	Spear
Bortell	Hargrave	Menke	Spencer
Brandt	Harper	Mennenga	Spradling
Branstad	Harvey	Middleswart	Stromer
Brockett	Hennessey	Millen	Svoboda
Brunow	Higgins	Miller, A. V.	Tauke
Caffrey	Hines	Miller, O. L.	Tofte
Clark	Hinkhouse	Monroe	Varley
Crabb	Horn	Newhard	Walter
Crawford	Howell	Nielsen	Welden
Cusack	Husak	Norland	Wells
Daggett	Hutchins	Oakley	West
Den Herder	Jesse	O'Halloran	Woods
Dieleman	Jochum	Patchett	Wulff
Doyle	Jordan	Pavich	Wyckoff
Dunton	Junker	Pellett	Mr. Speaker
Dyrland	Koogler		

The nays were, 5:

Danker	Miller, K. D.	Nealson	Schroeder
Gilloon			

Absent or not voting, 8:

Byerly	Drake	Hullinger	Middleton
Connors	Griffee	Kreamer	Small

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1330, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code, was taken up for consideration.

Rinas of Linn offered the following amendment H—5403 filed by Rinas, et al.:

H—5403

Amend House File 1330 as follows:

1. Page 2, by inserting after line 25 the following new section:

"Sec. ..... Section three hundred six B point five (306B.5), Code 1975, is amended by striking the section."

By unanimous consent the following corrective amendment H—5507 to amendment H—5403 filed by Rinas of Linn from the floor was adopted:

H—5507

Amend amendment H—5403 to House File 1330 as follows:

1. Page 1, line 5, by striking "five (306B.5)" and inserting in lieu thereof the following: "six (306B.6)".

Rinas of Linn moved the adoption of amendment H—5403, as amended.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 58, nays 22.

Amendment H—5403, as amended, was adopted.

Branstad of Winnebago asked for unanimous consent that House File 1330 be referred to the committee on agriculture.

Objection was raised.

Branstad of Winnebago moved that House File 1330 be referred to the committee on agriculture.

Rinas of Linn rose on a point of order that the motion was dilatory and not in order.

The Speaker ruled the point well taken and referral to the committee on agriculture not in order.

Branstad of Winnebago asked and received unanimous consent to withdraw his motion to refer House File 1330 to the committee on agriculture.

Fitzgerald of Webster moved the previous question on House File 1330 and all motions and amendments thereto.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 60, nays 33.

The motion prevailed.

Perkins of Greene moved that House File 1330 be referred to the committee on transportation.

Fitzgerald of Webster rose on a point of order that the motion, under the previous question motion, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 1330)

The ayes were, 54:

Anderson	Gentleman	Lageschulte	Pavich
Avenson	Gilloon	Lindeen	Poncy
Bina	Harper	Lipsky	Readinger
Brandt	Hennessey	Mennenga	Rinas
Brockett	Higgins	Middleswart	Small
Brunow	Hines	Middleton	Spear
Byerly	Hinkhouse	Miller, A. V.	Spradling
Crawford	Howell	Miller, K. D.	Svoboda
Cusack	Hullinger	Monroe	Tauke
Dieleman	Jochum	Norland	Varley
Doyle	Jordan	Oakley	Walter
Drake	Junker	O'Halloran	Wells
Dunton	Koogler	Patchett	Mr. Speaker
Fitzgerald	Krause		

The nays were, 42:

Baker	Egenes	Lonergan	Scheelhaase
Bennett	Evans	McElroy	Schroeder
Bittle	Griffee	Menke	Spencer
Bortell	Halvorson	Millen	Stromer
Branstad	Hansen	Miller, O. L.	Tofte
Caffrey	Hargrave	Nealson	Welden
Clark	Harvey	Newhard	West
Daggett	Horn	Nielsen	Woods
Danker	Husak	Pellett	Wulff
Den Herder	Hutchins	Perkins	Wyckoff
Dyrland	Jesse		

Absent or not voting, 8:

Connors	Crabb	Kreamer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1467, by committee on transportation, a bill for an act relating to the use of weed seed in commercial feed.

Read first time and **placed on the calendar.**

House File 1468, by committee on judiciary and law enforcement, a bill for an act relating to payment of pension funds and insurance benefits to beneficiaries in cases involving a dissolution of marriage.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 300, a bill for an act relating to the computation of the charges which state mental health institutes are required to make for care of patients thereof.

Read first time and referred to committee on **human resources.**

Senate File 423, a bill for an act relating to insurance proceeds payable to physicians.

Read first time and referred to committee on **commerce.**

Senate File 1061, a bill for an act to allow for numerical or alphabetical designation of the county on motor vehicle licenses.

Read first time and referred to committee on **transportation.**

Senate File 1065, a bill for an act to permit the same purposes for a schoolhouse tax levied by special election as are permitted for a schoolhouse tax levied by regular election.

Read first time and referred to committee on **education.**

Senate File 1105, a bill for an act relating to the distribution of monthly aid to dependent children payments.

Read first time and referred to committee on **human resources.**

Senate File 1167, a bill for an act relating to security arrangements for inmates from other institutions at the state university hospital.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 1179, a bill for an act relating to the qualifications of a city or county assessor appointed to fill a vacancy which occurred prior to January 1, 1976.

Read first time and referred to committee on **county government.**

Senate Joint Resolution 1006, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Read first time and **passed on file.**

HOUSE CONCURRENT RESOLUTION 111

By O'Halloran, McElroy, Lipsky, Miller of Calhoun, Lonergan, Brandt, Gentleman, Harper, Svoboda and Egenes

Whereas, Iowa recognized the equality of women and their contributions as indicated by the laws of Iowa and the increased participation of women in government and private business; and

Whereas, Iowa was one of the first states to ratify the Equal Rights Amendment; and

Whereas, it is the desire of the general assembly to continue to recognize women and their rights and accomplishments; *Now, Therefore,*

Be It Resolved by the House, the Senate Concurring, That the general assembly recognize March 8, 1976 as International Women's Day, as declared by the United Nations.

Laid over under Rule 25.

HOUSE RESOLUTION 106

By Gilloon, Jochum, Tauke and Dyrland

Whereas, the Orpheum Theater in Dubuque, Iowa stands as a classic example of the architectural beauty of Iowa's oldest and finest cities; and

Whereas, the citizens of Dubuque and the entire Dubuqueland area have supported their proud heritage and the bicentennial through a substantial commitment of their time, energy and finances to preserve the Orpheum Theater and restore its unmatched beauty; *Now, Therefore,*

Be It Resolved by the House of Representatives, that the members of the General Assembly do hereby congratulate the people of Dubuque and the Dubuqueland area for their accomplishment and singular contribution to the cultural heritage of the State of Iowa.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 1, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1014, a bill for an act to require that registration plates issued for Iowa highway patrol vehicles shall bear two stars.

Also: That the Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1086, a bill for an act relating to local civil service commissions providing for changes in qualification requirements and requiring that the commission determine the physical requirements for police and fire personnel.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT CONSIDERED

(House Concurs in Part, Refuses to Concur in Part)

Higgins of Scott called up for consideration **House File 292**, a bill for an act to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities, amended by the Senate. Division was requested as follows:

H—5316

Amend House File 292 as amended, passed and reprinted by the House as follows:

H—5316C

1. Page 1, line 7, by inserting after the word "his" the words "or her".

2. Page 1, line 9, by inserting after the word "his" the words "or her".

3. Page 1, line 10, by inserting after the word "are" the word "presently".

4. Page 1, line 10, by striking the word "they" and inserting in lieu thereof the word "it".

5. Page 1, by striking line 11 and inserting in lieu thereof the following: "the auditor not to index the name of that person, as would otherwise be required by section one hundred twenty-five point thirty-three (125.33) of the Code. However the board may review its finding with respect to any person at any subsequent time at which another similar list is certified upon which that person's name appears. If the board finds upon review that that person or those legally liable for his or her support are presently able to pay for the treatment, that finding shall apply only to charges stated upon the list then before the board and any subsequent charges similarly certified, unless and until the board again changes its findings."

6. Page 1, by inserting after line 11 the following new sections:

"Sec. ..... Section one hundred twenty-five point thirty-two (125.32), Code 1975, is amended to read as follows:

125.32 TRANSFER FROM INSTITUTIONAL FUND. **The** county auditor upon receipt of [such] certification by the facility *as required by section one hundred twenty-five point twenty-eight (125.28) of the Code* shall enter the same to the credit of the facility and issue a notice [to] *authorizing* the county treasurer[, authorizing him] to transfer the amount from the county mental health and institutions fund to the [state general fund] *credit of the facility,* which notice shall be filed by the treasurer as [his] authority for making such transfer, and [shall include] the amount transferred [in his] *shall be included in the auditor's* next remittance to the facility.

Sec. ..... Section one hundred twenty-five point thirty-three (125.33), Code 1975, is amended to read as follows:

125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. **The** auditor of each county shall keep an accurate account of the total cost *to the county* of the care, maintenance, and treatment of any alcoholic and keep

Page 2

an index of the names of the alcoholics admitted from such county.

Sec. ..... Section one hundred twenty-five point thirty-four (125.34), Code 1975, is amended to read as follows:

125.34 COLLECTION OF CLAIMS BY BOARD OF SUPERVISORS. The board of supervisors shall collect the total amount of all such [claims and] *liabilities as they become due, from those persons whom the board has found, under section one (1) of this Act, are able to pay. The board shall* direct the county attorney to proceed with the collection of such [claims] *liabilities* as a part of the duties of [his] *that* office. The county shall be entitled to keep the total amount of all such [claims] *liabilities* collected. The county attorney, with the consent of the board of supervisors, may execute an agreement providing for the acceptance of a lesser amount owed by an alcoholic, his *or her* spouse, or estate to the county. The execution of such agreement may provide that the same is in satisfaction of all moneys owed the county."

7. Page 1, line 17, by inserting after the word "[treatment]" the words *"and whom the board has previously found, under section one (1) of this Act, is able to pay".*

8. Page 1, by striking lines 21 and 22 and inserting in lieu thereof the words *"and treatment which exceeds the total amount of all claims of the first through the".*

H—5316A

9. Page 1, line 25, by striking the words *"estate; and"* and inserting in lieu thereof the word *"estate."*

10. Page 1, by striking lines 26 and 27.

H—5316C

11. Page 1, line 35, by inserting after the word "his" the words "or her".

12. Page 1a, line 5, by inserting after the word "him" the words "or her".

13. Page 1a, line 5, by inserting after the word "are" the word "presently".

14. Page 1a, by inserting after line 6 the following: "The board may review its finding at any subsequent time while the person remains at the hospital-school, or is otherwise receiving care or treatment for which this chapter obligates the county to pay. If the board finds upon review that that person or those legally responsible for him or her are presently able to pay such expenses, that finding shall apply only to the charges so incurred during the period beginning on the date of the review and continuing thereafter, unless and until the board again changes its finding."

Page 3

15. Page 2, line 14, by inserting after the word "his" the words "or her".

16. Page 2, line 15, by inserting after the word "are" the word "presently".

17. Page 2, line 16, by striking the word "his" and inserting in lieu thereof the words "the person's".

18. Page 2, line 17, by striking the word "he".

19. Page 2, line 19, by striking the words "If the report shows" and inserting in lieu thereof the words "The court may, upon request of the board of supervisors, review its finding at any subsequent time while the person remains at the hospital-school, or is otherwise receiving care or treatment for which this chapter obligates the county to pay. If the court finds upon review that the person or those legally responsible for him or her are presently able to pay such expenses, that finding shall apply only to the charges incurred during the period beginning on the date of the board's request for the review and continuing thereafter, unless and until the court again changes its finding. When the court finds".

20. Page 2, line 20, by inserting after the word "his" the words "or her".

H—5316B

21. By striking page 2, line 24 through page 2a, line 6.

H—5316C

22. Page 2a, by inserting after line 6 the follow-

ing new section:

"Sec. ..... Section two hundred twenty-two point eighty-two (222.82), Code 1975, is amended to read as follows:

222.82 COLLECTION OF CLAIMS. The board of supervisors of each county may direct the county attorney to proceed with the collection of said *liabilities and* claims as a part of the duties of his office when the board of supervisors deems such action advisable. The board of supervisors may and is hereby empowered to compromise any and all liabilities to the county arising under the chapter when such compromise is deemed to be in the best interests of the county. Any collections and liens shall be limited in conformance to section 614.1, subsection 4."

23. Page 2a, line 11, by inserting after the word "his" the words "or her".

24. Page 2a, by striking line 14 and inserting in lieu thereof the words "issue a notice [to his] *authorizing the* county treasurer[, authorizing him] to".

25. Page 2a, line 17, by striking the word "his" and inserting in lieu thereof the word "[his]".

Page 4

26. Page 2a, line 18, by striking the words "shall include" and inserting in lieu thereof the words "[shall include]".

27. Page 3, by striking line 1 and inserting in lieu thereof the words "[in his next remittance of state taxes] *shall be remitted* to the treasurer of".

28. Page 3, by striking lines 14, 15 and 16 and inserting in lieu thereof the words "of that person's hospitalization. If the board finds that neither the".

29. Page 3, line 17, by inserting after the word "his" the words "or her".

30. Page 3, line 19, by striking the words "make any charges against" and inserting in lieu thereof the words "index the names of".

31. Page 3, line 20, by striking the words "pursuant to" and inserting in lieu thereof the words "as would otherwise be required by".

32. Page 3, line 21, by inserting after the period the following: "However the board may review its finding with respect to any person at any subsequent time at which another list is furnished by the auditor upon which that person's name appears. If the board finds upon review that that person or those legally liable for his or her support are presently able to pay the expenses of that person's hospitalization, that finding shall apply only to charges stated upon the certificate from which the list was drawn up and

any subsequent charges similarly certified, unless and until the board again changes its finding."

33. Page 4, line 7, by inserting after the word "[care]" the words "*and whom the board has previously found, under section eight (8) of this Act, is able to pay*".

34. Page 4, by striking lines 10 and 11 and inserting in lieu thereof the words "*person's care which exceeds the total amount of all claims of the first through the*".

H—5316A

35. Page 4, line 14, by striking the word "*estate;*" and inserting in lieu thereof the word "*estate.*".

36. Page 4, by striking lines 15 through 18, inclusive.

H—5316C

37. Page 4, line 24, by striking the word "his" and inserting in lieu thereof the words "[his] *that person's*".

38. Page 4, line 25, by inserting after the word "he" the words "*or she*".

39. Page 4, line 25, by inserting after the word "his" the words "*or her*".

Page 5

40. Page 4, by striking lines 32 and 33 and inserting in lieu thereof the words "*county which exceeds the total amount of all claims of the first through the*".

H—5316A

41. Page 5, line 1, by striking the words "*estate; and*" and inserting in lieu thereof the word "*estate.*"

42. Page 5, by striking lines 2, 3 and 4.

H—5316C

43. Page 5, by striking lines 5 and 8 and inserting in lieu thereof the following new section:

"Sec. ..... All liens created under section two hundred thirty point twenty-five (230.25), as that section appeared in the Code of 1975 and prior editions of the Code, are abolished effective January 1, 1977, except as otherwise provided by this Act. The board of supervisors of each county shall, as soon as practicable after July 1, 1976, review all liens resulting from the operation of said section two hundred thirty point twenty-five (230.25) and make a determination as to the ability of the person against whom the lien exists to pay the charges represented by the lien, and if they find that the person is able to pay those charges they shall direct the county attorney of that county to take immediate action to enforce the lien. If action is commenced

under this section on any lien prior to the effective date of the abolition thereof, that lien shall not be abolished but shall continue until the action is completed."

44. Page 5, after line 8, by inserting the following section:

"Sec. ..... Any claim filed against the estate of a decedent under the provisions of section one hundred twenty-five point thirty-six (125.36), Code 1975, section one hundred twenty-three B point sixteen (123B.16) as that section appeared in the Codes of 1973 and 1971, or sections two hundred twenty-two point eighty-one (222.81) or two hundred thirty point thirty (230.30) as they appeared in the Code of 1975 and prior Codes, which claim was filed but had not been satisfied prior to the effective date of this Act, shall be allowed only to the extent the claim would have been allowed if filed under sections one hundred twenty-five point thirty-six (125.36), two hundred twenty-two point eighty-one (222.81), or two hundred thirty point thirty (230.30) of the Code as amended by this Act."

45. By renumbering sections and internal references in this Act and this amendment as necessary.

Oakley of Clinton moved that the House concur in the Senate amendment H—5316A.

The motion lost and the House refused to concur in the Senate amendment H—5316A.

Husak of Tama in the chair at 3:17 p.m.

Oakley of Clinton moved that the House concur in the Senate amendment H—5316B.

The motion lost and the House refused to concur in the Senate amendment H—5316B.

Lipsky of Linn moved that the House concur in the Senate amendment H—5316C.

The motion prevailed and the House concurred in the Senate amendment H—5316C.

Higgins of Scott moved that the bill, as amended by the Senate and concurred in part by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 292)

The ayes were, 94:

Anderson	Dyrland	Junker	Perkins
Avenson	Egenes	Koogler	Poncy
Baker	Evans	Krause	Readinger
Bennett	Fitzgerald	Lageschulte	Rinas
Bina	Gentleman	Lindeen	Scheelhaase
Bittle	Gilloon	Lipsky	Schroeder
Bortell	Griffee	Lonergan	Small
Brandt	Halvorson	McElroy	Spear
Branstad	Hansen	Menke	Spencer
Brockett	Hargrave	Mennenga	Spradling
Brunow	Harper	Middleswart	Stromer
Byerly	Harvey	Millen	Svoboda
Caffrey	Hennessey	Miller, A. V.	Tauke
Clark	Higgins	Miller, K. D.	Tofte
Cochran	Hines	Miller, O. L.	Varley
Crawford	Hinkhouse	Monroe	Walter
Cusack	Horn	Nealson	Welden
Daggett	Howell	Newhard	Wells
Danker	Hullinger	Nielsen	West
Den Herder	Hutchins	Oakley	Woods
Dieleman	Jesse	O'Halloran	Wulff
Doyle	Jochum	Patchett	Wyckoff
Drake	Jordan	Pavich	Mr. Speaker (Husak)
Dunton		Pellett	

The nays were, none.

Absent or not voting, 5:

Connors	Kreamer	Middleton	Norland
Crabb			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Cochran in the chair at 3:25 p.m.

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 1008, a bill for an act relating to the sale of beer and alcoholic beverages, with report of committee recommending passage, was taken up for consideration.

Pellett of Cass offered the following amendment H—5493 filed by him and Spencer of Clay from the floor. Division was requested as follows:

H—5493

Amend House File 1008 as follows:

H—5493A

1. Page 1, by striking lines 3, 4 and 5, and inserting in lieu thereof the following:

"by striking the subsection and inserting in lieu thereof the following new subsection:

33. "Legal age" means nineteen years of age or more for the purposes of this chapter."

H—5493B

2. Title page, by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act relating to the legal age of persons purchasing or consuming beer and alcoholic beverages."

Monroe of Des Moines offered the following amendment H—5497, to amendment H—5493A, filed by Monroe, Horn, Jesse, Patchett and Dyrland from the floor:

H—5497

Amend the Pellett, Spencer amendment H—5493 to House File 1008 by striking lines 6 and 7 and inserting in lieu thereof the following:

"33. "Legal age" means eighteen years of age or [more] *older.*"

Oakley of Clinton rose on a point of order that amendment H—5493A was not in order.

The Speaker ruled the point not well taken and amendment H—5493A in order.

Monroe of Des Moines moved the adoption of amendment H—5497, to amendment H—5493A.

Roll call was requested by Monroe of Des Moines and Cusack of Scott.

On the question "Shall amendment H—5497 to amendment H—5493A be adopted?"

The ayes were 34:

Avenson	Dyrland	Horn	O'Halloran
Bina	Egenes	Jesse	Patchett
Brandt	Fitzgerald	Jochum	Readinger
Brunow	Gentleman	Mennenga	Rinas
Caffrey	Gilloon	Middleton	Schroeder
Clark	Hargrave	Monroe	Spear
Crawford	Harvey	Newhard	Walter
Cusack	Hennessey	Nielsen	Wells
Drake	Hines		

The nays were, 63:

Anderson	Crabb	Halvorson	Jordan
Baker	Daggett	Hansen	Junker
Bennett	Danker	Harper	Koogler
Bittle	Den Herder	Higgins	Krause
Bortell	Dieleman	Hinkhouse	Lageschulte
Branstad	Doyle	Howell	Lindeen
Brockett	Dunton	Hullinger	Lipsky
Byerly	Evans	Husak	Lonergan
Connors	Griffee	Hutchins	McElroy

Menke	Oakley	Spencer	Welden
Middleswart	Pavich	Spradling	West
Millen	Pellett	Stromer	Woods
Miller, A. V.	Perkins	Svoboda	Wulff
Miller, K. D.	Poncy	Tauke	Wyckoff
Miller, O. L.	Scheelhaase	Tofte	Mr. Speaker
Nealson	Small	Varley	

Absent or not voting, 2:

Kreamer	Norland

Amendment H—5497 lost.

Pellett of Cass moved the adoption of amendment H—5493A.

Roll call was requested by Dyrland of Clayton and Rinas of Linn.

On the question "Shall amendment H—5493A be adopted?"

The ayes were, 64:

Anderson	Evans	Lipsky	Small
Baker	Griffee	Lonergan	Spear
Bennett	Halvorson	McElroy	Spencer
Bittle	Hansen	Menke	Spradling
Bortell	Harper	Middleswart	Stromer
Branstad	Higgins	Millen	Svoboda
Brockett	Hinkhouse	Miller, A. V.	Tofte
Byerly	Howell	Miller, K. D.	Varley
Crabb	Hullinger	Miller, O. L.	Walter
Daggett	Husak	Nealson	Welden
Danker	Hutchins	Oakley	Wells
Den Herder	Jordan	Pavich	West
Dieleman	Junker	Pellett	Woods
Doyle	Koogler	Perkins	Wulff
Dunton	Lageschulte	Poncy	Wyckoff
Egenes	Lindeen	Scheelhaase	Mr. Speaker

The nays were, 32:

Avenson	Drake	Hines	Newhard
Bina	Dyrland	Horn	Nielsen
Brandt	Fitzgerald	Jesse	O'Halloran
Brunow	Gentleman	Jochum	Patchett
Caffrey	Gilloon	Krause	Readinger
Clark	Hargrave	Mennenga	Rinas
Crawford	Harvey	Middleton	Schroeder
Cusack	Hennessey	Monroe	Tauke

Absent or not voting, 3:

Connors	Kreamer	Norland

Amendment H—5493A was adopted.

The Speaker announced that amendment H—5493B was deferred.

With the adoption of amendment H—5493A, the Speaker ruled the following amendment H—5492 filed by Horn of Linn from the floor out of order:

H—5492

Amend House File 1008, page 1, by striking lines 4 and 5 and inserting in lieu thereof the following:

"33. "Legal age" means eighteen years of age or [more] *older.*"

With the adoption of amendment H—5493A, the Speaker ruled the following amendment H—5495 filed by Patchett, Dyrland and Rinas from the floor out of order:

H—5495

Amend House File 1008 as follows:

1. Page 1, line 4, by striking the word *"nineteen"* and inserting in lieu thereof the word *"sixty-five"*.

Monroe of Des Moines offered the following amendment H—5485 filed by him from the floor and moved its adoption:

H—5485

Amend House File 1008 as follows:

1. Page 1, line 5, by inserting after the word "more" the following: ", *except as provided in sections 123.47 and 123.48 of the Code. As used in these sections the term legal age shall include persons within one year of the age of nineteen*".

Amendment H—5485 lost.

Pellett of Cass asked and received unanimous consent to withdraw the following amendment H—5408 filed by him and Spencer of Clay from the floor:

H—5408

Amend House File 1008 as follows:

1. Page 1, line 5, by inserting after the word "more." the following sentence: "*Section five hundred ninety-nine point one (599.1) of the Code shall not apply to this chapter and shall not be interpreted to allow a person to attain legal age for purposes of this chapter by marriage.*"

2. Title page, line 1, after the word "to" insert the words "the legal age for".

Anderson of Jasper offered the following amendment H—5326 filed by Anderson, et al., and moved its adoption:

H—5326

Amend House File 1008, page 1, by inserting after line 5 the following section:

"Sec. ..... The provisions of this Act shall not

apply to persons who were born after June 30, 1957 and before July 1, 1958."

Roll call was requested by Bina of Scott and Dyrland of Clayton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5326 be adopted?"

The ayes were, 66:

Anderson	Dyrland	Junker	Oakley
Avenson	Fitzgerald	Koogler	O'Halloran
Baker	Gentleman	Krause	Pavich
Bina	Gilloon	Lageschulte	Perkins
Bittle	Halvorson	Lindeen	Readinger
Brandt	Hargrave	Lipsky	Scheelhaase
Branstad	Harper	Lonergan	Small
Brockett	Harvey	McElroy	Spear
Byerly	Hennessey	Menke	Stromer
Caffrey	Higgins	Mennenga	Svoboda
Clark	Hines	Middleswart	Tofte
Crabb	Horn	Middleton	Varley
Crawford	Husak	Miller, A. V.	Wells
Cusack	Hutchins	Miller, O. L.	West
Doyle	Jesse	Newhard	Woods
Drake	Jochum	Nielsen	Mr. Speaker
Dunton	Jordan		

The nays were, 27:

Bennett	Dieleman	Hullinger	Schroeder
Bortell	Egenes	Millen	Spencer
Brunow	Evans	Miller, K. D.	Spradling
Connors	Griffee	Monroe	Welden
Daggett	Hansen	Nealson	Wulff
Danker	Hinkhouse	Pellett	Wyckoff
Den Herder	Howell	Poncy	

Absent or not voting, 6:

Kreamer	Patchett	Tauke	Walter
Norland	Rinas		

Amendment H—5326 was adopted.

Oakley of Clinton offered the following amendment H—5339 filed by him and Monroe of Des Moines:

H—5339

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b, Code 1975, is amended to read as follows:

b. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit, or permit the consumption thereon between the hours of two a.m. and six a.m. on any weekday, and between

the hours of two a.m. on Sunday and six a.m. on the following Monday, however, a holder of a liquor control license or class "B" *or class "C"* beer permit granted the privilege of selling alcoholic liquor or beer on Sunday may sell or dispense such liquor or beer between the hours of noon and ten p.m. on Sunday.

Sec. ..... Section one hundred twenty-three point one hundred thirty-four (123.134), subsection five (5), Code 1975, is amended to read as follows:

5. Any club, hotel, motel, or commercial establishment holding a class "B" beer permit for whom the sale of goods and services other than beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to the provisions of section 123.49, subsection 2, paragraph "b", may sell and dispense beer to patrons on Sunday for consumption on the premises only; *and any person holding a class "C" beer permit, subject to the provisions of paragraph b of subsection two (2) of section one hundred twenty-three point forty-nine (123.49) of the Code, may sell beer to patrons on Sunday for consumption off the premises only.* For this privilege the class "B" *or class "C"* beer permit fees of the applicant shall be increased by twenty percent of the regular fees prescribed for the permit pursuant to this section and the privilege shall be noted on the beer permit. The department shall prescribe the nature and character of the evidence which shall be required of the applicant under this subsection."

Pellett of Cass rose on a point of order that amendment H—5339 was not germane.

The Speaker propounded the question to the House.

Roll call was requested by Oakley of Clinton and Pavich of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Is amendment H—5339 germane?"

The ayes were, 45:

Avenson	Dyrland	Horn	Monroe
Baker	Egenes	Jesse	Newhard
Bina	Fitzgerald	Jochum	Nielsen
Bittle	Gentleman	Jordan	Oakley
Brandt	Gilloon	Krause	Pavich
Byerly	Halvorson	Lipsky	Perkins
Caffrey	Hargrave	McElroy	Schroeder
Clark	Harvey	Mennenga	Spear
Connors	Hennessey	Middleton	Svoboda
Crawford	Higgins	Millen	Tofte
Cusack	Hines	Miller, K. D.	Wells
Doyle			

The nays were, 49:

Anderson	Evans	Lindeen	Scheelhaase
Bennett	Griffee	Lonergan	Small
Bortell	Hansen	Menke	Spencer
Branstad	Harper	Middleswart	Spradling
Brockett	Hinkhouse	Miller, A. V.	Stromer
Brunow	Howell	Miller, O. L.	Varley
Crabb	Hullinger	Nealson	Welden
Daggett	Husak	Norland	West
Danker	Hutchins	O'Halloran	Woods
Den Herder	Junker	Pellett	Wulff
Dieleman	Koogler	Poncy	Wyckoff
Drake	Lageschulte	Readinger	Mr. Speaker
Dunton			

Absent or not voting, 5:

Kreamer	Rinas	Tauke	Walter
Patchett			

Amendment H—5339 was ruled not germane.

Jesse of Polk offered amendment H—5376 filed by Monroe, et al., February 27, 1976, and found on pages 736 through 763 of the House Journal.

Wyckoff of Benton rose on a point of order that amendment H—5376 was not germane.

The Speaker propounded the question to the House.

Roll call was requested by Monroe of Des Moines and Bittle of Polk.

On the question "Is amendment H—5376 germane?"

The ayes were, 41:

Avenson	Doyle	Horn	Miller, K. D.
Baker	Dyrland	Jesse	Monroe
Bina	Fitzgerald	Jochum	Newhard
Bittle	Gentleman	Jordan	Nielsen
Brandt	Gilloon	Koogler	Oakley
Byerly	Hargrave	Lipsky	Pavich
Caffrey	Harvey	McElroy	Perkins
Clark	Hennessey	Mennenga	Schroeder
Connors	Higgins	Middleton	Wells
Crawford	Hines	Millen	Mr. Speaker
Cusack			

The nays were, 52:

Anderson	Dieleman	Howell	Miller, A. V.
Bennett	Drake	Hullinger	Miller, O. L.
Bortell	Dunton	Husak	Nealson
Branstad	Egenes	Hutchins	Norland
Brockett	Evans	Junker	O'Halloran
Brunow	Griffee	Lageschulte	Pellett
Crabb	Halvorson	Lindeen	Poncy
Daggett	Hansen	Lonergan	Readinger
Danker	Harper	Menke	Scheelhaase
Den Herder	Hinkhouse	Middleswart	Small

Spear	Stromer	Varley	Woods
Spencer	Svoboda	Welden	Wulff
Spradling	Tofte	West	Wyckoff

Absent or not voting, 6:

Krause	Patchett	Tauke	Walter
Kreamer	Rinas		

Amendment H—5376 was ruled not germane.

Monroe of Des Moines offered the following amendment H—5405 filed by him:

H—5405

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point thirty-six (123.36), Code 1975, is amended by striking subsection six (6) and inserting in lieu thereof the following:

6. Holders of liquor control licenses, subject to the provisions of section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b of the Code may sell and dispense alcoholic liquor for consumption on the premises and beer for consumption on or off the premises between the hours of noon and midnight on Sunday to persons who have attained the age of nineteen years or more. For this privilege, such licensees shall pay an additional fee of twenty percent of their regular fee as prescribed for their licenses and the privilege shall be noted on the liquor control license.

Sec. ..... Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b, Code 1975, is amended to read as follows:

b. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit *to persons who have attained the age of nineteen years or more*, or permit the consumption thereon between the hours of two a.m. and six a.m. on any weekday, and between the hours of two a.m. on Sunday and six a.m. on the following Monday *to such persons*, however, a holder of a liquor control license or [class "B"] *retail* beer permit granted the pirvilege of selling alcoholic liquor or beer *to persons who have attained the age of nineteen years or more* on Sunday may sell or dispense such liquor or beer between the hours of noon and [ten p.m.] *midnight* on Sunday.

Sec. ..... Section one hundred twenty-three point one hundred thirty-four (123.134), Code 1975, is amended by striking subsection five (5) and inserting in lieu thereof the following:

5. Any retail beer permittee wishing to sell beer between the hours of noon and midnight on Sunday to persons who have attained the age of nineteen years or more may do so by paying an additional permit fee

of twenty percent of the regular fees prescribed for the permit and the privilege shall be noted on the beer permit.

Sec. ..... Section one hundred twenty-three point thirty-six (123.36), subsection seven (7), Code 1975, is amended by striking unnumbered paragraphs one (1) and two (2)."

2. By renumbering sections as necessary.

Pellett of Cass rose on a point of order that amendment H—5405 was not germane.

The Speaker propounded the question to the House.

Roll call was requested by Poncy of Wapello and Bina of Scott.

Rule 69 was invoked.

On the question "Is amendment H—5405 germane?"

The ayes were, 52:

Avenson	Dyrland	Horn	Newhard
Baker	Egenes	Hutchins	Nielsen
Bina	Evans	Jesse	Oakley
Bittle	Fitzgerald	Jochum	Pavich
Brandt	Gentleman	Jordan	Perkins
Byerly	Gilloon	Koogler	Readinger
Caffrey	Halvorson	Krause	Schroeder
Clark	Hargrave	Lipsky	Small
Connors	Harper	McElroy	Spear
Crawford	Harvey	Mennenga	Stromer
Cusack	Hennessey	Middleton	Varley
Doyle	Higgins	Miller, K. D.	Wells
Drake	Hines	Monroe	Woods

The nays were, 41:

Anderson	Dunton	Lonergan	Scheelhaase
Bennett	Griffee	Menke	Spencer
Bortell	Hansen	Middleswart	Spradling
Branstad	Hinkhouse	Miller, A. V.	Svoboda
Brockett	Howell	Miller, O. L.	Tofte
Brunow	Hullinger	Nealson	Welden
Crabb	Husak	Norland	West
Daggett	Junker	O'Halloran	Wulff
Danker	Lageschulte	Pellett	Wyckoff
Den Herder	Lindeen	Poncy	Mr. Speaker
Dieleman			

Absent or not voting, 6:

Kreamer	Patchett	Tauke	Walter
Millen	Rinas		

Amendment H—5405 was ruled germane.

Monroe of Des Moines moved the adoption of amendment H—5405.

Roll call was requested by Dyrland of Clayton and Bina of Scott.

Rule 69 was invoked.

On the question "Shall amendment H—5405 be adopted?"

The ayes were, 37:

Avenson	Cusack	Higgins	Monroe
Baker	Doyle	Hines	Newhard
Bina	Dyrland	Horn	Nielsen
Bittle	Gentleman	Jesse	Pavich
Brandt	Gilloon	Jochum	Schroeder
Byerly	Halvorson	Jordan	Small
Caffrey	Hargrave	Krause	Spear
Clark	Harvey	Lipsky	Wells
Connors	Hennessey	Middleton	Woods
Crawford			

The nays were, 57:

Anderson	Fitzgerald	McElroy	Poncy
Bennett	Griffee	Menke	Readinger
Bortell	Hansen	Mennenga	Scheelhaase
Branstad	Harper	Middleswart	Spencer
Brockett	Hinkhouse	Millen	Spradling
Brunow	Howell	Miller, A. V.	Stromer
Crabb	Hullinger	Miller, K. D.	Svoboda
Daggett	Husak	Miller, O. L.	Tofte
Danker	Hutchins	Nealson	Varley
Den Herder	Junker	Norland	Welden
Dieleman	Koogler	Oakley	West
Drake	Lageschulte	O'Halloran	Wulff
Dunton	Lindeen	Pellett	Wyckoff
Egenes	Lonergan	Perkins	Mr. Speaker
Evans			

Absent or not voting, 5:

Kreamer	Rinas	Tauke	Walter
Patchett			

Amendment H—5405 lost.

(House File 1008 pending at adjournment.)

MOTIONS TO RECONSIDER

(House File 1330)

I move to reconsider the vote by which House File 1330 passed the House on March 3, 1976.

HARPER of Davis

(House File 1330)

I move to reconsider the vote by which House File 1330 passed the House on March 3, 1976.

KRAUSE of Palo Alto

(Amendment H—5339 to House File 1008)

I move to reconsider the vote by which amendment H—5339 to House File 1008 failed to be ruled germane.

HARPER of Davis

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the final votes were taken on Senate Files 1089 and 1090 and House Files 1327 and 1367. Had I been present I would have voted "aye."

HUTCHINS of Guthrie

I was necessarily absent from the House chamber when the votes were taken on House Files 1322, 1280 and 1401 and Senate Files 1089 and 1090. Had I been present I would have voted "aye" on all of these bills.

PAVICH of Pottawattamie

Because of illness, I was not in the House chamber part of the day Tuesday, March 2, 1976. Had I been present, I would have voted "aye" on the following: House Files 1041, 1280, 1322, 1367 and 1106 and Senate Files 1089, 1090 and 442, and "nay" on House Files 1326 and 1123.

CUSACK of Scott

I was necessarily absent from the House chamber when votes were taken on the following bills on Tuesday, March 2, 1976. Had I been present, I would have voted as follows: "Aye" on House Files 1326, 1367, 1106 and 1123, and Senate File 442, "nay" on House File 1327.

BITTLE of Polk

REPORTS OF COMMITTEE

Hutchins of Guthrie, from the committee on county government, submitted the following reports:

MR. SPEAKER: Your committee on county government to whom was referred **Senate File 547**, a bill for an act relating to the financing of levees and drainage districts, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HUTCHINS of Guthrie, Chair

Also:

MR. SPEAKER: Your committee on county government to whom was referred **Senate File 1122**, a bill for an act relating to the employment rights of second deputy sheriffs, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HUTCHINS of Guthrie, Chair

Also:

MR. SPEAKER: Your committee on county government to whom was referred **Senate File 1133**, a bill for an act allowing inspection stations to issue temporary permits for highway use on restricted title vehicles, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HUTCHINS of Guthrie, Chair

AMENDMENTS FILED

H—5516

Amend House File 674 as follows:

1. Page 1, by inserting after line 21 the following sections:

"Sec. ..... Section five hundred twenty-four point one thousand two hundred two (524.1202), subsection one (1), Code 1975, is amended to read as follows:

1. Except as otherwise provided in subsection 2 of this section, no state bank shall establish a bank office *outside the corporate limits of a municipal corporation or* in a municipal corporation [or unincorporated area] in which there is already an established state or national bank or office, however the subsequent chartering and establishment of any state or national bank, through the opening of its principal place of business within the municipal corporation where the bank office is located, shall not affect the right of the bank office to continue in operation in that municipal corporation. *The existence and continuing operation of a bank office shall not be affected by the subsequent discontinuance of a municipal corporation pursuant to the provisions of sections three hundred sixty-eight point eleven (368.11) to three hundred sixty-eight point twenty-two (368.22), inclusive, of the Code. A bank office existing and operating on the effective date of this Act, which is not located within the confines of a municipal corporation, shall be allowed to continue its existence and operation without regard to this subsection.*

Sec. ..... Section five hundred twenty-four point one thousand two hundred two (524.1202), subsection two (2), Code 1975, is amended to read as follows:

2. [A state bank located in a municipal corporation may establish not more than two bank offices within the boundaries of the municipal corporation, each of which shall have adequate off street parking as determined by the superintendent, and may also have facilities to serve pedestrian customers.] A state bank located in a municipal corporation, or in an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, having a population of [over fifty] *less than two hundred* thousand according to the most recent federal census may establish [two such offices within the boundaries of the municipal corporation or urban complex; if the municipal corporation or urban complex has a population of over one hundred thousand but not over two hundred thousand, the state bank may establish three such offices within the

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boundaries of the municipal corporation or urban

complex; if] *not more than three bank offices within the boundaries of the municipal corporation or urban complex, each of which shall have adequate off-street parking as determined by the superintendent, and may also have facilities to serve pedestrian customers. If* the municipal corporation or urban complex has a population of over two hundred thousand, the state bank may establish four such offices within the boundaries of the municipal corporation or urban complex. Such a facility located in the proximity of a state bank's principal place of business may be found by the superintendent to be an integral part of the principal place of business, and not a bank office within the meaning of this section."

2. Amend the title by striking lines 1 and 2 and inserting in lieu thereof the words "An Act relating to the organization and operation of state banks and state bank offices, and establishing the fees for certain applications filed with the department of banking as incidents thereto."

3. By renumbering sections as necessary.

SCHROEDER of Pottawattamie
WALTER of Pottawattamie
TAUKE of Dubuque

H—5409

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point three (123.3), subsections four (4), thirteen (13), sixteen (16), twenty-one (21), twenty-three (23), twenty-seven (27), and thirty-one (31), Code 1975, are amended to read as follows:

4. "Local authority" means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by this chapter to approve or [deny] *disapprove* applications for [retail beer] permits and [liquor control] licenses; to recommend that [such] permits or licenses be granted and issued by the department; and to take such other actions as are reserved to them by this chapter.

13. "Permit" or "license" means an express written authorization issued by the department for the [manufacture or sale, or both, of alcoholic liquor or beer] *conduct of those activities authorized by this chapter for holders of a particular permit or license.*

16. "Package" means [any] *the original and immediate* container [or receptacle] used for holding alcoholic liquor *and which is sealed by an unbroken seal applied by the manufacturer or bottler. "Package liquor" means alcoholic liquor contained in its original*

package.

21. "State liquor store" means a store established *and operated* by the department under this chapter for the sale of alcoholic liquor in the original package for consumption off the premises.

23. "Public place" means any place, building, *room or other enclosure,* or conveyance to which the public has or is permitted access.

27. "Retailer" means any person who shall sell, barter, exchange, offer for sale, or have in possession with intent to sell any alcoholic liquor [for consumption on the premises where sold,] or beer for consumption either on or off the premises where sold.

31. "Licensed premises" or "premises" means all rooms or enclosures where alcoholic beverages or beer are *manufactured, stored,* sold or consumed under authority of a [liquor control] license or [beer] permit.

Sec. ..... Section one hundred twenty-three point three (123.3), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. "Package liquor retailer" means a person licensed to sell package alcoholic liquor

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subject to the provisions of this chapter.

NEW SUBSECTION. "Package liquor store" means the premises licensed, occupied and used by a package liquor retailer for the purpose of selling package alcoholic liquor.

Sec. ..... Section one hundred twenty-three point fourteen (123.14), subsection three (3), Code 1975, is amended to read as follows:

3. The division of beer and liquor law enforcement shall be allowed full access to all records, reports, audits, tax reports and all other documents and papers in the department pertaining to [liquor] licensees and [beer] permittees and their business.

Sec. ..... Section one hundred twenty-three point fifteen (123.15), Code 1975, is amended to read as follows:

123.15 HEARING BOARD ESTABLISHED. There is [hereby] created a three-member hearing board for the purpose of conducting departmental hearings relating to controversies concerning the issuance, suspension, or revocation of [special liquor] *all* permits[, liquor control] *and* licenses[, and beer permits] authorized under this chapter. One member shall be appointed by the council from its membership, which member may be periodically replaced by appointment of another council member; one member shall be the attorney general or his designee; and one member shall be the commissioner of public safety or his designee. The hearing board shall establish and adopt rules and procedures for conducting departmental hearings under this chapter.

Sec. ..... Section one hundred twenty-three point **sixteen (123.16),** subsection two (2), paragraphs b and c, Code 1975, are amended to read as follows:

b. The granting or refusing of [liquor] licenses and permits, [and beer permits,] and the suspension or revocation of [such] licenses and permits.

c. **The establishment of** [retail] prices *charged by the department for the sale* of alcoholic liquor.

Sec. ..... Section one hundred twenty-three point eighteen (123.18), Code 1975, is amended to read as follows:

123.18 FAVORS FROM LICENSEE OR PERMITTEE. No person responsible for the administration or enforcement of this chapter shall accept or solicit donations, gratuities, political advertising, gifts, or other favors, directly or indirectly, from any [liquor control] licensee or [beer] permittee. A violation of this section shall subject the violator to the general penalties provided by this chapter.

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Sec. ..... Section one hundred twenty-three point twenty (123.20), subsection six (6), Code 1975, is amended to read as follows:

6. To grant and issue [beer] permits[, special permits, liquor control licenses,] and [other] licenses[;], and to suspend or revoke [all such permits and licenses] *any permit or license* for cause under this chapter.

Sec. ..... Section one hundred twenty-three point twenty-one (123.21), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Prescribing, subject to the provisions of this chapter, the ownership, management, business practices, operations and activities of package liquor retailers, and the design, construction, use and hours of operation of package liquor stores.

Sec. ..... Section one hundred twenty-three point twenty-three (123.23), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

123.23 STATE LIQUOR STORES—ESTABLISHMENT—PROHIBITED ACTS.

1. ESTABLISHMENT AND PRICES. The department shall establish and maintain in any city which the director may deem advisable, a state liquor store or stores for storage and sale of alcoholic liquor in accordance with the provisions of this chapter. The department may, from time to time, as determined by the director, fix the prices of the different classes, varieties, or brands of alcoholic liquor to be sold.

2. DISCOUNTING OPERATIONS. If a state liquor store should show a loss to the state after it has been in operation in any city, the department may discontinue the operation of the store.

3. VENDORS. In the conduct and management of

state liquor stores the director is empowered to employ a person who shall be known as a "vendor" who shall observe all provisions of this chapter and the rules and directives of the department.

4. RESTRICTIONS ON SALES AND PRACTICES. No alcoholic liquor shall be sold by the department to any purchaser except for cash, and except in an original package which bears such identifying markers as are prescribed by the director and are affixed on the premises of a state warehouse or store. No package shall be opened upon the premises of any state warehouse or store. Possession of alcoholic liquors which do not carry the prescribed identifying markers shall be a violation of this chapter except as provided in section one-hundred twenty-three point twenty-two (123.22).

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5. CONSUMING ON PREMISES PROHIBITED. No vendor, officer, clerk, agent, or employee of the department employed in any state liquor store or state-owned warehouse shall allow any alcoholic liquor or beer to be consumed on the premises, nor shall any person consume alcoholic liquor or beer on the premises.

6. PROHIBITED HOURS OF SALE. It shall be unlawful to transact the sale or delivery of liquor in, on, or from the premises of any state liquor store or warehouse:

1. After the closing hour as established by the director.

2. On any legal holiday.

3. On any Sunday.

4. At any other time when prohibited by the director.

Sec. ..... Section one hundred twenty-three point twenty-four (123.24), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

123.24 SPECIAL LIQUOR RETAILER.

1. AUTHORITY TO LICENSE. As provided in this section the department may issue package liquor retailer licenses. A package liquor retailer license is not a "liquor control license" as that term is used in this chapter.

2. PRIVILEGE GRANTED. The holder of a package liquor retailer license shall be authorized, subject to the limitations and requirements of this chapter, to purchase alcoholic liquor from the department only, and to sell package liquor for consumption off the premises. The department shall sell alcoholic liquor to package liquor retailers at the cost of the goods to the department, plus the amount of the tax provided in section twenty-eight (28) of this Act. No other charges for purchases shall be imposed.

3. APPLICANT REQUIREMENTS. A package liquor

retailer license may be issued to an applicant only if the applicant meets the following requirements:

a. Submits an application as prescribed by the department, and meets all of the qualifications established by the department.

The department shall by rule establish the qualifications of a package liquor retailer applicant and licensee, subject to the following standards:

(1) The person shall be of good moral character and shall meet any additional requirements which the department deems reasonably necessary to assure compliance with this Act.

(2) The person must be a natural person.

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(8) All employees and agents of the licensee shall meet the same qualifications which are established by the department for the licensee.

b. Pays to the department the license fee specified in section twenty (20) of this Act.

c. Submits evidence satisfactory to the director **that the premises for which the license is sought shall continuously meet the standards specified in section eleven (11) of this Act.**

d. Submits bond to the state in the penal sum of five thousand dollars with surety and conditions prescribed by the director, which bond shall be conditioned upon the payment of all taxes payable to the state under this chapter, and upon compliance with all provisions of this chapter.

e. Gives written consent, in a form specified by the director, that members of fire, police and health departments, and the building inspector of the appropriate city, and the county sheriff, deputy sheriff, and county health officer of the appropriate county, and the state beer and liquor law enforcement agents, may enter upon the premises without a warrant to inspect for violations of applicable statutes, rules, or ordinances.

Sec. ..... Section one hundred twenty-three point twenty-five (123.25), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

123.25 PACKAGE LIQUOR STORE RESTRICTIONS.

1. LOCATION. A package liquor retailer license shall not be issued for any premises which are located within five miles of an existing state liquor store, or which are within three hundred feet of any public or private educational institution; Provided that if a local ordinance specifies a lesser distance, then not within the distance specified by that ordinance. A package liquor retailer license may be issued for premises located within the corporate limits of any city where a state liquor store is in operation, provided those premises are not closer than five miles from the state liquor store. The

department may establish additional limitations respecting location which the department deems reasonably necessary to assure compliance with this Act.

2. RULES CONTROLLING DESIGN AND USE. The director shall promulgate rules specifying the general construction, design and use of the premises for which a package liquor retailer license may be issued. A license shall not be issued unless all of the

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following requirements are met:

a. The premises to be occupied and used as a package liquor store are totally enclosed by substantial permanent walls. Every window shall be of a design, or shall be equipped with a protective device, as prescribed by the director, which shall tend to prevent entry into the premises through the opening covered by that window.

b. Entryways of the proposed premises are not used for any purpose other than entryways of the proposed premises, and are covered by substantial doors which provide security for the proposed premises and the contents thereof.

c. No direct access can be had to the proposed premises from the interior of any premises covered by a liquor control license or beer permit, or from the interior of a room used for any purpose other than one related to the lawful business of the package liquor store.

d. Persons not of legal age shall not be permitted in the proposed package liquor store.

3. LOCAL ORDINANCES. Local authorities are empowered to adopt ordinances or regulations which are not in conflict with provisions of this chapter and which do not diminish the hours of operation of package liquor stores or purport to require local licensing of the operations of or personnel employed by package liquor stores, but which govern the activities or operations of package liquor stores affecting the health, safety and welfare of the community involved.

4. PROHIBITED HOURS OF SALE. It shall be unlawful to transact the sale or delivery of any liquor in, on or from the premises of any package liquor store:

a. Between the hours of 2:00 a.m. and 6:00 a.m. or any day other than Sunday.

b. Between the hours of 2:00 a.m. and 12:00 noon on Sunday, and between the hours of 10:00 p.m. Sunday and 6:00 a.m. Monday.

c. On any election day.

5. CONSUMING ON PREMISES PROHIBITED. No package liquor retailer, or any agent, officer or other employee of a package liquor retailer shall allow any alcoholic liquor or beer to be consumed in the

package liquor store, and no person shall consume any alcoholic liquor or beer in a package liquor store.

Sec. ..... Section one hundred twenty-three point twenty-six (123.26), Code 1975, is amended by striking the section and inserting in lieu thereof the

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following:

123.26 PACKAGE LIQUOR SALES.

1. PRICES OF ALCOHOLIC LIQUOR. The prices charged by a package liquor store for the sale of alcoholic liquor shall be determined by the package liquor retailer, and may be equal to, or more or less than the price charged by the state liquor stores. A package liquor store may sell merchandise other than alcoholic liquor only if that merchandise directly relates to the consumption or preparation for consumption of alcoholic liquor.

2. SALES TAX ON LIQUOR. Sales by package liquor retailers shall be subject to the state sales tax and the retailer shall assess, collect, report and pay to the state, sales taxes, or any other tax required by law.

Sec. ..... Section one hundred twenty-three point twenty-seven (123.27), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

123.27 REVOCATION OF PACKAGE LIQUOR RETAILER LICENSE.

1. ATTEMPT TO EVADE LIQUOR TAX. A package liquor retailer who knowingly sells, lends, or gives alcoholic liquor to a liquor control licensee shall forfeit the bond, shall have the package liquor retailer license revoked, and thereafter shall not be issued another package liquor retailer license.

2. OTHER VIOLATIONS. The grounds for revocation provided in subsection one (1) of this section shall be in addition to any other grounds provided in this chapter.

3. During proceedings for the revocation of a package liquor retailer license, and upon the revocation of a package liquor retailer license for any cause, the department is authorized to take reasonable measures to secure the package liquor store and its contents. Upon the revocation of a license all alcoholic liquor shall be disposed of pursuant to this subsection.

The department shall inventory all alcoholic liquor in the possession of a retailer whose license has been revoked, and shall repurchase from that licensee all alcoholic liquor. All alcoholic liquor which is suited by its condition for resale at regular state liquor store prices shall be repurchased at the price paid by the licensee, including the special tax.

All alcoholic liquor which is not suited by its condition for resale at regular prices shall be repurchased at a reasonable percentage of the price

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paid by the licensee, including the special tax. Alcoholic liquor which is not suited by its condition for resale by the department shall be destroyed, and no payment to the licensee shall be made for that alcoholic liquor.

All merchandise other than alcoholic liquor which is owned or possessed by the licensee shall be released to that licensee.

Sec. ..... Section one hundred twenty-three point twenty-eight (123.28), Code 1975, is amended to read as follows:

123.28 TRANSPORTATION PERMITTED. It shall be lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the department to any state warehouse, store, or depot established by the department or from one such place to another and, when so permitted by this chapter, it shall be lawful for any common carrier or other person to transport, carry, or convey alcoholic liquor sold by a vendor from a state warehouse, store, depot or point of purchase by the state to any place to which such liquor may be lawfully delivered under this chapter. No common carrier or other person shall break or open or allow to be broken or opened any container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed, but this section shall not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of such transportation. Nothing in this section shall affect the right of *a holder of* any special permit [or], liquor control license, [holder] *or package liquor retailer license* to purchase, possess, or transport alcoholic liquors subject to the provisions of this chapter.

Sec. ..... Section one hundred twenty-three point thirty-one (123.31), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Verified applications for the original issuance or the renewal of liquor control licenses *and package liquor retailer licenses* shall be filed at such time and in such number of copies as the director shall prescribe, on forms prescribed by the director, and, except as provided in section 123.35, shall set forth under oath the following information:

Sec. ..... Section one hundred twenty-three point thirty-two (123.32), subsections one (1), two (2),

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and four (4), Code 1975, are amended to read as follows:

1. FILING OF APPLICATION. An application for a class "A", class "B", or class "C" liquor control license, *for a package liquor retailer license,* and for a retail beer permit as provided in sections 123.128 and 123.129, accompanied by the required fee and bond, shall be filed with the appropriate city council, if the premises for which the license or permit is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city. An application for a class "D" liquor control license and for a class "A" beer permit, accompanied by the required fee and bond, shall be filed with the department, which shall proceed in the same manner as in the case of an application approved by local authorities.

2. ACTION BY LOCAL AUTHORITIES. The local authority shall either approve or disapprove the issuance of a [liquor control] license or [retail beer] permit, and shall endorse such approval or disapproval on the application and forward same along with the required fee and bond to the department. Upon the initial issuance of a [liquor control] license or [retail beer] permit, the fact that the local authority determines that no [liquor control] license or [retail beer] permit shall be issued shall not be held to be arbitrary, capricious, or without reasonable cause. There shall be no limit upon the number of liquor control licenses or retail beer permits which may be approved for issuance by local authorities.

4. APPEAL TO HEARING BOARD. Any applicant for a [liquor control] license or [beer] permit may appeal to the department hearing board, established pursuant to section 123.15, from the director's disapproval of an application for a license or permit. If, upon such appeal the hearing board shall determine that the local authority acted arbitrarily, capriciously, or without reasonable cause in disapproving the application, or that, where the local authority approved the application, the director's own disapproval should be reversed, it shall order issuance of a license or permit. The same right of appeal to the hearing board shall be afforded a [liquor control] licensee or [beer] permittee whose license or permit has been suspended or revoked under this chapter, and the hearing board shall reduce the period of suspension or order reinstatement of such license

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or permit for good cause shown.

Sec. ..... Section one hundred twenty-three point

thirty-four (123.34), Code 1975, is amended to read as follows:

123.34 EXPIRATION—SEASONAL LICENSE OR PERMIT. All [liquor control] licenses and [beer] permits, unless sooner suspended or revoked, shall expire one year from date of issuance. The director shall cause sixty days' notice of such expiration to be given to each licensee or permittee in writing. However, the director may issue six-month or eight-month seasonal ***liquor control*** licenses or class "B" beer permits for a proportionate part of the license or permit fee. No refund shall be made for seasonal licenses or permits. No seasonal license or permit shall be renewed except after a period of two months.

Sec. ..... Section one hundred twenty-three point thirty-five (123.35), Code 1975, is amended to read as follows:

123.35 SIMPLIFIED RENEWAL PROCEDURE. The director shall prescribe simplified application forms for the renewal of [liquor control] licenses and [beer] permits issued under the provisions of this chapter, which may be filed by licensees and permittees in lieu of a detailed renewal application form when qualifications and qualification information have not changed since the original issuance of the license or permit. Such simplified form shall require the licensee or permittee to verify under oath that the information contained in the original application remains current, and that no reason exists for the department's refusal to renew the license or permit as originally issued.

Such application, accompanied by the required fee and bond, shall be filed in the same manner as is provided for filing the initial application.

Sec. ..... Section one hundred twenty-three point thirty-six (123.36), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The following fees shall be paid to the department annually for special liquor permits [and], liquor control licenses, *and package liquor retailer licenses* issued under sections 123.29 [and], 123.30, *and section ten (10) of this Act* respectively:

Sec. ..... Section one hundred twenty-three point thirty-six (123.36), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Package liquor retailer licenses, the sum of one thousand five hundred dollars.

Sec. ..... Section one hundred twenty-three point thirty-eight (123.38), unnumbered paragraphs one (1)

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and two (2), Code 1975, are amended to read as follows:

A [special liquor permit, liquor control] license[,] or [beer] permit shall be a purely personal privilege and *shall* be revocable for cause. It shall not constitute property nor be subject to attachment and

execution nor be alienable nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the director may in his discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use same.

Any such licensee or permittee, or his executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his creditors, may voluntarily surrender such license or permit to the department and when so surrendered the department shall notify the local authority, and the department and such local authority, or the local authority by itself in the case of a retail beer permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows: If surrendered during the first three months of the period for which said license or permit was issued the refund shall be three-fourths of the amount of the fee; if surrendered more than three months but not more than six months after issuance the refund shall be one-half of the amount of the fee; if surrendered more than six months but not more than nine months after issuance the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for any [special liquor permit, nor for a liquor control] license or [beer] permit surrendered more than nine months after issuance. No refund shall be made to any licensee or permittee, upon the surrender of his license or permit, if there is at the time of said surrender a complaint filed with the department or local authority, charging him with a violation of the provisions of this chapter. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his license or permit, to receive a refund as herein provided. But if his license or permit is revoked or suspended upon such hearing he shall not be eligible

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for the refund of any portion of his license or permit fee.

Sec. ..... Section one hundred twenty-three point **thirty-nine (123.39), unnumbered paragraph one (1), Code 1975, is amended to read as follows:**

Any [liquor control] license or [beer] permit issued under this chapter may, after notice in writing to the license or permit holder and reasonable opportunity

for hearing, and subject to section 123.50 where applicable, be suspended for a period not to exceed one year or revoked by the local authority or the director for any of the following causes:

Sec. ..... Section one hundred twenty-three point thirty-nine (123.39), subsection three (3), Code 1975, is amended to read as follows:

3. Any change in the ownership or interest in the business operated under a [class "A", class "B", or class "C" liquor control] license, or [any beer] permit which change was not previously reported to and approved by the local authority and the department.

Sec. ..... Section one hundred twenty-three point forty-eight (123.48), Code 1975, is amended to read as follows:

123.48 EVIDENCE OF LEGAL AGE DEMANDED.

1. Upon *an* attempt to purchase alcoholic liquor in any state liquor store *or package liquor store* by any person who appears [to the vendor] to be under legal age, [such vendor] *the salesperson* shall demand and the prospective purchaser upon such demand shall display satisfactory evidence that he is of legal age.

2. Any person under legal age who presents to any [vendor] *salesperson* falsified evidence of age as provided in subsection 1 of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail for not more than thirty days.

Sec. ..... Section one hundred twenty-three point forty-nine (123.49), subsection two (2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

No person or club holding a [liquor control] license or [retail beer] permit *authorizing retail sales* under this chapter, nor his agents or employees, shall do any of the following:

Sec. ..... Section one hundred twenty-three point fifty-five (123.55), subsections two (2), eight (8) and nine (9), Code 1975, are amended to read as follows:

2. Number of state liquor stores *and package*

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liquor stores opened, the number closed, and the number operating on last day included in report.

8. The number of [liquor control] licenses and [beer] permits issued, by class, the number in effect on the last day included in the report, and the number which have been suspended or revoked during the period covered by the report.

9. Amount of fees paid to the department from [liquor control] licenses and [beer] permits, in gross, and the amount of [liquor control] license fees returned to local subdivisions of government as provided under

this chapter.

Sec. ..... Section one hundred twenty-three point ninety-six (123.96), subsection two (2), Code 1975, is amended to read as follows:

2. Except as allowed under section 123.95 no *liquor control* licensee shall knowingly keep on the licensed premises nor use for resale purposes any alcoholic liquor on which the special tax *imposed by subsection one (1) of this section* has not been paid to the state. The conviction of a violation of this section shall cause the license held to automatically be revoked and the license shall immediately be surrendered by the holder, and the bond of the license holder shall be forfeited to the department.

Sec. ..... Section one hundred twenty-three point ninety-six (123.96), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. There is imposed on every package liquor retailer a special tax equivalent to fifteen percent of the cost to the state of every item purchased by the package liquor retailer from the state. The tax shall be paid by the retailer at the point of purchase from the state, and shall be in lieu of any other tax or sales tax applied at the state store. This tax shall be shown as a separate item on special sales slips provided by the department for purchases by licensees. No package liquor retailer shall knowingly keep on the licensed premises any alcoholic liquor on which the tax imposed by this section has not been paid. Upon conviction of a violation of this section, the package liquor retail license shall be revoked, and the bond of the licensee shall be forfeited to the department."

2. By renumbering sections as necessary.

HARGRAVE of Johnson

H—5410

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point three (123.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Special distributor" means a person especially designated by the department to dispense alcoholic liquors, subject to the provisions of this chapter, in such cities as in the opinion of the department there is not sufficient demand for a state liquor store.

Sec. ..... Section one hundred twenty-three point sixteen (123.16), subsection two (2), paragraph d, Code 1975, is amended to read as follows:

d. The establishment or discontinuance of state liquor stores *and special distributors.*

Sec. ..... Section one hundred twenty-three point twenty (123.20), subsection two (2), Code 1975, is amended to read as follows:

2. To establish, maintain, or discontinue state liquor stores *and special distributors* and to determine the cities in which such stores *or distributors* shall be located. However, no liquor store *or special distributor* shall be established within three hundred feet of any public or private educational institution, except that local authorities may by ordinance reduce such minimum distance.

Sec. ..... Section one hundred twenty-three point twenty-one (123.21), subsections two (2), three (3), and eight (8), Code 1975, are amended to read as follows:

2. Regulating the management, equipment, and merchandise of state liquor stores *and special distributors* and warehouses in and from which alcoholic liquors are transported, kept, or sold and prescribing the books and records to be kept therein. *This subsection shall apply to special distributors insofar as in the opinion of the department it is deemed necessary for proper regulation and control.*

3. Regulating the purchase of alcoholic liquor generally and the furnishing of such liquor to state liquor stores *and special distributors* established under this chapter, determining the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses or for sale at any state liquor store *or by any special distributor.*

8. Prescribing, subject to this chapter, the days and hours during which state liquor stores *and special distributors* shall be kept open for the purpose of

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the sale of alcoholic liquors.

Sec. ..... Section one hundred twenty-three point twenty-three (123.23), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

123.23 STATE LIQUOR STORES.

1. The department may establish and maintain in any city which the director may deem advisable, a state liquor store or stores or special distributors, in accordance with subsections two (2) through six (6), inclusive, of this section, for storage and sale of alcoholic liquor in accordance with the provisions of this chapter. The department may, from time to time, as determined by the director, fix the prices of the different classes, varieties, or brands of alcoholic liquor to be sold.

2. In cities where the establishment of a state liquor store, under the provisions of this chapter, does not seem advisable, the department may select a special distributor, who shall have been in business

in and a resident of such city not less than two years immediately prior to such appointment, to sell alcoholic liquors for consumption off the premises; provided, however, that in no case shall such special distributor be the holder of a class "B" beer permit, nor shall such special distributor be granted such beer permit while being such distributor.

3. Special distributors shall purchase alcoholic liquor for resale from the department only, and shall sell such liquor at prices which are established by the department for sales by state liquor stores. The department may sell liquor to special distributors at reduced prices to be fixed by the department in a manner which will afford such distributors a predetermined profit margin upon resale. The executive council may review and confirm or amend the prices fixed by the department for sales to such distributors. Special distributors who operate another business in the same premises in which alcoholic liquor is kept and sold shall maintain a physically separate portion of such premises for use in storing and selling alcoholic liquor, and persons not of legal age shall be prohibited from such area.

4. At any time, if in the judgment of the department it shall appear advisable, the department may establish a state liquor store in such city to replace the special distributor.

5. If, after a state liquor store has been in operation in any city, such store should show a loss to the state, the department may discontinue such

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store and select a special distributor in accordance with the provisions of this Act.

6. No special distributor shall be selected in any city where there is a state liquor store in operation.

Sec. ..... Section one hundred twenty-three point twenty-five (123.25), Code 1975, is amended to read as follows:

123.25 CONSUMPTION ON PREMISES. No vendor, officer, clerk, agent, or employee of the department employed in any state liquor store [or], state-owned warehouse *or by any special distributor* shall allow any alcoholic liquor to be consumed on such premises, nor shall any person consume any liquor on such premises.

Sec. ..... Section one hundred twenty-three point twenty-six (123.26), Code 1975, is amended to read as follows:

123.26 RESTRICTIONS ON SALES—SEALS—LABELING. No alcoholic liquor shall be sold by the department to any purchaser except in a sealed container with such identifying markers as shall be prescribed by the director and affixed on the premises of a state

warehouse or store and no such container shall be opened upon the premises of any state warehouse [or], store *or special distributor*. Possession of alcoholic liquors which do not carry the prescribed identifying markers shall be a violation of this chapter except as provided in section 123.22.

Sec. ..... Section one hundred twenty-three point twenty-seven (123.27), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

It shall be unlawful to transact the sale or delivery of any liquor in, on, or from the premises of any state liquor store, *special distributor* or warehouse:

Sec. ..... Section one hundred twenty-three point twenty-eight (123.28), Code 1975, is amended to read as follows:

123.28 TRANSPORTATION PERMITTED. It shall be lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the department to any state warehouse, store, *special distributor*, or depot established by the department or from one such place to another and, when so permitted by this chapter, it shall be lawful for any common carrier or other person to transport, carry, or convey alcoholic liquor sold by a vendor from a state warehouse, store, depot, *special distributor*, or point of purchase by the state to any place to which such liquor may be lawfully

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delivered under this chapter. No common carrier or other person shall break or open or allow to be broken or opened any container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed, but this section shall not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of such transportation. Nothing in this section shall affect the right of any special permit or liquor control license holder to purchase, possess, or transport alcoholic liquors subject to the provisions of this chapter.

Sec. ..... Section one hundred twenty-three point twenty-nine (123.29), subsection one (1), Code 1975, and section one hundred twenty-three point twenty-nine (123.29), subsection two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-seven (137) section five (5), are amended to read as follows:

1. To a physician, pharmacist, dentist, or veterinarian, entitling the holder to purchase and import

alcohol from distillers and wholesalers or from the state liquor stores *or special distributors* for use medicinally and in compounding prescriptions and to sell the same for use medicinally in the compounded prescription only upon the prescription of a licensed physician or surgeon, or to use such alcohol in manufacturing or compounding lotions, compounds, and like commodities not susceptible for beverage purposes, and to sell the same for public use.

2. To a veterans home, sanitarium, hospital, college, or home for the aged which will entitle the holder to purchase and import alcohol from distillers and wholesalers or from the state liquor stores *or special distributors* for use for medicinal, laboratory, and scientific purposes only.

Sec. ..... Section one hundred twenty-three point forty-eight (123.48), subsection one (1), Code 1975, is amended to read as follows:

1. Upon attempt to purchase alcoholic liquor in any state liquor store *or from any special distributor* by any person who appears to the vendor to be under legal age, such vendor shall demand and the prospective purchaser upon such demand shall display satisfactory evidence that he *or she* is of legal age.

Sec. ..... Section one hundred twenty-three point

Page 5

fifty-five (123.55), subsections one (1), two (2), and three (3), Code 1975, are amended to read as follows:

1. Amount of profit or loss from state liquor store *and special distributor* operations.

2. Number of state liquor stores opened *or special distributors appointed,* the number closed, and the number operating on last day included in report.

3. Amount of fees received from such stores *or distributors,* separately and in gross.

Sec. ..... Section one hundred twenty-three point fifty-seven (123.57), Code 1975, is amended to read as follows:

123.57 EXAMINATION OF ACCOUNTS. The financial condition and transactions of all offices, departments, stores, warehouses, *special distributors,* and depots of the department shall be examined at least once each year by the state auditor and at shorter periods if requested by the director, governor, or executive council.

Sec. ..... Section one hundred twenty-three point fifty-eight (123.58), Code 1975, is amended to read as follows:

123.58 AUDITING. All provisions of sections 11.6, 11.7, 11.10, 11.11, 11.14, 11.18, 11.21, and 11.23, relating to auditing of financial records of governmental subdivisions which are not inconsistent here-

with are hereby made applicable to the department, *the liquor transactions of its special distributors,* and its offices, stores, warehouses, and depots."

2. By renumbering sections as necessary.

JESSE of Polk
AVENSON of Fayette

H—5413

Amend the Monroe, Wells amendment H—5406 to House File 1008 as follows:

1. Line 9, by striking the words "or university" and inserting in lieu thereof the following: ", university or non-profit organization".

2. Line 15, by striking the words "or university" and inserting in lieu thereof the following: ", university or non-profit organization".

3. Line 19, by striking the words "or university" and inserting in lieu thereof the following: ", university or non-profit organization".

4. Line 33, by inserting after the word "university" the words "or to non-profit organizations at the discretion of the department".

5. Line 36, by striking the words "or university" and inserting in lieu thereof the following: ", university or non-profit organization".

DRYLAND of Clayton

H—5494

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point thirty (123.30), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The holder of a class "B", "C", or "D" liquor control license may sell alcoholic liquors and beer to persons eighteen years of age or more but less than nineteen years of age for consumption on the licensed premises only.

Sec. ..... Chapter one hundred twenty-three (123), Code 1975, is amended by adding the following new sections:

NEW SECTION. The holders of class "B", "C" and special class "B" permit may sell beer to any person eighteen years of age or more but less than nineteen years of age for consumption on the licensed premises only.

NEW SECTION. A person between the ages of eighteen and nineteen may purchase and consume beer and alcoholic liquor on premises licensed pursuant to sections one hundred twenty-three point thirty (123.30), one hundred twenty-three point one hundred thirty-one (123.131), one hundred twenty-three point one hundred thirty-two (123.132) and one hundred

twenty-three point one hundred thirty-three (123.133).

GILLOON of Dubuque
TAUKE of Dubuque
WALTER of Pottawattamie
CUSACK of Scott
DYRLAND of Clayton

H—5496

Amend House File 1008 as follows:

Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point twenty-one (123.21), subsection eight (8), Code 1975, is amended to read as follows:

8. Prescribing, subject to this chapter, the days and hours during which state liquor stores shall be kept open for the purpose of the sale of alcoholic liquors. *The department shall provide that in each county having a population in excess of thirty-five thousand at least one state liquor store shall remain open for the purpose of the sale of alcoholic liquors until 10:00 p.m. on each regular business day. In any county to which this subsection applies and in which is located more than one state liquor store, the store having the greatest gross annual sales shall be the one designated for late hour operation as provided in this subsection. In the annual report submitted by the council pursuant to section one hundred twenty-three point fifty-five (123.55) of the Code, gross annual sales for each store designated for late hour operation shall be reported showing separately sales made during regular hours and sales made during late hours of operation.*"

HORN of Linn

H—5498

Amend House File 1008 as follows:

1. Page 1, line 5, by inserting after the word "more" the following: "*except for persons who are members or veterans of the United States States armed forces or state national guard units*".

Page 1, line 5, by inserting after the period, the following: "*The legal age for persons who are members or veterans of the United States armed forces or state national guard units shall be eighteen years of age or more.*"

DYRLAND of Clayton

H—5499

Amend House File 1008, page 1, by inserting after line 5 the following:

"Sec. ..... Section two hundred eighty A point twenty-three (280A.23), subsection four (4), Code 1975, is amended to read as follows:

4. Have the powers and duties with respect to such schools and colleges, not otherwise provided in this chapter, which are prescribed for boards of directors of local school districts by chapter 279 *except that the board of directors is not required to prohibit the use of or possession of alcoholic liquor or beer by any student under the provisions of section two hundred seventy-nine point nine (279.9) of the Code.*"

2. By renumbering sections as necessary.

HORN of Linn

H—5489

Amend H—5394 to House File 1069 as follows:

1. Page 1, line 4, by inserting after the word "*money*" the words "*for making a credit purchase*".

2. Page 1, line 6, by inserting after the word "*money*" the words "*for making a credit purchase*".

TAUKE of Dubuque

H—5500

Amend House File 1147 as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. ..... Section twenty point three (20.3), subsection four (4), Code 1975, is amended to read as follows:

4. "Employee organization" means an organization of any kind in which public employees participate and which exists for the primary purpose of representing [public] employees in their employment relations.

Sec. ..... Section twenty point six (20.6), subsection three (3), Code 1975, is amended to read as follows:

3. Maintain, after consulting with employee organizations and public employers, a list of qualified persons representative of the public to be available to serve as *fact-finders*, mediators and arbitrators and establish their compensation rates.

Sec. ..... Section twenty point ten (20.10), subsection one (1), Code 1975, is amended to read as follows:

1. It shall be a prohibited practice for any public employer[, public employee] or employee organization to willfully refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 20.9.

Sec. ..... Section twenty point thirteen (20.13), subsection two (2), Code 1975, is amended to read as follows:

2. [Within thirty days of receipt of a petition or notice to all interested parties if on its own initiative, the board shall conduct a public hear-

ing, receive written or oral testimony, and promptly thereafter file an order defining the appropriate bargaining unit] *In the absence of a stipulation by the parties with the approval of the board, the board shall as soon as practicable conduct a public hearing, receive written or oral testimony, and promptly thereafter file an order defining the appropriate bargaining unit.* In defining the unit, the board shall take into consideration, along with other relevant factors, the principles of efficient administration of government, the existence of a community of interest among public employees, the history and extent of public employee organization, geographical location, and the recommendations of the parties involved.

Sec. ..... Section twenty point fourteen (20.14), subsection five (5), paragraph a, Code 1975, is amended

Page 2

to read as follows:

a. It finds that less than thirty percent of the public employees in the unit appropriate for collective bargaining support the petition for decertification or for certification*; however, this support shall not be required of employer petitions.*

Sec. ..... Section twenty point fourteen (20.14), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Board determination of the adequacy of evidence of interest shall be confidential and not reviewable."

2. Page 1, by inserting after line 15 the following:

"Sec. ..... Section twenty point twenty (20.20), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. A mediator, fact-finder, arbitrator, executive director, labor relations examiner, hearing officer, member of the board, or other officer or employee of the board shall not testify or be called to testify on behalf of any party to a prohibited practice, representation, or impasse resolution proceeding pending in any court or before the board with respect to any information, facts, or other matter coming to that person's knowledge through a party while the person was acting in an official capacity as a resolver of dispute."

3. By renumbering the bill sections accordingly.

4. Amend the title page, line 2, by inserting after the word "organization" the words ", redefining employee organization, permitting the board to maintain a list of fact-finders, deleting public employees from certain prohibited practices, permitting board discretion in the conduct of certain public hearings,

making certain exceptions in the filing of employer certification petitions, permitting the board to maintain evidence of interest as nonreviewable, and providing certain immunity from testifying".

OAKLEY of Clinton
DRAKE of Muscatine

H—5518

Amend amendment H—5500 to House File 1147 as follows:

1. Line 10, by inserting before the word "employees" the word "those".

SCHROEDER of Pottawattamie

H—5486

Amend House File 1192, page 5, by inserting after line 10 the following section:

"Sec. ..... *NEW SECTION.* EXCEPTION. The provisions of this Act shall not apply to municipal corporations that inspect restaurants and other food service operations where the department determines that local inspection standards and enforcement of those standards are adequate."

LIPSKY of Linn

H—5411

Amend House File 1217 as follows:

1. Page 1, line 13, by striking the figure "3,000,000" and inserting in lieu thereof the figure "2,282,657".

2. Page 1, after line 13, by inserting the following:

"Sec. 2. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-two (62), section one (1), subsection eight (8), paragraph b, unnumbered paragraph one (1), is amended to read as follows:

b. To supplement funds appropriated in chapter one thousand fifty-seven (1057), section one (1), Acts of the Sixty-fifth General Assembly, 1974 Session, and to provide sufficient funds for the completion of a state agricultural building to be known as the Henry A. Wallace building and to supplement funds appropriated in Acts of the Sixty-fifth General Assembly, 1973 Session, chapter ninety-seven (97), section one (1), subsection three (3), as amended by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand fifty-eight (1058), section one (1), to provide sufficient funds for the completion of a state office building in accordance with plans developed, *to provide for the payment of moving expenses for the occupants of the Henry A. Wallace building and the state office building and to provide that funds may be used for the construction of a radio communications tower and the matching of federal funds,* providing a total cost of construction

of the Henry A. Wallace building, *the payment of moving expenses, and state funds used for matching of federal funds for the construction of a radio communications tower* and the state office building not to exceed twenty-three million three hundred thousand (23,300,000) dollars if the contracts for construction of the Henry A. Wallace building and the state office building are awarded no later than November 1, 1975 .....$3,000,000

Sec. 3. Section nineteen point twenty-nine (19.29), Code 1975, is repealed."

3. Renumber the remaining sections.

DUNTON of Keokuk

H—5491

Amend House File 1279 as follows:

1. Page 6, by striking lines 18 through 35.

2. Page 7, by striking lines 1 through 9 and inserting in lieu thereof the following:

"d. Survivor's benefits. In the event any person is killed in the accident or is injured and dies within one year of the date of the accident because of injuries received in the accident, survivor's benefits shall be paid to the surviving spouse or in the event there is no surviving spouse to such child or children dependent upon the deceased or the surviving parent or parents of a child who was at the time of his death, residing in the household of the parent or parents, the sum of ten thousand (10,000) dollars."

BRANSTAD of Winnebago

H—5515

Amend House File 1279, page 39, by inserting after line 30, the following:

Sec. ..... Chapter five hundred sixteen A (516A), Code 1975, is amended by adding the following new section:

NEW SECTION. No automobile liability or motor vehicle liability insurance policy insuring against liability for property damage arising out of the ownership, maintenance, or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided, at the option of the insured, in such policy or supplement thereto, for the protection of persons insured under such policy who are legally entitled to recover damages from the owner or operator of an uninsured motor vehicle or a hit-and-run motor vehicle because of damage to an automobile described in such policy, caused by accident and arising out of the ownership, maintenance, or use of such uninsured motor vehicle. Such coverage shall include limits

for property damage at least equal to those stated in subsection ten (10) of section three hundred twenty-one A point one (321A.1) of the Code, but may provide that an amount of not more than one hundred dollars shall be deducted from each loss to which such coverage applies. The form and provisions of such coverage shall be examined and approved by the commissioner of insurance.

NORLAND of Worth

H—5519

Amend House File 1279 as follows:

1. Page 7, by striking all after the period in line 13, and all of lines 14 through 20.

HUSAK of Tama

H—5520

Amend House File 1279, page 39, by inserting after line 30, the following:

"Sec. ..... Chapter five hundred sixteen A (516A), Code 1975, is amended by adding the following new section:

NEW SECTION. No automobile liability or motor vehicle liability insurance policy insuring against liability for property damage arising out of the ownership, maintenance, or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided, at the option of the insured, in such policy or supplement thereto, for the protection of persons insured under such policy who are legally entitled to recover damages from the owner or operator of an uninsured motor vehicle or a hit-and-run motor vehicle because of damage to an automobile described in such policy, caused by accident and arising out of the ownership, maintenance, or use of such uninsured motor vehicle. Such coverage shall include limits for property damage at least equal to those stated in subsection ten (10) of section three hundred twenty-one A point one (321A.1) of the Code, but may provide that an amount of not more than one hundred dollars shall be deducted from each loss to which such coverage applies. The form and provisions of such coverage shall be examined and approved by the commissioner of insurance.

HARVEY of Scott

H—5522

Amend House File 1279 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* TITLE. This Act shall be known as the "Iowa Reparations Benefits and

Financial Responsibility Act".

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Director" means the director of transportation or a designee.

2. "Income" means and includes salary, wages, tips, commissions, bonuses, fees and other earnings from employment and self-employment.

3. "Injury" means accidentally sustained bodily harm to an individual and any illness, disease, or death of that individual resulting therefrom.

4. "Insurer" means a legally constituted entity, other than a self-insurer, which is authorized by the laws of this state to provide security covering a motor vehicle in this state.

5. "License" means any operator's license, chauffeur's license, temporary instruction permit, or temporary driver's permit issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles and to the extent this Act applies to a nonresident, the term "license" also includes any similar authority issued under the laws of another jurisdiction.

6. "Loss of income" means income lost, net after taxes, by reason of inability to work.

7. "Use of a motor vehicle" means using or occupying a motor vehicle for the purpose of transporting any person. However, the term does not include:

a. Conduct within the course of a business of repairing, servicing, or otherwise maintaining motor vehicles unless the conduct occurs off business premises; or

b. Conduct in the course of loading or unloading a motor vehicle unless the conduct occurs while occupying it.

8. "Members of household" means members of the injured person's immediate family not having a separate household, and persons actually residing with and economically dependent upon the injured person.

9. "Motor vehicle" means motor vehicle as defined in subsection two (2) of section three hundred twenty-one point one (321.1) of the Code.

10. "Motorcycle" means motorcycle as defined in subsection three (3) of section three hundred twenty-one point one (321.1) of the Code. For purposes of

this Act, a motorcycle is a motor vehicle.

11. "Motor vehicle liability policy" means a policy of insurance which complies with the requirements of this Act.

12. "Nonresident" means every person who is not a resident of this state.

13. "Nonresident operating privilege" means the privilege conferred upon a nonresident by the laws

of this state pertaining to the operation by that nonresident of a motor vehicle, or the use of a motor vehicle owned by the nonresident, in this state.

14. "Occupying", with respect to a motor vehicle, means in or upon, or entering into or alighting from.

15. "Operator" means every person who is in actual physical control of a motor vehicle whether or not authorized under the laws of this state.

16. "Owner" means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of a security agreement with an immediate right of possession vested in the debtor, then such debtor shall be deemed the owner for the purposes of this Act.

17. "Proof of financial responsibility" means proof of ability both to pay reparations benefits and to respond in damages for liability in tort on account of accidents arising out of the ownership, maintenance, or use of a motor vehicle, to the limits specified in section twenty-nine (29) of this Act for a motor vehicle liability policy.

18. "Reparations benefits" means the benefits specified in section five (5) of this Act payable as a result of an accident without regard to fault.

19. "Registration" means registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

20. "Self-insurer" means a self-insurer who qualifies as such pursuant to section forty (40) of this Act.

21. "State" means and includes any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

Sec. 3. *NEW SECTION.* LIABILITY FOR REPARATIONS BENEFITS WITHOUT REGARD TO FAULT.

1. Every owner and every operator of a motor vehicle which is subject to registration under section three hundred twenty-one point eighteen (321.18) of the Code or which is exempt from registration under section three hundred twenty-one point fifty-three (321.53) of the Code shall be liable to pay repara-

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tions benefits to persons injured in an accident arising out of the use of such motor vehicle in this state.

2. Notwithstanding any provision of subsection one (1) of this section, no owner or operator of a motor vehicle shall be liable to pay reparations benefits to any person:

a. Occupying another motor vehicle.

b. Who intentionally causes the accident resulting in the injury.

c. Who is injured while operating or voluntarily

riding in a vehicle known by him or her to be stolen.

d. Who is injured while engaged in the commission of a felony.

e. Who is injured while operating without consent a motor vehicle owned by another person.

3. Reparations benefits shall be payable pursuant to this section without regard to fault or nonfault of the owner, operator or named insured, or of the recipient of those benefits, in causing or contributing to the accident, and without regard to any collateral source of medical, hospital, or wage continuation benefits.

Sec. 4. *NEW SECTION.* INSURANCE MANDATORY. An owner of a motor vehicle registered or subject to registration in this state shall not operate or authorize any other person to operate that motor vehicle unless the owner has in effect a motor vehicle liability policy, or is qualified as a self-insurer.

Sec. 5. *NEW SECTION.* REPARATIONS BENEFITS.

1. Reparations benefits shall consist of compensation for the reasonable and necessary expenses incurred, or ascertained within two years after an accident as proximately necessitated in the future, for hospital, medical, dental, chiropractic, x-ray, ambulance, professional nursing, physical therapy, and funeral services; drugs, medicines, and prosthetic devices; loss of income; and for the acquisition of ordinary and necessary services in lieu of those which the injured person would have performed, not for income, but for the benefit of members of his or her household, had he or she not been injured: However, benefits payable for funeral services shall not exceed one thousand five hundred dollars for any one funeral, and benefits payable for loss of income to any one person shall not be payable for the first week's loss after the accident and shall not exceed two hundred dollars per week.

2. The liability of a person to pay reparations benefits is limited to and shall be satisfied upon

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payment of the following maximum amounts, exclusive of interest and costs:

a. Ten thousand dollars because of bodily injury to or death of one person in any one accident.

b. Subject to the limits for one person contained in paragraph a of this subsection, twenty thousand dollars because of bodily injury or death of two or more persons in any one accident.

3. If an insurer has paid benefits required by subsection one (1) of this section of this Act, all of the following shall apply:

a. The insurer shall be entitled to the extent of such payment to the proceeds of any settlement or judgment that may result from the exercise of any

rights of recovery of the claimant against any person legally responsible for the bodily injury because of which such payment is made.

b. The claimant shall hold in trust for the benefit of an insurer paying benefits under subsection one (1) of this section all rights of recovery which he or she shall have against another person, but only to the extent that benefits are made or paid.

c. The claimant shall do whatever is proper to secure and shall do nothing after loss to prejudice the rights of the insurer under this subsection.

d. If requested in writing by the insurer, the claimant shall take, through any representative designated by the insurer not in conflict of interest with the claimant, such action as may be necessary or appropriate to recover payment as damages from a liable person, such action to be taken in the name of the claimant, but only to the extent of the payment made by the insured. In the event of a recovery, the insurer shall be reimbursed out of such recovery for expenses, costs and attorney fees incurred by it in connection therewith.

e. The claimant shall execute and deliver to the insurer such instruments and papers as may be appropriate to secure the rights and obligations of the claimant and the insurer established by this subsection.

Sec. 6. *NEW SECTION.* REPARATIONS BENEFITS—WHEN PAYABLE. Reparations benefits are payable monthly as expenses or losses are incurred, and are overdue if not paid within thirty days after receipt by the person liable of each submission of reasonable proof of the fact and amount of expenses or losses: However, benefits for loss of income are payable and are overdue if not paid at such lesser intervals of time as the commissioner of insurance may provide

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by rule.

Sec. 7. *NEW SECTION.* DUPLICATION OF PAYMENTS.

1. Notwithstanding any other provision of this Act, no person shall recover reparations benefits from more than one person on either a duplicative or supplemental basis.

2. If an accident results in the liability of two or more persons for the payment of reparations benefits, the person paying those claims is entitled to recover contribution pro rata from any other person liable to make payments, and in the case of an insurer, the costs of processing those claims.

Sec. 8. *NEW SECTION.* ASSIGNMENT OF BENEFITS. An assignment of or an agreement to assign any right to reparations benefits accruing in the future is unenforceable except as to benefits for:

1. Loss of income, to secure payment of child

support, maintenance, or alimony; or

2. The reasonable and necessary cost of products, services, or accommodations provided or to be provided by the assignee.

Sec. 9. *NEW SECTION.* GARNISHMENT. Reparations benefits are exempt from garnishment, attachment, execution, and any other process or claim, except upon the claim of a creditor who has provided such benefits in the form of products, services, or accommodations.

Sec. 10. *NEW SECTION.* RELEASE OR SETTLEMENT—REPARATIONS BENEFITS. Except as otherwise provided in this section, reparations benefits shall not be denied or terminated because the injured person or survivors of the injured person execute a release or other settlement agreement. A claim may be discharged by settlement only upon a finding, by the commissioner of insurance or an authorized agent, that the settlement is in the best interest of the claimant and any beneficiaries of the settlement, and that the claimant understands and consents to that settlement, and upon the payment by the person liable or that person's insurer of the costs of such proceeding, including a reasonable attorney's fee to the attorney, if any, representing the claimant. Such costs and fees shall not be charged to or deducted from the proceeds of settlement. Upon approval of the settlement, the commissioner or the authorized agent may make appropriate orders for the disposition of the proceeds of settlement and may direct as a condition of the settlement agreement that the person liable or the person's insurer pay the reparations benefits proximately necessitated in the future.

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Sec. 11. *NEW SECTION.* ASSIGNED CLAIMS PLAN.

1. Insurance carriers issuing motor vehicle liability policies in this state shall adopt, implement and maintain an assigned claims plan. The plan shall provide for the payment of reparations benefits to persons who are injured in an accident in this state and who are entitled to such benefits, if the person liable to pay benefits:

a. Cannot be identified; or

b. Fails to satisfy the conditions for restoration of license or registration specified in section fifteen (15) of this Act after having suffered suspension of license or registration or both pursuant to section thirteen (13) of this Act; or

c. Had in effect at the time of the accident a motor vehicle liability policy issued by a carrier which because of financial disability is unable to fulfill its obligations.

2. Reparations benefits payable pursuant to this section shall be reduced by any amount the injured

person receives from another source in compensation for expenses or losses for which such benefits are otherwise payable.

3. The plan shall contain rules for its implementation and shall be approved, before adoption, by the commissioner of insurance, who shall adopt, implement and maintain such a plan if the carriers do not. The plan shall provide for allocating and assessing costs to insurers and self-insurers on an equitable basis. Benefits paid by the insurer to which a claim is assigned shall be reimbursed to the insurer by the plan, plus costs incurred in investigating, processing, and handling the claim including reasonable attorney's fees, and less any sums received or recovered from another source.

4. An assessment of a portion of the total benefits and costs of the assigned claims plan shall be allocated against each insurer writing motor vehicle liability policies in this state in the same proportion that the reparations benefits premium volume written in this state by that insurer bears to the total reparations benefits premium volume written in this state by all insurers. Subject to the approval of the commissioner of insurance, insurers may include the expense for satisfying those assessments in determining the rates to be charged for the reparations benefiits portion of coverage afforded to insureds. Any additional premium charged for the purpose of offsetting the insurer's liability with respect to the assigned claims plan shall be separately disclosed

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to the insured.

As a condition of certification as a self-insurer under this Act, a self-insurer shall be required to conrtibute to the assigned claims plan an amount based upon the premium savings to the self-insurer resulting from its not purchasing reparations benefits coverage otherwise required by this Act, and equal to a portion of the total benefits and costs if the assigned claims plan in the same proportion that such premium savings bears to the total reparations benefits premium volume written in this state by all insurers.

Sec. 12. *NEW SECTION.* EFFECT OF FAILURE TO REPORT ACCIDENTS. The director shall suspend the license or any nonresident's operating privilege of any person who willfully fails, refuses, or neglects to make reports of a traffic accident as required by the laws of this state.

Sec. 13. *NEW SECTION.* SUSPENSION OF LICENSES AND REGISTRATIONS—EXCEPTIONS. The director, immediately after receipt of a report of a motor vehicle accident in this state which has resulted in bodily injury or death, or in damage to the property of any one person in excess of two hundred fifty dollars

shall suspend, on notice mailed not less than ten days prior to the effective date of the suspension, the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in the accident, and if such operator is a nonresident the privilege of operating a motor vehicle in this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him; provided, however, that this section shall not apply:

1. To the operator or owner of a motor vehicle registered in this state if such owner had in effect at the time of such accident a motor vehicle liability policy with respect to the motor vehicle owned by him;

2. To the owner of a motor vehicle registered in this state if such owner is at the time of the accident qualified as a self-insurer under section forty (40) of this Act, or to any such operator operating such motor vehicle for such self-insurer;

3. To the operator or owner of a motor vehicle registered elsewhere than in this state if the owner had in effect at the time of such accident a motor vehicle liability policy in respect to which the insurer, if not authorized to do business in this state, has filed a statement pursuant to section thirty (30) of this Act, or if, in the judgment of

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the director, the liability of such operator or owner for reparations benefits and damages resulting from such accident is covered by any other form of liability insurance policy or bond;

4. To such operator or owner of a motor vehicle registered elsewhere than in this state if either or both shall deposit security in a sum which shall be sufficient in the judgment of the director to satisfy any judgment or judgments for reparations benefits and damages or both resulting from such accident as may be recovered against such operator or owner.

Upon receipt of a report of a motor vehicle accident and information that an automobile liability policy or surety bond meeting the requirements of this Act was in effect at the time of this accident covering liability for damages resulting from such accident, the director shall forward by regular mail to the insurance carrier or surety carrier which issued such policy or bond a copy of such information concerning insurance or bond coverage, and it shall be presumed that such policy or bond was in effect and provided coverage to both the operator and owner of the motor vehicle involved in such accident unless the insurance carrier or surety carrier shall notify the director otherwise within fifteen days from the mailing

of such information to such carrier; provided, however, that in the event the director shall later ascertain that erroneous information has been given him or her in respect to the insurance or bond coverage of the operator or owner of a motor vehicle involved in such accident, the director shall take such action as he or she is otherwise authorized to take under this Act.

Sec. 14. *NEW SECTION.* POLICY OR BOND AS SECURITY. No policy or bond shall be effective under section thirteen (13) of this Act unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under section thirteen (13) of this Act unless the surety company, or insurance company not having filed a statement pursuant to section thirty (30) of this Act, shall execute, if not authorized to do business in this state, a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon

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such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in liability for reparations benefits, to a limit, exclusive of interest and costs, of not less than ten thousand dollars because of liability for such benefits to any one person and, subject to said limit for one person, to a limit of not less than twenty thousand dollars because of liability for such benefits to two or more persons in any one accident; and provided further than every such policy or bond is subject, if the accident has resulted in bodily injury or death for which there is or may be liability in tort, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of any one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to or destruction of property, to a limit of not less than ten thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 15. *NEW SECTION.* RESTORATION OF LICENSES AND REGISTRATIONS.

1. The license of each operator and all registrations of each owner in this state of a non-insured motor vehicle, suspended as provided in section

thirteen (13) of this Act, shall not be renewed, nor shall any such license or registration be issued to such person, until six months shall have elapsed following the effective date of such suspension, and:

a. Until such operator or owner or both shall deposit, or there shall be deposited on their behalf, security in a sum which shall be sufficient in the judgment of the director to satisfy any judgment or judgments for reparations benefits and damages in tort resulting from such accident as may be recovered against such operator or owner; or

b. Until evidence satisfactory to the director has been filed with him or her of a final adjudication of nonliability, or of a release from liability, or of the execution of a warrant for confession of judgment, payable when and in such installments as the parties have agreed to, or of a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for reparations benefits or damages resulting from the accident; provided, however, that no

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release, warrant for confession of judgment, or written agreement in respect to reparations benefits shall be of any force or effect unless effected in compliance with section ten (10) of this Act; and further provided that in the event of any default in the payment of any installments under confession of judgment, then, upon notice of that default, the director shall forthwith suspend the license and registration of the person defaulting which shall not be restored unless and until the entire amount provided for in the confession of judgment has been paid; and further provided that in the event of any default in the payment of any installment under any written agreement, then, upon notice of that default, the director shall forthwith suspend the license and registration of the person defaulting which shall not be restored unless and until:

(1) The person deposits security as required under paragraph a of this subsection in such amount as the director may determine; or

(2) Two years have elapsed following the date when such security was deposited and during such period no action upon such agreement has been instituted in a court in this state.

2. A nonresident's privilege of operating a motor vehicle within this state, and a nonresident owner's privilege of the use within this state of any motor vehicle owned by him or her, suspended as provided in section thirteen (13) of this Act, shall not be renewed until six months have elapsed following the effective date of such suspension, and until such operator or owner or both:

a. Shall deposit security in accord with paragraph a of subsection one (1) of this section, or

b. Shall have effectuated release or settlement in accord with paragraph b of subsection one (1) of this section and section ten (10) of this Act.

Sec. 16. *NEW SECTION.* FORM AND AMOUNT OF SECURITY.

1. The security required under section fifteen (15) of this Act shall be in such form and in such amount as the director may require but in no case in excess of the limits specified in section twenty-nine (29) of this Act in reference to the acceptable limits of a motor vehicle liability policy. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the director or treasurer of state, the person depositing it may, in writing, amend the

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specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

2. The director may reduce the amount of security ordered in any case within six months after the date of the accident if, in his or her judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his or her personal representative forthwith, notwithstanding the provisions of section seventeen (17) of this Act.

Sec. 17. *NEW SECTION.* CUSTODY, DISPOSITION, AND RETURN OF SECURITY. Security deposited in compliance with the requirements of section fifteen (15) of this Act shall be placed by the director in the custody of the treasurer of state and shall be applicable only to the payment of a judgment or judgments rendered in an action at law against the person or persons on whose behalf the deposit was made, for reparations benefits and damages arising out of the accident. The deposit or any balance thereof shall be returned to the depositor or his or her personal representative when evidence satisfactory to the director has been filed with him or her that there has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with sections ten (10) and fifteen (15) of this Act, or whenever, after expiration of two years from the date of the accident, the director shall be given reasonable evidence that no such action is pending in any court

and no judgment rendered is still unpaid.

Sec. 18. *NEW SECTION.* PLEADING AND PROOF. Any person eligible for reparations benefits is precluded from pleading or introducing into evidence in an action for damages against a tort-feasor those damages for which reparations benefits are available, without regard to whether such benefits are actually recoverable.

Sec. 19. *NEW SECTION.* LIMITATION ON ACTIONS FOR BENEFITS. An action for reparations benefits may be commenced not later than two years after the injured person suffers the loss and either knows, or in the exercise of reasonable diligence should have known, that the loss was caused by the accident.

Sec. 20. *NEW SECTION.* COURTS TO REPORT NONPAYMENT OF JUDGMENTS.

1. Whenever any person fails within sixty days to satisfy any judgment, it shall be the duty of the clerk of the district court to forward to the director immediately after the expiration of said sixty days, a certified copy of such judgment.

2. If the defendant named in any certified copy of a judgment reported to the director is a nonresident, the director shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

Sec. 21. *NEW SECTION.* SUSPENSION FOR NONPAYMENT OF JUDGMENTS—EXCEPTIONS.

1. The director upon receipt of a certified copy or a judgment, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as otherwise provided in this section and in section twenty-four (24) of this Act.

2. If the judgment creditor consents in writing, in such form as the director may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the director, in his discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section twenty-four (24) of this Act; provided the judgment debtor furnishes proof of financial responsibility.

3. Any person whose license, registration, or nonresident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of sections twenty (20) through twenty-four (24) of this Act, may be

relieved from the effect of a judgment as prescribed in those sections by filing with the director an affidavit stating that at the time of the accident upon which the judgment has been rendered the affiant was insured, that the insurer is liable to pay the judgment, and the reason, if known, why the insurer has not paid the judgment. Such a person shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the director may require to show that the reparations benefits, loss, injury, or damage for which such judgment was rendered, was covered by such policy of insurance. If the director is satisfied

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from such papers that such insurer was authorized to issue such policy of insurance at the time and place of issuing such policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts required in this Act, the director shall not suspend such license or registration or nonresident's operating privilege, or if already suspended, shall reinstate them.

Sec. 22. *NEW SECTION.* SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND PROOF GIVEN. Such license, registration, and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is satisfied in full or to the extent hereinafter provided, and until the said person gives proof of financial responsibility, subject to the exemptions stated in sections twenty-one (21) and twenty-four (24) of this Act.

Sec. 23. *NEW SECTION.* PAYMENTS SUFFICIENT TO SATISFY JUDGMENTS.

1. Judgments herein referred to shall, for the purpose of this Act only, be deemed satisfied:

a. When ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of liability for reparations benefits to one person as the result of any one accident; or

b. When, subject to such limit of ten thousand dollars because of liability to one person, the sum of twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of liability for reparations benefits to two or more persons as the result of any one accident, or

c. When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one

accident; or

d. When, subject to such limit of twenty-five thousand dollars because of bodily injury to or death of one person, the sum of fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

e. When ten thousand dollars has been credited upon any judgment or judgments rendered in excess

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of that amount because of injury to or destruction of property of others as a result of any one accident;

2. Provided, however, payments made in settlement of any claims for reparations benefits or in tort because of bodily injury, death, or property damage arising from the accident shall be credited in reduction of the amounts provided for in this section.

Sec. 24. *NEW SECTION.* INSTALLMENT PAYMENTS OF JUDGMENTS—DEFAULT.

1. A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and time of payment of the installments.

2. The director shall not suspend a license, registration, or nonresident's operating privilege, and shall restore any license, registration, or nonresident's operating privilege suspended following **nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.**

3. In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the director shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this Act.

Sec. 25. *NEW SECTION.* PROOF REQUIRED UPON CERTAIN CONVICTIONS.

1. Whenever the director, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the director shall also suspend the registration for all motor vehicles registered in the name of such person, except that he shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately

give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

2. Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle

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be thereafter registered in the name of such person until permitted under the motor vehicle laws of this state and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

3. If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

4. Whenever the director suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

Sec. 26. *NEW SECTION.* ALTERNATE METHODS OF GIVING PROOF. Proof of financial responsibility when required under this Act may be given by filing:

1. A certificate of insurance or certificate of self-insurance as provided in section twenty-seven (27), twenty-eight (28), or forty (40) of this Act; or

2. A bond as provided in section thirty-one (31) of this Act; or

3. A certificate of deposit of money or securities as provided in section thirty-two (32) of this Act;

Provided, however, that notwithstanding any other provision of this section, if the owner of a motor vehicle registered or subject to registration in this state gives proof of financial responsibility other than by filing a certificate of insurance or self-insurance, no license shall be issued to such owner and no motor vehicle shall continue to be registered or thereafter be registered in the name of such owner until he or she provides evidence satisfactory to the director of having currently in effect a motor

vehicle liability policy or qualification as a self-insurer.

Sec. 27. *NEW SECTION.* CERTIFICATE OF INSURANCE AS PROOF.

1. Proof of financial responsibility may be fur-

nished by filing with the director the written certificate of any insurance carrier authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

2. No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

Sec. 28. *NEW SECTION.* CERTIFICATE FURNISHED BY NONRESIDENT AS PROOF.

1. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the director a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle, or motor vehicles, described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms with the provisions of this Act, and the director shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

a. Said insurance carrier shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state.

b. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

2. If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the director shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

Sec. 29. *NEW SECTION.* "MOTOR VEHICLE LIABILITY

POLICY" DEFINED.

1. A "motor vehicle liability policy" as said

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term is used in this Act shall mean an owner's or an operator's policy of liability insurance, certified as provided in section twenty-seven (27) or section twenty-eight (28) of this Act as proof of financial responsibility, and issued, except as otherwise provided in section twenty-seven (27) of this Act by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

2. Such owner's policy of liability insurance:

a. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby granted; and

b. Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability in tort for damages arising out of the owership, maintenance, or use of such motor vehicle or motor vehicles within the United States of America or Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, fifty thousand dollars because of bodily, injury to or death of two or more persons in any one accident, and ten thousand dollars because of injury to or destruction of property of others in any one accident.

c. Shall insure the person named therein against loss from the liability for reparations benefits, imposed by this Act, subject to limits exclusive of interest and costs, as follows: ten thousand dollars because of bodily injury to or death of one person in any one accident, including benefits for funeral services limited to one thousand five hundred dollars, and, subject to said limits for one person, twenty thousand dollars because of bodily injury or death of two or more persons in any one accident, including benefiits for funeral services limited to one thousand five hundred dollars for any one funeral.

3. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

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4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement to be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and reparations benefits, and is subject to all the provisions of this chapter.

5. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of any employee of the insured while engaged in the maintenance or repair or any such motor vehicle or any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

a. The liability of the insurance carrier with respect to the insurance required by this Act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

b. The satisfaction by the insured of a judgment for such injury or damage or for reparations benefits shall not be a condition precedent to the right of duty of the insurance carrier to make payment on account of such injury or damage.

c. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph b of subsection two (2) of this section; provided, however, that settlements in respect to reparations benefits shall be effected only in accord with section ten (10) of this Act.

d. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the chapter shall constitute the entire contract between the parties.

7. Any policy which grants the coverage required

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for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to

the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a new policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

8. Any motor vehicle liability policy may provide for deductibles, conditions and exclusions customary to the field of liability, casualty, and property insurance, and not inconsistent with the provisions of this Act; provided, however, that the owner of a vehicle may elect, but an insurer may not require, that the coverage described in paragraph c of subsection two (2) of this section, be written subject to deductibles, percentage reductions, excess provisions and similar reductions offered by insurers in accordance with filings made by such insurers with the commissioner of insurance, but only in respect to expenses incurred for which reparations benefits are payable to the owner of the vehicle or members of his household. The election must be in writing and signed by the owner of the vehicle.

9. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

10. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

11. Nothing in this section shall be construed to prohibit the issuance of policies providing coverage more extensive than the minimum coverages required by this section, or to require the segregation of such minimum coverage from other coverages in the same policy.

Sec. 30. *NEW SECTION.* COVERAGE DEEMED INCLUDED. Every insurance company authorized to transact the business of motor vehicle liability insurance in this state shall file with the commissioner of insurance as a condition of its continued transaction of such business within this state a form approved by the commissioner affirming that its motor vehicle liability policies wherever issued shall be deemed to provide the coverages required by this Act when the vehicle is operated in this state. Any nonadmitted insurer may file such a form.

Sec. 31. *NEW SECTION.* BOND AS PROOF.

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1. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together

having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge or clerk of a court of record, which said bond shall be conditioned for payment of the amounts specified in section fourteen (14) of this Act. Such bond shall be filed with the director and shall not be cancelable except after ten-days' written notice to the director. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for the payment of reparations benefits and damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the owership, maintenance, use, or operation of a motor vehicle after such bond was filed, upon the filing of notice to that effect by the director in the office of the proper clerk of court of the county where such real estate shall be located. Any individual surety so scheduling real estate security shall furnish satisfactory evidence of title thereto and the nature and extent of all encumbrances thereon and the value of the surety's interest therein, in such manner as the judge or clerk of the court of record approving the bond may require. The notice filed by the director shall, in addition to any other matters by him deemed to be pertinent, contain a legal description of the real estate so scheduled, the name of the holder of the record title, the amount for which it stands as security, and the name of the person in whose behalf proof is so being made. Upon the filing of such notice the clerk of the court of such county shall retain the same as part of the records of such court and enter upon the encumbrance book the date and hour of filing, the name of the surety, the name of the record titleholder, the description of the real estate, and the further notation that a lien is charged on such real estate pursuant to the notice filed hereunder. From and after the entry of the foregoing upon the encumbrance book all persons whomsoever shall be charged with notice thereof.

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2. If such a judgment, rendered against the principal on such bond shall not be satisfied within sixty days after it has become final, the judgment creditor may, for his or her own use and benefit and at his or her sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real

estate of a person who has executed such bond. An action to foreclose any lien upon any real estate schedule by any surety under the provisions of this Act shall be by equitable proceeding in the same manner as is provided for the foreclosure of real estate mortgages.

Sec. 32. *NEW SECTION.* MONEY OR SECURITIES AS PROOF.

1. Proof of financial responsibility may be evidenced by the certificate of the treasurer of state that the person named therein has deposited with him or her sixty thousand dollars in cash, or securities such as may legally be purchased by a state bank or for trust funds of a market value of sixty thousand dollars. The treasurer of state shall not accept any such deposit and issue a certificate therefor and the director shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

2. Such deposit shall be held by the treasurer of state to satisfy, in accordance with the provisions of this Act, any execution on a judgment issued against such person making the deposit for the payment of reparations benefits and damages, or both, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for the payment of reparations benefits or damages, or both, as aforesaid.

Sec. 33. *NEW SECTION.* OWNER MAY GIVE PROOF FOR OTHERS. Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the director shall accept

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proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided or has qualified as a self-insurer under section forty (40) of this Act. The director shall designate the restrictions imposed by this section on the face of such person's license.

Sec. 34. *NEW SECTION.* SUBSTITUTION OF PROOF. The director shall consent to the cancellation of any bond or certificate of insurance or the director shall direct and the treasurer of state shall return

any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this Act; provided, however, that no certificate of insurance issued to the owner of a motor vehicle registered or subject to registration in this state may be canceled or other proof of financial responsibility be accepted in lieu thereof.

Sec. 35. *NEW SECTION.* OTHER PROOF MAY BE REQUIRED.

Whenever any proof of financial responsibility filed under the provisions of this Act no longer fulfills the purposes for which required, the director shall for the purpose of this Act, require other proof as required by this Act and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof.

Sec. 36. *NEW SECTION.* DURATION OF PROOF—WHEN PROOF MAY BE CANCELED OR RETURNED.

1. The director shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the director shall direct and the treasurer of state shall return to the person entitled thereto any money or securities deposited pursuant to this Act as proof of financial responsibility, or the director shall waive the requirement of filing proof in any of the following events:

a. At any time after three years from the date such proof was required when, during the three-year period preceding the request, the director has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration, or nonresident's operating privilege of the person by or for whom such proof was furnished; or

b. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

c. In the event the person who has given proof

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surrenders his or her license and registration to the director;

2. Provided, however, that the director shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for the payment of reparations benefits or for damages, or both, upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in

liability for reparations benefits or in tort for injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he or she has been released from all of his liability, or has been finally adjudicated not to be liable, for such reparations benefits, injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the director.

3. Whenever any person whose proof has been canceled or returned under paragraph c of subsection one (1) of this section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

Sec. 37. *NEW SECTION.* TRANSFER OF REGISTRATION TO DEFEAT PURPOSES OF THIS ACT PROHIBITED. This Act shall not prevent the owner of a motor vehicle, the registration of which has been suspended hereunder, from effecting a bona fide sale of such motor vehicle to another person whose rights or privileges are not suspended under this Act nor prevent the registration of such motor vehicle by such transferee. This Act shall not in any wise affect the rights of any secured party or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this Act.

Sec. 38. *NEW SECTION.* SURRENDER OF LICENSE AND REGISTRATION. Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this Act, shall have been canceled or terminated, or who shall neglect to furnish other proof upon request of the director shall immediately return his or her license and registration to the director. If any

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person shall fail to return to the director the license or registration as provided herein, the director shall forthwith direct any peace officer to secure possession thereof and to return the same to the director.

Sec. 39. *NEW SECTION.* OTHER VIOLATIONS—PENALTIES.

1. Any person whose license or registration or nonresident's operating privilege has been suspended, denied or revoked under this Act or continues to remain suspended or revoked under this Act, and who, during such suspension, denial or revocation, or during such continuing suspension or continuing revocation, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this Act, shall be fined not more than five hundred dollars or imprisoned not

exceeding six months, or both.

2. Any person willfully failing to return license or registration as required in section thirty-seven (37) of this Act shall be fined not more than five hundred dollars or imprisoned not to exceed thirty days, or both.

3. Any person who shall forge or, without authority, sign any notice provided for under section thirty-seven (37) of this Act that a policy or bond is in effect, or any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

4. Any person who shall violate any provision of this Act for which no penalty, civil or criminal, is otherwise provided shall be fined not more than five hundred dollars or imprisoned not more than ninety days, or both.

Sec. 40. *NEW SECTION.* SELF-INSURERS.

1. Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the director as provided in subsection two (2) of this section.

2. The director may, in his or her discretion, upon the application of such a person, issue a certificate of self-insurance when he or she is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person for reparations benefits and damages in tort arising out of the ownership, maintenance, or use of any vehicle owned by such

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person.

3. Upon not less than five-days' notice and a hearing pursuant to such notice, the director may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment for reparations benefits or damages in tort arising out of the ownership, maintenance, or use of any vehicle owned by such self-insurer within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Sec. 41. *NEW SECTION.* ACT NOT TO PREVENT OTHER PROCESS. Nothing in this Act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

Sec. 42. *NEW SECTION.* LIABILITY INSURANCE—STATEMENT. Whenever any dealer licensed under chapter three hundred twenty-two (322) of the Code sells a

motor vehicle at retail and the transaction does not include the sale of liability insurance coverage which will protect the purchaser under the Iowa Reparations Benefits and Financial Responsibility Act, the purchase order or invoice evidencing the transaction shall contain a statement in the following form:

"I understand that liability insurance coverage which would protect me under the Iowa Reparations Benefits and Financial Responsibility Act is not included in my purchase of the herein described motor vehicle. I have received a copy of this statement.

.....

(Purchaser's signature)"

The seller shall print or stamp said statement on the purchase order or invoice in distinctive color ink and with clearly visible letters. Said statement shall be signed by the purchaser in the space provided therein on or before the date of delivery of the motor vehicle described in the purchase order or invoice and a copy thereof shall be given to the purchaser by the seller.

No civil liability shall arise on account of the failure of any person to comply with the provisions of this section.

Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars.

Sec. 43. *NEW SECTION.* DIRECTOR TO ADMINISTER ACT—APPEAL.

1. The director shall administer and enforce the provisions of this Act, except as provided, in

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subsection two (2) of this section, and may make rules necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the director.

Such hearings shall be held before the director or his or her duly authorized agent as early as practicable within not to exceed twenty days after receipt of such request in the county wherein the requesting person resides unless the director and such person agree that such hearing may be held in some other county. Upon such hearing the director or his or her duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination under oath of the person requesting such hearing.

2. The commissioner of insurance shall make rules for the submission of claims for reparations benefits, the arbitration of disputes over the reasonableness of such claims, failures to pay benefits when due, settlement, and such other rules as are necessary to administer the reparations benefits provisions

of this Act.

3. Any person aggrieved by an order or act of either the director or the commissioner of insurance, under the provisions of this Act may, within ten days after receipt of notice of such order or act, file a petition in the district court of the county of his or her residence for a trial de novo to determine whether such order is lawful and reasonable. The filing of such a petition shall not suspend the order or act of the person issuing the order or taking the action, unless a stay thereof shall be allowed by a judge of said court pending final determination of the matter. The court shall summarily hear the petition and may make any appropriate order or decree.

Sec. 44. *NEW SECTION.* DIRECTOR TO FURNISH OPERATING RECORD—FEES TO BE CHARGED AND DISPOSITION OF FEES. The director shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and, if there shall be no record of any conviction of such person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the director shall so certify. A fee of two dollars shall be paid for each such abstract except by state, county, city, town or court officials. Such fees shall be

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used by the department for administering this Act. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

Sec. 45. *NEW SECTION.* OPTIONAL POLICY PROVISIONS.

1. The owner of a vehicle may elect to have the coverage required by section four (4) of this Act written subject to certain deductibles, waiting periods, sublimits, percentage reductions, excess provisions and similar reductions offered by insurers in accordance with filings made by such insurers with the department of insurance, applicable to expenses incurred as a result of injury to the owner of a vehicle or members of his or her household.

2. The owner of a motorcycle may elect to exclude from the coverage required by section four (4) of this Act expenses incurred as a result of injury to any person riding such vehicle while not on a highway and in any case of injury when no other vehicle was involved by actual collision or contact.

3. The elections permitted by subsections one (1) and two (2) of this section must be made in writing and must be signed by the owner of the motor vehicle. Insurers issuing such policies shall not require any such election.

Sec. 46. Chapter three hundred twenty-one A (321A), Code 1975, is amended by striking that chapter and inserting sections one (1) through forty-four (44) of this Act in lieu thereof."

WALTER of Pottawattamie
NORLAND of Worth
MILLER of Cerro Gordo
NEWHARD of Jones
DUNTON of Keokuk
TAUKE of Dubuque
JESSE of Polk
HUSAK of Tama
PONCY of Wapello
LONERGAN of Boone
CLARK of Lee
PAVICH of Pottawattamie
GILLOON of Dubuque
NIELSEN of Polk
MENNENGA of Clinton
HARVEY of Scott
CRAWFORD of Story

H—5517

Amend House File 1283 as follows:

1. Page 1, by adding after line 14 the following:

"The condemner shall not interfere with the landowner's right of access between the lands separated by the way and shall provide suitable gates along the way."

SCHEELHAASE of Woodbury
CRABB of Crawford

H—5488

Amend House File 1346 as follows:

1. Page 17, by striking all of lines 17 through 35.

2. By striking all of pages 18, 19, 20, 21 and 22.

3. Page 23, by striking all of lines 1 through 24.

HARVEY of Scott

H—5412

Amend House File 1359 as follows:

1. Page 2, line 1, by inserting after the word "policy." the following:

["The secretary may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five hundred dollars for aerial applicators and two hundred dollars for all other applicators for the total amount of liability insurance or surety bond required.]"

MILLER of Cerro Gordo
BENNETT of Ida
PELLETT of Cass

H—5521

Amend House File 1437 as follows:

1. Page 1, lines 8 and 9, by striking "and vibriosis affecting cattle, sheep and swine" and inserting in lieu thereof "in cattle and swine and vibriosis affecting cattle and sheep".

HUSAK of Tama

H—5490

Amend House File 1438 as follows:

1. Page 5, by striking lines 23 through 28.

2. By renumbering the remaining sections and internal references to accord with this amendment.

MILLER of Buchanan

H—5487

Amend House File 1454 as follows:

Page 8, by inserting after line 20 the following:

"Sec. ..... Section three hundred thirty A point nine (330A.9), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. REVERSE REFERENDUM UPON A RESOLUTION TO ISSUE BONDS.

1. An authority shall publish in a newspaper of general circulation within the geographical area covered by the authority a resolution of its intent to issue bonds under the provisions of this chapter. If a petition signed by ten percent of the number of voters who voted at the most recent general election held within the voting precincts within the geographical areas of the authority is filed requesting that an election be held on the question of issuing bonds under the provisions of this chapter, an election shall be held by the commissioner or commissioners of election for such voting precinct or precincts. If a general election is scheduled within sixty days of the date the resolution is filed, the question proposed in the resolution shall be submitted to the people for final determination at such general election.

2. If at the general or special election called on the question the voters disapprove the bond issue, the authority shall not resolve to issue bonds for the succeeding twelve months following the general or special election.

3. The authority shall not proceed to issue bonds until thirty days after publication of the resolution and then only if a petition has not been filed requesting an election on the question."

BORTELL of Madison

H—5414

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 7, by striking the words "A person's".
2. Page 2, by striking lines 8 through 20.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5415

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 2, by striking lines 35 and 36.
2. Page 3, by striking line 1.
3. Page 114, line 29, by inserting after the word "name" the words "and if provided by law the degree".
4. By renumbering the remaining sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5416

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 3, line 17, by striking the word "meanings" and inserting in lieu thereof the word "meaning" and by striking the words "to that term".
2. Page 3, line 18, by striking the words "is clear that the term".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5417

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 4, by striking lines 1 and 2.
2. By renumbering the remaining sections to accord with this amendment.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5418

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 4, lines 5 and 6, by striking the words

"other living creature" and inserting in lieu thereof the word "animal".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5419

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 4, line 13, by striking the words "FRAUDULENT PRACTICE. Fraudulent" and inserting in lieu thereof the word "DECEPTION".

2. Page 4, line 14, by striking the word "practice" and inserting in lieu thereof the word "Deception".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5420

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 5, line 10, by striking the word "homicide" and inserting in lieu thereof the word "murder".

2. Page 13A, line 22, by striking the word "HOMICIDE" and inserting in lieu thereof the word "MURDER".

3. Page 13A, line 23, by striking the words "CRIMINAL HOMICIDE" and inserting in lieu thereof the word "MURDER".

4. Page 13A, lines 25 and 26, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

5. Page 13A, line 27, by striking the words "CRIMINAL HOMICIDE" and inserting in lieu thereof the word "MURDER".

6. Page 13A, line 28, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

7. Page 13A, lines 29 and 30, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

8. Page 13B, line 37, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

9. Page 13B, line 39, by striking the words "CRIMINAL HOMICIDE" and inserting in lieu thereof the word "MURDER".

10. Page 13B, line 40, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

11. Page 13B, line 41, by striking the word

"criminal".

12. Page 13B, by striking line 42 and inserting in lieu thereof the words "murder which is not murder in the first".

13. Page 13B, line 44, by striking the words "Criminal homicide" and inserting in lieu thereof the word "Murder".

14. Page 13B, lines 49 and 50, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

15. Page 13B, line 51, by striking the word "irresistable" and inserting in lieu thereof the word "irresistible".

16. Page 13B, line 57, by striking the words "may be proved as" and inserting in lieu thereof the word "is".

17. Page 13B, line 58, by striking the words "criminal homicide" and inserting in lieu thereof

Page 2

the word "murder".

18. Page 13B, line 65, by inserting after the word "felony" the words "or escape".

19. Page 13C, line 71, by striking the words "may be proved as" and inserting in lieu thereof the word "is".

20. Page 13C, line 72, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5421

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 6, by striking lines 12 through 16, and inserting in lieu thereof the following:

Sec. ..... *NEW SECTION.* RECKLESS. A person is reckless or acts recklessly when he or she willfully or wantonly disregards the safety of persons or property.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5422

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 6, line 19, by striking the words "either natural or deviate,".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT,

SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5423

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 6, by striking lines 34 though page 7 line 10 and inserting in lieu thereof the following:

"Sec. 301. *NEW SECTION.* AIDING AND ABETTING. All persons concerned in the commission of a public offense, whether they directly commit the act constituting the offense or aid and abet its commission, shall be charged, tried and punished as principals. The guilt of a person who aids and abets the commission of a crime must be determined upon the facts which show the part he or she had in it, and does not depend upon the degree of another person's guilt."

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5424

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 7, line 12, by inserting after the word "concert," the word "knowingly".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5425

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 7, line 33, by striking the word "a" and inserting in lieu thereof the words "the same".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5426

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 9, line 28, by inserting after the word "property." the words "Nothing in this section authorizes the use of any spring gun or trap which is left unattended and unsupervised and which is placed for the purpose of preventing or terminating criminal interference with the possession of or other right in property."

2. Page 11, by striking lines 14 through 19.
3. By renumbering the remaining sections to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5427

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 10, lines 15 and 16, by striking the words "felon, any force which he reasonably believes to be necessary" and inserting in lieu thereof the words "perpetrator, reasonable force".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5428

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 10, line 19, by inserting after the word "using" the word "reasonable".
2. Page 10, lines 20 and 21, by striking the words ", including deadly force, which he reasonably believes to be necessary".
3. Page 10, line 29, by inserting after the word "knows" the words "or should have known".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5429

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 11, by striking lines 1 through 13.
2. By renumbering the remaining sections to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5430

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 11, by striking lines 25 through 35.

2. Page 12, by striking lines 1 through 15.
3. Page 181, by striking lines 23 through 25.
4. By renumbering the remaining sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5431

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 13A, by striking lines 5 through 15, and inserting in lieu thereof the following:
"Sec. ..... *NEW SECTION.* PENALTIES. A person who commits a conspiracy to commit a forcible felony is guilty of a class C felony. A person who commits a conspiracy to commit a felony, other than a forcible felony, is guilty of a class D felony. A person who commits a conspiracy to commit a misdemeanor is guilty of a misdemeanor of the same class."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5432

Amend Senate File 85 as as amended, passed, and reprinted by the Senate as follows:
1. Page 16, line 21, by striking the word "deadly" and inserting in lieu thereof the word "dangerous".
2. Page 16, by striking lines 31 through 34 and inserting in lieu thereof the following:
"1. A person who commits an assault with the intent to inflict serious injury upon another person or who intentionally points any firearm or displays a dangerous weapon in a theatening manner toward another person, shall be guilty of an aggravated misdemeanor."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5433

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 17, line 28, by striking the word ", harras,".
2. Page 17, line 29, by striking the words "Shoots

or throws a missile or discharges" and inserting in lieu thereof the word "Discharges".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5434

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 18, by striking lines 2 through 23.

2. Page 37, by inserting after line 27 the following new section:

"Sec. ..... *NEW SECTION.* FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. A person who reports or causes to be reported false information to a fire department or a law enforcement authority, knowing that the information is false or who reports the alleged occurrence of a criminal act, knowing the same did not occur commits a simple misdemeanor."

3. Page 179, by striking lines 33 and 34.

4. By renumbering the remaining sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5435

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 18, lines 35 and 36, by striking the words "husband and wife, or between a husband and wife who are not".

2. Page 19A, line 1, by striking the words "he performs" and by inserting after the word "act" the words "is performed".

3. Page 19A, line 3, by inserting after the word "force" the word "or".

4. Page 19A, lines 6 and 7, by striking the words "so consenting or acquiescing".

5. Page 19A, line 30, by striking the words "force and" and inserting in lieu thereof the words "force or".

6. Page 19B, line 37, by striking the word "and" and inserting in lieu thereof the word "or".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5436

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 20A, by striking lines 4 through 8.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
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JESSE of Polk, Chair

H—5437

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 20A, lines 21 and 22, by striking the words "PERSONS UNDER THE AGE OF SIXTEEN YEARS" and inserting in lieu thereof the words "A CHILD".

2. Page 20A, line 24, by striking the words "any person under the age of sixteen" and inserting in lieu thereof the words "a child".

3. Page 20A, lines 28 and 29, by striking the words "person under the age of sixteen" and inserting in lieu thereof the word "child".

4. Page 20A, line 30, by striking the words "person under the age of sixteen" and by inserting in lieu thereof the word "child".

5. Page 20A, line 32, by striking the words "person under sixteen years of age" and inserting in lieu thereof the word "child".

6. Page 20B, by striking lines 37 through 39 and inserting in lieu thereof the following:

"4. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on him or her."

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5438

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 21A, line 7, by striking the words "either of them" and inserting in lieu thereof the words "such person or another".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5439

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 21B, line 41, by striking the words "a firearm or displays".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5440

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 24, line 7, by inserting after the word "damaged" the following: "Provided, that where a person whose ownership or security interest in the property which the defendant intends to destroy or damage, or which he knowingly endangers, equals ninety percent or more of its value, consented to the defendant's acts, and where no insurer has been exposed fraudulently to any risk which he has not knowingly contracted for, and where the act was done in such a way as not to unreasonably endanger the life or property of any other person the act shall not be arson."

2. Page 24, by striking lines 28 through page 25, line 3.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5441

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 24, line 11, by striking the words "a dwelling, or a building" and inserting in lieu thereof the word "property".

2. Page 24, lines 12 through 15, by striking the phrase "or when he knows or should know that his act will create a reasonable probability that death or serious physical injury to another will result".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5442

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 25, line 31, by striking the word "will" and inserting in lieu thereof the word "would".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5443

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 25, line 33, by striking the words "A person who makes".

2. Page 25, by striking line 34 and inserting in lieu thereof the words "Any person who threatens to place or attempts to place".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5444

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 27B, line 38, by inserting after the word "funds" the words "or no account".

2. Page 28A, by striking lines 8 through 16.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5445

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 28B, line 43, by inserting after the word "value" the words "within the community".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5446

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 29, by striking lines 13 through 25.

2. By renumbering the remaining sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5447

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 30, line 14, by striking the words "a violation of section one thousand four hundred".

2. Page 30, by striking line 15, and inserting in lieu thereof the word "theft.".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5448

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 31A, by striking lines 28 through 31B, line 46.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5449

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 34, line 24, by inserting after the word "altered," the word "or" and by striking the words ", or concealed".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5450

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 36, line 33, by striking the word "two" and inserting in lieu thereof the word "three".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5451

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 37, line 20, by striking the word "serious" and inserting in lieu thereof the word "simple".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5452

Amend Senate File 85, as amended, passed, and re-

printed by the Senate as follows:

1. Page 38, by striking lines 25 through 28.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5453

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 40, line 30 by striking the word "said".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5454

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 41, by striking lines 31 through page 42, line 5.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5455

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 41, line 30, by striking the words "him to be guilty" and inserting in lieu thereof the words "that the person committed the offense".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5456

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 41, line 13, by striking the words "will possibly" and inserting in lieu thereof the words "has been or may".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5457

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 44, line 10, by striking the word "corruptly".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5458

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 46, line 32, by striking the word "and" and inserting in lieu thereof the word "or".

2. Page 46, line 34, by inserting before the word "refuses" the word "who" and by striking the words "or willingly fails to obey".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5459

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 47, by striking lines 11 through 13.

2. Page 47, by striking lines 17 through 23.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5460

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 48, by striking line 16 and inserting in lieu thereof the following: "antique weapons or replicas of antique weapons kept for display or ceremonial use."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5461

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 49, line 16, by inserting after the word "vehicle" the words "operated by the person".

2. Page 49, line 20, by inserting after the word "owned" the words "or possessed".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5462

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 50, line 5, by inserting after the word "while" the words "engaged in lawful".

2. Page 50, line 24, by striking the words "sum of money" and inserting in lieu thereof the words "property of a value requiring security".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5463

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 52, by inserting after line 4 the following new subsection:

"5. When the commissioner reasonably determines from competent evidence that the applicant constitutes a danger to himself or others."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5464

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 53, line 1, by inserting after the word "sells" the words "or transfers ownership of".

2. Page 53, line 3, by inserting after the word "sale" the words "or transfer".

3. Page 53, line 5, by inserting after the word "selling" the words "or transfer".

4. Page 53, line 7, by striking the word "purchaser" and inserting in lieu thereof the word "recipient".

5. Page 53, line 8, by striking line 8, and inserting in lieu thereof the words "the model, caliber, serial number, and make of such".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5465

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 53, line 21, by striking the words "dangerous weapon" and inserting in lieu thereof the word "firearm".

2. Page 53, line 22, by striking the words

"dangerous weapon" and inserting in lieu thereof the word "firearm".

3. Page 53, lines 25 and 26, by striking the words "and hunting and fishing knives,".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5466

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 57A, line 20, by inserting after the words "adoptive parent" the words "or person having custody".

2. Page 57A, line 25, by inserting after the words "adoptive parent" the words "or person having custody".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5467

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 86, by striking lines 12 through 35.

2. Page 87, by striking lines 1 through 17.

3. By renumbering the remaining divisions, sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5468

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 106, line 14, by inserting after the comma the words "a peace officer selected by the attorney representing the state,".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5469

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 112A, by striking lines 30 through 35 and inserting in lieu thereof the following:

"The grand jury shall meet at times specified by order of a district judge. In addition to those times, the grand jury shall meet at the request of the county attorney or upon the request of a majority of the grand jurors."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5470

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 116, line 9, by inserting after the word "names" the words ", occupations, and last known addresses".

2. Page 116, lines 11 and 12, by striking the words "minute of the evidence" and inserting in lieu thereof the words "full and fair statement of what the testimony of the witnesses endorsed thereon is expected to be".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5471

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 116, by striking lines 15 and 16.

2. Page 116, line 17, by striking the words "jurisdiction of the offense" and inserting in lieu thereof the following:

"4. APPROVAL BY JUDGE. Prior to the filing of the information, a district judge having jurisdiction of the offense must approve the information by a finding that the evidence contained in the information and the minutes of testimony, if unexplained, would warrant a conviction by the trial jury."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5472

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 133, line 16, by inserting after the word "defendant" the words "or videotape recordings of the defendant".

2. Page 133, line 22, by inserting after the word "voice" the words "or videotape".

3. Page 133, line 29, by inserting after the word "statement" the words "or videotape recordings".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5473

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 135B, line 50, by inserting after the word "judge" the words "and the defendant's attorney".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5474

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 137, line 6, by striking the word "Subpoenas".
2. Page 137, by striking lines 7 through 9.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5475

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 137, by striking lines 29 through 35.
2. Page 138, by striking lines 1 through 3.
3. Page 138, line 4, by striking the letter "c" and inserting in lieu thereof the figure "4".
4. Page 138, line 8, by striking the letter "d" and inserting in lieu thereof the figure "5".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5476

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 144, line 34, by striking the word "four" and inserting in lieu thereof the word "fourteen".
2. Page 145, line 2, by striking the word "four"

and inserting in lieu thereof the word "fourteen".
3. Page 145, line 13, by striking the word "four" and inserting in lieu thereof the word "fourteen".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5477

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 146, by striking lines 34 and 35 and inserting in lieu thereof the following:
"DURING DELIBERATIONS. Notes may be taken by jurors during the testimony of witnesses. All **jurors shall have an equal opportunity to take notes.** The court shall instruct the jury to mutilate and **destroy any notes taken during the trial at the completion of the jury's deliberation.** Upon retiring".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5478

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 151, line 20, by striking the words "under the fifth amendment to the Constitution".
2. Page 151, line 21, by striking the words "of the United States".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5479

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 158, by striking lines 32 through 35.
2. Page 159, by striking lines 1 through 9 and inserting in lieu thereof the following:
"The application for a new trial can be made only by the defendant and shall be made before judgment, but where based upon newly discovered evidence may be made after judgment as well. After giving the parties **notice and an opportunity to be heard on the matter,** the court may grant a motion for a new trial, timely served, for a reason not stated in the motion. In

any case the court shall specify in the order the grounds therefor."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5480

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 161, by striking lines 3 through 5 and inserting in lieu thereof the following:

"c. ON MOTION OF COURT. The court may also, at any time before judgment is pronounced, enter an order in arrest of judgment upon a finding, plea, or verdict of guilty on its own motion."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5481

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 166A, line 24, by striking the words "not admitted to".

2. Page 166A, line 25, by striking the words "bail and unrepresented by legal counsel".

3. Page 166A, line 31, by striking the words *"If a"* and inserting in lieu thereof the word "A".

4. Page 166A, by striking line 32.

5. Page 166A, line 33, by striking the word "counsel".

6. Page 166A, line 34, by striking the word "he".

7. Page 166B, by striking lines 38 through 44.

8. By renumbering the remaining subsections to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5482

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 166B, line 46, by striking the words *"one year"* and inserting in lieu thereof the words *"one hundred eighty days"*.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5483

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 185, line 27, by striking the word "order" and inserting in lieu thereof the word "manner".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5484

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 187, line 10, by striking the word "its" and inserting in lieu thereof the words "the district court".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5501

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 105, line 23, by inserting after the word "custody." the following: "With the consent of the defendant and upon a showing of good cause, the time limits specified may be extended by the magistrate. In the absence of such consent, the time limits may be extended only upon a showing that extraordinary circumstances exist and that delay is indispensable to the interest of justice."

2. Page 105, by striking lines 24 through 26.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5502

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 115, lines 9 and 10, by striking the words "or bill of particulars".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5503

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 116, line 32, by inserting after the word "subpoenas" the words "including subpoena duces tecum,".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5504

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 117, by striking line 4, and inserting in lieu thereof the words "event disclosure shall be made."

2. Page 117, line 9, by inserting after the word "witnesses" the words "and any penalties for violations thereof".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5505

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 117, line 26, by striking the words "An included crime".

2. Page 117, by striking lines 27 through page 118A, line 9.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5506

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 124, line 11, by inserting after the word "particulars" the words "or a change of venue".

2. Page 124, line 14, by inserting after the word "for" the word "good".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION JESSE of Polk, Chair

H—5508

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 126, line 26, by inserting after the word "had" the words "owing to the prejudice of the judge,

or to excitement or prejudice against the defendant in such county. The petition shall be verified on information and belief by the affidavit of the petitioners".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5509

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 128, lines 28 and 29, by striking the words "the district court which has jurisdiction to try the aggrieved party".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5510

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 130A, by striking lines 16 through 35.
2. By striking lines 130B through 135B.
3. Page 136, by striking lines 1 through 34 and inserting in lieu thereof the following:

"Rule 12. DEPOSITIONS. A defendant in a criminal case, either after preliminary information, indictment, or information, may examine witnesses conditionally or on notice or commission, in the same manner and with like effect as in civil actions.

Rule 13. PERPETUATING TESTIMONY. A person apprehensive of a criminal prosecution may perpetuate testimony in his or her favor in the same manner, and with like effect, as may be done in apprehension of any civil action."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5511

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 417, by inserting after line 8 the following:

"Sec. ..... Section six hundred nine point twenty-six (609.26), Code 1975, is amended to read as follows:

609.26 MAXIMUM SERVICE PERMITTED. [No] ***Except as provided in Rule three (3), subsection three (3), paragraph a of the rules of criminal procedure, no*** person on the list of grand jurors shall be eligible

to serve as a grand juror except for one calendar year of the biennial period for which the list is made."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5512

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 421, by inserting after line 29 the following new sections:

"Sec. ..... Section seven hundred fifty-three point nine (753.9), Code 1975, is amended to read as follows:

Except for citations for [traffic violations] *nonindictable misdemeanors where the violator has submitted bond,* any person who willfully fails to appear in court as specified by the citation shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment. [Failure to appear in response to a citation for a traffic violation shall be governed by section 321.487.]

In a case, *other than one which alleges the commission of a nondictable misdemeanor and in which bond has been submitted,* where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original citation attached to the law enforcement agency which issued the original citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously.

In a case which alleges the commission of a nonindictable misdemeanor and in which the violator has submitted bond by cash, check, or guaranteed arrest bond certificate as defined in section three hundred twenty-one point one (321.1) of the Code, where a defendant fails to make a required court appearance the court shall order a forfeiture of the bond as provided in section seven hundred sixty-six point seven (766.7) of the Code.

Sec. ..... Section seven hundred fifty-three point thirteen (753.13), Code 1975, and the division title immediately preceding that section are amended to

read as follows:

[TRAFFIC] *SCHEDULED* VIOLATIONS

753.13 UNIFORM CITATION AND COMPLAINT.

1. The commissioner of public safety shall adopt a uniform, combined [traffic] citation and complaint, which shall be used for charging all traffic violations

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in Iowa under state law or municipal ordinance, unless the defendant is charged by information or unless section 321.236, subsection 1, is applicable, *and which shall be used for charging all other violations of state law which are designated by section seven hundred fifty-three point fifteen (753.15) of the Code to be scheduled violations.* Each citation and complaint shall be serially numbered and shall be in quadruplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, a copy to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the citation and complaint in accordance with section 321.207, *when applicable.* The citation and complaint shall contain, among other things, spaces for the parties' names and for the information required by [section] *sections* 321.485, subsection 2 *and seven hundred fifty-three point six (753.6) of the Code;* a place where the defendant may sign the promise to appear referred to in [section] *sections* 321.486 *and seven hundred fifty-three point seven (753.7) of the Code;* a list of the [minimum] *scheduled* fines prescribed by section 753.15, either separately or by groups; a brief explanation of sections 753.16 and 753.17; and a space where the defendant may sign an admission of the violation when such section 753.16 is applicable. Every citation and complaint shall require the defendant to appear before a court at a specified time and place. Notwithstanding section 321.485, subsection 2, the officer may arrest the defendant although a citation and complaint is used to charge the violation, if authorized by section 755.4.

2. Supplies of the uniform [traffic] citation and complaint for municipal corporations and county agencies shall be paid for out of the court expense fund of the county. Supplies of the uniform [traffic] citation and complaint for all other agencies shall be paid for out of the budget of the agency concerned.

3. The uniform citation and complaint shall contain a place for the verification of the officer issuing the citation. The complaint may be verified before the chief officer of the law enforcement agency or his designee, and the chief officer of each law enforcement agency of the state is authorized to designate specific individuals to administer oaths and certify verifications. Nothing in this section

shall be deemed to invalidate forms of uniform citation and complaint in existence prior to July 1, [1974] *1976*, and existing forms may be used until supplies are

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exhausted.

4. The department of public safety shall design and publish a compendium of scheduled violations and scheduled fines and costs, containing other information which the commissioner of public safety deems appropriate, and shall distribute copies to all courts and law enforcement officers and agencies of the state upon request. The cost of the publication shall be paid out of the budget of the department of public safety. Copies shall be made available to individuals upon request and a charge may be collected which does not exceed the cost of printing.

Sec. ..... Section seven hundred fifty-three point fourteen (753.14), Code 1975, is amended to read as follows:

753.14 [TRAFFIC] *SCHEDULED* VIOLATIONS OFFICES—FINE COLLECTION BOXES.

1. OFFICES. Each district court clerk's office shall constitute a [traffic] *scheduled* violations office of the district court. Additional [traffic violations] offices may be established at other locations, as needed, if authorized by the chief judge of the district.

2. COLLECTION BOXES. The chief judge of the district may permit the maintenance of locked collection boxes to be used at weigh stations. Such boxes shall be used solely for the deposit of fines and costs received upon written admissions of *those* scheduled violations [respecting weight and other nonmoving scheduled violations] applicable to *or committed by* commercial carriers. The collection boxes shall remain locked at all times and shall be opened only by the clerk of the district court or his designee. The chief judge of the district may prescribe procedures for the system and may discontinue its use if necessary.

Sec. ..... Section seven hundred fifty-three point fifteen (753.15), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section fifty-six (56), is amended by striking the section and inserting in lieu thereof the following:

753.15 SCHEDULED VIOLATIONS.

1. Except as otherwise indicated, violations of sections of the Code specified in this section shall be scheduled violations, and the scheduled fine for each of those violations shall be as provided in this section, whether the violation is of state law or

of county or city ordinance.

2. TRAFFIC VIOLATIONS.

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a. For parking violations under sections three hundred twenty-one point two hundred thirty-six (321.236), three hundred twenty-one point two hundred thirty-nine (321.239), three hundred twenty-one point three hundred fifty-eight (321.358), three hundred twenty-one point three hundred sixty (321.360), and three hundred twenty-one point three hundred sixty-one (321.361) of the Code, the scheduled fine is five dollars: However, violations charged by a city upon simple notice of a fine instead of a uniform citation and complaint as permitted by paragraph a of subsection one (1) of section three hundred twenty-one point two hundred thirty-six (321.236) of the Code are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section three hundred twenty-one point three hundred sixty-two (321.362) of the Code the scheduled fine is ten dollars.

b. For registration violations under sections three hundred twenty-one point seventeen (321.17), three hundred twenty-one point thirty-two (321.32), three hundred twenty-one point thirty-four (321.34), three hundred twenty-one point thirty-seven (321.37), three hundred twenty-one point thirty-eight (321.38), three hundred twenty-one point forty-one (321.41), three hundred twenty-one point ninety-eight (321.98) and three hundred twenty-one point one hundred ninety (321.190) of the Code, the scheduled fine is five dollars. For violations of section three hundred twenty-one point one hundred ninety (321.190) of the Code, the case shall be dismissed without imposition of fine or costs if a license valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brakelights, under sections three hundred twenty-one point three hundred seventeen (321.317), three hundred twenty-one point three hundred eighty-seven (321.387), three hundred twenty-one point three hundred eighty-eight (321.388), three hundred twenty-one point three hundred eighty-nine (321.389), three hundred twenty-one point three hundred ninety (321.390), three hundred twenty-one point three hundred ninety-one (321.391), three hundred twenty-one point three hundred ninety-two (321.392), three hundred twenty-one point three hundred ninety-nine (321.399), three hundred twenty-one point four hundred twenty-two (321.422), three hundred twenty-one point four

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hundred thirty-two (321.432), three hundred twenty-one point four hundred thirty-five (321.435), three hundred twenty-one point four hundred thirty-six (321.436), three hundred twenty-one point four hundred thirty-seven (321.437), three hundred twenty-one point four hundred thirty-eight (321.438), three hundred twenty-one point four hundred thirty-nine (321.439), three hundred twenty-one point four hundred forty (321.440), three hundred twenty-one point four hundred forty-one (321.441), three hundred twenty-one point four hundred forty-two (321.442), three hundred twenty-one point four hundred forty-four (321.444), three hundred twenty-one point four hundred forty-five **(321.445), and three hundred twenty-one point four** hundred forty-seven (321.447) of the Code, the **scheduled fine is ten dollars.**

d. For improperly used or nonused or defective or improper equipment under sections three hundred twenty-one point three hundred eighty-three (321.383), three hundred twenty-one point three hundred eighty-four (321.384), three hundred twenty-one point three hundred eighty-five (321.385), three hundred twenty-one point three hundred eighty-six (321.386), three hundred twenty-one point three hundred ninety-eight (321.398), three hundred twenty-one point four hundred (321.400), three hundred twenty-one point four hundred two (321.402), three hundred twenty-one point four hundred three (321.403), three hundred twenty-one point four hundred four (321.404), three hundred twenty-one point four hundred nine (321.409), three hundred twenty-one point four hundred fifteen (321.415), three hundred twenty-one point four hundred nineteen (321.419), three hundred twenty-one point four hundred twenty (321.420), three hundred twenty-**one point four hundred twenty-three (321.423), three** hundred twenty-one point four hundred thirty (321.430), three hundred twenty-one point four hundred thirty-three (321.433), three hundred twenty-one point four hundred forty-eight (321.448), three hundred twenty-one point four hundred forty-nine (321.449), and three hundred twenty-one point four hundred fifty (321.450) of the Code the scheduled fine is twenty dollars.

e. For violations of a restricted license under sections three hundred twenty-one point one hundred eighty (321.180), three hundred twenty-one point one hundred ninety-three (321.193), and three hundred twenty-one point one hundred ninety-four (321.194) of the Code the scheduled fine is twenty dollars.

f. For excessive speed violations when not more than ten miles per hour in excess of the limit under

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sections three **hundred twenty-one point two hundred thirty-six (321.236), subsections five (5) and eleven**

(11), three hundred twenty-one point two hundred eighty-five (321.285), three hundred twenty-one point two hundred eighty-six (321.286), and three hundred twenty-one point two hundred eighty-seven (321.287) of the Code, the scheduled fine is ten dollars.

Excessive speed in conjunction with a violation of section three hundred twenty-one point two hundred seventy-eight (321.278) of the Code is not a scheduled violation, whatever the amount of excess speed.

For excessive speed violations when in excess of ten but not more than twenty miles per hour in excess of the limit under those sections, the scheduled fine is thirty dollars: However, speed more than ten miles per hour in excess of the speed limit by the operator of a school bus is not a scheduled violation. Excessive speed more than twenty miles per hour in excess of the limit is not a scheduled violation.

g. For operating, passing, turning and standing violations under sections three hundred twenty-one point two hundred twenty-five (321.225), three hundred twenty-one point two hundred thirty-six (321.236), subsections three (3), four (4), nine (9) and twelve (12), three hundred twenty-one point two hundred seventy-five (321.275), three hundred twenty-one point two hundred ninety-five (321.295), three hundred twenty-one point two hundred ninety-seven (321.297), three hundred twenty-one point two hundred ninety-nine (321.299), three hundred twenty-one point three hundred three (321.303), three hundred twenty-one point three hundred four (321.304), subsections one (1) and two (2), three hundred twenty-one point three hundred five (321.305), three hundred twenty-one point three hundred six (321.306), three hundred twenty-one point three hundred eleven (321.311), three hundred twenty-one point three hundred twelve (321.312), three hundred twenty-one point three hundred fourteen (321.314), three hundred twenty-one point three hundred fifteen (321.315), three hundred twenty-one point three hundred sixteen (321.316), three hundred twenty-one point three hundred eighteen (321.318), three hundred twenty-one point three hundred twenty-three (321.323), three hundred twenty-one point three hundred thirty-five (321.335), three hundred twenty-one point three hundred thirty-six (321.336), three hundred twenty-one point three hundred thirty-seven (321.337), three hundred twenty-one point three hundred thirty-eight (321.338), three hundred twenty-one point three hundred forty (321.340), three hundred twenty-one

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point three hundred forty-four (321.344), three hundred twenty-one point three hundred fifty-three (321.353), three hundred twenty-one point three hundred fifty-four (321.354), three hundred twenty-one point three hundred sixty-three (321.363), three hundred twenty-

one point three hundred sixty-four (321.364), three hundred twenty-one point three hundred sixty-five (321.365), three hundred twenty-one point three hundred sixty-six (321.366), three hundred twenty-one point three hundred sixty-eight (321.368), three hundred twenty-one point three hundred eighty-two (321.382), and three hundred twenty-one point three hundred ninety-five (321.395) of the Code, the scheduled fine is fifteen dollars.

h. For violations involving failures to yield or to observe pedestrians and other vehicles under sections three hundred twenty-one point two hundred fifty-seven (321.257), subsections one (1) and four (4), three hundred twenty-one point two hundred eighty-eight (321.288), three hundred twenty-one point two hundred ninety-eight (321.298), three hundred twenty-one point three hundred (321.300), three hundred twenty-one point three hundred seven (321.307), three hundred twenty-one point three hundred eight (321.308), three hundred twenty-one point three hundred thirteen (321.313), three hundred twenty-one point three hundred nineteen (321.319), three hundred twenty-one point three hundred twenty (321.320), three hundred twenty-one point three hundred twenty-one (321.321), three hundred twenty-one point three hundred twenty-nine (321.329), three hundred twenty-one point three hundred thirty-three (321.333), three hundred twenty-one point three hundred thirty-nine (321.339), and three hundred twenty-one point three hundred sixty-seven (321.367) of the Code, the scheduled fine is twenty dollars.

i. For violations by pedestrians and bicyclists under sections three hundred twenty-one point two hundred thirty-six (321.236), subsection ten (10), three hundred twenty-one point three hundred twenty-five (321.325), three hundred twenty-one point three hundred twenty-six (321.326), three hundred twenty-one point three hundred twenty-eight (321.328), three hundred twenty-one point three hundred thirty-one (321.331), three hundred twenty-one point three hundred thirty-two (321.332), three hundred twenty-one point three hundred ninety-seven (321.397), and three hundred twenty-one point four hundred thirty-four (321.434) of the Code, the scheduled fine is ten dollars.

j. For violations by operators of school buses and emergency vehicles, and for violations by other

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motor vehicle operators when in vicinity, under sections three hundred twenty-one point two hundred thirty-one (321.231), three hundred twenty-one point three hundred twenty-four (321.324), three hundred twenty-one point three hundred seventy-two (321.372), and three hundred twenty-one point three hundred seventy-seven (321.377) of the Code, the scheduled fine is twenty-five dollars: However, excessive speed

by a school bus in excess of ten miles over the limit is not a scheduled violation.

k. For violations of traffic signs and signals, and for failure to obey an officer under sections three hundred twenty-one point two hundred twenty-nine (321.229), three hundred twenty-one point two hundred thirty-six (321.236), subsections two (2), and six (6), three hundred twenty-one point two hundred fifty-seven (321.257), subsections two (2) and three (3), three hundred twenty-one point two hundred fifty-eight (321.258), three hundred twenty-one point two hundred ninety-four (321.294), three hundred twenty-one point three hundred four (321.304), subsection three (3), three hundred twenty-one point three hundred twenty-two (321.322), three hundred twenty-one point three hundred forty-one (321.341), three hundred twenty-one point three hundred forty-two (321.342), three hundred twenty-one point three hundred forty-three (321.343), and three hundred twenty-one point three hundred forty-five (321.345) of the Code, the scheduled fine is twenty dollars.

l. For height, weight and load violations and towed vehicle violations under sections three hundred twenty-one point three hundred nine (321.309), three hundred twenty-one point three hundred ten (321.310), three hundred twenty-one point three hundred eighty-one (321.381), three hundred twenty-one point three hundred ninety-four (321.394), three hundred twenty-one point four hundred thirty-seven (321.437), three hundred twenty-one point four hundred fifty-five (321.455), three hundred twenty-one point four hundred fifty-six (321.456), three hundred twenty-one point four hundred fifty-seven (321.457), three hundred twenty-one point four hundred fifty-eight (321.458), three hundred twenty-one point four hundred sixty-one (321.461), three hundred twenty-one point four hundred sixty-two (321.462), and three hundred twenty-one point four hundred seventy-four (321.474) of the Code, the scheduled fine is twenty-five dollars. For weight violations under sections three hundred twenty-one point four hundred fifty-nine (321.459) and three hundred twenty-one point four hundred sixty-

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six (321.466) of the Code the scheduled fine is ten dollars for each two thousand pounds or fraction thereof of overweight.

m. For violation of display of identification required by section three hundred twenty-six point twenty-two (326.22) of the Code and violation of trip permits as prescribed by sections three hundred twenty-six point twenty-three (326.23) and three hundred twenty-six point twenty-four (326.24) of the Code, the scheduled fine is ten dollars.

n. For violation of intrastate hauling on foreign

registration under sections three hundred twenty-one point fifty-four (321.54) and three hundred twenty-one point fifty-five (321.55) of the Code; use of registration under section three hundred twenty-one point ninety-nine (321.99) of the Code; and display of registration or plates under section three hundred twenty-one point ninety-eight (321.98) of the Code, the scheduled fine is twenty dollars.

o. For violations of sections three hundred twenty-four point fourteen (324.14), three hundred twenty-four point fifty-two (324.52) or three hundred twenty-four point seventy-four (324.74), subsections two (2) and six (6), of the Code, the scheduled fine is ten dollars.

p. Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section three hundred twenty-one point four hundred sixty-three (321.463) of the Code shall be scheduled violations subject to the provisions, procedures and exceptions contained in sections seven hundred fifty-, three point thirteen (753.13) to seven hundred fifty-three point eighteen (753.18) of the Code, irrespective **of the amount of the fine under that schedule.** Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one hundred dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one hundred dollars: (1) Shall, when the violation is admitted and section seven hundred fifty-three point sixteen (753.16) of the Code applies, be chargeable upon **uniform citation and complaint, indictment, or county** attorney's information, (2) but otherwise, shall be chargeable only upon indictment or county attorney's information. In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one

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hundred dollars, the conviction shall be of an **indictable offense although section seven hundred** fifty-three point sixteen (753.16) of the Code is **employed and whether the violation is charged upon uniform citation and complaint, indictment, or county** attorney's information.

3. VIOLATIONS OF NAVIGATION LAWS.

a. For violations of registration, inspection, identification and record provisions under sections one hundred six point four (106.4), one hundred six point five (106.5), one hundred six point ten (106.10), one hundred six point twenty (106.20), one hundred six point thirty-five (106.35), and one hundred six point thirty-seven (106.37) of the Code, the scheduled

fine is five dollars.

b. For unused or improper or defective lights and warning devices under sections one hundred six point nine (106.9), subsections two (2), four (4), five (5), nine (9), ten (10) and thirteen (13), and one hundred six point eleven (106.11) of the Code, the scheduled fine is ten dollars.

c. For unused or improper or defective equipment under section one hundred six point nine (106.9), subsections six (6), seven (7) and eight (8), the scheduled fine is twenty dollars.

d. For operating violations under sections one hundred six point twelve (106.12), one hundred six point fifteen (106.15), subsection two (2), one hundred six point twenty-six (106.26), one hundred six point thirty-one (106.31), whether of state law or local ordinance, and one hundred six point thirty-three (106.33) of the Code, the scheduled fine is twenty dollars: However, violation of section one hundred six point twelve (106.12), subsection two (2) of the Code, is not a scheduled violation.

e. For operating violations under sections one hundred six point fifteen (106.15), subsection one (1), one hundred six point twenty-four (106.24) and one hundred six point thirty-four (106.34) of the Code, the scheduled fine is twenty-five dollars.

f. For violations of use, location and storage of vessels, devices and structures under sections one hundred six point twenty-seven (106.27), one hundred six point twenty-eight (106.28), and one hundred six point thirty-two (106.32) of the Code, the scheduled fine is fifteen dollars.

g. For violations of all subdivision ordinances under section one hundred six point seventeen (106.17), subsection two (2) of the Code, except those relating to matters subject to regulation by authority of

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subsection five (5) of section one hundred six point thirty-one (106.31) of the Code, the scheduled fine is ten dollars, whether or not a different scheduled fine is prescribed elsewhere in ths subsection.

4. SNOWMOBILE VIOLATIONS.

a. For registration and identification violations under sections three hundred twenty-one G point three (321G.3) and three hundred twenty-one G point five (321G.5) of the Code, the scheduled fine is five dollars.

b. For operating violations under sections three hundred twenty-one G point nine (321G.9), subsections one (1), two (2), three (3), four (4), five (5), and seven (7), three hundred twenty-one G point eleven (321G.11), and three hundred twenty-one G point thirteen (321G.13), subsections four (4) and nine (9) of the Code, the scheduled fine is twenty dollars.

c. For improper or defective equipment under section three hundred twenty-one G point twelve (321G.12) of the Code, the scheduled fine is ten dollars.

d. For violations of section three hundred twenty-one G point nineteen (321G.19) of the Code, the scheduled fine is fifteen dollars.

5. FISH AND GAME LAW VIOLATIONS.

a. For violations of section one hundred ten point one (110.1) of the Code, the scheduled fine is ten dollars: However, engaging without a license in any activity the license fee for which is greater than ten dollars is not a scheduled violation.

b. For violations of sections one hundred nine point fifty-four (109.54), one hundred nine point seventy-six (109.76), one hundred nine point eighty (109.80), unnumbered paragraph one (1), one hundred nine point eighty-two (109.82), one hundred nine point ninety-three (109.93), one hundred nine point ninety-one (109.91), one hundred nine point one hundred twenty (109.120), one hundred nine point one hundred twenty-two (109.122), one hundred ten point twelve (110.12), and one hundred ten point twenty-four (110.24) of the Code, and Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seven (107), section one (1), the scheduled fine is twenty dollars.

6. DESCRIPTION OF VIOLATIONS. The descriptions of offenses used in this section are for convenience only and shall not be construed to define any offense or to include or exclude any offense other than those specifically included or excluded by reference to the Code. A reference to a section or subsection

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of the Code without further limitation includes every offense defined by that section or subsection.

Sec. ..... Section seven hundred fifty-three point sixteen (753.16), subsections one (1) and two (2), and subsection three (3), **paragraph a, Code 1975,** are amended to read as follows:

1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail the citation and complaint, together with the minimum fine for the violation, plus five dollars cost, to a [traffic] *scheduled* violations office in the county. The office shall, if the offense is a moving violation *under chapter three hundred twenty-one (321) of the Code,* forward a copy of the citation and complaint and admission to the [commissioner of public safety] *department of transportation* as required by section 321.207. Thereupon the defendant shall

not be required to appear before the court. The admission shall constitute a conviction.

2. A defendant charged with a scheduled violation by information may obtain two copies of the information from the court and, before the time he is required to appear before the court, deliver or mail such copies, together with his *or her* admission, fine, and five dollars cost, to the [traffic] *scheduled* violations office in the county. The procedure, fine and costs shall be the same as when the charge is by citation and complaint, with the admission and the number of the defendant's operator's or chauffeur's license placed upon the information, *when the violation involves the use of a motor vehicle.*

a. If the defendant wishes to admit the violation, the officer may release the defendant upon observing him mail the citation and complaint, admission, and minimum fine, together with five dollars costs, to a [traffic] *scheduled* violations office in the county, in an envelope furnished by the officer. The officer may allow the defendant to mail a check in the proper amount in lieu of cash. If the check is not paid by the drawee for any reason, the defendant may be held in contempt of court. The officer shall advise the defendant of the penalty for nonpayment of the check.

Sec. ..... Section seven hundred fifty-three point sixteen (753.16), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The five dollars in costs imposed by this section shall be the total costs collectible

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from any defendant upon either an admission of a violation without hearing, or upon a hearing pursuant to subsection four (4) of this section. Fees shall not be imposed upon or collected from any defendant for the purposes specified in subsections nine (9), ten (10) or twenty (20) of section six hundred six point fifteen (606.15) of the Code.

Sec. ..... Section seven hundred fifty-three point seventeen (753.17), Code 1975, is amended to read as follows:

753.17 REQUIRED COURT APPEARANCE. Section 753.16 shall not apply to a scheduled violation *in any of the following circumstances*:

1. When the violation charged involved *or resulted in* an accident or injury *to person or property.*

2. When *the violation involved the use of a motor vehicle and* the officer believed the defendant did not have in force a valid operator's or chauffeur's license or permit.

3. When [the officer believed] the violation [was hazardous or aggravated] *created an immediate threat to the safety of other persons or property* because

of highway conditions, visibility, traffic, repetition, or other circumstances.

In such cases, the defendant shall appear before the court and regular procedure shall apply. If an information is used the officer shall endorse thereon, "Court appearance required." If a citation and complaint is used, the officer shall strike out the space in which the defendant may admit the violation before a [traffic] *scheduled* violations office and shall endorse thereon "Court appearance required"[. A] *and the* defendant shall appear before the court [for any nonscheduled violation] either in person or by attorney.

Sec. ..... Section seven hundred fifty-three point eighteen (753.18), Code 1975, is amended to read as follows:

753.18 OTHER PENALTIES. If the defendant is convicted of a scheduled violation, the penalty shall be the scheduled fine, without suspension of the fine prescribed in section 753.15 together with costs assessed and distributed as prescribed by section 602.63, unless it appears from the evidence that the violation was of the type set forth in section 753.17, [subsection] *subsections one (1) or* 3, in which event the [punishment shall be increased accordingly within the limits of law] *scheduled fine shall not apply and the penalty shall be increased within the limits provided by law for the offense.*

Upon the conviction of a defendant of a violation

Page 14

specified in sections seven hundred fifty-three point fifteen (753.15) or seven hundred fifty-three point seventeen (753.17) of the Code, fees shall not be imposed or collected for the purposes specified in subsections nine (9), ten (10), or twenty (20) of section six hundred six point fifteen (606.15) of the Code.

Sec. ..... Section seven hundred fifty-three point nineteen (753.19), Code 1975, is amended to read as follows:

753.19 DISPOSITION OF TRAFFIC FINES AND COSTS. Fines, forfeiture of bail, fees, and costs collected for all [traffic] *scheduled* violations shall be remitted in accordance with section 602.55.

Sec. ..... Section seven hundred fifty-three point twenty (753.20), Code 1975, is amended to read as follows:

753.20 VENUE.

1. [Traffic] *Scheduled* violations may be tried before the nearest magistrate in the judicial district in which the offense is committed.

2. Upon written consent of the defendant and the officer [who apprehended him] *issuing the citation,* [traffic] *scheduled* violations, *other than those for which a court appearance is required under section*

seven hundred fifty-three point seventeen (753.17) of the Code, **may be prosecuted in any county in the state irrespective of where committed, and in such event the documents in the case shall be sent to the court or [traffic] *scheduled* violations office designated by the defendant and the officer."**

2. By renumbering sections of the bill and correcting internal references, as necessary.

DOYLE of Woodbury

H—5513

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 425, by inserting after line 30 the following:

"Sec. ..... 'Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-three (183), is repealed."

2. By renumbering the remaining sections and subsections to accord with this amendment.

HORN of Linn

H—5514

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 24, by inserting after the word "are" the words "capital felonies,".

2. Page 13A, by striking lines 27 through page 13B line 45 and inserting in lieu thereof the following new sections.

"Sec. ..... *NEW SECTION.* CAPITAL HOMICIDE. A person who with malice aforethought willfully, deliberately, and with premeditation kills another person under one or more of the following circumstances, commits a capital homicide.

1. The killing is perpetrated while the offender is participating in the crime of first degree kidnapping.

2. The killing is perpetrated by an inmate of a jail or correctional institution, against another person who is not an inmate of a jail or correctional institution.

3. The killing is perpetrated by an inmate of a jail or correctional institution, who is serving a life sentence, and is perpetrated against another inmate.

Sec. ..... *NEW SECTION.* APPEAL OF CONVICTION OF CAPITAL HOMICIDE. When reviewing a judgment and sentence of death the supreme court shall in the first instance determine whether errors of law occurring at the trial require reversal or modification of the judgment. Upon determining that errors of law did not occur at the trial which require reversal or modification the supreme court shall set a date for

an evidentiary hearing for the purpose of determining if the death sentence comports with the principles of due process and equal protection of the law. At the hearing the supreme court shall determine whether the sentence of death was arbitrarily imposed or the result of discrimination based on race, creed, economic condition, social position, class, or sex of the defendant and shall specifically determine whether the sentence of death is substantially disproportionate to the penalty imposed in similar cases.

Sec. ..... *NEW SECTION.* CRIMINAL HOMICIDE IN THE FIRST DEGREE. A person commits criminal homicide in the first degree when he or she willfully, deliberately and with premeditation commits criminal homicide which is not a capital homicide.

Criminal homicide in the first degree is a class A felony.

Sec. ..... *NEW SECTION.* CRIMINAL HOMICIDE IN THE SECOND DEGREE. A person commits criminal homicide

Page 2

in the second degree when he or she commits criminal homicide which is not capital homicide or homicide in the first degree.

Criminal homicide in the second degree is a class B felony."

3. Page 90, line 34, by inserting after the word "recognizance," the words "unless charged with a capital felony when the proof is evident or the presumption great, and".

4. Page 216, by inserting after line 1 the following new sections:

"Sec. ..... *NEW SECTION.* CAPITAL FELONY. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a capital felony may be rendered the court shall enter a judgment and shall commit the defendant to the director of the division of adult corrections for execution of the death penalty. Nothing in this chapter pertaining to deferred judgment, suspended sentence or probation shall apply to a capital felony, and a person convicted of a capital felony shall not be released on parole.

Sec. ..... *NEW SECTION.* TIME OF EXECUTION. When the court directs that a defendant be punished by death, it shall fix the day of the execution, which shall not be less than one year after the day on which the judgment is rendered, and not longer than fifteen months, during which time the defendant shall be imprisoned in the penitentiary.

Sec. ..... *NEW SECTION.* RECORD SENT GOVERNOR. Immediately after entry of judgment of death, the court rendering the judgment shall transmit by mail to the governor a copy of the indictment, plea, verdict, judgment, and testimony in the case.

Sec. ..... *NEW SECTION.* COPY OF JUDGMENT AUTHORITY FOR EXECUTION. When a judgment of death is pronounced, a certified copy of the entry thereof in the record book must be furnished to the officer whose duty it is to execute the same, who shall proceed accordingly, and no other warrant or authority is necessary to require or justify the execution.

Sec. ..... *NEW SECTION.* REPRIEVE OR SUSPENSION. The only officers who shall have power to reprieve or suspend the execution of a judgment of death are the governor and, as provided in this chapter, the warden of the penitentiary, and the supreme court when an appeal is taken.

Sec. ..... *NEW SECTION.* INSANITY OR PREGNANCY. When the warden of the penitentiary has reasonable grounds to believe that a defendant in his or her

charge under sentence of death is insane or pregnant, he or she shall notify the commissioners of hospitalization of the county where the penitentiary is located, who shall be placed under oath by the warden to inquire into the facts as to the insanity or pregnancy of the defendant, and return a report of their findings.

Sec. ..... *NEW SECTION.* FINDINGS OF COMMISSIONERS. The commissioners, after being placed under oath, shall examine the defendant and hear any evidence that may be presented, and may examine the medical attendants at the penitentiary, to ascertain the facts, and make a report in writing, signed by a majority of the commissioners.

Sec. ..... *NEW SECTION.* EXECUTION SUSPENDED. If the report does not show the defendant to be insane or pregnant, the warden shall not suspend the execution; but if it does, he or she shall suspend the execution, and immediately transmit the report to the governor.

Sec. ..... *NEW SECTION.* EXECUTIVE WARRANT OF EXECUTION. When a judgment of death from any cause has not been executed on the day appointed by the court, the governor, by a warrant under the seal of the state, shall fix the day of execution, and the warrant shall be obeyed by the sheriff, and no one but the governor can then suspend its execution.

Sec. ..... *NEW SECTION.* TIME AND MANNER OF EXECUTION. A judgment of death must be executed by the sheriff of the county where the judgment was rendered, or his or her deputy, within the walls of the penitentiary where the defendant is confined, or within a yard or enclosure adjoining the penitentiary on the day fixed in the judgment, between sunrise and sunset; by passing an electric current, of sufficient intensity and duration to cause death, through the body of the convicted person.

Sec. ..... *NEW SECTION.* WITNESSES TO EXECUTION. The sheriff or his or her deputy must, at least three days before executing a judgment of death, notify the judge of the district court who tried the case, or, if he or she be not in office, another judge of such court, the county attorney and the clerk of the district court of the county in which the judgment was rendered, the sheriff of the county in which the offense was committed, and two physicians and twelve citizens of the state to be selected by him or her to be present as witneses at the execution. He or she must also, at the request of the defendant, permit one or more ministers of the gospel, named by him

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or her, and any of his or her relatives, to attend the execution. Minors and persons not authorized by this section shall not be present at the execution.

Sec. ..... *NEW SECTION.* CERTIFICATE OF EXECUTION. The sheriff or his or her deputy executing the judgment of death must prepare and sign a certificate, setting forth the time and place of the execution, and that judgment was executed upon the defendant according to the provisions of this chapter, and cause the certificate to be signed by the public officers, and at least twelve persons, who are not relatives of the defendant, who witnessed the execution.

Sec. ..... *NEW SECTION.* CERTIFICATE FILED AND PUBLISHED. The sheriff or his or her deputy executing the judgment must file the certificate in the office of the clerk of the district court of the county in which the judgment was rendered, and publish a copy of the certificate in one newspaper printed at the capital of the state, and in one in his or her county.

Sec. ..... *NEW SECTION.* STAY OF EXECUTION BY APPEAL. An appeal from a judgment of death shall stay the infliction of that punishment, but the defendant is to be retained in custody without bail.

Sec. ..... *NEW SECTION.* PROCEEDINGS ON APPEAL. When an appeal is taken from a judgment of death, the clerk of the district court in which it was rendered shall at once give the defendant or his or her attorney a certificate, under the seal of the court, certifying that fact, and the sheriff or other officer having the defendant in custody shall, upon the delivery to him or her of the certificate, suspend further proceedings on the judgment until final judgment on the appeal is certified to him or her by the clerk of the supreme court.

Sec. ..... *NEW SECTION.* PROCEEDINGS ON AFFIRMANCE--ISSUANCE OF WARRANT. When such judgment is affirmed, the supreme court shall deliver a copy of the judgment to the governor, and to the sheriff whose duty it is to execute the judgment, signed by the clerk of the supreme court and under seal of the court, and

the governor shall issue a warrant of execution under the seal of the state, and transmit it by messenger or mail to the sheriff whose duty it is to execute the judgment, directing him or her, on a day and at an hour, not earlier than the day fixed by the district court, to execute such judgment in the manner required by law.

Sec. ..... *NEW SECTION.* EXECUTION OF WARRANT. The sheriff shall execute such warrant in the manner provided in this chapter, and report the sheriff's

Page 5

doings to the governor and the district court whose judgment was appealed from, and make the publication of the sheriff's doings in the manner provided for in this chapter. If from any cause the judgment is not executed on the day named in the warrant, the governor may appoint another, and so on until it is done."

5. By renumbering the remaining sections and internal references to accord with this amendment.

JUNKER of Woodbury

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster the House adjourned at 6:48 p.m. until 9:00 a.m., Thursday, March 4, 1976.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day—Thirty-sixth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, MARCH 4, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Artic S. Harris, pastor of the St. Paul A. M. E. Church, Des Moines, Iowa.

The Journal of Wednesday, March 3, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Greg Hockstra, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-five third and fourth grade students from Willard Elementary School, Des Moines, Iowa, accompanied by Mrs. McMahon and Mrs. Melhada. By Connors of Polk and Woods of Polk.

PETITION

By Bina of Scott from one thousand two hundred eleven students attending West High School in Davenport, opposing House File 1008, relating to raising the legal age for purchase of beer or alcoholic beverages from eighteen years of age to nineteen years of age.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the

Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1123, a bill for an act to establish a department of employment security and to prescribe its duties.

Also: That the Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1141, a bill for an act to establish and regulate the practice of barbering and the practice of cosmetology.

Also: That the Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1150, a bill for an act relating to the insanity of a defendant during trial.

Also: That the Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1221, a bill for an act appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission.

Also: That the Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1222, a bill for an act appropriating funds to the department of general services for capital improvements.

Also: That the Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1223, a bill for an act making a supplemental appropriation to the campaign finance disclosure commission.

Also: That the Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1224, a bill for an act to appropriate funds to the state department of health for licensing speech pathologists and audiologists.

Also: That the Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1225, a bill for an act relating to the establishment of a birth defects institute and specifying its powers and duties and making an appropriation.

Also: That the Senate has on March 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1226, a bill for an act to appropriate and authorize expenditures for centralized printing, centralized purchasing and the vehicle dispatcher.

STEVEN C. CROSS, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed seventy-one members present, twenty-eight absent.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 1008**, a bill for an act relating to the sale of beer and alcoholic beverages.

Wells of Linn offered the following amendment filed by Monroe of Des Moines and Wells of Linn:

H—5406

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point thirty (123.30), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. CLASS "E".

1. A class "E" liquor control license may be issued for a period not to exceed one day to a college or university, and shall authorize the holder to purchase alcoholic liquors from the department only, and to sell such liquors by the individual drink for consumption on the premises only: Provided that wine may be sold by the bottle for consumption on the premises only. Not more than one class "E" license may be issued to the same college or university within a single calendar month.

2. A class "E" license shall be issued by the director upon application of the administrative body of a college or university, and payment of a fee of ten dollars. No bond shall be required. Application to local authorities shall not be required for a class "E" license, and approval of local authorities shall not be a condition precedent to the issuance of a class "E" liquor control license.

3. A class "E" liquor control license shall be issuable for use on specified premises, and for use only between the hours of twelve o'clock noon and twelve o'clock midnight. A class "E" liquor control license may be issued only for bona fide educational activities approved by the administration of the college or university and held under the direction and supervision of staff members of the college or university: However, those activities may be held on, and a class "E" license may be issued for, premises not owned or subject to the possession of the college or university.

4. The director may adopt rules providing for the issuance and use of class "E" liquor control licenses, and may limit the types of alcoholic liquor which may be purchased and sold by class "E" liquor control licensees to wines, cordials and after dinner liqueurs.

5. A class "E" liquor control licensee shall not be subject to the tax specified in section one hundred twenty-three point ninety-six (123.96) of the Code."

2. By renumbering sections as necessary.

Wyckoff of Benton rose on a point of order that amendment H—5406 was not germane.

The Speaker propounded the question to the House.

Roll call was requested by Brunow of Appanoose and Horn of Linn.

On the question "Is amendment H—5406 germane?"

The ayes were, 39:

Avenson	Gilloon	Junker	Perkins
Baker	Halvorson	Lipsky	Schroeder
Bina	Hargrave	McElroy	Small
Brandt	Harper	Mennenga	Spear
Byerly	Harvey	Middleton	Svoboda
Crawford	Hennessey	Miller, K. D.	Tauke
Cusack	Horn	Newhard	Walter
Doyle	Hutchins	Oakley	Wells
Fitzgerald	Jochum	O'Halloran	Wulff
Gentleman	Jordan	Pavich	

The nays were, 42:

Anderson	Dieleman	Lageschulte	Readinger
Bennett	Drake	Lindeen	Scheelhaase
Bittle	Dunton	Lonergan	Spencer
Bortell	Evans	Menke	Spradling
Branstad	Hansen	Middleswart	Tofte
Brockett	Hinkhouse	Miller, A. V.	Varley
Brunow	Howell	Miller, O. L.	Welden
Crabb	Hullinger	Nealson	West
Daggett	Husak	Pellett	Woods
Danker	Koogler	Poncy	Wyckoff
Den Herder	Kreamer		

Absent or not voting, 18:

Caffrey	Griffee	Millen	Patchett
Clark	Higgins	Monroe	Rinas
Connors	Hines	Nielsen	Stromer
Dyrland	Jesse	Norland	Mr. Speaker
Egenes	Krause		

Amendment H—5406 was ruled not germane.

With amendment H—5406 being ruled not germane, amendment H—5413 to amendment H—5406, filed by Dyrland of Clayton on March 3, 1976, and found on page 842 of the House Journal, was out of order.

Hargrave of Johnson offered amendment H—5409 filed by him on March 3, 1976, and found on pages 825 through 837 of the House Journal.

Lageschulte of Bremer rose on a point of order that amendment H—5409 was not germane.

The Speaker propounded the question to the House.

Roll call was requested by Avenson of Fayette and Patchett of Johnson.

Rules 69 and 70 were invoked.

On the question "Is amendment H—5409 germane?"

The ayes were, 44:

Avenson	Fitzgerald	Lipsky	Pavich
Baker	Gentleman	McElroy	Perkins
Bina	Gilloon	Mennenga	Rinas
Brandt	Hargrave	Middleton	Schroeder
Byerly	Harper	Millen	Small
Caffrey	Harvey	Miller, K. D.	Svoboda
Clark	Hennessey	Nealson	Tauke
Connors	Horn	Newhard	Tofte
Crawford	Jesse	Oakley	Walter
Cusack	Jochum	O'Halloran	Wells
Doyle	Krause	Patchett	Wulff

The nays were, 46:

Bennett	Dunton	Kreamer	Scheelhaase
Bittle	Dyrland	Lageschulte	Spear
Bortell	Evans	Lindeen	Spencer
Branstad	Griffee	Lonergan	Spradling
Brockett	Halvorson	Menke	Stromer
Brunow	Hansen	Middleswart	Varley
Crabb	Hinkhouse	Miller, A. V.	Welden
Daggett	Howell	Miller, O. L.	West
Danker	Hullinger	Pellett	Woods
Den Herder	Husak	Poncy	Wyckoff
Dieleman	Junker	Readinger	Mr. Speaker
Drake	Koogler		

Absent or not voting, 9:

Anderson	Hines	Jordan	Nielsen
Egenes	Hutchins	Monroe	Norland
Higgins			

Amendment H—5409 was ruled not germane.

Jesse of Polk offered the following amendment H—5410 filed by him and Avenson of Fayette:

H—5410

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point three (123.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Special distributor" means a person especially designated by the department to dispense alcoholic liquors, subject to the provisions of this chapter, in such cities as in the opinion of the department there is not sufficient demand for a state liquor store.

Sec. ..... Section one hundred twenty-three point

sixteen (123.16), subsection two (2), paragraph d, Code 1975, is amended to read as follows:

d. The establishment or discontinuance of state liquor stores *and special distributors.*

Sec. ..... Section one hundred twenty-three point twenty (123.20), subsection two (2), Code 1975, is amended to read as follows:

2. To establish, maintain, or discontinue state liquor stores *and special distributors* and to determine the cities in which such stores *or distributors* shall be located. However, no liquor store *or special distributor* shall be established within three hundred feet of any public or private educational institution, except that local authorities may by ordinance reduce such minimum distance.

Sec. ..... Section one hundred twenty-three point twenty-one (123.21), subsections two (2), three (3), and eight (8), Code 1975, are amended to read as follows:

2. Regulating the management, equipment, and merchandise of state liquor stores *and special distributors* and warehouses in and from which alcoholic liquors are transported, kept, or sold and prescribing the books and records to be kept therein. *This subsection shall apply to special distributors insofar as in the opinion of the department it is deemed necessary for proper regulation and control.*

3. Regulating the purchase of alcoholic liquor generally and the furnishing of such liquor to state liquor stores *and special distributors* established under this chapter, determining the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses or for sale at any state liquor store *or by any special distributor.*

8. Prescribing, subject to this chapter, the days and hours during which state liquor stores *and special distributors* shall be kept open for the purpose of

Page 2

the sale of alcoholic liquors.

Sec. ..... Section one hundred twenty-three point twenty-three (123.23), Code 1975, is amended by striking the section and inserting in lieu thereof the the following:

123.23 STATE LIQUOR STORES.

1. The department may establish and maintain in any city which the director may deem advisable, a state liquor store or stores or special distributors, in accordance with subsections two (2) through six (6), inclusive, of this section, for storage and sale of alcoholic liquor in accordance with the provisions of this chapter. The department may, from time to time, as determined by the director, fix the prices of the different classes, varieties, or brands of alcoholic liquor to be sold.

2. In cities where the establishment of a state liquor store, under the provisions of this chapter, does not seem advisable, the department may select a special distributor, who shall have been in business in and a resident of such city not less than two years immediately prior to such appointment, to sell alcoholic liquors for consumption off the premises; provided, however, that in no case shall such special distributor be the holder of a class "B" beer permit, nor shall such special distributor be granted such beer permit while being such distributor.

3. Special distributors shall purchase alcoholic liquor for resale from the department only, and shall sell such liquor at prices which are established by the department for sales by state liquor stores. The department may sell liquor to special distributors at reduced prices to be fixed by the department in a manner which will afford such distributors a predetermined profit margin upon resale. The executive council may review and confirm or amend the prices fixed by the department for sales to such distributors. Special distributors who operate another business in the same premises in which alcoholic liquor is kept and sold shall maintain a physically separate portion of such premises for use in storing and selling alcoholic liquor, and persons not of legal age shall be prohibited from such area.

4. At any time, if in the judgment of the department it shall appear advisable, the department may establish a state liquor store in such city to replace the special distributor.

5. If, after a state liquor store has been in operation in any city, such store should show a loss to the state, the department may discontinue such

Page 3

store and select a special distributor in accordance with the provisions of this Act.

6. No special distributor shall be selected in any city where there is a state liquor store in operation.

Sec. ..... Section one hundred twenty-three point twenty-five (123.25), Code 1975, is amended to read as follows:

123.25 CONSUMPTION ON PREMISES. No vendor, officer, clerk, agent, or employee of the department employed in any state liquor store [or], state-owned warehouse *or by any special distributor* shall allow any alcoholic liquor to be consumed on such premises, nor shall any person consume any liquor on such premises.

Sec. ..... Section one hundred twenty-three point twenty-six (123.26), Code 1975, is amended to read as follows:

123.26 RESTRICTIONS ON SALES—SEALS—LABELING.

No alcoholic liquor shall be sold by the department to any purchaser except in a sealed container with such identifying markers as shall be prescribed by the director and affixed on the premises of a state warehouse or store and no such container shall be opened upon the premises of any state warehouse [or], store *or special distributor*. Possession of alcohlic liquors which do not carry the prescribed identifying markers shall be a violation of this chapter except as provided in section 123.22.

Sec. ..... Section one hundred twenty-three point twenty-seven (123.27), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

It shall be unlawful to transact the sale or delivery of any liquor in, on, or from the premises of any state liquor store, *special distributor* or warehouse:

Sec. ..... Section one hundred twenty-three point twenty-eight (123.28), Code 1975, is amended to read as follows:

123.28 TRANSPORTATION PERMITTED. It shall be lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the department to any state warehouse, store, *special distributor*, or depot established by the department or from one such place to another and, when so permitted by this chapter, it shall be lawful for any common carrier or other person to transport, carry, or convey alcoholic liquor sold by a vendor from a state warehouse, store, depot, *special distributor*, or point of purchase by the state to any place to which such liquor may be lawfully

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delivered under this chapter. No common carrier or other person shall break or open or allow to be broken or opened any container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed, but this section shall not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of such transportation. Nothing in this section shall affect the right of any special permit or liquor control license holder to purchase, possess, or transport alcoholic liquors subject to the provisions of this chapter.

Sec. ..... Section one hundred twenty-three point twenty-nine (123.29), subsection one (1), Code 1975, and section one hundred twenty-three point twenty-nine (123.29), subsection two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly 1975 Session, chapter one hundred thirty-seven (137),

section five (5), are amended to read as follows:

1. To a physician, pharmacist, dentist, or veterinarian, entitling the holder to purchase and import alcohol from distillers and wholesalers or from the state liquor stores *or special distributors* for use medicinally and in compounding prescriptions and to sell the same for use medicinally in the compounded prescription only upon the prescription of a licensed physician or surgeon, or to use such alcohol in manufacturing or compounding lotions, compounds, and like commodities not susceptible for beverage purposes, and to sell the same for public use.

2. To a veterans home, sanitarium, hospital, college, or home for the aged which will entitle the holder to purchase and import alcohol from distillers and wholesalers or from the state liquor stores *or special distributors* for use for medicinal, laboratory, and scientific purposes only.

Sec. ..... Section one hundred twenty-three point forty-eight (123.48), subsection one (1), Code 1975, is amended to read as follows:

1. Upon attempt to purchase alcoholic liquor in any state liquor store *or from any special distributor* by any person who appears to the vendor to be under legal age, such vendor shall demand and the prospective purchaser upon such demand shall display satisfactory evidence that he *or she* is of legal age.

Sec. ..... Section one hundred twenty-three point

Page 5

fifty-five (123.55), subsections one (1), two (2), and three (3), Code 1975, are amended to read as follows:

1. Amount of profit or loss from state liquor store *and special distributor* operations.

2. Number of state liquor stores opened *or special distributors appointed,* the number closed, and the number operating on last day included in report.

3. Amount of fees received from such stores *or distributors,* separately and in gross.

Sec. ..... Section one hundred twenty-three point fifty-seven (123.57), Code 1975, is amended to read as follows:

123.57 EXAMINATION OF ACCOUNTS. The financial condition and transactions of all offices, departments, stores, warehouses, *special distributors,* and depots of the department shall be examined at least once each year by the state auditor and at shorter periods if requested by the director, governor, or executive council.

Sec..... Section one hundred twenty-three point fifty-eight (123.58), Code 1975, is amended to read as follows:

123.58 AUDITING. All provisions of sections 11.6, 11.7, 11.10, 11.11, 11.14, 11.18, 11.21, and 11.23,

relating to auditing of financial records of governmental subdivisions which are not inconsistent herewith are hereby made applicable to the department, *the liquor transactions of its special distributors,* and its offices, stores, warehouses, and depots."

2. By renumbering sections as necessary.

Spencer of Clay rose on a point of order that with amendment H—5409 being ruled not germane, the subject matter of amendment H—5410 had been previously disposed of and would, therefore, not be in order.

The Speaker ruled that the ruling on amendment H—5409 pertained to germaneness and the subject matter had not been disposed of and amendment H—5410 was in order.

Pellett of Cass rose on a point of order that amendment H—5410 was not germane.

The Speaker propounded the question to the House.

Roll call was requested by Spencer of Clay and Bina of Scott.

Rules 69 and 70 were invoked.

On the question "Is amendment H—5410 germane?"

The ayes were, 58:

Avenson	Fitzgerald	Junker	O'Halloran
Baker	Gentleman	Koogler	Patchett
Bina	Gilloon	Krause	Pavich
Bittle	Griffee	Kreamer	Perkins
Brandt	Halvorson	Lipsky	Rinas
Byerly	Hargrave	McElroy	Schroeder
Caffrey	Harper	Mennenga	Small
Clark	Harvey	Middleton	Spear
Connors	Higgins	Millen	Stromer
Crawford	Hines	Monroe	Tauke
Cusack	Horn	Newhard	Varley
Doyle	Husak	Nielsen	Walter
Drake	Jesse	Norland	Wells
Dyrland	Jochum	Oakley	Mr. Speaker
Egenes	Jordan		

The nays were, 86:

Bennett	Dieleman	Lonergan	Spencer
Bortell	Dunton	Menke	Spradling
Branstad	Evans	Middleswart	Svoboda
Brockett	Hansen	Miller, A. V.	Tofte
Brunow	Hinkhouse	Miller, O. L.	Welden
Crabb	Howell	Nealson	West
Daggett	Hullinger	Pellett	Woods
Danker	Lageschulte	Readinger	Wulff
Den Herder	Lindeen	Scheelhaase	Wyckoff

Absent or not voting, 5:

Anderson	Hutchins	Miller, K. D.	Poncy
Hennessey			

Amendment H—5410 was ruled germane.

Avenson of Fayette in the chair at 10:37 a.m.

Speaker Cochran in the chair at 11:20 a.m.

Jesse of Polk moved the adoption of amendment H—5410.

Roll call was requested by Jesse of Polk and Bina of Scott.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5410 be adopted?"

The ayes were, 53:

Avenson	Fitzgerald	Jochum	O'Halloran
Bina	Gentleman	Jordan	Patchett
Bittle	Gilloon	Krause	Pavich
Brandt	Griffee	Kreamer	Perkins
Byerly	Hargrave	Lipsky	Rinas
Caffrey	Harper	McElroy	Schroeder
Clark	Harvey	Middleton	Spear
Connors	Hennessey	Millen	Svoboda
Crawford	Higgins	Monroe	Tauke
Cusack	Hines	Newhard	Tofte
Doyle	Horn	Nielsen	Walter
Drake	Husak	Norland	Welden
Dyrland	Jesse	Oakley	Wells
Egenes			

The nays were, 43:

Anderson	Dieleman	Lindeen	Scheelhaase
Baker	Dunton	Lonergan	Small
Bennett	Evans	Menke	Spencer
Bortell	Halvorson	Mennenga	Spradling
Branstad	Hansen	Middleswart	Stromer
Brockett	Hinkhouse	Miller, A. V.	West
Brunow	Howell	Miller, O. L.	Woods
Crabb	Hullinger	Nealson	Wulff
Daggett	Hutchins	Pellett	Wyckoff
Danker	Koogler	Poncy	Mr. Speaker
Den Herder	Lageschulte	Readinger	

Absent or not voting, 3:

Junker	Miller, K. D.	Varley

Amendment H—5410 was adopted.

Gilloon of Dubuque offered the following amendment H—5494 filed by Gilloon, et al., and moved its adoption:

H—5494

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point thirty (123.30), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The holder of a class "B",

"C", or "D" liquor control license may sell alcoholic liquors and beer to persons eighteen years of age or more but less than nineteen years of age for consumption on the licensed premises only.

Sec. ..... Chapter one hundred twenty-three (123), Code 1975, is amended by adding the following new sections:

NEW SECTION. The holders of class "B", "C" and special class "B" permit may sell beer to any person eighteen years of age or more but less than nineteen years of age for consumption on the licensed premises only.

NEW SECTION. A person between the ages of eighteen and nineteen may purchase and consume beer and alcoholic liquor on premises licensed pursuant to section one hundred twenty-three point thirty (123.30), one hundred twenty-three point one hundred thirty-one (123.131), one hundred twenty-three point one hundred thirty-two (123.132) and one hundred twenty-three point one hundred thirty-three (123.133).

Roll call was requested by Patchett of Johnson and Jesse of Polk.

On the question "Shall amendment H—5494 be adopted?"

The ayes were, 40:

Avenson	Cusack	Hines	Norland
Bina	Dyrland	Horn	Patchett
Bittle	Egenes	Jesse	Pavich
Brandt	Fitzgerald	Jochum	Perkins
Brunow	Gentleman	Jordan	Rinas
Byerly	Gilloon	Mennenga	Schroeder
Caffrey	Halvorson	Middleton	Spear
Clark	Hargrave	Monroe	Tauke
Connors	Harvey	Newhard	Walter
Crawford	Hennessey	Nielsen	Wells

The nays were, 54:

Anderson	Evans	Lindeen	Readinger
Baker	Griffee	Lipsky	Scheelhaase
Bennett	Hansen	Lonergan	Spencer
Bortell	Higgins	McElroy	Spradling
Branstad	Hinkhouse	Menke	Stromer
Brockett	Howell	Middleswart	Svoboda
Crabb	Hullinger	Millen	Tofte
Daggett	Husak	Miller, A. V.	Welden
Danker	Hutchins	Miller, K. D.	West
Den Herder	Junker	Miller, O. L.	Woods
Dieleman	Koogler	O'Halloran	Wulff
Doyle	Krause	Pellett	Wyckoff
Drake	Kreamer	Poncy	Mr. Speaker
Dunton	Lageschulte		

Absent or not voting, 5:

Harper	Oakley	Small	Varley
Nealson			

Amendment H—5494 lost.

(House File 1008 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1469, by committee on state government, a bill for an act creating a legislative performance audit bureau, providing for its duties, and placing it under the control of a legislative fiscal and audit committee, and making an appropriation.

Read first time and referred to committee on **appropriations.**

House File 1470, by committee on energy, a bill for an act relating to the location and construction of electric power generating facilities and providing penalties.

Read first time and **placed on the calendar.**

House File 1471, by committee on energy, a bill for an act relating to the sale of aerosol sprays and providing penalties.

Read first time and **placed on the calendar.**

House File 1472, by committee on education, a bill for an act to change the requirements for awarding a permanent professional teachers' certificate.

Read first time and **placed on the calendar.**

House File 1473, by committee on agriculture, a bill for an act relating to gas, gasoline, and motor fuel inspectors.

Read first time and **placed on the calendar.**

House File 1474, by committee on agriculture, a bill for an act relating to the erection and maintenance of partition fences.

Read first time and **placed on the calendar.**

House File 1475, by committee on education, a bill for an act relating to the sale of property owned by merged area schools.

Read first time and **placed on the calendar.**

House File 1476, by committee on education, a bill for an act relating to tuition reciprocity agreements entered into by the state board of regents and the state board of public instruction.

Read first time and **placed on the calendar.**

House File 1477, by committee on natural resources, a bill for an act relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems.

Read first time and **placed on the calendar.**

House File 1478, by committee on commerce, a bill for an act regulating the establishment and use of electronic fund transfer systems.

Read first time and **placed on the calendar.**

House File 1479, by committee on judiciary and law enforcement, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

Read first time and **placed on the calendar.**

House File 1480, by committee on transportation, a bill for an act relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 1014, a bill for an act to require that registration plates issued for Iowa highway safety patrol vehicles shall bear two stars.

Read first time and referred to committee on **transportation.**

Senate File 1086, a bill for an act relating to local civil service commissions providing for changes in qualification requirements and requiring that the commission determine the physical requirements for police and fire personnel.

Read first time and referred to committee on cities.

Senate File 1141, a bill for an act to establish and regulate the practice of barbering and the practice of cosmetology, and to provide penalties.

Read first time and referred to committee on **state government.**

CONSIDERATION OF BILLS

The House resumed consideration of **House File 1008,** a bill for an act relating to the sale of beer and alcoholic beverages.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rule 69 was invoked. The vote revealed seventy-three members present, twenty-six absent.

Horn of Linn offered the following amendment H—5496 filed by him and moved its adoption:

H—5496

Amend House File 1008 as follows:

Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point twenty-one (123.21), subsection eight (8), Code 1975, is amended to read as follows:

8. Prescribing, subject to this chapter, the days and hours during which state liquor stores shall be kept open for the purpose of the sale of alcoholic liquors. *The department shall provide that in each county having a population in excess of thirty-five thousand at least one state liquor store shall remain open for the purpose of the sale of alcoholic liquors until 10:00 p.m. on each regular busines day . In any county to which this subsection applies and in which is located more than one state liquor store, the store having the greatest gross annual sales shall be the one designated for late hour operation as provided in this subsection. In the annual report submitted by the council pursuant to section one hundred twenty-three point fifty-five (123.55) of the Code, gross annual sales for each store designated for late hour operation shall be reported showing separately sales made during regular hours and sales made during late hours of operation."*

A non-record roll call was requested.

The ayes were 25, nays 53.

Amendment H—5496 lost.

Dyrland of Clayton offered the following amendment H—5498 filed by him:

H—5498

Amend House File 1008 as follows:

1. Page 1, line 5, by inserting after the word "more" the following: *"except for persons who are members or veterans of the United States States armed forces or state national guard units".*

Page 1, line 5, by inserting after the period, the following: *"The legal age for persons who are members or veterans of the United States armed forces or state national guard units shall be eighteen years of age or more."*

By unanimous consent the following corrective amendment H—5539, to amendment H—5498, filed by Dyrland of Clayton from the floor was adopted:

H—5539

Amend the Dyrland amendment H—5498 to House File 1008 as follows:

Line 5, by striking the word *"States"*.

Dyrland of Clayton moved the adoption of amendment H—5498, as amended.

Roll call was requested by Dyrland of Clayton and Gilloon of Dubuque.

Rule 70 was invoked.

On the question "Shall amendment H—5498 as amended be adopted?"

The ayes were, 41:

Avenson	Gilloon	Hutchins	Nielsen
Baker	Griffee	Jesse	Patchett
Bina	Hargrave	Jochum	Pavich
Brandt	Harper	Jordan	Perkins
Byerly	Harvey	Krause	Poncy
Caffrey	Hennessey	McElroy	Rinas
Cusack	Higgins	Mennenga	Spear
Drake	Hines	Middleton	Tofte
Dyrland	Horn	Monroe	Walter
Egenes	Husak	Newhard	Wells
Fitzgerald			

The nays were, 53:

Bennett	Den Herder	Junker	Miller, K. D.
Bittle	Dieleman	Koogler	Miller, O. L.
Bortell	Doyle	Kreamer	Nealson
Branstad	Dunton	Lageschulte	Pellett
Brockett	Evans	Lindeen	Readinger
Brunow	Gentleman	Lipsky	Scheelhaase
Clark	Halvorson	Lonergan	Schroeder
Crabb	Hansen	Menke	Small
Crawford	Hinkhouse	Middleswart	Spencer
Daggett	Howell	Millen	Spradling
Danker	Hullinger	Miller, A. V.	Stromer

Svoboda	Welden	Woods	Wyckoff
Tauke	West	Wulff	Mr. Speaker
Varley			

Absent or not voting, 5:

Anderson	Norland	Oakley	O'Halloran
Connors			

Amendment H—5498, as amended, lost.

Horn of Linn offered the following amendment H—5499 filed by him:

H—5499

Amend House File 1008, page 1, by inserting after line 5 the following:

"Sec. ..... Section two hundred eighty A point twenty-three (280A.23), subsection four (4), Code 1975, is amended to read as follows:

4. Have the powers and duties with respect to such schools and colleges, not otherwise provided in this chapter, which are prescribed for boards of directors of local school districts by chapter 279 *except that the board of directors is not required to prohibit the use of or possession of alcoholic liquor or beer by any student under the provisions of section two hundred seventy-nine point nine (279.9) of the Code.*"

2. By renumbering sections as necessary.

Spradling of Sioux rose on a point of order that amendment H—5499 was not germane.

The Speaker propounded the question to the House.

Roll call was requested by Horn of Linn and Byerly of Polk.

On the question "Is amendment H—5499 germane?"

The ayes were, 33:

Baker	Egenes	Hutchins	Patchett
Bina	Fitzgerald	Jesse	Pavich
Bittle	Gilloon	Jochum	Perkins
Brandt	Harper	Krause	Poncy
Byerly	Harvey	Middleton	Rinas
Caffrey	Hennessey	Monroe	Spear
Crawford	Hines	Newhard	Walter
Cusack	Horn	Nielsen	Wells
Doyle			

The nays were, 48:

Avenson	Danker	Halvorson	Lageschulte
Bennett	Den Herder	Hansen	Lindeen
Bortell	Dieleman	Hinkhouse	Lonergan
Branstad	Drake	Howell	McElroy
Brockett	Dunton	Husak	Menke
Brunow	Dyrland	Junker	Mennenga
Clark	Evans	Koogler	Middleswart
Crabb	Griffee	Kreamer	Miller, A. V.

Miller, K. D.	Readinger	Spradling	West
Miller, O. L.	Scheelhaase	Tofte	Wulff
Nealson	Schroeder	Varley	Wyckoff
Pellett	Spencer	Welden	Mr. Speaker

Absent or not voting, 18:

Anderson	Higgins	Norland	Stromer
Connors	Hullinger	Oakley	Svoboda
Daggett	Jordan	O'Halloran	Tauke
Gentleman	Lipsky	Small	Woods
Hargrave	Millen		

Amendment H—5499 was ruled not germane.

Schroeder of Pottawattamie offered the following amendment H—5523 filed by Hargrave of Johnson:

H—5523

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following:

"Sec. ..... Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph f, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section twelve (12), is amended to read as follows:

f. Any person under legal age shall not be employed in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold *unless the person shall be at least eighteen years old.*"

2. By renumbering sections as necessary.

Hargrave of Johnson moved the adoption of amendment H—5523.

A non-record roll call was requested.

The ayes were 74, nays 8.

Amendment H—5523 was adopted.

Byerly of Polk offered the following amendment H—5524 filed by Byerly, Jesse, Nielsen of Polk, Hargrave, Oakley and Woods from the floor:

H—5524

Amend House File 1008 as follows:

1. Page 1, by inserting after line 5 the following new section:

"Sec. ..... Section one hundred twenty-three point ninety-six (123.96), Code 1975, is amended by striking subsections one (1) and two (2).

Sec. ..... Upon the effective date of this Act, the director of the beer and liquor control department shall determine the anticipated loss in revenue to the state caused by the repeal of the special tax, based on revenue derived from the tax during

the preceding fiscal year. The director shall affect a price increase on all alcoholic liquors sufficient to offset the anticipated loss of revenue. This section shall not be printed in the Code."

Drake of Muscatine rose on a point of order that amendment H—5524 was not germane.

The Speaker propounded the question to the House.

Roll call was requested by Byerly of Polk and Nielsen of Polk.

Rules 69 and 70 were invoked.

On the question "Is amendment H—5524 germane?"

The ayes were, 50:

Avenson	Dyrland	Jochum	O'Halloran
Baker	Egenes	Jordan	Patchett
Bina	Fitzgerald	Junker	Pavich
Bittle	Gentleman	Krause	Perkins
Brandt	Gilloon	Lipsky	Rinas
Brunow	Hargrave	Middleton	Schroeder
Byerly	Harper	Miller, K. D.	Spear
Caffrey	Harvey	Monroe	Tauke
Clark	Hennessey	Nealson	Varley
Connors	Horn	Newhard	Walter
Crawford	Husak	Nielsen	Woods
Cusack	Hutchins	Oakley	Wyckoff
Doyle	Jesse		

The nays were, 47:

Anderson	Evans	Lindeen	Scheelhaase
Bennett	Griffee	Lonergan	Small
Bortell	Halvorson	McElroy	Spencer
Branstad	Hansen	Menke	Spradling
Brockett	Higgins	Mennenga	Svoboda
Crabb	Hines	Middleswart	Tofte
Daggett	Hinkhouse	Millen	Welden
Danker	Howell	Miller, A. V.	Wells
Den Herder	Hullinger	Miller, O. L.	West
Dieleman	Koogler	Pellett	Wulff
Drake	Kreamer	Poncy	Mr. Speaker
Dunton	Lageschulte	Readinger	

Absent or not voting, 2:

Norland	Stromer

Amendment H—5524 was ruled germane.

Byerly of Polk moved the adoption of amendment H—5524.

Roll call was requested by Byerly of Polk and Crabb of Crawford.

On the question "Shall amendment H—5524 be adopted?"

The ayes were, 39:

Baker	Byerly	Clark	Crawford
Bittle	Caffrey	Connors	Doyle

Dyrland	Hines	Monroe	Rinas
Gentleman	Horn	Nealson	Spear
Gilloon	Husak	Newhard	Tauke
Griffee	Hutchins	Nielsen	Tofte
Halvorson	Jesse	Oakley	Walter
Hargrave	Jochum	Patchett	Woods
Harvey	Jordan	Pavich	Wyckoff
Hennessey	Junker	Perkins	

The nays were, 55:

Anderson	Drake	Lindeen	Readinger
Bennett	Dunton	Lipsky	Scheelhaase
Bina	Egenes	Lonergan	Schroeder
Bortell	Evans	McElroy	Small
Brandt	Hansen	Menke	Spencer
Branstad	Harper	Mennenga	Spradling
Brockett	Higgins	Middleswart	Svoboda
Brunow	Hinkhouse	Millen	Varley
Crabb	Howell	Miller, A. V.	Welden
Cusack	Hullinger	Miller, K. D.	Wells
Daggett	Koogler	Miller, O. L.	West
Danker	Krause	O'Halloran	Wulff
Den Herder	Kreamer	Pellett	Mr. Speaker
Dieleman	Lageschute	Poncy	

Absent or not voting, 5:

Avenson	Middleton	Norland	Stromer
Fitzgerald			

Amendment H—5524 lost.

Harper of Davis moved to reconsider the vote by which amendment H—5339 was ruled not germane on March 3, 1976.

Roll was requested by Spencer of Clay and Rinas of Linn.

On the question "Shall the vote by which amendment H—5339 was ruled not germane be reconsidered?"

The ayes were, 52:

Avenson	Dyrland	Horn	Nielsen
Baker	Egenes	Husak	Oakley
Bina	Evans	Jesse	O'Halloran
Bittle	Fitzgerald	Jochum	Patchett
Brandt	Gentleman	Jordan	Pavich
Brockett	Gilloon	Krause	Perkins
Caffrey	Halvorson	Lipsky	Rinas
Clark	Hargrave	McElroy	Schroeder
Connors	Harper	Middleton	Small
Crawford	Harvey	Millen	Spear
Cusack	Hennessey	Monroe	Tauke
Doyle	Higgins	Nealson	Varley
Drake	Hines	Newhard	Walter

The nays were, 44:

Anderson	Crabb	Griffee	Junker
Bennett	Daggett	Hansen	Koogler
Bortell	Danker	Hinkhouse	Kreamer
Branstad	Den Herder	Howell	Lageschulte
Brunow	Dieleman	Hullinger	Lindeen
Byerly	Dunton	Hutchins	Lonergan

Menke	Pellett	Spradling	West
Mennenga	Poncy	Svoboda	Woods
Middleswart	Readinger	Tofte	Wulff
Miller, A. V.	Scheelhaase	Welden	Wyckoff
Miller, O. L.	Spencer	Wells	Mr. Speaker

Absent or not voting, 3:

Miller, K. D.	Norland	Stromer

The motion prevailed and the House reconsidered the germaneness of amendment H—5339.

The Speaker propounded the question to the House.

A non-record roll call was requested.

The ayes were 54, nays 42.

Amendment H—5339 was ruled germane.

Oakley of Clinton moved the adoption of amendment H—5339.

Roll call was requested by Spencer of Clay and Kreamer of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5339 be adopted?"

The ayes were, 54:

Avenson	Egenes	Jordan	Patchett
Baker	Fitzgerald	Krause	Pavich
Bina	Gentleman	Lipsky	Perkins
Bittle	Gilloon	McElroy	Rinas
Brandt	Halvorson	Mennenga	Schroeder
Byerly	Hargrave	Middleton	Small
Caffrey	Harvey	Millen	Spear
Clark	Hennessey	Miller, K. D.	Svoboda
Connors	Higgins	Monroe	Tauke
Crawford	Hines	Nealson	Varley
Cusack	Horn	Newhard	Walter
Doyle	Husak	Nielsen	Wells
Drake	Jesse	Oakley	Woods
Dyrland	Jochum		

The nays were, 44:

Anderson	Dunton	Kreamer	Readinger
Bennett	Evans	Lageschulte	Scheelhaase
Bortell	Griffee	Lindeen	Spencer
Branstad	Hansen	Lonergan	Spradling
Brockett	Harper	Menke	Stromer
Brunow	Hinkhouse	Middleswart	Tofte
Crabb	Howell	Miller, A. V.	Welden
Daggett	Hullinger	Miller, O. L.	West
Danker	Hutchins	O'Halloran	Wulff
Den Herder	Junker	Pellett	Wyckoff
Dieleman	Koogler	Poncy	Mr. Speaker

Absent or not voting, 1:

Norland

Amendment H—5339 was adopted.

Gilloon of Dubuque moved to reconsider the vote by which amendment H—5494 failed to be adopted by the House.

Schroeder of Pottawattamie rose on a point of order that the motion would not be in order inasmuch as the member did not vote on the prevailing side.

The Speaker ruled the point well taken and the motion not in order.

Jochum of Dubuque moved to suspend the rules to reconsider amendment H—5494.

A non-record roll call was requested.

The ayes were 29, nays 60.

The motion lost.

Pellett of Cass asked and received unanimous consent to withdraw amendment H—5493B as follows:

H—5493B

2. Title page, by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act relating to the legal age of persons purchasing or consuming beer and alcoholic beverages."

Crabb of Crawford moved that House File 1008 be tabled.

Roll call was requested by Kreamer of Polk and Avenson of Fayette.

On the question "Shall House File 1008 be tabled?"

The ayes were, 24:

Bennett	Drake	Hullinger	Mennenga
Brunow	Dunton	Jochum	Monroe
Clark	Gilloon	Junker	Poncy
Crawford	Hansen	Koogler	Rinas
Danker	Hines	Lonergan	Scheelhaase
Dieleman	Howell	Menke	Spear

The nays were, 71:

Anderson	Caffrey	Gentleman	Husak
Avenson	Connors	Griffee	Hutchins
Baker	Crabb	Halvorson	Jesse
Bina	Cusack	Hargrave	Jordan
Bittle	Daggett	Harper	Krause
Bortell	Doyle	Harvey	Kreamer
Brandt	Dyrland	Hennessey	Lageschulte
Branstad	Egenes	Higgins	Lindeen
Brockett	Evans	Hinkhouse	Lipsky
Byerly	Fitzgerald	Horn	McElroy

Middleswart	O'Halloran	Spencer	Welden
Millen	Patchett	Spradling	Wells
Miller, A. V.	Pavich	Stromer	West
Miller, K. D.	Pellett	Svoboda	Woods
Miller, O. L.	Perkins	Tauke	Wulff
Nealson	Readinger	Tofte	Wyckoff
Newhard	Schroeder	Varley	Mr. Speaker
Oakley	Small	Walter	

Absent or not voting, 4:

Den Herder	Middleton	Nielsen	Norland

The motion lost.

SPONSORS WITHDRAWN
(House File 1008)

Koogler of Mahaska requested he be withdrawn as a sponsor of House File 1008.

Hullinger of Decatur requested he be withdrawn as a sponsor of House File 1008.

By unanimous consent, the following corrective amendment H—5546 filed by Pellett of Cass from the floor was adopted:

H—5546
Amend the title page, line 1, by striking all after the word "to" and inserting in lieu thereof the following: "the sale of beer on Sundays; the legal age for purchase, sale and serving of beer and alcoholic beverages; and establishment of special distributorships.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 1008)

The ayes were, 51:

Anderson	Griffee	Lonergan	Stromer
Baker	Halvorson	Middleton	Svoboda
Bennett	Harper	Millen	Tauke
Bittle	Higgins	Miller, A. V.	Tofte
Branstad	Hinkhouse	Miller, K. D.	Varley
Brockett	Husak	Miller, O. L.	Welden
Byerly	Hutchins	Oakley	Wells
Caffrey	Jordan	Pavich	West
Connors	Krause	Pellett	Woods
Crabb	Kreamer	Perkins	Wulff
Doyle	Lageschulte	Poncy	Wyckoff
Evans	Lindeen	Schroeder	Mr. Speaker
Gentleman	Lipsky	Spencer	

The nays were, 48:

Avenson	Drake	Howell	Newhard
Bina	Dunton	Hullinger	Nielsen
Bortell	Dyrland	Jesse	Norland
Brandt	Egenes	Jochum	O'Halloran
Brunow	Fitzgerald	Junker	Patchett
Clark	Gilloon	Koogler	Readinger
Crawford	Hansen	McElroy	Rinas
Cusack	Hargrave	Menke	Scheelhaase
Daggett	Harvey	Mennenga	Small
Danker	Hennessey	Middleswart	Spear
Den Herder	Hines	Monroe	Spradling
Dieleman	Horn	Nealson	Walter

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

MOTION TO RECONSIDER LOST
(House File 1008)

Pellett of Cass moved to reconsider the vote by which House File 1008 passed the House on March 4, 1976.

A non-record roll call was requested.

The ayes were 35, nays 59.

The motion lost.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board and is on file in the office of the Chief Clerk:

March 2, 1976

Mr. David L. Wray
Chief Clerk
House of Representatives
State House
Local

Dear Mr. Wray:

There are transmitted herewith claims against the State of Iowa, to be filed with the Claims Committee of the House of Representatives.

These include thirty-four (34) claims of a general nature. This supplements our filing on January 13, 1976.

Index is attached showing number of claim, name and address of claimant, amount of claim and amount approved.

Very truly yours,
MAURICE E. BARINGER
Chairman
State Appeal Board

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

OFFICE OF STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
306-65-25	Wilbur Wienert Holstein, Iowa License fee refund	$ 65.95	Disapproved
318-65-25	The Wahl Moving and Transfer Co. Cleveland, Ohio Permit fee refund	46.00	Disapproved
493-65-25	Hicklin G. M. Diesel Des Moines, Iowa Fine refund	70.00	Disapproved
831-65-25	George H. Wyant West Des Moines, Iowa License fee refund	35.00	Disapproved
919-65-25	A. J. Haverhals Hawarden, Iowa Registration fee refund	174.94	Disapproved
991-65-25	William Granstra Sheldon, Iowa License fee refund	90.00	Disapproved
2000-65-25	Strunk Brothers Company Tiskilwa, Illinois License fee refund	192.00	Disapproved
2220-65-25	Richardson Transfer & Storage Co., Inc. Salina, Kansas Trip permit refund	75.00	Disapproved
2234-65-25	John R. Hoffman Lamoni, Iowa License fee refund	469.05	Disapproved
2236-65-25	Leonard Olson, Olson Transfer Cherokee, Iowa License fee refund	192.54	Disapproved
2397-65-25	Harold Dickey Transport, Inc. Packwood, Iowa License fee refund	421.06	Disapproved
2398-65-25	Harold Dickey Transport, Inc. Packwood, Iowa License fee refund	318.66	Disapproved
2506-65-25	Iowa Steel & Wire Centerville, Iowa License fee refund	Undetermined	Disapproved
2508-65-25	American Beef Packers, Inc. Oakland, Iowa License fee refund	814.56	Disapproved
2614-65-25	Sather Cookie Company Round Lake, Minnesota License fee refund	719.76	Disapproved
2625-65-25	Kenneth Nurnberg Arispe, Iowa Prorate refund	325.62	Disapproved
1868-66-25	David Bach Des Moines, Iowa Property damage	2.50	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1878-66-25	Vernon E. Leverson Des Moines, Iowa Wages and expenses	473.47	Disapproved
1897-66-25	Clark Limestone Company Denison, Iowa Outdated invoice	15.97	Disapproved
2167-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	27.82	Disapproved
2168-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	21.01	Disapproved
2169-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	23.11	Disapproved
2171-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	12.60	Disapproved
2173-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	23.11	Disapproved
2174-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	23.11	Disapproved
2176-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	19.47	Disapproved
2178-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	30.60	Disapproved
2179-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	27.82	Disapproved
2181-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	27.82	Disapproved
2291-66-25	Colleen P. Shearer Carlisle, Iowa Personal property reimbursement	25.75	Disapproved
2409-67-25	Linda R. Laffoon Cedar Falls, Iowa Property damage	2.84	Disapproved
2410-67-25	Gary Knott Cedar Rapids, Iowa Stolen property	535.00	Disapproved
2416-67-25	Donald J. Hardy Toledo, Iowa Medical reimbursement	20.00	Disapproved
2495-67-25	Northwestern Bell Telephone Co. Des Moines, Iowa Outdated invoice	32.40	Disapproved

REPORTS OF COMMITTEES

Small of Johnson, from the committee on commerce, submitted the following report:

MR. SPEAKER: Your committee on commerce to whom was referred **Senate File 357**, a bill for an act relating to investment by state banks in revenue bonds issued by municipalities in support of industrial projects, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5540

Amend the Senate File 357, as amended and passed by the Senate as follows:

1. Page 1, line 22, by inserting after the word "foregoing" the words "whereby the municipality could receive revenues for payment of such bonds from any one person or any group of persons under common control".

2. Page 1, line 24, by inserting after the word "bank." the following: "A state bank shall obtain the express consent of the superintendent prior to investment by that bank of an amount in excess of twenty percent of its capital and surplus in bonds or securities issued by any one municipality."

SMALL of Johnson, Chair

Husak of Tama, from the committee on agriculture, submitted the following report:

MR. SPEAKER: Your committee on agriculture to whom was referred **Senate File 449**, a bill for an act relating to the establishment of a corn promotion fund to receive assessments made on the sale of corn, to establish an Iowa corn promotion board, to provide for a referendum among corn producers, and to provide penalties, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5543

Amend Senate File 449 as passed by the Senate as follows:

1. Page 2, line 3, by inserting after the word "producer" the words "but shall not include sweet corn, popcorn or seed corn".

2. Page 7, line 18, by striking the word "last" and inserting in lieu thereof the word "least".

3. Page 7, line 30, by striking the word "one" and inserting in lieu thereof the word "five".

4. Page 9, lines 26 and 27, by striking the words ", sale, storage, processing, handling,".

HUSAK of Tama, Chair

Krause of Palo Alto, from the committee on **transportation,** submitted the following reports:

MR. SPEAKER: Your committee on transportation to whom was referred **Senate File 24**, a bill for an act relating to the registration fees for special trucks, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass**:

H—5544

Amend Senate File 24 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting before the period in line 9 the words *"or occasional use for charitable purposes"*.

2. Page 1, line 13, by striking the words "[one hundred] *eighty-five*" and inserting in lieu thereof the words *"one hundred"*.

KRAUSE of Palo Alto, Chair

Also:

MR. SPEAKER: Your committee on transportation to whom was referred **Senate File 1061**, a bill for an act to allow for numerical or alphabetical designation of the county on motor vehicle licenses, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

KRAUSE of Palo Alto, Chair

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following reports:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **Senate File 136**, a bill for an act relating to the number of judgeships in judicial election districts, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

JESSE of Polk, Chair

Also:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **Senate File 1055**, a bill for an act to legalize and validate the proceedings of the Board of Supervisors of Jasper County, Iowa, in their appointment of Kenneth L. Whitehead, Jasper County Attorney, as full-time Jasper County Attorney from part-time status, on the 15th day of July, 1975, and raising his annual salary from $12,500.00 to $22,500.00 effective the 1st day of August, 1975 and declaring the validity of said actions and authorizing the issuance and payment of said annual salary of $22,500.00 to said Jasper County Attorney commencing on the 1st day of August, 1975, and declaring that said contractual appointment of Kenneth L. Whitehead as full-time Jasper County Attorney and the $22,500.00 salary commensurate with said change in status of the Jasper County Attorney shall constitute a valid and binding obligation upon Jasper County, Iowa, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

JESSE of Polk, Chair

Also:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **Senate File 1167**, a bill for an act relating to security arrangements for inmates from other institutions at the state university hospital, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

JESSE of Polk, Chair

AMENDMENTS FILED

H—5526

Amend House File 1332 as follows:

1. Page 2, line 33, by inserting after the word "[parent]" the words *"or the applicant's spouse if the spouse is the age of eighteen years or older"*.

2. Page 2, line 34, by inserting after the word "if" the words *"the applicant's spouse is under the age of eighteen years and"*.

KRAUSE of Palo Alto

H—5542

Amend House File 1363 as follows:

1. Page 1, by inserting after line 23 the following:

"Sec. 3. Section three hundred sixty-eight point nineteen (368.19), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred ninety-seven (197), section nine (9), is amended to read as follows:

368.19 TIME LIMIT—ELECTION. The committee shall approve or disapprove the petition or plan as amended, within ninety days of the final hearing, and shall file its decision for record and promptly notify the parties to the proceeding of its decision. If a petition or plan is approved, the board shall set a date within ninety days for a special election on the proposal and the county commissioner of elections shall conduct the election. In a case of incorporation or discontinuance, qualified electors of the territory or city may vote, and the proposal is authorized if a majority of those voting approves it. In a case of annexation or severance, qualified electors of the territory and of the city may vote, and the proposal is authorized if a majority of the total number of persons voting approves it *except that, in the case where the territory to be annexed is located in a county adjacent to the county in which the annexing city is located, the proposal shall be authorized only if it receives a favorable vote of at least a majority of the persons voting in the territory to be annexed.* In a case of consolidation, qualified electors of each city to be consolidated may vote, and the pro-

posal is authorized only if it receives a favorable majority vote in each city. The county commissioner of elections shall publish notice of the election as provided in section 368.15, and shall conduct the election in the same manner as other special city elections.

WOODS of Polk

H—5545

Amend House File 1432, page 2, by adding after line 2, the following new section:

"Sec. ..... Section three hundred twenty-one point one hundred thirty-four (321.134), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

On February 1 of each year, a penalty of five percent of the annual registration fee shall be added to all fees not paid by that date, and five percent of the annual registration fee shall be added to such fees on the first of each month thereafter that the same remains unpaid, until paid, provided that said penalty in no case shall be less than one dollar, and provided that the owner of a vehicle who, before February 1 of any year, surrenders all registration plates for said vehicle to the county treasurer of the county in which said plates are of record, shall have the right to register said vehicle at any later period of said year by paying the full yearly registration fee without said penalty. Provided, however, that the annual registration fee for trucks, truck tractors, road tractors, trailers and semitrailers, as provided in sections 321.120 to 321.123, when said annual registration fee is in excess of seventy dollars, may be payable in two equal semiannual installments, *except that semiannual installments shall not apply to commercial vehicles subject to proportional registration with a base state other than the state of Iowa as defined in section three hundred twenty-six point two (326.2), subsection six (6), of the Code.*"

DRAKE of Muscatine
KRAUSE of Palo Alto
BRUNOW of Appanoose
SCHROEDER of Pottawattamie
DOYLE of Woodbury

H—5527

Amend House File 1444 as follows:

1. Page 1, line 7, by striking the words "or rubbish" and inserting in lieu thereof the words "sand, gravel, rubbish or other loose materials".

2. Title page, line 2, by striking the words "or rubbish" and inserting in lieu thereof

the following: ", sand, gravel, rubbish or other loose materials".

CAFFREY of Polk

H—5528

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 137, line 26, by striking the words "A witness who is subpoenaed".

2. Page 137, by striking lines 27 and 28.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5529

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 138, line 9, by striking the words "without adequate excuse".

2. Page 138, line 12, by striking the word "attachment" and inserting in lieu thereof the word "warrant".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5530

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 154, by striking lines 5 through 8.

2. By renumbering the remaining subsections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5531

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 155, line 27, by inserting after the words "a verdict" the word "unanimously" and by striking the words "with not more than".

2. Page 155, line 28, by striking the words "one dissenting vote".

3. Page 155, line 31, by striking the words "more than one" and inserting in lieu thereof the word "any".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5532

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 160, line 35, by striking the words "and determined".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5533

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 165A, line 26, by striking the words "or a judge".

2. Page 165A, by striking lines 30 through 35 and inserting in lieu thereof the following:

"d. The magistrate may cause to have removed from the courtroom any person whose exclusion is necessary to preserve the integrity or order of the proceedings."

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5534

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 170, by striking lines 17 through 26.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5535

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 170, by striking lines 27 through 30.

2. Page 191, by inserting after line 33 the following new section:

"Sec. ..... *NEW SECTION.* ADDITIONS TO AND AMENDMENT OF RULES. The rules of criminal procedure may be amended, provisions deleted, and new rules added, in the manner prescribed for civil rules under chapter six hundred eighty-four (684) of the Code."

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5536

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 184, by striking lines 12 through 15 and inserting in lieu thereof the words "prosecuting attorney of the trial date and shall advise the defendant that the trial will be without a jury unless demand for jury trial is made at least ten days prior to the date set for trial. Failure to make a jury demand in the manner".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5537

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 189, lines 5 and 6, by striking the words "to him if required in the interest of justice" and inserting in lieu thereof the words "pursuant to the grounds set forth in Rule 23, except that a motion for a new trial based on newly discovered evidence must be made within six months after the final judgment".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5538

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 328, by inserting after line 11 the following:

"Sec. ..... Chapter two hundred forty-five (245), Code 1975, is amended by adding the following new section:

NEW SECTION. FEDERAL PRISONERS. Convicts sentenced for any term by any court of the United States may be received by the superintendent into the women's reformatory and there kept in pursuance of their sentences. Convicts at the women's reformatory may also be transferred to the federal bureau of prisons."

2. Page 328, by inserting after line 21, the following:

"Sec. ..... Section two hundred forty-six point eleven (246.11), Code 1975, is amended to read as follows:

246.11 FEDERAL PRISONERS. Convicts sentenced for any term [at hard labor] by any court of the United States may be received by the warden into the penitentiary or the men's reformatory and there kept in

pursuance of their sentences. *Convicts at either the penitentiary or men's reformatory may also be transferred to the federal bureau of prisons."*

3. By renumbering the remaining section to accord with this amendment.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5541

Amend Senate File 1190 as follows:

1. Page 3, by inserting after line 19 the following new section:

"Sec. 8. Chapter thirteen (13), Code 1975, is amended by adding the following:

NEW SECTION. ADDITIONAL LIMITATION. No funds appropriated to the department of justice or for court costs, expenses or attorney fees, shall be expended without the specific written approval of the attorney general or his designee."

CRABB of Crawford

H—5525

Amend Senate Joint Resolution 1006 as follows:

1. Page 1, by striking everything after the period in line 13 and all of lines 14 and 15.

HULLINGER of Decatur

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:42 p.m. until 10:00 a.m., Friday, March 5, 1976.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day—Thirty-seventh Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, MARCH 5, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Calvin French, pastor of the Central Church, Reorganized Church of Jesus Christ of Latter Day Saints, Des Moines, Iowa.

The Journal of Thursday, March 4, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hess, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek on request of Tauke of Dubuque.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Three members of the Officers of Future Homemakers, Clarinda High School, Clarinda, Iowa, accompanied by Mrs. Turner. By Daggett of Adams.

PETITIONS FILED

The following petitions were received and placed on file:

By Middleswart of Warren from six constituents in Chariton supporting the bill on banning smoking in public places including restaurants.

By Poncy of Wapello from twenty-eight constituents favoring Senate File 1078, regarding transportation for children to the Iowa School for the Deaf and Iowa School for the Blind.

By Branstad of Winnebago from seventeen constituents against Senate File 1166, relating to the banning of handguns.

By Wells of Linn from thirty constituents favoring Senate File 106, relating to smoking in certain public areas, and providing a penalty.

By Menke of O'Brien from twenty-two residents of O'Brien County who wish a change in the school finance formula.

By Branstad of Winnebago from sixteen residents of Burlington, Iowa, favoring support of public transit systems.

By Wulff of Black Hawk from twenty-seven constituents opposing House File 1160, relating to an act to establish a department of employment security and to abolish the employment security commission.

By Krause of Palo Alto from twenty constituents favoring continuation of support for the Commission for the Blind.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on Senate Files 24, 136, 357, 449, 1055, 1061 and 1167, under Rule 36.

INTRODUCTION OF BILLS

House File 1481, by committee on agriculture, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and providing a penalty.

Read first time and **placed on the calendar.**

House File 1482, by committee on energy, a bill for an act relating to energy conservation.

Read first time and **placed on the calendar.**

House File 1483, by commitee on commerce, a bill for an act relating to the Uniform Guaranty Association Act.

Read first time and **placed on the calendar.**

House File 1484, by committee on county government, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund.

Read first time and **placed on the calendar.**

House File 1485, by committee on county government, a bill for an act relating to the recording of an instrument and a lien affecting real estate.

Read first time and **placed on the calendar.**

House File 1486, by committee on energy, a bill for an act to establish a task force to research, analyze, and make recommendations on matters pertaining to resource recovery.

Read first time and **placed on the calendar.**

House File 1487, by committee on cities, a bill for an act relating to bonds and pledge orders issued by cities.

Read first time and **placed on the calendar.**

House File 1488, by committee on commerce, a bill for an act relating to the bonding of governmental employees.

Read first time and **placed on the calendar.**

House File 1489, by committee on commerce, a bill for an act relating to medical malpractice insurance, and providing measures to reduce the high cost and unavailability thereof, and providing penalties.

Read first time and **placed on the calendar.**

House File 1490, by committee on agriculture, a bill for an act relating to the licensing and regulating of the sale of eggs and providing a penalty.

Read first time and **placed on the calendar.**

House File 1491, by committee on commerce, a bill for an act relating to tax sheltered annuities for employees of school boards, county school boards, area school boards, the state board of regents and the state board of public instruction.

Read first time and **placed on the calendar.**

House File 1492, by committee on commerce, a bill for an act relating to liability insurance for hospitals.

Read first time and **placed on the calendar.**

House File 1493, by committee on commerce, a bill for an act relating to credit transactions, amending the Iowa consumer credit code to permit changing the terms of an open-end account after a thirty-day notification to each customer.

Read first time and **placed on the calendar.**

House File 1494, by committee on commerce, a bill for an act exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions.

Read first time and **placed on the calendar.**

House File 1495, by committee on agriculture, a bill for an act relating to bedding sanitation in hotels, motels, and motor inns.

Read first time and **placed on the calendar.**

House File 1496, by committee on education, a bill for an act relating to the sale or acquisition of real property by an area education agency.

Read first time and **placed on the calendar.**

House File 1497, by committee on judiciary and law enforcement, a bill for an act making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending.

Read first time and **placed on the calendar.**

House File 1498, by committee on natural resources, a bill for an act relating to establishment of historical preservation districts.

Read first time and **placed on the calendar.**

House File 1499, by committee on state government, a bill for an act relating to the Iowa law enforcement academy.

Read first time and **placed on the calendar.**

House File 1500, by committee on transportation, a bill for an act relating to the implied consent law.

Read first time and **placed on the calendar.**

House File 1501, by committee on state government, a bill for an act relating to the state comptroller providing computer services to counties.

Read first time and **placed on the calendar.**

House File 1502, by committee on transportation, a bill for an act relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of federal and private aid for public transit programs.

Read first time and **placed on the calendar.**

House File 1503, by committee on state government, a bill for an act relating to the practice of nursing and providing for disciplinary procedures.

Read first time and **placed on the calendar.**

House File 1504, by committee on human resources, a bill for an act relating to required participation in a work and training program as a condition of receiving public assistance.

Read first time and **placed on the calendar.**

House File 1505, by committee on agriculture, a bill for an act relating to fees which certain municipal corporations charge milk plants and receiving stations.

Read first time and **placed on the calendar.**

House File 1506, by Rinas, a bill for an act authorizing cities and counties to impose local income taxes, earnings tax, and sales, services and use taxes, appropriating the proceeds, providing property tax relief, and making the taxes subject to applicable provisions of the Code, including penalties.

Read first time and referred to committee on **ways and means.**

House File 1507, by Jesse, a bill for an act relating to co-operative associations by providing for the payment of dividends by co-operative associations to nonmember patrons, and providing for the election of officers and the organization of co-operatives.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 1508, by committee on transportation, a bill for an act relating to the registration of mobile homes.

Read first time and **placed on the calendar.**

House File 1509, by committee on agriculture, a bill for an act relating to certification for applicators of restricted use of pesticides.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 1123, a bill for an act to establish a department of employment security, prescribe its duties, and to abolish the employment security commission.

Read first time and referred to committee on **state government.**

Senate File 1150, a bill for an act relating to the insanity of a defendant during trial.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 1221, a bill for an act relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission.

Read first time and referred to committee on **appropriations.**

Senate File 1222, a bill for an act appropriating funds to the department of general services for capital improvements.

Read first time and referred to committee on **appropriations.**

Senate File 1223, a bill for an act making a supplemental appropriation to the campaign finance disclosure commission.

Read first time and referred to committee on **appropriations.**

Senate File 1224, a bill for an act to appropriate funds to the state department of health for licensing speech pathologists and audiologists.

Read first time and referred to committee on **appropriations.**

Senate File 1225, a bill for an act relating to the establishment of a birth defects institute and specifying its powers and duties and making an appropriation.

Read first time and referred to committee on **appropriations.**

Senate File 1226, a bill for an act to appropriate and authorize expenditures for centralized printing, centralized purchasing and the vehicle dispatcher.

Read first time and referred to committee on **appropriations.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 5, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1362, a bill for an act relating to payment of judgments by cities.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 112

By Cochran, Monroe, Fitzgerald and Dunton

Whereas, state and local governments of all states are presently involved with determining budgets for present and future years; and

Whereas, the federal revenue sharing program has been of great aid to state and local governments; and

Whereas, the present federal revenue sharing program will expire and there are proposals before Congress to extend revenue sharing to state and local governments but the action of the federal Congress has been extremely slow in spite of efforts by representatives of state and local governments to impress upon the members of Congress the urgency in regard to extending revenue sharing; and

Whereas, many states and local governments are facing severe budgeting problems presently, which without revenue sharing in the immediate future will become more severe and may affect human resource programs of the states and local governments as well as other state and local programs; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the general assembly of the state of Iowa strongly urges the members of Congress to immediately address themselves to the revenue sharing proposals before Congress and approve a proposal in a timely manner in order that state and local governments can continue budgeting with complete knowledge in regard to the availability of funds and in order that many state and local programs will not be curtailed or eliminated; and

Be It Further Resolved, That copies of this resolution be forwarded to the chairpersons of the Ways and Means Committees of the United States House of Representatives and

the Senate, and the chairpersons of other appropriate Congressional committees, as well as to each member of the Iowa congressional delegation.

Laid over under Rule 25.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty absent.

CONSIDERATION OF BILLS
REGULAR CALENDAR

House File 1279, a bill for an act relating to liabilities arising out of the ownership, maintenance or use of certain motor vehicles, and providing mandatory benefits for victims of motor vehicle accidents without regard to fault, mandatory protection against loss due to liabilities, certain limitations in actions for damages arising out of the ownership, maintenance or use of motor vehicles, and administrative procedures, and providing penalties, was taken up for consideration.

Jesse of Polk offered the following amendment H—5370 filed by Jesse, et al., and moved its adoption:

H—5370

Amend House File 1279 as follows:
1. Title page by striking line 9.

Roll call was requested by Krause of Palo Alto and Jesse of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5370 be adopted?"

The ayes were, 55:

Baker	Dunton	Lindeen	Pellett
Bittle	Gilloon	Lipsky	Perkins
Bortell	Hansen	Lonergan	Poncy
Branstad	Hargrave	McElroy	Rinas
Byerly	Harper	Menke	Scheelhaase
Caffrey	Harvey	Mennenga	Spencer
Clark	Horn	Middleton	Tauke
Connors	Hullinger	Miller, A. V.	Varley
Crabb	Husak	Miller, O. L.	Walter
Crawford	Hutchins	Newhard	Welden
Daggett	Jesse	Nielsen	Wells
Danker	Junker	Norland	Wulff
Den Herder	Koogler	Oakley	Wyckoff
Doyle	Lageschulte	Pavich	

The nays were, 43:

Anderson	Egenes	Jochum	Readinger
Avenson	Evans	Jordan	Schroeder
Bennett	Fitzgerald	Krause	Small
Bina	Gentleman	Kreamer	Spear
Brandt	Griffee	Middleswart	Spradling
Brockett	Halvorson	Millen	Stromer
Brunow	Hennessey	Miller, K. D.	Svoboda
Cusack	Higgins	Monroe	West
Dieleman	Hines	Nealson	Woods
Drake	Hinkhouse	O'Halloran	Mr. Speaker
Dyrland	Howell	Patchett	

Absent or not voting, 1:
Tofte

Amendment H—5370 was adopted.

With the adoption of amendment H—5370 striking the enacting clause, House File 1279 (and all other amendments thereto) was considered to have failed to pass the House.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nealson of Muscatine for the remainder of the day on request of Menke of O'Brien.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed seventy-five members present, twenty-four absent.

HOUSE FILE 1122 WITHDRAWN

Monroe of Des Moines asked and received unanimous consent to withdraw **House File 1122** from further consideration by the House.

CONSIDERATION OF BILLS

REGULAR CALENDAR

House File 1147, a bill for an act relating to elections conducted for certification of an employee organization, with report of committee recommending passage, was taken up for consideration.

Oakley of Clinton offered the following amendment H—5500 filed by him and Drake of Muscatine and requested division as follows:

H—5500

Amend House File 1147 as follows:

1. Page 1, by inserting before line 1 the following:

H—5500A

"Sec. ..... Section twenty point three (20.3), sub-

section four (4), Code 1975, is amended to read as follows:

4. "Employee organization" means an organization of any kind in which public employees participate and which exists for the primary purpose of representing [public] employees in their employment relations.

H—5500B

Sec. ..... Section twenty point six (20.6), subsection three (3), Code 1975, is amended to read as follows:

3. Maintain, after consulting with employee organizations and public employers, a list of qualified persons representative of the public to be available to serve as *fact-finders*, mediators and arbitrators and establish their compensation rates.

Sec. ..... Section twenty point ten (20.10), subsection one (1), Code 1975, is amended to read as follows:

1. It shall be a prohibited practice for any public employer[, public employee] or employee organization to willfully refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 20.9.

Sec. ..... Section twenty point thirteen (20.13), subsection two (2), Code 1975, is amended to read as follows:

2. [Within thirty days of receipt of a petition or notice to all interested parties if on its own initiative, the board shall conduct a public hearing, receive written or oral testimony, and promptly thereafter file an order defining the appropriate bargaining unit] *In the absence of a stipulation by the parties with the approval of the board, the board shall as soon as practicable conduct a public hearing, receive written or oral testimony, and promptly thereafter file an order defining the appropriate bargaining unit.* In defining the unit, the board shall take into consideration, along with other relevant factors, the principles of efficient administration of government, the existence of a community of interest among public employees, the history and extent of public employee organization, geographical location, and the recommendations of the parties involved.

Sec. ..... Section twenty point fourteen (20.14), subsection five (5), paragraph a, Code 1975, is amended

Page 2

to read as follows:

a. It finds that less than thirty percent of the public employees in the unit appropriate for collective bargaining support the petition for decertification or for certification; *however, this support*

shall not be required of employer petitions.

Sec. ..... Section twenty point fourteen (20.14), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Board determination of the adequacy of evidence of interest shall be confidential and not reviewable."

H—5500C

2. Page 1, by inserting after line 15 the following:

"Sec. ..... Section twenty point twenty (20.20), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. A mediator, fact-finder, arbitrator, executive director, labor relations examiner, hearing officer, member of the board, or other officer or employee of the board shall not testify or be called to testify on behalf of any party to a prohibited practice, representation, or impasse resolution proceeding pending in any court or before the board with respect to any information, facts, or other matter coming to that person's knowledge through a party while the person was acting in an official capacity as a resolver of dispute."

H—5500D

3. By renumbering the bill sections accordingly.

4. Amend the title page, line 2, by inserting after the word "organization" the words ", redefining employee organization, permitting the board to maintain a list of fact-finders, deleting public employees from certain prohibited practices, permitting board discretion in the conduct of certain public hearings, making certain exceptions in the filing of employer certification petitions, permitting the board to maintain evidence of interest as nonreviewable, and providing certain immunity from testifying".

Connors of Polk rose on a point of order that amendment H—5500A was not germane.

The Speaker ruled the point not well taken and amendment H—5500A germane.

Schroeder of Pottawattamie offered the following amendment H—5518, to amendment H—5500A, filed by him from the floor and moved its adoption:

H—5518

Amend amendment H—5500 to House File 1147 as follows:

1. Line 10, by inserting before the word "employees" the word "those".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 23, nays 61.

Amendment H—5518, to amendment H—5500, lost.

Oakley of Clinton moved the adoption of amendment H—5500A.

Roll call was requested by Branstad of Winnebago and Schroeder of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5500A be adopted?"

The ayes were, 58:

Anderson	Dyrland	Junker	Readinger
Avenson	Egenes	Lipsky	Rinas
Baker	Fitzgerald	Mennenga	Scheelhaase
Bina	Gentleman	Middleswart	Small
Brandt	Gilloon	Middleton	Spear
Brunow	Hargrave	Miller, A. V.	Spradling
Byerly	Harper	Newhard	Svoboda
Caffrey	Hennessey	Nielsen	Tauke
Clark	Higgins	Oakley	Varley
Connors	Hines	O'Halloran	Walter
Crawford	Hinkhouse	Patchett	Wells
Cusack	Horn	Pavich	Woods
Dieleman	Howell	Pellett	Wulff
Doyle	Jochum	Poncy	Mr. Speaker
Drake	Jordan		

The nays were, 35:

Bennett	Griffee	Lageschulte	Norland
Bittle	Hansen	Lindeen	Perkins
Bortell	Harvey	Lonergan	Schroeder
Branstad	Hullinger	McElroy	Spencer
Brockett	Husak	Menke	Stromer
Daggett	Hutchins	Millen	Welden
Danker	Koogler	Miller, K. D.	West
Den Herder	Krause	Miller, O. L.	Wyckoff
Evans	Kreamer	Monroe	

Absent or not voting, 6:

Crabb	Halvorson	Nealson	Tofte
Dunton	Jesse		

Amendment H—5500A was adopted.

Oakley of Clinton asked and received unanimous consent to withdraw amendment H—5500B.

Caffrey of Polk rose on a point of order that amendment H—5500C was not germane.

The Speaker ruled the point well taken and amendment H—5500C not germane.

Oakley of Clinton moved to suspend the rules governing germaneness to consider amendment H—5500C.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 25, nays 60.

The motion lost.

Oakley of Clinton asked and received unanimous consent to withdraw amendment H—5500D.

Bennett of Ida offered the following amendment H—5552 filed by him from the floor and moved its adoption:

H—5552

Amend House File 1147 as follows:

1. Page 1, line 5, by striking the words "a majority" and inserting in lieu thereof the words "[a majority]".

2. Page 1, line 6 by inserting after the word "[organization]" the words *"at least sixty percent"*.

Roll call was requested by Byerly of Polk and Hines of Story.

Rule 69 was invoked.

On the question "Shall amendment H—5552 be adopted?"

The ayes were, 22:

Bennett	Evans	Lindeen	Schroeder
Bortell	Gentleman	McElroy	Stromer
Branstad	Halvorson	Millen	Welden
Brockett	Harvey	Miller, O. L.	West
Daggett	Kreamer	Pellett	Wulff
Danker	Lageschulte		

The nays were, 67:

Anderson	Doyle	Horn	Middleton
Avenson	Drake	Howell	Miller, A. V.
Baker	Dunton	Hullinger	Miller, K. D.
Bina	Dyrland	Husak	Monroe
Brandt	Egenes	Hutchins	Newhard
Brunow	Fitzgerald	Jesse	Nielsen
Byerly	Gilloon	Jochum	Norland
Caffrey	Hargrave	Jordan	Oakley
Clark	Harper	Koogler	O'Halloran
Connors	Hennessey	Krause	Patchett
Crawford	Higgins	Lipsky	Pavich
Cusack	Hines	Lonergan	Perkins
Dieleman	Hinkhouse	Mennenga	Poncy

Readinger	Spear	Tauke	Woods
Rinas	Spencer	Varley	Wyckoff
Scheelhaase	Spradling	Walter	Mr. Speaker
Small	Svoboda	Wells	

Absent or not voting, 10:

Bittle	Griffee	Menke	Nealson
Crabb	Hansen	Middleswart	Tofte
Den Herder	Junker		

Amendment H—5552 lost.

Branstad of Winnebago offered the following amendment H—5550 filed by him from the floor and moved its adoption:

H—5550

Amend House File 1147 as follows:

1. Page 1, line 15, by striking the words "in the appropriate bargaining unit" and inserting in lieu thereof the following: "[in the appropriate bargaining unit] *who cast ballots, and only those who cast ballots shall be represented by the employee organization in collective bargaining with the public employers*".

Amendment H—5550 lost.

Stromer of Hancock offered the following amendment H—5549 filed by him from the floor:

H—5549

Amend House File 1147 as follows:

1. Page 1, after line 15 by inserting the following:

"Sec. ..... Section twenty point seventeen (20.17), subsection three (3), Code 1975, is amended to read as follows:

3. [Negotiating sessions, including strategy meetings of public employers or employee organizations, mediation and the deliberative process of arbitrators shall be exempt from the provisions of chapter 28A.] Hearings conducted by arbitrators shall be open to the public."

Caffrey of Polk rose on a point of order that amendment H—5549 was not germane.

The Speaker ruled the point well taken and amendment H—5549 not germane.

Stromer of Hancock moved that the rules governing germaneness be suspended for the consideration of amendment H—5549.

Roll call was requested by Stromer of Hancock and Harvey of Scott.

On the question "Shall the rules be suspended to consider amendment H—5549?"

The ayes were, 33:

Bennett	Drake	Lindeen	Schroeder
Bittle	Evans	Lipsky	Stromer
Bortell	Halvorson	McElroy	Tauke
Branstad	Hansen	Menke	Varley
Brockett	Harper	Millen	Walter
Clark	Harvey	Miller, O. L.	Welden
Crawford	Kreamer	Nielsen	West
Daggett	Lageschulte	Pellett	Wyckoff
Danker			

The nays were, 53:

Anderson	Egenes	Hutchins	O'Halloran
Avenson	Fitzgerald	Jochum	Patchett
Baker	Gentleman	Jordan	Pavich
Bina	Gilloon	Koogler	Poncy
Brandt	Hargrave	Krause	Readinger
Brunow	Hennessey	Lonergan	Scheelhaase
Byerly	Higgins	Mennenga	Small
Caffrey	Hines	Middleton	Spear
Connors	Hinkhouse	Miller, A. V.	Spencer
Cusack	Horn	Miller, K. D.	Spradling
Dieleman	Howell	Monroe	Svoboda
Doyle	Hullinger	Newhard	Woods
Dunton	Husak	Oakley	Mr. Speaker
Dyrland			

Absent or not voting, 13:

Crabb	Junker	Norland	Tofte
Den Herder	Middleswart	Perkins	Wells
Griffee	Nealson	Rinas	Wulff
Jesse			

The motion lost.

Crawford of Story offered the following amendment H—5551 filed by him from the floor:

H—5551

Amend House File 1147 as follows:

1. Page 1, by inserting after line 15 the following new section:

"Sec. ..... Section twenty point seventeen (20.17), subsection three (3), Code 1975, is amended to read as follows:

3. [Negotiating sessions, including strategy] *Strategy* meetings of public employers or employee organizations, mediation and the deliberative process of arbitrators shall be exempt from the provisions of chapter 28A. Hearings conducted by the arbitrators *and negotiating sessions* shall be open to the public."

2. Amend the title, line 2, by inserting after the word "organization" the words "and negotiations procedures".

Connors of Polk rose on a point of order that amendment H—5551 was not germane.

The Speaker ruled the point well taken and amendment H—5551 not germane.

Crawford of Story moved that the rules governing germaneness be suspended for the consideration of amendment H—5551.

Roll call was requested by Crawford of Story and Stromer of Hancock.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5551?"

The ayes were, 37:

Bennett	Halvorson	Menke	Spencer
Bortell	Hansen	Mennenga	Stromer
Branstad	Harvey	Millen	Tauke
Brockett	Krause	Miller, K. D.	Varley
Byerly	Kreamer	Miller, O. L.	Walter
Clark	Lageschulte	Monroe	Welden
Crawford	Lindeen	Nielsen	West
Daggett	Lipsky	Pellett	Wulff
Danker	McElroy	Schroeder	Wyckoff
Den Herder			

The nays were, 52:

Anderson	Dunton	Hullinger	Pavich
Avenson	Dyrland	Husak	Perkins
Baker	Egenes	Hutchins	Poncy
Bina	Fitzgerald	Jochum	Readinger
Bittle	Gilloon	Jordan	Rinas
Brandt	Hargrave	Koogler	Scheelhaase
Brunow	Harper	Lonergan	Small
Caffrey	Hennessey	Middleton	Spear
Connors	Higgins	Miller, A. V.	Spradling
Cusack	Hines	Newhard	Svoboda
Dieleman	Hinkhouse	Oakley	Wells
Doyle	Horn	O'Halloran	Woods
Drake	Howell	Patchett	Mr. Speaker

Absent or not voting, 10:

Crabb	Griffee	Middleswart	Norland
Evans	Jesse	Nealson	Tofte
Gentleman	Junker		

The motion lost.

Schroeder of Pottawattamie offered the following amendment H—5553 filed by him from the floor:

H—5553

Amend House File 1147 as follows:

1. Page 1, by inserting after line 15 the following section:

"Sec. ..... Section two hundred seventy-three point eight (273.8), subsection two (2), unnumbered paragraph four (4), Code 1975, is amended to read as follows:

The board of each separate school district which is located entirely or partially inside an area education agency director district shall cast a *single* vote for director of the area education agency board [based upon the ratio that the population of the school district, or portion of the school district, in the director district bears to the total population in the director district. The population of each school district or portion shall be determined by the department of public instruction]."

2. Amend the title, line 2, by inserting after the word "organization" the words "and conducted for election of the boards of directors of area education agencies".

3. By numbering sections as necessary.

Patchett of Johnson rose on a point of order that amendment H—5553 was not germane.

The Speaker ruled the point well taken and amendment H—5553 not germane.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1147)

The ayes were, 63:

Anderson	Fitzgerald	Koogler	Pavich
Avenson	Gentleman	Krause	Poncy
Baker	Gilloon	Lipsky	Readinger
Bina	Hargrave	Lonergan	Rinas
Brandt	Harper	Mennenga	Scheelhaase
Brunow	Hennessey	Middleswart	Small
Byerly	Higgins	Middleton	Spear
Caffrey	Hines	Miller, A. V.	Spencer
Clark	Hinkhouse	Miller, K. D.	Spradling
Connors	Horn	Monroe	Svoboda
Crawford	Howell	Newhard	Tauke
Cusack	Husak	Nielsen	Walter
Dieleman	Hutchins	Norland	Wells
Doyle	Jesse	Oakley	Woods
Dunton	Jochum	O'Halloran	Mr. Speaker
Dyrland	Jordan	Patchett	

The nays were, 30:

Bennett	Drake	Lageschulte	Schroeder
Bittle	Egenes	Lindeen	Stromer
Bortell	Evans	Menke	Varley
Branstad	Halvorson	Millen	Welden
Brockett	Hansen	Miller, O. L.	West
Daggett	Harvey	Pellett	Wulff
Danker	Hullinger	Perkins	Wyckoff
Den Herder	Kreamer		

Absent or not voting, 6:

Crabb	Junker	Nealson	Tofte
Griffee	McElroy		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

RULE 32 INVOKED
(House File 1399)

Patchett of Johnson invoked Rule 32 on **House File 1399.** House File 1399, presently on the regular calendar, is referred to the committee on **appropriations.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bittle of Polk for the remainder of the day on request of West of Marshall.

APPROPRIATIONS CALENDAR

House File 1217, a bill for an act appropriating funds to the capitol planning commission for a central energy plant, was taken up for consideration.

Brockett of Marshall asked and received unanimous consent to withdraw amendment H—5148 filed by him on February 6, 1976, and found on page 303 of the House Journal and amendment H—5364 filed by him and Griffee of Chickasaw on February 26, 1976, and found on page 708 of the House Journal.

Brockett of Marshall offered the following amendment H—5363 filed by him and moved its adoption:

H—5363

Amend House File 1217 as follows:

1. Page 1, line 2, by striking the words "capitol planning commission" and inserting in lieu thereof the words "general services department".

2. Amend the title page, line 1, by striking the words "capitol planning commission" and inserting in lieu thereof the words "general services department".

Amendment H—5363 was adopted.

Dunton of Keokuk offered amendment H—5411 filed by him.

Division was requested as follows:

H—5411

Amend House File 1217 as follows:

H—5411A

1. Page 1, line 13, by striking the figure "3,000,000" and inserting in lieu thereof the figure "2,282,657".

2. Page 1, after line 13, by inserting the following:

"Sec. 2. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-two (62), section one (1), subsection eight (8), paragraph b, unnumbered paragraph one (1), is amended to read as follows:

b. To supplement funds appropriated in chapter one thousand fifty-seven (1057), section one (1), Acts of the Sixty-fifth General Assembly, 1974 Session, and to provide sufficient funds for the completion of a state agricultural building to be known as the Henry A. Wallace building and to supplement funds appropriated in Acts of the Sixty-fifth General Assembly, 1973 Session, chapter ninety-seven (97), section one (1), subsection three (3), as amended by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand fifty-eight (1058), section one (1), to provide sufficient funds for the completion of a state office building in accordance with plans developed, *to provide for the payment of moving expenses for the occupants of the Henry A. Wallace building and the state office building and to provide that funds may be used for the construction of a radio communications tower and the matching of federal funds,* providing a total cost of construction of the Henry A. Wallace building, *the payment of moving expenses, and state funds used for matching of federal funds for the construction of a radio communications tower* and the state office building not to exceed twenty-three million three hundred thousand (23,300,000) dollars if the contracts for construction of the Henry A. Wallace building and the state office building are awarded no later than November 1, 1975 ..... $3,000,000

H—5411B

Sec. 3. Section nineteen point twenty-nine (19.29), Code 1975, is repealed."

3. Renumber the remaining sections.

On motion by Dunton of Keokuk, amendment **H—5411A was** adopted.

Lipsky of Linn rose on a point of order that amendment H—5411B was not germane.

The Speaker ruled the point not well taken and amendment H—5411B germane.

On motion by Dunton of Keokuk, amendment H—5411B was adopted.

Dunton of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1217)

The ayes were, 84:

Anderson	Dunton	Koogler	Perkins
Avenson	Dyrland	Krause	Poncy
Baker	Egenes	Lageschulte	Readinger
Bennett	Evans	Lindeen	Rinas
Bina	Fitzgerald	Lipsky	Scheelhaase
Bortell	Gentleman	Lonergan	Schroeder
Brandt	Halvorson	McElroy	Small
Branstad	Hargrave	Middleswart	Spear
Brockett	Harper	Middleton	Spencer
Brunow	Harvey	Millen	Spradling
Byerly	Hennessey	Miller, A. V.	Stromer
Caffrey	Hines	Miller, K. D.	Svoboda
Clark	Hinkhouse	Miller, O. L.	Tauke
Crawford	Horn	Monroe	Varley
Cusack	Howell	Nielsen	Walter
Daggett	Hullinger	Norland	Welden
Danker	Husak	Oakley	Wells
Den Herder	Hutchins	O'Halloran	West
Dieleman	Jesse	Patchett	Wulff
Doyle	Jochum	Pavich	Wyckoff
Drake	Jordan	Pellett	Mr. Speaker

The nays were, 1:

Gilloon

Absent or not voting, 14:

Bittle	Hansen	Menke	Newhard
Connors	Higgins	Mennenga	Tofte
Crabb	Junker	Nealson	Woods
Griffee	Kreamer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER

(Amendment H—5370 to House File 1279)

I move to reconsider the vote by which amendment H—5370 to House File 1279 was adopted by the House.

BYERLY of Polk

SUBCOMMITTEE ASSIGNMENTS

House File 389
Ways and Means
Jochum, Chair
Clark
Bina

House File 873
Ways and Means
Anderson, Chair
Hennessey
Jochum
Nealson of Muscatine
Readinger

House File 1263
Ways and Means
Husak, Chair
Bittle
Dieleman
West
Miller of Buchanan

House File 1266
Ways and Means
Bina, Chair
Clark
Nealson of Muscatine
Spradling
Wyckoff

House File 1267
Ways and Means
Hines, Chair
Branstad
Mennenga
Walter
West

House File 1269
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

House File 1275
Ways and Means
Husak, Chair
Bittle
Dieleman
West
Miller of Buchanan

House File 1284
Ways and Means
Husak, Chair
Miller of Buchanan
Dieleman
West
Bittle

House File 1293
Ways and Means
Miller of Buchanan, Chair
Clark
Howell
Gentleman
Walter
Branstad
Jochum

House File 1301
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

House File 1302
Ways and Means
Dieleman, Chair
Danker
Harvey
Howell
Middleton

House File 1306
Ways and Means
Dieleman, Chair
Danker
Harvey
Howell
Middleton

House File 1308
Ways and Means
Dieleman, Chair
Danker
Harvey
Middleton
Howell

House File 1309
Ways and Means
Husak, Chair
Miller of Buchanan
Dieleman
West
Bittle

House File 1310
Ways and Means
Husak, Chair
Miller of Buchanan
Dieleman
West
Bittle

House File 1312
Ways and Means
Anderson, Chair
Hennessey
Jochum
Nealson of Muscatine
Readinger

House File 1319
Ways and Means
Dieleman, Chair
Danker
Harvey
Middleton
Howell

House File 1331
Ways and Means
Husak, Chair
Dieleman
Miller of Buchanan
West
Bittle

House File 1334
Ways and Means
Norland, Chair
Bina
Dyrland
Egenes
Harvey
Svoboda
West

House File 1338
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

House File 1344
Ways and Means
Husak, Chair
Miller of Buchanan
West
Dieleman
Bittle

House File 1347
Ways and Means
Anderson, Chair
Hennessey
Jochum
Nealson of Muscatine
Readinger

House File 1351
Ways and Means
Anderson, Chair
Walter
Norland
West
Bittle

House File 1422
Transportation
Krause, Chair
Brunow
Drake

House File 1424
Transportation
Krause, Chair
Brunow
Drake

House File 1426
Transportation
Drake, Chair
Woods
Dunton

House File 1469
Appropriations
Byerly, Chair
Brunow
Monroe
Nielsen of Polk
Avenson
Schroeder
Varley
Stromer

STUDY BILL SUBCOMMITTEE ASSIGNMENT

S. B. 112
Ways and Means
Wyckoff, Chair
Readinger
Danker
Bina

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 5, 1976, he approved and transmitted to the Secretary of State the following bills:

Senate File 443, an act relating to loans on residential property by state banks.

House File 774, an act relating to the contents of a certificate of marriage.

STATEMENT BY GOVERNOR ROBERT D. RAY ON HOUSE FILE 774

March 5, 1976

Present day Iowa marriage certificates contain a section that requests information on married persons' race, previous marriages, and educational level. House File 774 would prohibit marriage certificates from containing such information. Proponents of House File 774 have questioned the propriety of asking such questions and suggest that it is an unnecessary intrusion by government into the private lives of Iowans.

While recognizing this concern, opponents of House File 774 have urged me to veto this measure. They point out that this information is utilized solely for statistical purposes and is closed to public inspection. Information relative to married persons' race, previous marriages, and educational level can be used for valuable studies relating to family stability and family formation, interracial marriages, and population growth. Some minority groups strongly believe that such information can be invaluable to them in dispelling old myths, rumors, and prejudice.

I believe these two meritorious points of view can coexist.

Certainly wherever possible we should steer government away from interferring in our private lives. Therefore I have decided to sign House File 774 into law.

To leave it at that though would deny us a source of reliable statistics

that can combat discrimination. As a solution, the Health Department informs me that in lieu of the present marriage certificate requirements they can by rule request, on a voluntary basis only, the same type of information on a separate form. When a couple would appear before the Clerk of the District Court to apply for a marriage license, they would be notified that it was not necessary to answer such questions and be given the choice of responding or not responding to the inquiry.

By handling these supplemental questions on an optional basis, we can avoid an intrusion into personal lives where it is resented. At the same time we can still provide the Bureau of Vital Statistics with a data base for statistical inquiries into marriage which I am advised can be meaningful. The promulgation of such a rule by the Health Department is acceptable to the sponsors of House File 774 as well as opponents. The department will issue such a rule in the near future.

RULES OF THE STEERING COMMITTEE

The steering committee submitted the following rules:

1. Eight (8) members shall constitute a quorum.

2. All votes shall be taken by record roll call; however, the short form may be used if there is no objection.

3. Debates shall be limited to two (2) minutes for a member to present a bill and one (1) minute for other members to discuss.

4. Eight (8) affirmative votes shall be required to place a bill on the Steering Committee Calendar.

5. The Chairman may present committee bills and one other bill at each committee meeting without charge to himself. He may present a Noncontroversial Calendar to the committee for their approval. The Chairman may appoint a committee to draw up a list of noncontroversial bills.

6. The order of presenting bills to the committee shall be by priority. Such priority shall be established by drawing names from a box and establishing a list showing the order of names so drawn. If any member is absent or for any other reason declines an opportunity to present a bill when their turn on the priority list is up, shall forfeit their turn.

7. No vote on a bill shall be reconsidered at the same sitting of the committee.

8. Meetings shall be called by the Chairman or in the absence of the Chairman, the meeting may be called by the Ranking Member.

RULES PERTAINING TO NONCONTROVERSIAL BILLS

9. Bills may be arranged on the Noncontroversial Calendar in divisions according to the time allotted for debate thereon. Bills presented on one division shall be allotted five minutes and bills presented on the other division shall be allotted fifteen minutes for debate. If debate on such bill exceeds the time allotted for the division upon which it is presented, the bill will return to the Regular Calendar to the same position it held prior to its consideration by the Noncontroversial Committee.

10. Objections to consideration of bills placed on the Steering Committee Noncontroversial Calendar must be filed, in writing, by three (3) members of the House with the Chief Clerk of the House, within two (2) legislative days after such bill appears on the Noncontroversial Calendar.

11. Any bill eliminated by objection from consideration as a noncontroversial item made in accordance with Steering Committee Rule 10, will go back on the Regular Calendar to the same position it held prior to consideration by the Noncontroversial Committee.

Members of the Noncontroversial subcommittee are Avenson of Fayette and Schroeder of Pottawattamie.

Rules adopted March 5, 1976.

JESSE of Polk, Chair

NON-CON CALENDAR 5 MINUTES

REPORT OF STEERING COMMITTEE

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

H. F. 1053 An Act relating to the notation of an anatomical gift on an operator's or chauffeur's license. By Millen, Daggett, Kreamer, et al.

H. F. 1165 COMMITTEE BILL—An Act amending certain programs for elderly, handicapped and low income persons. By employment of the unemployed study committee; Fitzgerald, chair.

H. F. 1298 An Act relating to the prohibition of toxic extinguishers. By Connors, Koogler, Caffrey, et al.

H. F. 1435 COMMITTEE BILL—An Act to provide for the regulation of bicycles by the state board of regents. By committee on education; Patchett, chair. (Companion Bill—S. F. 1200)

H. F. 1439 COMMITTEE BILL—An Act relating to birds of prey. By committee on natural resources; Middleswart, chair.

H. F. 1460 COMMITTEE BILL—An Act striking references to the Iowa Annie Wittenmyer Home. By committee on human resources; Higgins, chair.

H. F. 1463 COMMITTEE BILL—An Act relating to the weighing of bulk commodities. By committee on agriculture; Husak, chair.

H. F. 1361 COMMITTEE BILL—An Act relating to short-term loans of cities. By committee on cities; Rinas, chair.

H. F. 1462 COMMITTEE BILL—An Act relating to the permissible age for qualifying for appointment as judicial magistrate. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1473 COMMITTEE BILL—An Act relating to gas, gasoline, and motor fuel inspectors. By committee on agriculture; Husak, chair.

H. F. 689 An Act defining autistic children. By Bina and Cusack.

H. F. 1461 COMMITTEE BILL—An Act to provide a limited exception to teacher certification requirements for immigrant Thai nationals and Vietnamese nationals. By committee on education; Patchett, chair.

JESSE of Polk, Chair

NON-CON CALENDAR 15 MINUTES

REPORT OF STEERING COMMITTEE

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

H. F. 1363 COMMITTEE BILL—An Act relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances. By committee on cities; Rinas, chair.

H. F. 1403 COMMITTEE BILL—An Act relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities and to time limits for submission of certain investment reports to the auditor of state. By committee on cities; Rinas, chair.

H. F. 1410 COMMITTEE BILL—An Act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land. By committee on natural resources; Middleswart, chair.

H. F. 1143 An Act relating to the immunization of persons attending elementary or secondary schools or institutions of higher education and to the authority of the state department of health to modify immunization requirements for admission to school. By Cusack and Newhard.

H. F. 1446 COMMITTEE BILL—An Act relating to exemptions from residency requirements for certain degree-granting institutions. By committee on education; Patchett, chair.

H. F. 1047 An Act to require a public hearing before a local governing board may pass an ordinance providing for funding of an urban renewal project. By Higgins.

H. F. 1436 COMMITTEE BILL—An Act relating to the state psychopathic hospital. By committee on education; Patchett, chair.

H. F. 1287 An Act exempting certain sites used for nutrition programs for the elderly from restaurant licensing requirements. By Hennessey, Gilloon, Miller of Buchanan, et al.

H. F. 1390 COMMITTEE BILL—An Act relating to civil damages for the taking of game or fur-bearing animals. By committee on natural resources; Middleswart, chair.

H. F. 1365 COMMITTEE BILL—An Act relating to acceptance of deposits by state banks, credit unions and savings and loan associations. By committee on commerce; Small, chair.

JESSE of Polk, Chair

REGULAR STEERING COMMITTEE CALENDAR

REPORT OF STEERING COMMITTEE

MR. SPEAKER: Your steering committee begs leave to report that it had

the following bills under consideration and recommends that they be placed on the steering committee calendar:

H. F. 1346 COMMITTEE BILL—An Act relating to disaster services, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact. By committee on state government; Monroe, chair.

H. F. 1470 COMMITTEE BILL—An Act relating to the location and construction of electric power generating facilities and providing penatlies. By committee on energy; O'Halloran, chair.

H. F. 1388 COMMITTEE BILL—An Act amending certain provisions relating to the disposal of solid waste and the establishment of sanitary disposal projects and providing for the use of injunctions in the case of certain violations. By committee on natural resources; Middleswart, chair.

H. F. 1456 COMMITTEE BILL—An Act authorizing counties to appriate moneys for the purpose of making grants to rural water districts. By committee on county government; Hutchins, chair.

H. F. 1477 COMMITTEE BILL—An Act relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems. By committee on natural resources; Middleswart, chair.

JESSE of Polk, Chair

REPORTS OF COMMITTEES

Husak of Tama, from the committee on agriculture, submitted the following report:

MR. SPEAKER: Your committee on agriculture to whom was referred **Senate File 367,** a bill for an act relating to the location and operation of livestock feedlots, and defining nuisance as the term relates thereto, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5568

Amend Senate File 367, as amended and passed by the Senate as follows:

1. Page 1, by striking lines 8A through 8Z and inserting in lieu thereof the following:

"3. "Established date of operation" means the date on which a feedlot commenced operating with not more livestock than reasonably could be maintained by the physical facilities existing as of that date. If the physical facilities of the feedlot are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent "established date of operation" established as of this date of commencement of the

expanded operations, and the commencement of expanded operations shall not divest the feedlot of a previously established date of operation."

2. Page 2, by inserting after line 24 the following new subsections:

"..... A rule pertaining to "feedlot management standards" means a rule, the implementation of which, or the compliance with which, requires the expenditure of funds not in excess of two percent of the establishment cost of the feedlot.

..... A rule pertaining to "feedlot design standards" means a rule, the implementation of which, or the compliance with which, requires the expenditure of funds in excess of two percent of the establishment cost of the feedlot.

..... "Establishment cost of a feedlot" means the cost or value of the feedlot on its established date of operation and includes the cost or value of the building, machinery, vehicles, equipment or other real or personal property used in the operation of the feedlot."

3. Page 3, by striking lines 4 through 14 and inserting in lieu thereof the following new subsection:

"..... APPLICABILITY OF RULES.

a. Exclusion for federally mandated requirements. This section shall apply to the department's rules except for rules required for delegation of the national pollutant discharge elimination system permit program pursuant to the Federal Water Pollution Control Act, Title thirty-three (33), United States Code, chapter one hundred twenty-six (126), as amended, and forty (40) Code of Federal Regulations, Part one hundred twenty-four (124).

b. Applicability of rules of the department other than those issued by the air quality commission.

(1) A rule of the department in effect on the effective date of this Act shall apply to a feedlot

Page 2

with an established date of operation prior to the effective date of this Act.

(2) A rule of the department shall apply to a feedlot with an established date of operation subsequent to the effective date of the rule.

(3) A rule of the department adopted after the effective date of this Act shall not apply to a feedlot holding any DEQ permit and having an established date of operation prior to the effective date of the rule until either the expiration of the term of the permit in effect on the effective date of the rule, or ten years from the established date of operation of the feedlot, whichever time period is greater.

(4) A rule of the department adopted after the effective date of this Act shall not apply to a feedlot not previously required to hold a DEQ permit and

having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or five years from the effective date of the rule, whichever time period is greater.

(5) To achieve compliance with applicable rules the department shall issue an appropriate compliance schedule.

c. Applicability of rules of the air quality commission.

(1) A rule of the air quality commission in effect on the effective date of this Act shall apply to a feedlot with an established date of operation prior to the effective date of this Act.

(2) A rule of the air quality commission shall apply to a feedlot with an established date of operation subsequent to the effective date of the rule.

(3) A rule of the air quality commission pertaining to feedlot management standards adopted after the effective date of this Act shall not apply to any feedlot having an established date of operation prior to the effective date of the rule until one year after the effective date of the rule.

(4) A rule of the air quality commission pertaining to feedlot design standards adopted after the effective date of this Act shall not apply to any feedlot having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or two years from the effective date of the rule, whichever time period is greater. However, any design standard rule pertaining to the siting of any feedlot shall apply only to a feedlot with an established date of operation

Page 3

subsequent to the effective date of the rule.

(5) To achieve compliance with applicable rules the department shall issue an appropriate compliance schedule."

4. Page 4, by inserting after line 29 the following new section:

"Sec. ..... This Act shall take effect on November 1, 1976."

5. By renumbering sections as necessary.

HUSAK of Tama, Chair

Monroe of Des Moines, from the committee on state government, submitted the following reports:

MR. SPEAKER: Your committee on state government to whom was referred **Senate File 488**, a bill for an act relating to the political affiliation of persons serving on state boards, commissions, and councils, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

MONROE of Des Moines, Chair

Also:

MR. SPEAKER: Your committee on state government to whom was referred **Senate File 1064,** a bill for an act to abolish certain boards, committees and councils, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

MONROE of Des Moines, Chair

Jesse of Polk, from the committee on judiciary and law enforcement, submitted the following report:

MR. SPEAKER: Your committee on judiciary and law enforcement to whom was referred **Senate File 1092,** a bill for an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5547

Amend Senate File 1092, as amended and passed by the Senate, as follows:

1. Page 1, by striking line 21 and inserting in lieu thereof the words "and four associate judges, any three of whom shall constitute".

2. Page 7, line 7, by striking the word "three" and inserting in lieu thereof the word "five".

3. Page 12, line 4, by striking the word "*one*" and inserting in lieu thereof the word "*two*".

4. Page 12, line 7, by striking the word "*one*" and inserting in lieu thereof the word "*two*".

JESSE of Polk, Chair

Higgins of Scott, from the committee on human resources, submitted the following reports:

MR. SPEAKER: Your committee on human resources to whom was referred **Senate File 1139,** a bill for an act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

HIGGINS of Scott, Chair

Also:

MR. SPEAKER: Your committee on human resources to whom was referred **Senate File 1067,** a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty, begs leave to report it has had the same under consideration and has instructed me to report the same back to

the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5548

Amend Senate File 1067 as amended and passed by the Senate as follows:

1. Page 1, line 23, by striking the word "may" and inserting in lieu thereof the word "shall".

2. Page 2, by striking lines 4 through 15 and inserting in lieu thereof the following:

"3. The department shall promulgate rules:

a. Establishing procedure for applying to the department for issuance of a special identification device under this section.

b. Requiring persons issued special identification devices to furnish evidence at appropriate intervals that they remain physically handicapped to the extent described by subsection one (1) of this section.

c. Establishing standards for dimensions and general location of parking spaces, which must be followed by cities and other political subdivisions in complying with subsection two (2) of this section.

d. Governing the manner in which special identification devices are to be displayed in motor vehicles parked in spaces designated under subsection two (2) of this section."

HIGGINS of Scott, Chair

Rinas of Linn, from the committee on cities, submitted the following report:

MR. SPEAKER: Your committee on cities to whom was referred **Senate File 1086,** a bill for an act relating to local civil service commissions providing for changes in qualification requirements and requiring that the commission determine the physical requirements for police and fire personnel, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5567

Amend Senate File 1086, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 27 through 33 and inserting in lieu thereof the following:

"appointment. Provided, however, that such physical examination of applicants for appointment to the positions of policeman, policewoman, police matron or [fireman] *firefighter* shall be held under the direction of and as specified by the boards of trustees of the fire or police retirement systems established by section 411.5. *An applicant shall not be discriminated against on the basis of height, weight, sex, or race in determining physical or mental ability of the applicant. Reasonable rules relating to strength, agility,*

and general health of applicants shall be prescribed.

The costs of the physical examination required under this subsection shall be paid from the trust and agency fund of the city."

2. Title page, by striking from lines 2, 3 and 4 the words "and requiring that the commission determine the physical requirements for police and fire personnel".

RINAS of Linn, Chair

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1124,** a bill for an act making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security Act, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5581

Amend Senate File 1124 as follows:

1. Page 2, by inserting after line 2 the following:

"Any contract for additional services shall be written and executed in such manner that the federal government may participate in the payment and the legislature shall retain direction and control of the study."

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1125,** a bill for an act repealing the statutory appropriation for the state employees' disability plan, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—5554

Amend House File 1069 as follows:

1. Page 1, by striking lines 1 through 12 and inserting in lieu thereof the following:

"Section 1. Section five hundred thirty-five point two (535.2), subsection one (1), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

1. Except as provided in [subsection] *subsections 2 and three (3) of this section* [hereof], the rate of interest shall be five cents on the hundred by the year in the following cases, unless the parties shall

agree in writing for the payment of interest not exceeding nine cents on the hundred by the year:

Sec. 2. Section five hundred thirty-five point two (535.2), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Any person borrowing money in the principal amount of thirty-five thousand dollars or more for the purpose of purchasing or of refinancing the purchase of agricultural land which is used or is to be used for agricultural purposes, may agree in writing to pay any rate of interest not exceeding ten cents on the hundred by the year, and no such person agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding."

2. Amend the title, lines 2 and 3, by striking the words "a business purpose, including certain agricultural loans" and inserting in lieu thereof the words "the purpose of purchasing or refinancing the purchase of agricultural land".

HOWELL of Floyd
GILLOON of Dubuque
DYRLAND of Clayton
SPRADLING of Sioux
WALTER of Pottawattamie
HINES of Story
PATCHETT of Johnson
JOCHUM of Dubuque
SVOBODA of Iowa
PAVICH of Pottawattamie
MIDDLETON of Black Hawk
MILLER of Cerro Gordo
HIGGINS of Scott

H—5570

Amend H—5554, filed by Howell, et al., to House File 1069 as follows:

Line 22, by striking the word "ten" and inserting in lieu thereof the word "eleven".

HENNESSEY of Delaware
EVANS of Grundy

H—5573

Amend House File 1069 as follows:

1. Page 1, by striking lines 2 through 12 and inserting in lieu thereof the following: "(535.2), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Any person borrowing money in the principal amount of thirty-five thousand dollars or more may agree in writing for the payment of interest not exceeding eleven cents on the hundred by the year if such loan is secured by an interest in agricultural real property."

HENNESSEY of Delaware

H—5592

Amend the Hennessey amendment H—5394 to House File 1069 as follows:

1. Line 8 by striking the words "*an agricultural purpose*" and inserting in lieu thereof the words "*the purpose of financing the acquisition of agricultural real estate*".

PERKINS of Greene

H—5593

Amend the Hennessey amendment H—5394 to House File 1069 as follows:

1. Line 8 by striking the words "*an agricultural purpose*" and inserting in lieu thereof the words "*the purpose of financing the acquisition of, or refinancing, agricultural real estate*".

PERKINS of Greene

H—5556

Amend House File 1196, page 1, by inserting after line 5 the following section:

"Sec. ..... Section eighty-eight A point one (88A.1), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The provisions of this chapter shall not apply to carnivals sponsored by schools or by Iowa 4-H—youth programs."

DAGGETT of Adams

H—5585

Amend House File 1201 as follows:

1. Page 1 by inserting before line 1 the following:

"Sec. ..... Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section fifteen (15), is amended to read as follows:

1. Approved course. An approved driver education course as programmed by the department of public instruction shall consist of at least thirty clock hours of classroom instruction, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving.

Every public school district in Iowa shall offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education. Said courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. *The public school district shall submit to the state comptroller that portion of the costs for driver education incurred for students enrolled in a driver education course who are not otherwise enrolled in*

any public or nonpublic school and the state comptroller shall provide reimbursement from funds provided for that purpose. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education may, upon proof of such fact, be excused from any field test which he would otherwise be required to take in demonstrating his ability to operate a motor vehicle."

2. Page 1 by inserting after line 3 the following:

"Sec. ..... Section four hundred forty-two point four (442.4), subsection one (1), unnumbered paragraph three (3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section seventeen (17), is amended to read as follows:

Shared-time and part-time pupils of school age, *other than students, as defined in section three hundred twenty-one point one hundred seventy-eight*

Page 2

(321.178) of the Code, enrolled in a driver education course who are not otherwise enrolled in any public or nonpublic school, irrespective of the districts in which the pupils reside, are included in basic enrollment as of the second Friday of January in the base year, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time out-of-district pupil shall be reduced by the amount of any increased state aid occasioned by the counting of the pupil."

STROMER of Hancock
PATCHETT of Johnson
HORN of Linn

H—5555

Amend House File 1332 as follows:

1. Page 8, by inserting after line 16 the following:

"e. On a motor vehicle operated by a member of an organized ambulance service."

2. Page 8, line 19, by inserting after the word "department" the words "or ambulance service".

3. Page 8, line 22, by inserting after the word "department" the words "or ambulance service".

4. Page 8, line 27, by inserting after the word "department" the words "or the director of the ambulance service".

5. Renumber sections and correct internal references in conformance with this amendment.

PATCHETT of Johnson

H—5558

Amend House File 1374 as follows:

1. Page 4, by striking all of lines 34 and 35 and inserting in lieu thereof the following:

"holism of the state department of health to be used for the approved".

MONROE of Des Moines

H—5571

Amend House File 1461 as follows:

1. Page 1, by inserting after line 12 the following: *"Persons seeking certification under these rules must apply to the board for certification before July 1, 1979."*

SPEAR of Lee

H—5569

Amend House File 1485 as follows:

1. Page 6 by striking line 25 and inserting in lieu thereof the words "read as follows:".

2. Page 7, line 31, by striking the words "fifteen (15)" and inserting in lieu thereof the words "ten (10)".

SPRADLING of Sioux

H—5572

Amend House File 1485 as follows:

1. Page 7, by adding after line 23 the following new subsection:

"3. The name and address of the owner of the property to be charged with the lien, as that name and address are shown in the real estate tax records in the office of the county auditor.

The recorder of the county shall forward by ordinary mail a copy of each lien claim to the owner of the property to be charged with the lien."

SPRADLING of Sioux

H—5559

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 19 through 26 and inserting in lieu thereof the following:

"NEW SECTION. INSANITY. No person shall be convicted of any crime if, at the time such crime is committed, as a result of mental disease or mental

defect, the person lacks substantial capacity either to appreciate the criminality of his or her conduct or to conform his or her conduct to the law. As used in this section, the terms "mental disease or mental defect" do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5560

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 55, by striking lines 13 through 16.
2. Page 55, by striking lines 30 through page 56, line 3.
3. Page 181, by striking lines 4 through 7.
4. By renumbering the remaining sections to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5561

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 15A, line 20, by striking the words "Any person who".
2. Page 15A, by striking lines 21 through 31.
3. Page 15B, by striking lines 57 through 68.
4. By renumbering the remaining sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5562

Amend the Spear amendment H—5024 to page 216A of Senate File 85 as reprinted as follows:

1. By striking lines 3 and 4 and inserting in lieu thereof the following:

"1. Page 216A, line 14, by striking the words "five years of a life sentence" and inserting in lieu thereof the words "ten years of a life sentence imposed for other than murder in the first degree, or fifteen years of a life sentence imposed for murder in the first degree".

SPEAR of Lee

H—5563

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 216A, line 28, by striking all after the word "division" and lines 29 and 30 and inserting in lieu thereof the following: ", and the court may in its discretion order the director of adult corrections to hold the offender in custody for a minimum period up to but not to exceed one-half of the maximum indeterminate sentence provided for by section two hundred eleven (211) of this division."

BENNETT of Ida

H—5564

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 225A, by striking lines 31 through 35 and inserting in lieu thereof the following:

"If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more convictions for any felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant has served at least one-half of the maximum term of his sentence."

2. Page 225B, by striking lines 36 and 37.

BENNETT of Ida

H—5565

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 36, line 13, by striking the word "aggravated" and inserting in lieu thereof the word "simple".

BENNETT of Ida

H—5566

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 57B, by adding after line 41 the following:

"A person having responsibility for operation of a health care facility licensed under chapter one hundred thirty-five C (135C) of the Code who knowingly allows another person to violate this section commits a serious misdemeanor.

Sec..... *NEW SECTION.* MISTREATMENT OF RESIDENT OF HEALTH CARE FACILITY.

1. A person who willfully, wantonly, or maliciously mistreats any resident of a health care facility as defined in chapter one hundred thirty-five C (135C) of the Code commits a class D felony.

2. As used in this section the word "mistreat" means treatment or lack of treatment to such an

extent that the physical or mental health of a resident is adversely affected, including but not limited to the following:

a. Willful failure to follow a physician's orders.

b. Willful and repeated violations of statutes and rules regarding the care of residents of health care facilities.

c. Failure to properly clothe, feed, groom or clean residents.

d. Transfer of residents between facilities without the permission of the resident's physician.

3. Any person having responsibility for operation of a health care facility licensed under chapter one hundred thirty-five C (135C) of the Code who willfully, wantonly, or maliciously allows another person to violate this section shall commit a class D felony."

LIPSKY of Linn
HIGGINS of Scott

H—5574

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 424, line 20, by striking the words "seven hundred" after the words "seven hundred one (701),".

2. Page 424, line 21 by striking the word and figures "two (702),".

KREAMER of Polk
SPENCER of Clay

H—5575

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 318, by inserting after line 6, the following new section:

"Sec. ..... Section two hundred four point four hundred one (204.401), Code 1975, is amended by striking subsection three (3) and inserting in lieu thereof the following:

3. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who is convicted of a violation of this subsection shall be punished as follows:

a. If the controlled substance is a controlled substance which is not marijuana, the person shall be guilty of a serious misdemeanor.

b. If the controlled substance is marijuana in an amount in excess of one ounce, the person shall be guilty of a simple misdemeanor.

c. If the controlled substance is marijuana in an amount of one ounce or less the person shall be subject to a civil fine of not to exceed one hundred dollars. Any person who violates the provisions of this subsection shall be issued a citation and be treated as provided in chapter two (2), division five (V) of this Act. Any person who possesses one ounce of marijuana or less shall be conclusively presumed to possess the marijuana for personal use and not for manufacture or delivery.

All or any part of a sentence imposed pursuant to this section may be suspended and the person placed on probation upon such terms and conditions as the court may impose including the active participation by such person in a drug treatment, rehabilitation or education program approved by the court."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5576

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 227A, line 8, by striking all after the word "reside." and line 9 and inserting in lieu thereof the following:

"No person shall be released on parole until the board of parole shall have satisfactory evidence that arrangements have been made for his employment or maintenance. The chief parole officer may render assistance to prisoners about to be paroled in procuring employment and the necessary expense incident thereto shall be paid as other expenses of the chief parole officer are paid."

WELDEN of Hardin

H—5577

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 153, line 30, by inserting after the word "thereof." the following:

"It shall not be a requirement of this section that corroboration be necessary to obtain a conviction where the solicited person is a law enforcement agent, employee, official, or person working on behalf of a law enforcement agency within the scope of his employment."

WYCKOFF of Benton

H—5578

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 238A, line 4, by inserting after the word "officer" the words "or any peace officer".

WYCKOFF of Benton

H—5579

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 217A, by striking lines 21 through 34 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* USE OF A FIREARM IN THE COMMISSION OF A FELONY. In addition to any other penalty imposed by law, a person convicted of a felony and who used, threatened to use, or displayed in a threatening manner a firearm while participating in the felony shall be imprisoned in the state penitentiary for five years. A sentence imposed pursuant to this section shall not run concurrently with the sentence imposed for the commission of the felony. A person sentenced pursuant to this section shall not be eligible for parole until he or she has served five years of his or her sentence."

2. Page 229, line 20, by inserting after the word "felony" the words ", a public offense for which a minimum sentence is imposed".

KREAMER of Polk

H—5580

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 215, by inserting after line 28 the following new paragraph:

"The department of social services shall confine the defendant at whichever institution is appropriate among the following institutions:

The Iowa training school for boys.
The Iowa training school for girls.
The women's reformatory.
The men's reformatory.
The state penitentiary.
The Iowa security medical facility.
The correctional release center.
Camps supervised by the department of social services.
Other facilities not attached to the campus of one of these institutions.

The department of social services shall neither close or discontinue the operation of the first six named institutions unless the closing or discontinuation is specifically authorized by law."

WYCKOFF of Benton

H—5582

Amend the amendment, H—5514, to Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 23 the following:

"4. The killing is perpetrated for compensation.

5. The killing is perpetrated against a peace

officer, while the peace officer is engaged in the performance of his duties.

6. The killing is perpetrated as a part of a course of conduct involving the intentional killing of two or more persons."

KREAMER of Polk

H—5583

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 18, by striking lines 5 through 8.

2. Renumber subsections accordingly.

KREAMER of Polk

H—5584

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 26, line 6, by striking the words "felony, *assault* or theft therein" and inserting in lieu thereof the words "public offense".

KREAMER of Polk

H—5586

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 63, by striking lines 24 through 35 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* LOCAL ORDINANCES OR REGULATION. A political subdivision of this state may adopt an ordinance, resolution, or regulation providing for the regulation of obscene material if the ordinance, resolution, or regulation is consistent with the provisions of this division, however, the ordinance, resolution, or regulation may govern the dissemination or use of obscene material by adults."

KREAMER of Polk

H—5587

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 220A, by striking lines 15 through 19 and inserting in lieu thereof the following: "provided, that in the case of theft in the fourth degree the sentence may include both imprisonment not to exceed thirty days and a fine in an amount not to exceed the greater of one hundred dollars or three times the value of the property stolen."

KREAMER of Polk

H—5588

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 19A, by striking lines 20 through 31 and inserting in lieu thereof the following:

"Sec. 903. *NEW SECTION.* SEXUAL ABUSE IN THE SECOND DEGREE. A person commits sexual abuse in the second degree under any of the following circumstances:

1. In the course of such act, he or she displays in a threatening manner a deadly weapon or uses or threatens to use force creating a substantial risk of death or serious injury to any other person.

2. The other participant is under 16 years of age, the actor is a member of the same household as the other participant and they are related by blood or affinity within the fourth degree of consanguinity.

3. The actor is aided or abetted by another person or persons, and the sex act is committed by force and against the will of the other.

4. The other participant is under the age of twelve."

KREAMER of Polk

H—5589

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 106, line 27, by striking the words "OR TAPE RECORDER".

2. Page 106, line 29, by striking the words "or recording equipment".

3. Page 106 by striking lines 31 through 35.

4. Page 107 by striking lines 1 and 2.

5. Page 107, line 19, by striking the word and figure "two (2)" and inserting in lieu thereof the word and figure "one (1)".

6. Page 107, line 19, by striking the word "may" and inserting in lieu thereof the word "shall".

7. Page 107, line 20, by striking the words "a tape of the recorded proceedings or".

8. Renumber the sections accordingly.

KREAMER of Polk

H—5590

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 220A, line 8, by striking the word "two" and inserting in lieu thereof the word "five".

2. Page 220A, line 14, by striking the words "thirty days" and inserting in lieu thereof the words "six months".

3. Page 220A, line 14, by striking the word "one" and inserting in lieu thereof the word "five".

KREAMER of Polk

H—5591

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 225A, line 22, by striking the word "him" and inserting in lieu thereof the following: "that person, except that in the case of a person

committed under a sentence imposing a minimum term of imprisonment, a member of the board shall interview that person within one year after the person has been confined for that minimum term".

KREAMER of Polk

H—5557

Amend the Crabb amendment H—5541, to Senate File 1190, as passed by the Senate, as follows:

1. Line 8, by inserting after the word "costs," the word "litigation".

CRABB of Crawford

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:32 p.m. until 10:00 a.m., Monday, March 8, 1976.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day—Thirty-eighth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, MARCH 8, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Honorable Keith Baker, State Representative from Buena Vista County.

The Journal of Friday, March 5, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steve Eckstat, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Monroe of Des Moines for the morning session on request of Wells of Linn; Newhard of Jones on request of Jesse of Polk; Bennett of Ida on request of Harvey of Scott; Brandt of Black Hawk on request of Oakley of Clinton; Schroeder of Pottawattamie on request of Hargrave of Johnson; Tofte of Winneshiek on request of Millen of Van Buren; Drake of Muscatine on request of Varley of Adair; Dyrland of Clayton on request of Patchett of Johnson; Readinger of Polk for a portion of the day on request of Tauke of Dubuque; Nielsen of Polk on request of Byerly of Polk.

PETITION FILED

The following petition was received and placed on file:

By Lipsky of Linn from two hundred eighty students and constituents opposing House File 1008, relating to the sale of alcoholic beverages and beer.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on Senate Files 367, 488, 1064, 1067, 1086, 1092, 1124, 1125 and 1139, under Rule 36.

INTRODUCTION OF BILLS

House File 1510, by committee on state government, a bill for an act providing for executive and legislative overview and approval of administrative rules and relating to the Iowa administrative code.

Read first time and **placed on the calendar.**

House File 1511, by committee on agriculture, a bill for an act relating to the relocation of highways through cultivated land.

Read first time and **placed on the calendar.**

House File 1512, by committee on commerce, a bill for an act relating to the definition of open-end credit as used in the Iowa Consumer Credit Code.

Read first time and **placed on the calendar.**

House File 1513, by committee on state government, a bill for an act relating to the compensation of employees of the general assembly and making an appropriation.

Read first time and **placed on the calendar.**

COMMUNICATION FROM THE SECRETARY OF STATE

CERTIFICATION

STATE OF IOWA

Office of

THE SECRETARY OF STATE

To the Honorable, Speaker of the House:

I, MELVIN D. SYNHORST, Secretary of the State of Iowa, custodian of the files and records pertaining to elections in the state.

DO HEREBY CERTIFY, that the State Canvassing Board has declared that at a Special Election held on February 24, 1976, Donald H. Binneboese was declared elected to fill the office of State Representative for the Forty-ninth District, to fill a vacancy in a two year term which began in January, 1975.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 5th day of March, A.D., 1976.

(Seal)

MELVIN D. SYNHORST
Secretary of State

MEMBER'S OATH OF OFFICE

The Honorable Donald H. Binneboese, Representative-elect

from Plymouth County, came forward to the well of the House. The Chief Clerk administered the following oath of office to Representative-elect Binneboese:

"I, Donald H. Binneboese, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa to the best of my ability, so help me God."

ADOPTION OF RULES TO NONCONTROVERSIAL BILLS

Fitzgerald of Webster asked and received unanimous consent to adopt the following rules pertaining to steering committee noncontroversial bills:

RULES PERTAINING TO NONCONTROVERSIAL BILLS

9. Bills may be arranged on the Noncontroversial Calendar in divisions according to the time allotted for debate thereon. Bills presented on one division shall be allotted five minutes and bills presented on the other division shall be allotted fifteen minutes for debate. If debate on such bill exceeds the time allotted for the division upon which it is presented, the bill will return to the Regular Calendar to the same position it held prior to its consideration by the Noncontroversial Committee.

10. Objections to consideration of bills placed on the Steering Committee Noncontroversial Calendar must be filed, in writing, by three (3) members of the House with the Chief Clerk of the House, within two (2) legislative days after such bill appears on the Noncontroversial Calendar.

11. Any bill eliminated by objection from consideration as a noncontroversial item made in accordance with Steering Committee Rule 10, will go back on the Regular Calendar to the same position it held prior to consideration by the Noncontroversial Committee.

PAGES OF THE HOUSE

The following named persons were elected as Pages of the House:

Tamila Bryson, Manilla, Iowa
Josie Cameron, Fairfield, Iowa
Janeen Carol Christensen, Lake City, Iowa
Ann Ellen Christy, Colo, Iowa
Daniel Collison, Mason City, Iowa
Craig Alan Fenton, Centerville, Iowa
Sally Jean Godwin, Indianola, Iowa
Craig Preston Hargrave, Iowa City, Iowa
Craig Jontz, Altoona, Iowa
Jane Ann Leuck, Council Bluffs, Iowa
Marye McLaud, Cedar Rapids, Iowa
Barbara Jean Nesheim, Van Horne, Iowa
Mark Riley Neuzil, Solon, Iowa

Camille Louise Njus, Grinnell, Iowa
Shary Risting, Cedar Falls, Iowa
Gregory Roper, Cedar Rapids, Iowa
Bonny Joy Rysdam, Bloomfield, Iowa
Karen Schwab, Osage, Iowa
Jill E. Spradling, Orange City, Iowa
Catherine M. Turek, Sioux City, Iowa
Daniel Jerome Wilch, Mount Vernon, Iowa

OATH OF OFFICE

The Pages elected took the following oath of office:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully discharge the duties of my office to the best of my ability, so help me God."

SENATE AMENDMENTS CONSIDERED

Anderson of Jasper called up for consideration **House File 392,** a bill for an act relating to the definition of tax year for corporation and individual income tax returns, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5327

Amend House File 392, as passed by the House, as follows:

1. Page 1, by inserting after line 21 the following new sections:

"Sec. ..... The provisions of this Act are effective December 14, 1975 for all tax years ending on or after December 14, 1975 and to this extent the provisions of this Act are retroactive.

Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Dallas County News, a newspaper published in Adel, Iowa, and in the Cherokee Daily Times, a newspaper published in Cherokee, Iowa."

2. Amend the title, line 2, by inserting after the word "returns" the words "and making the Act retroactive".

The motion prevailed and the House concurred in the Senate amendment H—5327.

Anderson of Jasper moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 392)

The ayes were, 81:

Anderson	Fitzgerald	Koogler	Perkins
Baker	Gentleman	Krause	Poncy
Bina	Gilloon	Kreamer	Rinas
Binneboese	Griffee	Lageschulte	Scheelhaase
Bortell	Halvorson	Lindeen	Small
Brockett	Hansen	McElroy	Spear
Brunow	Hargrave	Menke	Spencer
Byerly	Harper	Mennenga	Spradling
Caffrey	Harvey	Middleswart	Stromer
Clark	Hennessey	Middleton	Svoboda
Connors	Higgins	Millen	Tauke
Crabb	Hines	Miller, A. V.	Varley
Crawford	Hinkhouse	Miller, K. D.	Walter
Cusack	Horn	Miller, O. L.	Welden
Daggett	Howell	Norland	Wells
Danker	Hullinger	Oakley	West
Den Herder	Hutchins	O'Halloran	Woods
Dieleman	Jochum	Patchett	Wulff
Doyle	Jordan	Pavich	Wyckoff
Dunton	Junker	Pellett	Mr. Speaker
Evans			

The nays were, none.

Absent or not voting, 19:

Avenson	Drake	Lipsky	Nielsen
Bennett	Dyrland	Lonergan	Readinger
Bittle	Egenes	Monroe	Schroeder
Brandt	Husak	Nealson	Tofte
Branstad	Jesse	Newhard	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

Doyle of Woodbury called up for consideration **House File 744**, a bill for an act relating to registration of travel trailers, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5391

Amend **House File 744, page 1, by inserting after** line 17 **the following:**

"A travel trailer may be stored under the provisions of section three hundred twenty-one point one hundred thirty-four (321.134), of the Code, provided the travel trailer is not used for human habitation for any period during storage and is not moved upon the highways of the state. A travel trailer stored under the provisions of section three hundred twenty-one point one hundred thirty-four (321.134) of the Code shall not be subject to either a personal property tax or a mobile home tax assessed under the provisions of chapter one hundred thirty-five D (135D) of the Code."

The motion prevailed and the House concurred in the Senate amendment H—5391.

Doyle of Woodbury moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 744)

The ayes were, 80:

Baker	Evans	Jordan	Pellett
Bina	Fitzgerald	Junker	Perkins
Binneboese	Gentleman	Koogler	Poncy
Bortell	Gilloon	Krause	Rinas
Brockett	Griffee	Lageschulte	Scheelhaase
Brunow	Halvorson	Lindeen	Spear
Byerly	Hansen	McElroy	Spencer
Caffrey	Hargrave	Menke	Spradling
Clark	Harper	Mennenga	Stromer
Connors	Harvey	Middleswart	Svoboda
Crabb	Hennessey	Middleton	Tauke
Crawford	Higgins	Millen	Varley
Cusack	Hines	Miller, A. V.	Walter
Daggett	Hinkhouse	Miller, K. D.	Welden
Danker	Horn	Miller, O. L.	Wells
Den Herder	Howell	Norland	West
Dieleman	Hullinger	Oakley	Woods
Doyle	Hutchins	O'Halloran	Wulff
Dunton	Jesse	Patchett	Wyckoff
Egenes	Jochum	Pavich	Mr. Speaker

The nays were, none.

Absent or not voting, 20:

Anderson	Branstad	Lipsky	Nielsen
Avenson	Drake	Lonergan	Readinger
Bennett	Dyrland	Monroe	Schroeder
Bittle	Husak	Nealson	Small
Brandt	Kreamer	Newhard	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15 Minute)

House File 1363, a bill for an act relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances, was taken up for consideration.

Woods of Polk offered the following amendment H—5542 filed by him:

H—5542

Amend House File 1363 as follows:

1. Page 1, by inserting after line 23 the following:

"Sec. 3. Section three hundred sixty-eight point nineteen (368.19), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred ninety-seven (197), section nine (9), is amended to read as follows:

368.19 TIME LIMIT—ELECTION. The committee shall approve or disapprove the petition or plan as amended, within ninety days of the final hearing, and shall file its decision for record and promptly notify the parties to the proceeding of its decision. If a petition or plan is approved, the board shall set a date within ninety days for a special election on the proposal and the county commissioner of elections shall conduct the election. In a case of incorporation or discontinuance, qualified electors of the territory or city may vote, and the proposal is authorized if a majority of those voting approves it. In a case of annexation or severance, qualified electors of the territory and of the city may vote, and the proposal is authorized if a majority of the total number of persons voting approves it *except that, in the case where the territory to be annexed is located in a county adjacent to the county in which the annexing city is located, the proposal shall be authorized only if it receives a favorable vote of at least a majority of the persons voting in the territory to be annexed.* In a case of consolidation, qualified electors of each city to be consolidated may vote, and the proposal is authorized only if it receives a favorable majority vote in each city. The county commissioner of elections shall publish notice of the election as provided in section 368.15, and shall conduct the election in the same manner as other special city elections.

Rinas of Linn rose on a point of order that amendment H—5542 was not germane.

The Speaker ruled the point well taken and amendment H—5542 not germane.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1363)

The ayes were, 85:

Anderson	Evans	Jordan	Pavich
Baker	Fitzgerald	Junker	Pellett
Bina	Gentleman	Koogler	Perkins
Binneboese	Gilloon	Krause	Poncy
Bortell	Griffee	Kreamer	Rinas
Branstad	Halvorson	Lageschulte	Scheelhaase
Brockett	Hansen	Lindeen	Small
Brunow	Hargrave	Lonergan	Spear
Byerly	Harper	McElroy	Spencer
Caffrey	Harvey	Menke	Spradling
Clark	Hennessey	Mennenga	Stromer
Connors	Higgins	Middleswart	Svoboda
Crabb	Hines	Middleton	Tauke
Crawford	Hinkhouse	Millen	Varley
Cusack	Horn	Miller, A. V.	Walter
Daggett	Howell	Miller, K. D.	Welden
Danker	Hullinger	Miller, O. L.	Wells
Den Herder	Husak	Norland	Woods
Dieleman	Hutchins	Oakley	Wulff
Doyle	Jesse	O'Halloran	Wyckoff
Dunton	Jochum	Patchett	Mr. Speaker
Egenes			

The nays were, none.

Absent or not voting, 15:

Avenson	Drake	Nealson	Schroeder
Bennett	Dyrland	Newhard	Tofte
Bittle	Lipsky	Nielsen	West
Brandt	Monroe	Readinger	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1403, a bill for an act relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state, was taken up for consideration.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1403)

The ayes were, 84:

Anderson	Clark	Dunton	Harvey
Baker	Connors	Egenes	Hennessey
Bina	Crabb	Fitzgerald	Higgins
Binneboese	Crawford	Gentleman	Hines
Bortell	Cusack	Gilloon	Hinkhouse
Branstad	Daggett	Griffee	Horn
Brockett	Danker	Halvorson	Howell
Brunow	Den Herder	Hansen	Hullinger
Byerly	Dieleman	Hargrave	Husak
Caffrey	Doyle	Harper	Hutchins

Jesse	Menke	Patchett	Svoboda
Jochum	Mennenga	Pavich	Tauke
Jordan	Middleswart	Pellett	Varley
Junker	Middleton	Perkins	Walter
Koogler	Millen	Rinas	Welden
Krause	Miller, A. V.	Scheelhaase	Wells
Kreamer	Miller, K. D.	Small	West
Lageschulte	Miller, O. L.	Spear	Woods
Lindeen	Norland	Spencer	Wulff
Lonergan	Oakley	Spradling	Wyckoff
McElroy	O'Halloran	Stromer	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Avenson	Drake	Monroe	Poncy
Bennett	Dyrland	Nealson	Readinger
Bittle	Evans	Newhard	Schroeder
Brandt	Lipsky	Nielsen	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE CALENDAR

House File 1470, a bill for an act relating to the location and construction of electric power generating facilities and providing penalties, was taken up for consideration.

Evans of Grundy offered the following amendment H—5595 filed by him and Oakley of Clinton from the floor:

H—5595

Amend House File 1470 as follows:

1. Page 2, line 32, by striking everything after the word "at" and striking all of lines 33 and 34.

2. Page 4, lines 15 and 16, by striking the words "within six months from the date of the acceptance of the application" and inserting in lieu thereof the words "in an expeditious manner".

By unanimous consent the following corrective admendment H—5598, to amendment H—5595, filed by Evans of Grundy from the floor, was adopted:

H—5598

Amend the Evans, et al., amendment H—5595 as follows:

Line 3, by striking the word "at" and inserting in lieu thereof the word "scheduled".

Evans of Grundy moved the adoption of amendment H—5595, as amended.

Amendment H—5595, as amended, was adopted.

Oakley of Clinton offered the following amendment H—5594 filed by him from the floor and moved its adoption:

H—5594

Amend House File 1470 as follows:

1. Page 5, line 4, by inserting after the word "necessity" the words ", proceeding in the manner of works of internal improvement under chapter four hundred seventy-two (472), Code 1975".

Amendment H—5594 was adopted.

O'Halloran of Black Hawk asked and received unanimous consent that **House File 1470** be deferred and that the bill retain its place on the **calendar.**

House File 1388, a bill for an act amending certain provisions relating to the disposal of solid waste and the establishment of sanitary disposal projects and providing for the use of injunctions in the case of certain violations, was taken up for consideration.

Varley of Adair asked and received unanimous consent that **House File 1388** be deferred and that the bill retain its place on the **calendar.**

UNANIMOUS CONSENT TO VOTE

Byerly of Polk asked and received unanimous consent to be recorded as voting "aye" on House Files 392, 744, 1363 and 1403 and the votes were so recorded.

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

COMMUNICATIONS FROM THE SECRETARY OF STATE

The following communications were received from the Secretary of State:

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9 Code of Iowa, 1975 there being no newspaper by the name of The Union, published in West Union, Iowa, I hereby designated The Fayette County Union, published in West Union, Iowa, to publish the foregoing Act, Senate File 1063.

MELVIN D. SYNHORST
Secretary of State

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9 Code of Iowa, 1975 there being no newspaper by the name of Kossuth County Advance, published in Algona, Iowa, I hereby designate Algona Kossuth County Advance, published in Algona, Iowa, to publish the foregoing Act, House File 1121.

MELVIN D. SYNHORST
Secretary of State

March 5, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1034 was published in the Iowa City Press-Citizen, Iowa City, Iowa, on February 21, 1976, and in the Bettendorf News, Bettendorf, Iowa, February 25, 1976.

I further certify that Senate File 1035 was published in the Highland Park News, Des Moines, Iowa, on February 26, 1976, and in The Nashua Reporter, Nashua, Iowa, February 25, 1976.

Respectfully submitted
MELVIN D. SYNHORST
Secretary of State

PROOF OF PUBLICATION

Published copy of House File 1519 and verified proof of publication of said bill in the Allamakee Journal and Lansing Mirror, on February 4, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hennessey of Delaware for the remainder of the day on request of Egenes of Story.

INTRODUCTION OF BILLS

House File 1514, by committee on appropriations, a bill for an act making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division on alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority.

Read first time and **placed on the appropriations calendar.**

House File 1515, by committee on commerce, a bill for an act

relating to the rights of holders of certain group health insurance policies.

Read first time and **placed on the calendar.**

House File 1516, by committee on cities, a bill for an act relating to the deposit of public funds, authorizing the deposit or investment of public funds in certain approved savings and loan associations and in approved banks in the state, authorizing investment of public funds in certain notes, certificates, bonds, or other evidences of indebtedness, relating to the interest rates public funds can draw, and requiring certain savings and loan associations to contribute to the state sinking fund or be subject to a ten percent penalty on the amount of assessments due.

Read first time and **placed on the calendar.**

House File 1517, by committee on county government, a bill for an act relating to the maximum liability allowed by the state Tort Claims Act and the Tort Liability of Governmental Subdivisions Act.

Read first time and **placed on the calendar.**

House File 1518, by committee on human resources, a bill for an act relating to the composition of the board of parole.

Read first time and **placed on the calendar.**

House File 1519, by committee on ways and means, a bill for an act to legalize the proceedings of the board of supervisors of Allamakee County in connection with contracts made for improvements to the Allamakee County Home and Allamakee County Court House.

Read first time and **placed on the ways and means calendar.**

House File 1520, by committee on appropriations, a bill for an act directing the code editor and the superintendent of printing to prepare and publish a compilation of the Iowa election laws, as amended, and providing for distribution thereof and for payment of the cost of preparing, publishing and distributing the compilation from the appropriation for publication of the Code and portions thereof.

Read first time and **placed on the appropriations calendar.**

House File 1521, by Spradling, Woods, Miller of Buchanan and Scheelhaase, a bill for an act requiring the clerk of district

court to give to owners of property notice of the filing of mechanics' liens.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 1522, by committee on human resources, a bill for an act to establish an Iowa council for children and district councils.

Read first time and **placed on the calendar.**

House File 1523, by committee on natural resources, a bill for an act relating to the operation of snowmobiles and subjecting violators to a penalty.

Read first time and **placed on the calendar.**

House File 1524, by Horn, a bill for an act relating to the effective date of equalization orders issued by the director of revenue.

Read first time and referred to committee on **ways and means.**

House File 1525, by Brandt, a bill for an act exempting from property taxation projects operated by nonprofit and charitable organizations.

Read first time and referred to committee on **ways and means.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 4, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 524, a bill for an act relating to business corporations.

Also: That the Senate has on March 4, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 28, a bill for an act repealing the probihition which disallows a person to hold more than one class of beer permit.

Also: That the Senate has on March 4, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1095, a bill for an act to remove participating of nonaccredited private institutions of higher education from the state tuition grant program.

Also: That the Senate has on March 8, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1143, a bill for an act to legalize proceedings taken by the board of directors of the Grinnell-Newburg community school district relating to the sale of certain property.

Also: That the Senate has on March 4, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1200, a bill for an act relating to the regulation of bicycles by the state board of regents.

Also: That the Senate has on March 4, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1203, a bill for an act relating to bids for maintenance or construction of county buildings.

Also: That the Senate has on March 4, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1209, a bill for an act relating to the hearing on a suspenson of a driver's license.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

Senate File 1143, a bill for an act to legalize proceedings taken by the board of directors of the Grinnell-Newburg community school district relating to the sale of certain property.

Read first time and referred to committee on ways and means.

CONSIDERATION OF BILLS

STEERING COMMITTEE CALENDAR

The House resumed consideration of **House File 1388,** a bill for an act amending certain provisions relating to the disposal of solid waste and the establishment of sanitary disposal projects and providing for the use of injunctions in the case of certain violations.

Welden of Hardin offered the following amendment H—5600 filed by him from the floor and moved its adoption:

H—5600

Amend House File 1388 as follows:

1. Page 1, by inserting after line 13 the following new section:

"Sec. ..... Section four hundred fifty-five B point seventy-five (455B.75), subsection four (4), Code 1975, is amended to read as follows:

4. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by section 321.1, subsection 1. Nothing herein shall be construed as prohibiting the use of dirt, stone, brick, or similar inorganic material *or construction rubble containing wood* for fill, landscaping, excavation

or grading at places other than a sanitary disposal."

A non-record roll call was requested.

The ayes were 62, nays 15.

Amendment H—5600 was adopted.

Varley of Adair offered the following amendment H—5607 filed by Varley, Perkins and Koogler from the floor and moved its adoption:

H—5607

Amend House File 1388 as follows:

1. Page 2, by adding after the period in line 34 the following:

"However, a private agency disposing of solid wastes resulting from their own residential, manufacturing, mining, or commercial activities on land owned or leased by them shall not be required to obtain a permit unless the director determines that a potential environmental problem exists. A private agency shall provide any pertinent information regarding the disposal of such wastes as may be requested by the executive director in accordance with rules adopted by the commission."

Amendment H—5607 was adopted.

Avenson of Fayette moved to reconsider the vote by which amendment H—5600 was adopted by the House.

The motion lost.

Hullinger of Decatur moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 1388)

The ayes were, 53:

Anderson	Gilloon	Krause	Poncy
Avenson	Griffee	Lipsky	Readinger
Baker	Hargrave	Mennenga	Rinas
Bina	Harper	Middleswart	Scheelhaase
Binneboese	Harvey	Middleton	Small
Brunow	Higgins	Miller, A. V.	Spear
Connors	Hines	Monroe	Svoboda
Crawford	Hinkhouse	Norland	Tauke
Cusack	Horn	Oakley	Varley
Doyle	Hullinger	O'Halloran	Walter
Dunton	Jesse	Patchett	Wells
Egenes	Jochum	Pavich	Woods
Fitzgerald	Koogler	Perkins	Mr. Speaker
Gentleman			

The nays were, 35:

Bortell	Den Herder	Kreamer	Pellett
Branstad	Dieleman	Lageschulte	Spencer
Brockett	Evans	Lindeen	Spradling
Byerly	Halvorson	Lonergan	Stromer
Caffrey	Hansen	McElroy	Welden
Clark	Husak	Menke	West
Crabb	Hutchins	Millen	Wulff
Daggett	Jordan	Miller, K. D.	Wyckoff
Danker	Junker	Miller, O. L.	

Absent or not voting, 12:

Bennett	Drake	Howell	Nielsen
Bittle	Dyrland	Nealson	Schroeder
Brandt	Hennessey	Newhard	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 1470**, a bill for an act relating to the location and construction of electric power generating facilities and providing penalties.

Cusack of Scott offered the following amendment H—5608 filed by Cusack, Anderson, Howell, Griffee, Svoboda, Hargrave, Jesse, Middleton and Hines from the floor.

H—5608

Amend House File 1470 as follows:

1. Page 1, by inserting after line 27 the following:

"7. "Spent fuel" means fuel removed from a nuclear reactor which can no longer be used in its form at the time of its removal for the nuclear generation of electricity."

2. Page 7, by inserting after line 7 the following:

"Sec. ..... *NEW SECTION.* PRELIMINARY SAFETY PERMIT.

1. A person shall not commence to construct a facility which will use a nuclear reactor to generate electricity or make significant alterations to an existing facility which include the construction or expansion of storage facilities for spent fuel unless the person has obtained a preliminary safety permit from the commission. The application for a preliminary safety permit shall be filed on such forms as the commission may prescribe. Persons required to obtain a preliminary safety permit for the construction or alteration of a facility shall file the application for the permit either before the filing of an application for a certificate or an amendment to a certificate or simultaneously with the application for a certificate or an amendment. Regulatory agencies shall not issue licenses and permits required for the construction, operation or maintenance of a facility which requires

a preliminary safety permit unless the preliminary safety permit has been issued by the commission.

2. The commission shall issue the preliminary safety permit if the person proves by clear and convincing evidence that:

a. A plant which reprocesses spent fuel and which is licensed by the United States nuclear regulatory commission has been operating within the United States continuously for one year; and

b. The plant is capable of reprocessing the spent fuel of the facility on a continuing basis; and

c. The person has contracted for or made other permanent arrangements for the reprocessing of the spent fuel of the facility.

3. Upon presentation of evidence to the commission indicating that the facility is not disposing of its spent fuel through a plant licensed by the United States nuclear regulatory commission, the commission shall order a hearing. Unless the facility proves by clear and convincing evidence that the spent fuel is being reprocessed on a continuing basis through a licensed plant, any subsequent capital costs of the facility shall not be included in the consumer rate

Page 2

base of the public utility."

3. By renumbering the remaining sections in accordance with this amendment.

By unanimous consent the following corrective amendment H—5634, to amendment H—5608, filed by Cusack of Scott from the floor, was adopted:

H—5634

Amend amendment H—5608 to House File 1470 as follows:

1. Page 1, line 9 by striking the word "SAFETY".

2. Page 1, lines 16, 18, 20, 28, 29 and 31 by striking the word "safety".

Varley of Adair offered the following amendment H—5615, to amendment H—5608, filed by him from the floor and moved its adoption:

H—5615

Amend the Cusack, et al., amendment H—5608 to House File 1470 as follows:

1. Page 1, line 36, by striking the words "continuously for one year".

Amendment H—5615 was adopted.

Speaker pro tempore Jesse in the chair at 5:16 p.m.

Small of Johnson offered the following amendment H—5647, to amendment H—5608, filed by him from the floor:

H—5647

Amend amendment H—5608 to House File 1470 as follows:

1. Page 1, line 11, by striking the word "construct" and inserting in lieu thereof the word "operate".

2. Page 1, line 20, by striking the word "construction" and inserting in lieu thereof the word "operation".

3. Page 1, line 26, by striking the word "construction".

Speaker Cochran in the chair at 6:03 p.m.

Small of Johnson moved the adoption of amendment H—5647, to amendment H—5608.

Amendment H—5647 lost.

Fitzgerald of Webster moved the previous question on House File 1470, with respect to the filing of amendments only.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 53, nays 27.

The motion prevailed.

(House File 1470 and amendment H—5608, as amended, pending at adjournment.)

REREFERRED TO COMMITTEE ON WAYS AND MEANS
(House File 1519)

The Speaker announced that **House File 1519** was rereferred to the committee on **ways and means.**

COMMUNICATION FROM THE LEGISLATIVE COUNCIL FROM THE STATE OF NEBRASKA

A copy of Legislative Resolution 106, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year, adopted by the Nebraska Legislature, was received and placed on file in the office of the Chief Clerk.

MOTIONS TO RECONSIDER
(Amendment H—5370 to House File 1279)

I move to reconsider the vote by which amendment H—5370 to House File 1279 was adopted by the House.

RINAS of Linn

(House File 1388)

I move to reconsider the vote by which House File 1388 passed the House on March 8, 1976.

READINGER of Polk

(Amendment H—5370 to House File 1279)

I move to reconsider the vote by which amendment H—5370 to House File 1279 was adopted by the House.

HULLINGER of Decatur

AMENDMENTS FILED

H—5630

Amend House File 1018 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred fifty-seven point twenty-five (257.25), subsection six (6) paragraph b, Code 1975, is amended to read as follows:

b. Four units of the social studies. American history, American government, government and cultures of other peoples and nations, and general consumer education, family law, and economics, including comparative and consumer ecomonics, shall be taught in the units but need not be required as full units. All students shall be required to take one unit of American history which shall give attention to the role in history played by all persons, and a positive effort shall be made to reflect the achievements of women, minorities and any others who, in the past, may have been ignored or overlooked by reason of race, sex, religion, physical disability or ethnic background, *one-half unit of economics with emphasis on the free enterprise system*, and one-half unit of the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

The county auditor, upon request and at a site chosen by him, shall make available to schools within the county voting machines or sample ballots that are generally used within the county, at such times that these machines or sample ballots are not in use for their recognized purpose."

WELDEN of Hardin

H—5603

Amend amendment H—5554 to House File 1069 as follows:

1. By striking lines 4 through 30 and inserting in lieu thereof the following:

"Section 1. Section five hundred thirty-five point two (535.2), subsection one (1), numbered paragraph two (2), Code 1975, is amended to read as follows:

2. Any domestic or foreign corporation or real estate investment trust as defined in section 856 of the Internal Revenue Code, *and any person borrowing money in the principal amount of thirty-five thousand dollars or more for the purpose of purchasing or refinancing the purchase of agricultural land,* may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof, and no such corporation or real estate investment trust *or person* so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding."

SCHROEDER of Pottawattamie
EVANS of Grundy

H—5609

Amend House File 1165 as follows:

1. Page 3, by striking lines 11 through 20.

AVENSON of Fayette

H—5596

Amend House File 1346 as follows:

1. Page 6, line 7, by striking the words "and compel".

2. Page 16, by striking all of line 31 and inserting in lieu thereof the words "executive council.".

HARVEY of Scott

H—5602

Amend House File 1346 as follows:

1. Page 1, line 8, by inserting after the word "earthquake," the word "tornado,".

2. Page 3, line 8, by striking the word "ay" and inserting in lieu thereof the word "any".

3. Page 4, by striking lines 22 and 23 and inserting in lieu thereof the following: "debris or wreckage from private property, such corporation, organization or individual shall first agree to hold harmless the state or local government against any claim arising".

4. Page 5, line 20, by adding the following after the period: "Upon the request of a local governing body, the governor may also suspend statutes limiting local governments in their ability to provide services to aid disaster victims."

5. Page 8, line 17, by inserting after the word "services" the words "as provided in chapter seventeen A (17A) of the Code".

6. Page 11, lines 16, by inserting after the word "services" the words "as provided in chapter seventeen A (17A) of the Code".

7. Page 12, line 20, by adding the following after the period: "The joint county-municipal disaster services and emergency planning administration, a city council, or a board of supervisors may by a unanimous vote appoint a coordinator who does not meet the qualifications established by the director. Such appointment shall be interim in nature. An interim coordinator shall not hold office for more than one year unless he or she shall have met the qualifications established by the director."

MONROE of Des Moines
HARVEY of Scott

H—5604

Amend House File 1470 as follows:

1. Page 4, by striking lines 1 through 12 and inserting in lieu thereof the following:

"3. A facility shall not be certified which violates state and local agency and local governing body requirements for licenses or permits necessary for the construction, operation or maintenance of a major electric generating facility."

RINAS of Linn
ANDERSON of Jasper
HINES of Story
CUSACK of Scott
PATCHETT of Johnson
SVOBODA of Iowa

H—5605

Amend House File 1470 as follows:

1. Page 4, line 8, by striking everything after the word "certificate" and inserting in lieu thereof a period.

2. Page 4, by striking lines 9, 10, 11 and 12.

RINAS of Linn
ANDERSON of Jasper
HINES of Story
CUSACK of Scott
PATCHETT of Johnson
SVOBODA of Iowa
HARVEY of Scott

H—5606

Amend House File 1470 as follows:

1. Page 4, lines 31 and 32, by striking the words "commission:

a. Authorizes" and inserting in lieu thereof the words "commission authorizes".

2. Page 5, by striking lines 1 through 6.

ANDERSON of Jasper

H—5614

Amend House File 1470 as follows:

1. Page 7, lines 28 and 29 by striking the words "days, or be punished by both such fine and imprisonment." and inserting in lieu thereof the word "days."

DOYLE of Woodbury

H—5616

Amend House File 1470 as follows:

1. Page 3, by inserting after line 15 the following new subsection:

"4. The commission shall conduct the hearing, as described in subsection three (3) of this section, in the county in which the construction of the greater portion of the facility is being proposed."

HINES of Story
RINAS of Linn
JUNKER of Woodbury
HARVEY of Scott
MONROE of Des Moines

H—5633

Amend amendment H—5616 to House File 1470 as follows:

1. Page 1, by striking "three (3)" and inserting "one (1)".

HINES of Story

H—5648

Amend amendment H—5608 to House File 1470 as follows:

1. Strike lines 42 through 50 on page 1 and line 1 on page 2.

LIPSKY of Linn

H—5610

Amend House File 1502 as follows:

Page 1, by striking in line four (4) the words "sixty-five years of age and older,".

WELDEN of Hardin

H—5599

Amend Senate File 85 as follows:

1. Title page by striking line 8.

HALVORSON of Clayton
VARLEY of Adair
DAGGETT of Adams
BROCKETT of Marshall
EVANS of Grundy
MILLER of Cerro Gordo
WEST of Marshall
DEN HERDER of Sioux
NEALSON of Muscatine

LAGESCHULTE of Bremer
PERKINS of Greene
HANSEN of O'Brien
WOODS of Polk
BORTELL of Madison
DANKER of Pottawattamie
PELLETT of Cass
HUSAK of Tama
WYCKOFF of Benton
CRABB of Crawford
JUNKER of Woodbury
BRANSTAD of Winnebago
BENNETT of Ida
MILLEN of Van Buren
WELDEN of Hardin
WULFF of Black Hawk
DIELEMAN of Marion
HARVEY of Scott
LINDEEN of Henry
STROMER of Hancock
SPENCER of Clay
DRAKE of Muscatine
BAKER of Buena Vista
MENKE of O'Brien
KREAMER of Polk
McELROY of Fremont

H—5611

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 28A, line 26, by inserting after the word "battle," the words "or the theft of a motor vehicle of a value exceeding five thousand dollars,".

2. Page 28A, lines 32 and 33, by striking the words ", irrespective of value," and inserting in lieu thereof the words "of a value less than five thousand dollars".

KREAMER of Polk

H—5612

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 218, line 15, by inserting after the word "for" the words "not less than fifteen years and".

2. Page 218, line 17, by inserting after the word "for" the words "not less than ten years and".

3. Page 218, line 20, by inserting after the word "for" the words "not less than five years and".

KREAMER of Polk

H—5613

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 11, line 2, by striking the word "police"

and inserting in lieu thereof the words "law enforcement".

2. Page 11, line 10, by inserting after the words "with the" the words "express or implied".

WELDEN of Hardin

H—5617

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 22, line 11, by striking the words "and removes".

2. Page 22, line 12, by striking the words "him from the state,".

LAGESCHULTE of Bremer

H—5618

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 61, line 21 by inserting after the word "simulated," the words "either natural or deviate,".

2. Page 61, line 22 by striking the words "either natural or deviate,".

KREAMER of Polk

H—5619

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 27A, line 31, by inserting after the word "Takes" the words ", destroys, conceals".

OAKLEY of Clinton

H—5620

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 2, by striking lines 17 through 20 and inserting in lieu thereof the following:

"3. He acts in reliance upon an official opinion of the attorney general of this state, as expressed in opinions of the attorney general, which would have absolved him from guilt and which is found to be in error by a court of law."

KREAMER of Polk

H—5621

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 10, by striking lines 13 through 17 and inserting in lieu thereof the following:

"Sec. 407. *NEW SECTION.* RESISTING FORCIBLE FELONY. If a forcible felony is being perpetrated, a person is justified in using, against the felon, reasonable force to prevent the completion of that felony."

KREAMER of Polk

H—5622

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 7, line 16, by striking the words "which he did not".

2. Page 7, line 17, by striking the words "expressly or tacitly acquiesce in" and inserting in lieu thereof the words "in which he did not consent".

KREAMER of Polk

H—5623

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 9, line 31, by inserting after the word "of" the words "his rights in property or in any public".

JUNKER of Woodbury

H—5624

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 3, line 17, by striking the word "meanings" and inserting in lieu thereof the word "meaning".

2. Page 3, line 17, by inserting after the word "term" the words ", word, or phrase".

JUNKER of Woodbury

H—5625

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 7, line 32, by inserting after the word "officer" the word ", director,".

2. Page 7, lines 33, by striking the word "a" and inserting in lieu thereof the words "the same".

JUNKER of Woodbury

H—5626

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 8, line 15, by striking the words "public offense" and inserting in lieu thereof the words "simple misdemeanor".

2. Page 8, line 21, by inserting after the word "officer" the word ", director,".

3. Page 8, line 22, by striking the words "his authority" and inserting in lieu thereof the words "the authority of the agent, officer, director of employee".

JUNKER of Woodbury

H—5627

Amend Senate File 85 as amended and passed by the Senate and reprinted, page 9, line 31, by inserting after the word "of" the words "his rights in property or in any public".

JUNKER of Woodbury

H—5628

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 3, line 26, by striking the words "principally or regularly".

JUNKER of Woodbury

H—5629

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 4, line 12, by inserting after the word "weapon." the following: "Dangerous weapons include, but are not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stilletto, or knife having a blade of three inches or longer in length."

JUNKER of Woodbury

H—5631

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 6, by striking lines 13 through 16 and inserting in lieu thereof the following: "or acts recklessly when he intentionally acts in such manner to indicate a disregard for the safety of persons or property."

BRANSTAD of Winnebago

H—5632

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 6, by striking lines 7 and 8 and inserting in lieu thereof the following: "circumstances as a reasonable person would believe them to be. The fact that".

BRANSTAD of Winnebago

H—5635

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 5, line 21, by inserting after the word "during" the words "part or".
2. Page 5, line 22, by striking the word "directly".

BRANSTAD of Winnebago

H—5636

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 5, line 16, by inserting after the words "therein, or" the word "adapted".

BRANSTAD of Winnebago

H—5637

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 5, line 11, by striking the words "in the first degree".

BRANSTAD of Winnebago

H—5638

Amend Senate File 85 as amended and passed by the Senate and reprinted, page 4, line 10, by striking the word "serious".

BRANSTAD of Winnebago

H—5639

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, by inserting after line 12 the following:

"Sec. ..... *NEW SECTION.* DEATH. "Death" means the condition determined by the following standard: A person will be considered dead if in the announced opinion of a physician, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of a physician, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous brain functions. Death will have occurred at the time when the relevant functions ceased."

2. By renumbering the remaining sections and internal references to accord with this amendment.

VARLEY of Adair
KREAMER of Polk
O'HALLORAN of Black Hawk

H—5640

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 9 through 14, and inserting in lieu thereof the following:

"Sec. ..... PUBLIC OFFENSE. A public offense is that which is prohibited by statute and is punishable by fine or imprisonment."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5641

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 10, by striking line 29 and inserting in lieu thereof the following: "knows is and at any time during the escape does recognnize as a person confined on a charge or conviction of a misdemeanor if such person did not display, use, or discharge a firearm during the escape or use any deadly weapon."

KREAMER of Polk

H—5642

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 6, line 19, by striking the words ", either natural or deviate,".

BRANSTAD of Winnebago

H—5643

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 6, by striking lines 34 through 36.

2. Page 7, by striking lines 1 through 10 and inserting in lieu thereof the following:

"Section 301. *NEW SECTION.* ACCESSORY BEFORE THE FACT. All persons concerned in the commission of a public offense, whether they directly commit the act constituting the offense or aid and abet its commission, though not present, must be indicted, tried, and punished as principals."

KREAMER of Polk

H—5644

Amend the amendment, H—5444, to page 27B of Senate File 85 as follows:

1. By striking lines 3 and 4.

2. Line 5, by striking the number "16" and inserting in lieu thereof the words "11".

3. By inserting after line 5 the following:

"3. Page 28A, line 12, by striking the word "presented."."

WEST of Marshall

H—5645

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 58, line 21, by inserting after the word "mercury" the words "nor caps used in cap pistols".

JUNKER of Woodbury

H—5646

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 118A, by striking lines 25 through 31 and inserting in lieu thereof the following:

"b. DEFENDANTS JOINTLY CHARGED—JOINT OR SEPARATE TRIALS—DISCRETION. When two or more defendants are jointly charged with any felony, they must be tried jointly, unless the court orders separate trials. In ordering separate trials, the court in its discretion may order a separate trial as to one or more defendants and a joint trial as to the others, or may order any number of defendants to be tried at one trial and any number of the others at different trials, or may order a separate trial for each defendant; however, if two

or more persons can be jointly tried, the fact that separate indictments or informations were filed shall not prevent their joint trial."

KREAMER of Polk

Note: **For explanation of brackets and italics see page 91 of the House Journal.**

On motion by Fitzgerald of Webster, the House adjourned at 6:45 p.m. until 9:00 a.m., Tuesday, March 9, 1976.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day—Thirty-ninth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, MARCH 9, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Very Reverend Monsignor Kenneth Ryan, pastor of the Sacred Heart Catholic Church, Waterloo, Iowa.

The Journal of Monday, March 8, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom Altemeier, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek on request of Millen of Van Buren; Brandt of Black Hawk for March 9 and 10 on request of Oakley of Clinton.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine D. E. students from Spencer High School, Spencer, Iowa, accompanied by John Lind. By Spencer of Clay.

Fifty-six students from Dyersville Junior Farmers, Worthington Junior Stockmen, and Worthington Handy Helpers, accompanied by Jim Engler. By Gilloon of Dubuque and Hennessey of Delaware.

PETITIONS FILED

The following petitions were received and placed on file:

By Dieleman of Marion from eight constituents opposing House File 198, relating to parimutuel betting.

By Dieleman of Marion from nineteen members of the senior class of Montezuma Community High School, Montezuma, Iowa, opposing House File 1008, relating to raising the legal drinking age to nineteen.

By Dieleman of Marion from three members of the senior class of Montezuma Community High School, Montezuma, Iowa, favoring House File 1008, relating to raising the legal drinking age to nineteen.

HOUSE RESOLUTION 107

By Wells

Whereas, the following Pages of the House of Representatives have served for part of the 1976 Session of the Sixty-sixth General Assembly:

Michael Becker	Sheila Petsche
Kimberly Blunck	Michael Ralston
Brenda Burns	Karen Rollison
Michael Critelli	Jami Roth
Victoria Haughton	Sandra Scheelhaase
Laura Higginbottom	Marlene Shainholtz
Teresa Hutchins	Julie Singelstad
Martin Levy	Ann Taylor
Janet Lyman	Nancy Van Denover
Paul Mikkelsen	Charles Wells
Don Willits	

and

Whereas, the final day for Pages serving the first part of the 1976 Session will be on Thursday, March 11, 1976, *Now, Therefore,*

Be It Resolved, that the members of the House of Representatives of the Sixty-sixth General Assembly, 1976 Session, express their thanks and appreciation for a job well done to the above listed Pages who have served during the first part, and for the courteous and thoughtful considerations they have extended to the members of the House.

Laid over under Rule 25.

HOUSE RESOLUTION 108

By Krause of Palo Alto

Whereas, several State Legislatures have adopted computerized systems which allow an amendment to be read into a bill so that it appears in easily readable form on a viewing screen at the legislators' desks, and

Whereas, there are several other alternatives that could be used to expedite the process of easily reading and understanding bills that could be used in the House chamber, and

Whereas, the present amendment clipping system is

sometimes difficult to follow on complex bills and takes clerks' time which could be used for better purposes, and

Whereas, the people of Iowa gain in the long run if legislators are easily able to follow bills and vote their constituents wishes, *Now, Therefore,*

Be It Resolved by the House of Representatives, that the Chief Clerk is authorized to investigate alternative methods of processing amendments.

Be It Further Resolved that the Chief Clerk report his recommendations, complete with cost estimates, to the House Administration Committee.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 5, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 53, a bill for an act to establish the license and qualifications of real estate apprentice salesmen.

Also: That the Senate has on March 5, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 387, a bill for an act relating to the liability for the performance of or refusal to perform abortions.

Also: That the Senate has on March 5, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1017, a bill for an act to provide for the voluntary registration of bicycles.

STEVEN C. CROSS, Secretary

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 1470, a bill** for an act relating to the location and construction of electric power generating facilities and providing penalties.

Lipsky of Linn offered the following amendment H—5648, to amendment H—5608, filed by her and moved its adoption:

H—5648

Amend amendment H—5608 to House File 1470 as follows:

1. Strike lines 42 through 50 on page 1 and line 1 on page 2.

Amendment H—5648 was adopted.

Cusack of Scott moved the adoption of amendment H—5608, as amended.

Roll call was requested by Cusack of Scott and Patchett of Johnson.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5608, as amended, be adopted?"

The ayes were, 31:

Anderson	Gilloon	Jochum	Newhard
Avenson	Griffee	Junker	Patchett
Bina	Hargrave	Koogler	Pavich
Binneboese	Hennessey	Krause	Rinas
Crawford	Higgins	Mennenga	Small
Cusack	Hines	Middleton	Spear
Fitzgerald	Horn	Miller, K. D.	Svoboda
Gentleman	Jesse	Monroe	

The nays were, 62:

Baker	Dunton	Lonergan	Readinger
Bennett	Egenes	McElroy	Scheelhaase
Bortell	Evans	Menke	Spencer
Branstad	Halvorson	Middleswart	Spradling
Brockett	Hansen	Millen	Stromer
Brunow	Harper	Miller, A. V.	Tauke
Byerly	Harvey	Miller, O. L.	Varley
Caffrey	Hinkhouse	Nealson	Walter
Clark	Hullinger	Nielsen	Welden
Crabb	Husak	Norland	Wells
Daggett	Hutchins	Oakley	West
Danker	Jordan	O'Halloran	Woods
Den Herder	Kreamer	Pellett	Wulff
Dieleman	Lageschulte	Perkins	Wyckoff
Doyle	Lindeen	Poncy	Mr. Speaker
Drake	Lipsky		

Absent or not voting, 7:

Bittle	Connors	Howell	Tofte
Brandt	Dyrland	Schroeder	

Amendment H—5608, as amended, lost.

(House File 1470 pending and placed under unfinished business.)

SPECIAL ORDER
(Senate File 85)

The hour of 10:00 a.m. having arrived, the Speaker announced the special order of business for the consideration of Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for vio-

lations of laws of the state to accord with the revised classifications.

Oakley of Clinton offered the following amendment H—5399 filed by him and moved its adoption:

H—5399

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Title page, by striking line 8.

Roll call was requested by Oakley of Clinton and Rinas of Linn.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5399 be adopted?"

The ayes were, 27:

Baker	Danker	Husak	Pellett
Bennett	Den Herder	Kreamer	Spencer
Bortell	Dunton	Lageschulte	Welden
Branstad	Dyrland	McElroy	West
Clark	Evans	Menke	Woods
Crabb	Halvorson	Miller, O. L.	Wyckoff
Daggett	Hansen	Nealson	

The nays were, 68:

Anderson	Gentleman	Krause	Pavich
Avenson	Gilloon	Lindeen	Perkins
Bina	Griffee	Lipsky	Poncy
Binneboese	Hargrave	Lonergan	Readinger
Bittle	Harper	Mennenga	Rinas
Brockett	Harvey	Middleswart	Scheelhaase
Brunow	Hennessey	Middleton	Small
Byerly	Higgins	Millen	Spear
Caffrey	Hines	Miller, A. V.	Spradling
Connors	Hinkhouse	Miller, K. D.	Stromer
Crawford	Horn	Monroe	Svoboda
Cusack	Howell	Newhard	Tauke
Dieleman	Hullinger	Nielsen	Varley
Doyle	Jesse	Norland	Walter
Drake	Jochum	Oakley	Wells
Egenes	Jordan	O'Halloran	Wulff
Fitzgerald	Junker	Patchett	Mr. Speaker

Absent or not voting, 5:

Brandt	Koogler	Schroeder	Tofte
Hutchins			

Amendment H—5399 lost.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Small of Johnson and Cusack of Scott to determine that a quorum was present.

Rule 69 was invoked.

Present, 71:

Anderson	Egenes	Jordan	Pellett
Avenson	Evans	Junker	Perkins
Bennett	Fitzgerald	Kreamer	Poncy
Bina	Gentleman	Lageschulte	Readinger
Binneboese	Gilloon	Lindeen	Schroeder
Bittle	Halvorson	Lonergan	Small
Bortell	Hansen	McElroy	Spear
Brockett	Harper	Menke	Spencer
Brunow	Harvey	Mennenga	Spradling
Caffrey	Hennessey	Miller, A. V.	Stromer
Clark	Hines	Miller, K. D.	Svoboda
Connors	Hinkhouse	Miller, O. L.	Tauke
Crabb	Horn	Nealson	Walter
Cusack	Hullinger	Newhard	West
Daggett	Husak	Norland	Wulff
Danker	Hutchins	Oakley	Wyckoff
Drake	Jesse	Patchett	Mr. Speaker
Dyrland	Jochum	Pavich	

Absent, 29:

Baker	Dunton	Lipsky	Rinas
Brandt	Griffee	Middleswart	Scheelhaase
Branstad	Hargrave	Middleton	Tofte
Byerly	Higgins	Millen	Varley
Crawford	Howell	Monroe	Welden
Den Herder	Koogler	Nielsen	Wells
Dieleman	Krause	O'Halloran	Woods
Doyle			

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

The Speaker announced that amendment H—5599 filed by Halvorson of Clayton and Varley of Adair on March 8, 1976, and found on page 1014 of the House Journal, was out of order.

Jesse of Polk offered the following amendment H—5640 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5640

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 9 through 14, and inserting in lieu thereof the following:

"Sec. ..... PUBLIC OFFENSE. A public offense is that which is prohibited by statute and is punishable by fine or imprisonment."

Amendment H—5640 was adopted.

Jesse of Polk offered the following amendment H—5559 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5559

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 19 through 26 and inserting in lieu thereof the following:

"NEW SECTION. INSANITY. No person shall be convicted of any crime if, at the time such crime is committed, as a result of mental disease or mental defect, the person lacks substantial capacity either to appreciate the criminality of his or her conduct or to conform his or her conduct to the law. As used in this section, the terms "mental disease or mental defect" do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct."

Roll call was requested by Kreamer of Polk and Spencer of Clay.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5559 be adopted?"

The ayes were, 45:

Avenson	Gilloon	Krause	Readinger
Bina	Griffee	Lipsky	Rinas
Binneboese	Hargrave	Middleswart	Scheelhaase
Brunow	Hennessey	Middleton	Schroeder
Caffrey	Higgins	Monroe	Small
Clark	Hines	Newhard	Spradling
Cusack	Horn	Nielsen	Svoboda
Dieleman	Jesse	Norland	Tauke
Doyle	Jochum	Patchett	Walter
Dyrland	Jordan	Pavich	Wells
Fitzgerald	Koogler	Poncy	Mr. Speaker
Gentleman			

The nays were, 50:

Anderson	Bortell	Connors	Den Herder
Baker	Branstad	Crabb	Drake
Bennett	Brockett	Daggett	Dunton
Bittle	Byerly	Danker	Egenes

Evans	Junker	Miller, K. D.	Spencer
Halvorson	Kreamer	Miller, O. L.	Stromer
Hansen	Lageschulte	Nealson	Varley
Harper	Lindeen	Oakley	Welden
Harvey	Lonergan	O'Halloran	West
Hinkhouse	McElroy	Pellett	Woods
Howell	Menke	Perkins	Wulff
Hullinger	Mennenga	Spear	Wyckoff
Husak	Miller, A. V.		

Absent or not voting, 5:

Brandt	Hutchins	Millen	Tofte
Crawford			

Amendment H—5559 lost.

Jesse of Polk offered the following amendment H—5414 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5414

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 7, by striking the words "A person's".

2. Page 2, by striking lines 8 through 20.

Amendment H—5414 was adopted.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5620 filed by him on March 8, 1976, and found on page 1016 of the House Journal.

Junker of Woodbury offered the following amendment H—5514 filed by him.

H—5514

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 24, by inserting after the word "are" the words "capital felonies,".

2. Page 13A, by striking lines 27 through page 13B line 45 and inserting in lieu thereof the following new sections:

"Sec. ..... *NEW SECTION.* CAPITAL HOMICIDE. A person who with malice aforethought willfully, deliberately, and with premeditation kills another person under one or more of the following circumstances, commits a capital homicide.

1. The killing is perpetrated while the offender is participating in the crime of first degree kidnapping.

2. The killing is perpetrated by an inmate of a jail or correctional institution, against another person who is not an inmate of a jail or correctional institution.

3. The killing is perpetrated by an inmate of a jail or correctional institution, who is serving a life sentence, and is perpetrated against another inmate.

Sec. ..... *NEW SECTION.* APPEAL OF CONVICTION OF CAPITAL HOMICIDE. When reviewing a judgment and sentence of death the supreme court shall in the first instance determine whether errors of law occurring at the trial require reversal or modification of the judgment. Upon determining that errors of law did not occur at the trial which require reversal or modification the supreme court shall set a date for an evidentiary hearing for the purpose of determining if the death sentence comports with the principles of due process and equal protection of the law. At the hearing the supreme court shall determine whether the sentence of death was arbitrarily imposed or the result of discrimination based on race, creed, economic condition, social position, class, or sex of the defendant and shall specifically determine whether the sentence of death is substantially disproportionate to the penalty imposed in similar cases.

Sec. ..... *NEW SECTION.* CRIMINAL HOMICIDE IN THE FIRST DEGREE. A person commits criminal homicide in the first degree when he or she willfully, deliberately and with premeditation commits criminal homicide which is not a capital homicide.

Criminal homicide in the first degree is a class A felony.

Sec. ..... *NEW SECTION.* CRIMINAL HOMICIDE IN THE SECOND DEGREE. A person commits criminal homicide

Page 2

in the second degree when he or she commits criminal homicide which is not capital homicide or homicide in the first degree.

Criminal homicide in the second degree is a class B felony."

3. Page 90, line 34, by inserting after the word "recognizance," the words "unless charged with a capital felony when the proof is evident or the presumption great, and".

4. Page 216, by inserting after line 1 the following new sections:

"Sec. ..... *NEW SECTION.* CAPITAL FELONY. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a capital felony may be rendered the court shall enter a judgment and shall commit the defendant to the director of the division of adult corrections for execution of the death penalty. Nothing in this chapter pertaining to deferred judgment, suspended sentence or probation shall apply to a capital felony, and a person convicted of a capital felony shall not be released on parole.

Sec. ..... *NEW SECTION.* TIME OF EXECUTION. When the court directs that a defendant be punished by death, it shall fix the day of the execution, which shall not be less than one year after the day on which the judgment is rendered, and not longer than fifteen months, during which time the defendant shall be imprisoned in the penitentiary.

Sec. ..... *NEW SECTION.* RECORD SENT GOVERNOR. Immediately after entry of judgment of death, the court rendering the judgment shall transmit by mail to the governor a copy of the indictment, plea, verdict, judgment, and testimony in the case.

Sec. ..... *NEW SECTION.* COPY OF JUDGMENT AUTHORITY FOR EXECUTION. When a judgment of death is pronounced, a certified copy of the entry thereof in the record book must be furnished to the officer whose duty it is to execute the same, who shall proceed accordingly, and no other warrant or authority is necessary to require or justify the execution.

Sec. ..... *NEW SECTION.* REPRIEVE OR SUSPENSION. The only officers who shall have power to reprieve or suspend the execution of a judgment of death are the governor and, as provided in this chapter, the warden of the penitentiary, and the supreme court when an appeal is taken.

Sec. ..... *NEW SECTION.* INSANITY OR PREGNANCY. When the warden of the penitentiary has reasonable grounds to believe that a defendant in his or her

Page 3

charge under sentence of death is insane or pregnant, he or she shall notify the commissioners of hospitalization of the county where the penitentiary is located, who shall be placed under oath by the warden to inquire into the facts as to the insanity or pregnancy of the defendant, and return a report of their findings.

Sec. ..... *NEW SECTION.* FINDING OF COMMISSIONERS. The commissioners, after being placed under oath, shall examine the defendant and hear any evidence that may be presented, and may examine the medical attendants at the penitentiary, to ascertain the facts, and make a report in writing, signed by a majority of the commissioners.

Sec. ..... *NEW SECTION.* EXECUTION SUSPENDED. If the report does not show the defendant to be insane or pregnant, the warden shall not suspend the execution; but if it does, he or she shall suspend the execution, and immediately transmit the report to the governor.

Sec. ..... *NEW SECTION.* EXECUTIVE WARRANT OF EXECUTION. When a judgment of death from any cause has not been executed on the day appointed by the court, the governor, by a warrant under the seal of the state, shall fix the day of execution, and the

warrant shall be obeyed by the sheriff, and no one but the governor can then suspend its execution.

Sec. ..... *NEW SECTION.* TIME AND MANNER OF EXECUTION. A judgment of death must be executed by the sheriff of the county where the judgment was rendered, or his or her deputy, within the walls of the penitentiary where the defendant is confined, or within a yard or enclosure adjoining the penitentiary, on the day fixed in the judgment, between sunrise and sunset; by passing an electric current, of sufficient intensity and duration to cause death, through the body of the convicted person.

Sec. ..... *NEW SECTION.* WITNESSES TO EXECUTION. The sheriff or his or her deputy must, at least three days before executing a judgment of death, notify the judge of the district court who tried the case, or, if he or she be not in office, another judge of such court, the county attorney and the clerk of the district court of the county in which the judgment was rendered, the sheriff of the county in which the offense was committed, and two physicians and twelve citizens of the state to be selected by him or her to be present as witnesses at the execution. He or she must also, at the request of the defendant, permit one or more ministers of the gospel, named by him

Page 4

or her, and any of his or her relatives, to attend the execution. Minors and persons not authorized by this section shall not be present at the execution.

Sec. ..... *NEW SECTION.* CERTIFICATE OF EXECUTION. The sheriff or his or her deputy executing the judgment of death must prepare and sign a certificate, setting forth the time and place of the execution, and that judgment was executed upon the defendant according to the provisions of this chapter, and cause the certificate to be signed by the public officers, and at least twelve persons, who are not relatives of the defendant, who witnessed the execution.

Sec. ..... *NEW SECTION.* CERTIFICATE FILED AND PUBLISHED. The sheriff or his or her deputy executing the judgment must file the certificate in the office of the clerk of the district court of the county in which the judgment was rendered, and publish a copy of the certificate in one newspaper printed at the capital of the state, and in one in his or her county.

Sec. ..... *NEW SECTION.* STAY OF EXECUTION BY APPEAL. An appeal from a judgment of death shall stay the infliction of that punishment, but the defendant is to be retained in custody without bail.

Sec. ..... *NEW SECTION.* PROCEEDINGS ON APPEAL. When an appeal is taken from a judgment of death, the clerk of the district court in which it was rendered shall at once give the defendant or his or her attorney a certificate, under the seal of the

court, certifying that fact, and the sheriff or other officer having the defendant in custody shall, upon the delivery to him or her of the certificate, suspend further proceedings on the judgment until final judgment on the appeal is certified to him or her by the clerk of the supreme court.

Sec. ..... *NEW SECTION.* PROCEEDINGS ON AFFIRMANCE--ISSUANCE OF WARRANT. When such judgment is affirmed, the supreme court shall deliver a copy of the judgment to the governor, and to the sheriff whose duty it is to execute the judgment, signed by the clerk of the supreme court and under seal of the court, and the governor shall issue a warrant of execution under the seal of the state, and transmit it by messenger or mail to the sheriff whose duty it is to execute the judgment, directing him or her, on a day and at an hour, not earlier than the day fixed by the district court, to execute such judgment in the manner required by law.

Sec. ..... *NEW SECTION.* EXECUTION OF WARRANT. The sheriff shall execute such warrant in the manner provided in this chapter, and report the sheriff's

Page 5

doings to the governor and the district court whose judgment was appealed from, and make the publication of the sheriff's doings in the manner provided for in this chapter. If from any cause the judgment is not executed on the day named in the warrant, the governor may appoint another, and so on until it is done."

5. By renumbering the remaining sections and internal references to accord with this amendment.

Kreamer of Polk offered amendment H—5582, to amendment H—5514, filed by him. Division was requested as follows:

H—5582

Amend the amendment, H—5514, to Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 23 the following:

H—5582A

"4. The killing is perpetrated for compensation.

H—5582B

5. The killing is perpetrated against a peace officer, while the peace officer is engaged in the performance of his duties.

H—5582C

6. The killing is perpetrated as a part of a course of conduct involving the intentional killing of two or more persons."

Kreamer of Polk moved the adoption of amendment H—5582A, to amendment H—5514.

Roll call was requested by Kreamer of Polk and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5582A, to amendment H—5514, be adopted?"

The ayes were, 49:

Avenson	Danker	Junker	Pellett
Baker	Den Herder	Koogler	Poncy
Bennett	Dieleman	Kreamer	Schroeder
Binneboese	Dunton	Lageschulte	Spear
Bittle	Egenes	Lindeen	Spencer
Bortell	Evans	McElroy	Stromer
Branstad	Halvorson	Mennenga	Welden
Brockett	Hansen	Middleswart	Wells
Byerly	Harper	Millen	West
Caffrey	Harvey	Miller, K. D.	Woods
Connors	Horn	Nealson	Wulff
Crabb	Jordan	Nielsen	Wyckoff
Daggett			

The nays were, 49:

Anderson	Hargrave	Lipsky	Pavich
Bina	Hennessey	Lonergan	Perkins
Brunow	Higgins	Menke	Readinger
Clark	Hines	Middleton	Rinas
Crawford	Hinkhouse	Miller, A. V.	Scheelhaase
Cusack	Howell	Miller, O. L.	Small
Doyle	Hullinger	Monroe	Spradling
Drake	Husak	Newhard	Svoboda
Dyrland	Hutchins	Norland	Tauke
Fitzgerald	Jesse	Oakley	Varley
Gentleman	Jochum	O'Halloran	Walter
Gilloon	Krause	Patchett	Mr. Speaker
Griffee			

Absent or not voting, 2:

Brandt	Tofte

Amendment H—5582A lost.

Kreamer of Polk moved the adoption of amendment H—5582B, to amendment H—5514.

Roll call was requested by Kreamer of Polk and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5582B, to amendment H—5514, be adopted?"

The ayes were, 41:

Bennett	Dieleman	Lageschulte	Poncy
Bittle	Dunton	Lindeen	Schroeder
Bortell	Evans	Mennenga	Spencer
Branstad	Halvorson	Middleswart	Stromer
Brockett	Hansen	Millen	Welden
Caffrey	Horn	Miller, K. D.	Wells
Connors	Jordan	Miller, O. L.	West
Crabb	Junker	Nealson	Woods
Daggett	Koogler	Nielsen	Wulff
Danker	Kreamer	Pellett	Wyckoff
Den Herder			

The nays were, 56:

Anderson	Fitzgerald	Jesse	Patchett
Avenson	Gentleman	Jochum	Pavich
Baker	Gilloon	Krause	Perkins
Bina	Griffee	Lipsky	Readinger
Binnebose	Hargrave	Lonergan	Rinas
Brunow	Harper	McElroy	Scheelhaase
Byerly	Harvey	Menke	Small
Clark	Hennessey	Middleton	Spear
Crawford	Higgins	Miller, A. V.	Spradling
Cusack	Hines	Monroe	Svoboda
Doyle	Hinkhouse	Newhard	Tauke
Drake	Howell	Norland	Varley
Dyrland	Hullinger	Oakley	Walter
Egenes	Husak	O'Halloran	Mr. Speaker

Absent or not voting, 3:

Brandt	Hutchins	Tofte

Amendment H—5582B lost.

Kreamer of Polk moved the adoption of amendment H—5582C, to amendment H—5514.

Rules 69 and 70 were invoked.

Roll call was requested by Kreamer of Polk and Junker of Woodbury.

On the question "Shall amendment H—5582C, to amendment H—5514, be adopted?"

The ayes were, 44:

Baker	Danker	Horn	Nielsen
Bennett	Den Herder	Jordan	Pellett
Binnebose	Dieleman	Junker	Poncy
Bortell	Drake	Koogler	Schroeder
Branstad	Dunton	Kreamer	Spear
Brockett	Evans	Lindeen	Spencer
Byerly	Griffee	Mennenga	Stromer
Caffrey	Halvorson	Middleswart	Welden
Connors	Hansen	Millen	Woods
Crabb	Harper	Miller, K. D.	Wulff
Daggett	Harvey	Nealson	Wyckoff

The nays were, 50:

Anderson	Hargrave	McElroy	Perkins
Avenson	Higgins	Menke	Readinger
Bina	Hines	Middleton	Rinas
Brunow	Hinkhouse	Miller, A. V.	Scheelhaase
Clark	Howell	Miller, O. L.	Small
Crawford	Hullinger	Monroe	Spradling
Cusack	Husak	Newhard	Svoboda
Doyle	Hutchins	Norland	Tauke
Dyrland	Jesse	Oakley	Varley
Egenes	Jochum	O'Halloran	Walter
Fitzgerald	Krause	Patchett	Wells
Gentleman	Lipsky	Pavich	Mr. Speaker
Gilloon	Lonergan		

Absent or not voting, 6:

Bittle	Hennessey	Tofte	West
Brandt	Lageschulte		

Amendment H—5582C lost.

Mennenga of Clinton offered the following amendment H—5674, to amendment H—5514, filed by him and Miller of Buchanan from the floor:

H—5674

Amend amendment H—5514, to page 2 of Senate File 85, as follows:

1. Page 1, by striking line 11 and inserting in lieu thereof the word "son,".
2. Page 1, by striking lines 13 through 23.
3. Page 1, by striking lines 42 through 48.
4. Page 1, line 50, by striking the word "Second" and inserting in lieu thereof the word "First".
5. Page 2, line 1, by striking the word "second" and inserting in lieu thereof the word "first".
6. Page 2, line 2, by striking "or homicide".
7. Page 2, line 3, by striking the words "in the first degree".
8. Page 2, line 4, by striking the word "second" and inserting in lieu thereof the word "first".

Griffee of Chickasaw in the chair at 4:34 p.m.

Mennenga of Clinton moved the adoption of amendment H—5674, to amendment H—5514.

Roll call was requested by Kreamer of Polk and Nealson of Muscatine.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5674 to amendment H—5514 be adopted?"

The ayes were, 13:

Danker	Mennenga	Nielsen	Spencer
Jordan	Miller, K. D.	Pellett	Woods
Koogler	Nealson	Poncy	Wyckoff
Kreamer			

The nays were, 80:

Anderson	Dunton	Hutchins	Patchett
Avenson	Dyrland	Jesse	Pavich
Baker	Egenes	Jochum	Perkins
Bennett	Evans	Junker	Readinger
Bina	Fitzgerald	Krause	Rinas
Binneboese	Gentleman	Lageschulte	Scheelhaase
Bittle	Gilloon	Lindeen	Small
Bortell	Halvorson	Lipsky	Spear
Branstad	Hansen	Lonergan	Spradling
Brockett	Hargrave	McElroy	Stromer
Brunow	Harper	Menke	Svoboda
Byerly	Harvey	Middleswart	Tauke
Caffrey	Hennessey	Middleton	Varley
Clark	Higgins	Miller, A. V.	Walter
Cochran	Hines	Miller, O. L.	Welden
Connors	Hinkhouse	Monroe	Wells
Crabb	Horn	Newhard	West
Crawford	Howell	Norland	Wulff
Cusack	Hullinger	Oakley	Mr. Speaker
Dieleman	Husak	O'Halloran	(Griffee)
Drake			

Absent or not voting, 7:

Brandt	Den Herder	Millen	Tofte
Daggett	Doyle	Schroeder	

Amendment H—5674 lost.

Gilloon of Dubuque offered the following amendment H—5672, to amendment H—5514, filed by him from the floor and moved its adoption:

H—5672

Amend amendment H—5514, appearing on page 2 of Senate File 85, as follows:

1. Page 3, by striking lines 31 through 33 and inserting in lieu thereof the following:

"or by his or her deputy, in a public place in the county in which the crime was committed or the judgment was rendered at the discretion of the judge passing sentence,".

Roll call was requested by Kreamer of Polk and Dyrland of Clayton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5672, to amendment H—5514, be adopted?"

The ayes were, 14:

Cusack	Jesse	Miller, K. D.	Rinas
Dyrland	Jochum	Monroe	Small
Gentleman	Jordan	Patchett	Svoboda
Gilloon	Krause		

The nays were, 82:

Anderson	Dieleman	Junker	Perkins
Avenson	Doyle	Koogler	Poncy
Baker	Drake	Kreamer	Readinger
Bennett	Dunton	Lageschulte	Scheelhaase
Bina	Egenes	Lindeen	Schroeder
Binneboese	Evans	Lipsky	Spear
Bittle	Fitzgerald	Lonergan	Spencer
Bortell	Halvorson	McElroy	Spradling
Branstad	Hansen	Menke	Stromer
Brockett	Hargrave	Mennenga	Tauke
Brunow	Harper	Middleswart	Varley
Byerly	Harvey	Middleton	Walter
Caffrey	Hennessey	Millen	Welden
Clark	Higgins	Miller, A. V.	Wells
Cochran	Hines	Nealson	West
Connors	Hinkhouse	Newhard	Woods
Crabb	Horn	Nielsen	Wulff
Crawford	Howell	Oakley	Wyckoff
Daggett	Hullinger	O'Halloran	Mr. Speaker (Griffee)
Danker	Husak	Pavich	
Den Herder	Hutchins	Pellett	

Absent or not voting, 4:

Brandt	Miller, O. L.	Norland	Tofte

Amendment H—5672 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Evans of Grundy for the remainder of the day on request of Halvorson of Clayton.

Connors of Polk offered the following amendment H—5675, to amendment H—5514, filed by him from the floor and moved its adoption:

H—5675

Amend amendment H—5514, to page 2 of Senate File 85, as follows:

1. Page 1, by inserting after line 23 the following new paragraph:

"Any person violating section two hundred four point four hundred one (204.401), subsection one (1), of the Code, involving a substance classified in schedule I or II which is a narcotic drug shall, upon conviction be punished to the same degree as a person convicted of a capital homicide."

Speaker Cochran in the chair at 5:30 p.m.

Roll call was requested by Kreamer of Polk and Nealson of Muscatine.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Monroe of Des Moines refrained from voting.

On the question "Shall amendment H—5675, to amendment H—5514, be adopted?"

The ayes were, 44:

Bennett	Den Herder	Jordan	Nielsen
Binneboese	Dieleman	Junker	Pellett
Bortell	Dunton	Koogler	Poncy
Branstad	Griffee	Kreamer	Scheelhaase
Brockett	Halvorson	Lageschulte	Schroeder
Byerly	Hansen	Lindeen	Spencer
Caffrey	Harper	McElroy	Stromer
Connors	Hinkhouse	Menke	Wells
Crabb	Howell	Millen	West
Daggett	Hullinger	Miller, K. D.	Woods
Danker	Husak	Nealson	Wyckoff

The nays were, 50:

Anderson	Fitzgerald	Lonergan	Readinger
Avenson	Gentleman	Mennenga	Rinas
Baker	Gilloon	Middleswart	Small
Bina	Hargrave	Middleton	Spear
Bittle	Harvey	Miller, A. V.	Spradling
Brunow	Hennessey	Miller, O. L.	Svoboda
Clark	Higgins	Newhard	Tauke
Crawford	Hines	Oakley	Varley
Cusack	Horn	O'Halloran	Walter
Doyle	Jesse	Patchett	Welden
Drake	Jochum	Pavich	Wulff
Dyrland	Krause	Perkins	Mr. Speaker
Egenes	Lipsky		

Absent or not voting, 6:

Brandt	Hutchins	Norland	Tofte
Evans	Monroe		

Amendment H—5675 lost.

Gilloon of Dubuque asked and received unanimous consent to withdraw amendment H—5673, to amendment H—5514, filed by him from the floor as follows:

H—5673

Amend amendment H—5514, appearing on page 2 of Senate File 85, as follows:

1. Page 3, line 46, by striking the word "twelve" and inserting in lieu thereof the words "two hundred".

Further division of amendment H—5514 was requested.

The Speaker ruled that division of amendment H—5514 would not be in order.

Junker of Woodbury asked for unanimous consent to strike lines 16 through 23, page 1, of amendment H—5514.

Objection was raised.

Junker of Woodbury moved to strike lines 16 through 23, page 1, of amendment H—5514.

Junker of Woodbury asked and received unanimous consent to withdraw his motion.

Junker of Woodbury offered the following amendment H—5689, to amendment H—5514, filed by him from the floor and moved its adoption:

H—5689

Amend amendment H—5514, to page 2 of Senate File 85, as follows:

1. Page 1, by striking lines 16 through 23.

Amendment H—5689 lost.

Junker of Woodbury moved the adoption of amendment H—5514.

Roll call was requested by Junker of Woodbury and Kreamer of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—5514 be adopted?"

The ayes were, 37:

Baker	Danker	Koogler	Nielsen
Bennett	Den Herder	Kreamer	Pellett
Binneboese	Dieleman	Lageschulte	Poncy
Bortell	Egenes	Lindeen	Schroeder
Branstad	Halvorson	Mennenga	Spear
Byerly	Harvey	Middleswart	Welden
Caffrey	Horn	Millen	West
Connors	Jordan	Miller, K. D.	Woods
Crabb	Junker	Nealson	Wyckoff
Daggett			

The nays were, 56:

Anderson	Drake	Hargrave	Husak
Avenson	Dunton	Harper	Hutchins
Bina	Dyrland	Hennessey	Jesse
Brunow	Fitzgerald	Higgins	Jochum
Clark	Gentleman	Hines	Krause
Crawford	Gilloon	Hinkhouse	Lipsky
Cusack	Griffee	Howell	Lonergan
Doyle	Hansen	Hullinger	McElroy

Menke	Oakley	Rinas	Tauke
Miller, A. V.	O'Halloran	Scheelhaase	Varley
Miller, O. L.	Patchett	Small	Walter
Monroe	Pavich	Spencer	Wells
Newhard	Perkins	Spradling	Wulff
Norland	Readinger	Svoboda	Mr. Speaker

Absent or not voting, 7:

Bittle	Brockett	Middleton	Tofte
Brandt	Evans	Stromer	

Amendment H—5514 lost.

(Senate File 85 pending at adjournment.)

REPORT OF THE HOUSE COMMITTEE ON ADMINISTRATION

Pursuant to the provisions of House Concurrent 104, duly adopted by the 1976 Session of the Sixty-sixth General Assembly, the House committee on administration submits recommended pay steps and recommendations for temporary and permanent employment for the officers and employees of the House. All recommended steps would be effective as of January 12, 1976.

	Grade	Step	Temporary (T) Permanent (P)
Assistant Chief Clerk and Reading Clerk—Robert F. Davies	29	3	P
Legal Counsel—Dan L. Dudley	30	5	P
Executive Secretary to Speaker F. Ann Bernabe	22	4	P
Research Assistant to Speaker N. Kay Markell	24	3	P
Research Assistant to Majority Leader—Terrie R. Groth	24	3	P
Research Assistant to Minority Leader—Maryjo F. Welch	24	5	P
Administrative Assistant to Majority Caucus—Joseph J. O'Hern	25	4	T
Counsel to Minority Caucus—Gary Wolberg	25	1	T
Research Assistant to Assistant Majority Leader—William C. Maloney	22	1	T
Research Assistant to Assistant Minority Leader—Sandra L. Githens	22	6	T
Research Assistant to Speaker Pro Tempore—Robert D. Haug	22	1	T
Research Assistant to Assistant Minority Leader—			
Gene Wickey—½ Time	22	1	T
H. Bryan Hughes—½ Time	22	1	T
Research Assistant to Ways and Means Chairman—Lynn Johnson	22	1	T
Research Assistant to Appropriations —Michael J. Goedert	22	1	T

	Grade	Step	Temporary (T) Permanent (P)
House Research Assistant—Jay W. Honeycutt	22	1	T
Executive Secretary to Chief Clerk—Maxine Mann	22	5	P
Clerk to Chief Clerk—Cathy Kelly	14	2	T
Public Information Office Director—Sharon R. Robinson	25	4	P
Clerk to Public Information Office Director—Linda W. Elliott	17	3	P
Supervisor of Clerks—Evelyn K. Higginbottom	20	5	T
Journal Editor—Elizabeth A. Isaacson	22	7	P
Journal Clerk—Frances A. Stefani	16	2	T
Finance Clerk—Billie J. Walling	20	8	P
Assistant Finance Clerk—Debra K. Rex	12	1	P
Engrossing Clerk—Sally Blanton	17	3	P
Assistant to the Legal Counsel and Enrolling Clerk—Pauline E. Kephart	17	8	P
Assistant to Legal Counsel—Elizabeth J. O'Connor	17	8	P
Terminal Operator—Janet Stevens	17	1	P
Supply Clerk—Virginia Rowen	12	1	T
Swing Clerk—Catherine B. Holland	13	4	T
Switchboard Operator—Betty C. Lawson	13	2	T
Donna L. Waters	13	7	T
Bill Clerk—Phyllis J. Fraizer	12	8	T
Assistant Bill Clerk—Madeline E. James	11	6	T
File Clerk—Michelle Svejda	8	2	T
Postmaster—Ruth Spencer	10	1	T
Sergeant-at-Arms—Ed McMillin	15	1	T
Assistant Sergeant-at-Arms—John W. Russell	13	3	T
Doorkeepers—			
Clarence O. Anderson	9	7	T
Luman W. Bell	9	3	T
Frank L. Christen	9	5	T
Donald R. Emanuel	9	2	T
Harold W. Johnson	9	2	T
Russell Reeves	9	1	T
Linda Johnson	9	1	T
Porter—Calvin G. Pruitt	8	7	P
Cloakroom Attendant—Bessie J. Bagby	8	2	T
Pages—			
Group I			
Michael J. Becker	6	1	T
Kimberly K. Blunck	6	1	T
Brenda M. Burns	6	1	T
Michael T. Critelli	6	1	T
Nancy J. Gray	6	1	T
Victoria E. Haughton	6	1	T
Laura L. Higginbottom	6	1	T
Teresa Hutchins	6	1	T

	Grade	Step	Temporary (T) Permanent (P)
Martin A. Levy	6	1	T
Janet Lyman	6	1	T
Paul Mikkelsen	6	1	T
Sheila Petsche	6	1	T
Michael D. Ralston	6	1	T
Karen A. Rollison	6	1	T
Jami Roth	6	1	T
Sandra K. Scheelhaase	6	1	T
Marlene Shainholtz	6	1	T
Julie M. Singelstad	6	1	T
Ann R. Taylor	6	1	T
Nancy Van Denover	6	1	T
Charles E. Wells	6	1	T
Don Willits	6	1	T
Group II			
Tamila Bryson	6	1	T
Josie Cameron	6	1	T
Janeen C. Christensen	6	1	T
Ann E. Christy	6	1	T
Daniel Collison	6	1	T
Craig A. Fenton	6	1	T
Sally J. Godwin	6	1	T
Craig P. Hargrave	6	1	T
Craig Jontz	6	1	T
Jane A. Leuck	6	1	T
Marye McLaud	6	1	T
Barbara J. Nesheim	6	1	T
Mark R. Neuzil	6	1	T
Camille L. Njus	6	1	T
Shary Risting	6	1	T
Gregory Roper	6	1	T
Bonny Joy Rysdam	6	1	T
Karen Schwab	6	1	T
Jill E. Spradling	6	1	T
Catherine M. Turek	6	1	T
Daniel J. Wilch	6	1	T
Nancy Gray	6	1	T
Aide to Public Information Office—			
Virginia Lageschulte	$2.20 per hour		
Bonnie Weaver	2.20 per hour		

WELLS of Linn, Chair

CLERKS TO REPRESENTATIVES

Julie Anderson	8	Temporary
Diane Avenson	5	Temporary
Lenore Ball	6	Temporary
Wendy Barron	3	Temporary
Teresa M. Baustian	4	Temporary
Margaret Baux	2	Temporary
Joyann Benoit	8	Temporary

Anna Benton	8	Temporary
Mary Bortell	3	Temporary
Carmela Brown	10	Temporary
Jo Brownell	6	Temporary
Florence Buhr	2	Temporary
Elna Byerly	4	Temporary
Ruth Calvert	5	Temporary
Roberta Chapman	9	Temporary
Gabriela Cobian	1	Temporary
Jeannene Cochran	5	Temporary
Marjorie Connors	5	Temporary
Grace Copley	4	Temporary
Rita Courtney	7	Temporary
Phyllis Cowles	8	Temporary
Paula Cox	3	Temporary
Carol Crowfoot	5	Temporary
Mary Curtis	5	Temporary
Phyllis J. Den Hartog	2	Temporary
Christine Den Herder	8	Temporary
Mary Jo Denman	1	Temporary
Colleen Dillon	6	Temporary
Denise Dolan	3	Temporary
Janet Doyle	6	Temporary
Barbara Dunn	5	Temporary
Joan Eggen	5	Temporary
Alyce Elmitt	7	Temporary
Mary Endsley	2	Temporary
Mary Jo Eveleth	1	Temporary
Margaret Falk	8	Temporary
Shari Fitzgerald	3	Temporary
Rosalie Flesher	4	Temporary
Kathleen Gannon	7	Temporary
Virginia Garretson	7	Temporary
Elizabeth Gentry	3	Temporary
Audrey Gibson	5	Temporary
Karen Gilloon	1	Temporary
Betty Gottschalk	6	Temporary
Irene Hainline	6	Temporary
Doris M. Hammon	4	Temporary
Linda Handsaker	1	Temporary
Colleen Hines	1	Temporary
Joyce Howell	2	Temporary
Jan Hutchins	5	Temporary
Denise Jacobi	2	Temporary
Pam Jochum	2	Temporary
Judy Jordan	5	Temporary
Candace Kamper	2	Temporary
Katherine Kelly	6	Temporary
Linda King	5	Temporary
Edith Kitchell	7	Temporary
Doris E. Kohl	2	Temporary
B. June Kullander	8	Temporary
Janice Landess	2	Temporary
Terry Larson	1	Temporary

Carolyn Littrell	3	Temporary
Dona Lloyd	7	Temporary
Janet Lyon	5	Temporary
Sandra Lee Marion	3	Temporary
F. Jean McClatchey	8	Temporary
Gerry Middleswart	8	Temporary
Betty Millen	7	Temporary
Shirley Miller	4	Temporary
Lee Ann Mitchell	2	Temporary
Marjorie Musser	2	Temporary
Marilyn Nielsen	4	Temporary
Jane Oelmann	1	Temporary
Velva Owen	2	Temporary
Nancy Patchett	3	Temporary
Haleen Pellett	5	Temporary
Kathleen Peterson	4	Temporary
Catherine Piper	4	Temporary
Diane Radosevich	3	Temporary
Carolyn Ramsay	2	Temporary
E. Jean Robb	5	Temporary
Dorothy Robinson	6	Temporary
LaVena Rucker	6	Temporary
Gerry Rydell	7	Temporary
Beverly Samuelson	5	Temporary
Norma Jean Scheelhaase	2	Temporary
Jeanne Schmidt	7	Temporary
Janet Schwarz	6	Temporary
Mary Ann Scott	6	Temporary
Cathy Sears	8	Temporary
Donna Smith	7	Temporary
Helen Stejskal	6	Temporary
Harriett Stromer	8	Temporary
Lugene Sydnes	8	Temporary
Verniece Thomsen	7	Temporary
Helen Wagner	9	Temporary
Betty Wasker	10	Temporary
Betty Wentz	4	Temporary
Jo Ann West	4	Temporary
Mary Kennedy	2	Temporary

All positions are in grade 12.

WELLS of Linn, Chair

LEGISLATIVE INDEXING

Supervisor of Legislative Indexing	(18)	Maxine Gunton	8	Permanent
Assistant Supervisor of Legislative Indexing	(16)	Juanita Swackhammer	8	Permanent
Index Clerk	(13)	Terry Pepper	6	Temporary
Assistant Index Clerk	(11)	Wilma F. Zika	1	Temporary

LEGISLATIVE SERVICE BUREAU

Senior Bill Clerk	(15)	Lois Carter	5	Temporary
Bill Clerk	(13)	Lois Johnson	2	Temporary

Bill Clerk	(13)	Janet Johnson	4	Temporary
Bill Clerk	(13)	Susan Gurwell	1	Temporary
Proofreader	(15)	D. Bartholomew	3	Temporary
Proofreader	(15)	Dorothy Kelly	5	Temporary
Proofreader	(15)	Patricia Ryan	2	Temporary
Proofreader	(15)	Jean Shirbroun	2	Temporary

JOINT EMPLOYEES

Mail Carrier	(9)	Francis L. Burns	2	Temporary
Law Library Clerk	(9)	Judy Neff	1	Temporary

BUILDINGS AND GROUNDS

Matron	(9)	Mary Parker	7	Temporary
Elevator Operator	(8)	Evelyn M. Seaney	5	Temporary
Elevator Operator	(8)	Agnes Bertogli	4	Temporary
Parking Attendant	(9)	John Jorgensen	5	Temporary
Parking Attendant	(9)	Raymond Keeney	7	Temporary
Parking Attendant	(9)	Frank Miller	6	Temporary
Parking Attendant	(9)	Harold Missman	3	Temporary
Parking Attendant	(9)	James Webb	6	Temporary
Night Watchman	(7)	Donald E. Lewis	1	Temporary
Night Watchman	(7)	Arvid B. Lundberg	2	Temporary

The Grade for each position, as set by House Concurrent Resolution 104, is indicated in parenthesis.

WELLS of Linn, Chair

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the vote was taken on amendment H—5559 to Senate File 85. Had I been present, I would have voted "aye."

CRAWFORD of Story

I was necessarily absent from the House chamber on March 9, 1976, when the vote was taken on amendment H—5399 to Senate File 85. Had I been present, I would have voted "nay."

KOOGLER of Mahaska

MOTIONS TO RECONSIDER

(Amendment H—5399 to Senate File 85)

I move to reconsider the vote by which amendment H—5399 to Senate File 85 failed to be adopted by the House on March 9, 1976.

OAKLEY of Clinton

I move to reconsider the vote by which the Oakley amendment H—5399 to Senate File 85 failed to be adopted by the House on March 9, 1976.

DRAKE of Muscatine

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 9, 1976, he approved and transmitted to the Secretary of State the following bills:

Senate File 1021, an act relating to the alienation of preserves.

Senate File 1151, an act relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed.

REPORT OF COMMITTEE

Monroe of Des Moines, from the committee on state government, submitted the following report:

MR. SPEAKER: Your committee on state government to whom was referred **Senate File 1141**, a bill for an act to establish and regulate the practice of barbering and the practice of cosmetology and to provide penalties, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—5649

Amend Senate File 1141, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 25, by striking the figure "1."
2. Page 2, line 29, by striking the letter "a" and inserting in lieu thereof the figure "1".
3. Page 2, line 33, by striking the letter "b" and inserting in lieu thereof the figure "2".
4. Page 3, line 2, by striking the letter "c" and inserting in lieu thereof the figure "3".
5. Page 3, line 4, by striking the letter "d" and inserting in lieu thereof the figure "4".
6. Page 3, by striking lines 8 through 20.
7. Page 4, by striking lines 5 and 6 and inserting in lieu thereof the words "electric needle or electronic process and".
8. Page 6, by striking lines 27 and 28.
9. Page 6, by striking lines 31 through 35.
10. Page 7, by striking lines 1 through 11.
11. Page 7, line 15, by striking the figure "1."
12. Page 7, by striking lines 28 through 35.
13. Page 8, by striking lines 1 through 5.
14. Page 11, line 17, by striking the word "and".
15. Page 11, line 18, by striking the words "been a licensed barber".
16. Page 11, by striking lines 22 through 27.
17. Page 12, line 16, by striking the words "Subject to local zoning".
18. Page 12, by striking lines 17 and 18.
19. Page 12, line 19, by striking the word "purpose."
20. Page 12, by striking line 32 and inserting in lieu thereof the words "prescribed by the board."

21. Page 12, by striking lines 33, 34, and 35.
22. Page 13, by striking line 1.
23. Page 13, line 2, by striking the word "board."
24. Page 14, by striking lines 22 and 23.
25. Page 14, by striking lines 29 through 35.
26. Page 15, by striking lines 1 through 8.

MONROE of Des Moines, Chair

AMENDMENTS FILED

H—5678

Amend House File 198 as follows:
1. Page 6, line 9, by striking the word "five" and inserting in lieu thereof the word "ten".

LAGESCHULTE of Bremer

H—5656

Amend House File 1346 as follows:
1. Page 8, by striking line 8 and inserting in lieu thereof the following:
"of this Act. Boards of supervisors and city councils shall form a joint county-municipal disaster".

MONROE of Des Moines
HARVEY of Scott

H—5676

Amend House File 1514 as follows:
Page 1, line 35, by inserting after the word "commission." the words "Such lawyers shall maintain time sheets, lists of cases upon which they work, lists of numbers and names of cases upon which they work, lists of cases completed, information relating to location where such lawyers are working, and such other information as may be required by the Iowa civil rights commission. Such information, if not privileged, shall be available for public inspection in the offices of the Iowa civil rights commission."

MILLER of Buchanan

H—5650

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 3, by striking line 23, and inserting the word "vertebrate".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5651

Amend Senate File 85, as amended and passed

by the Senate and reprinted, page 6, by striking lines 2 through 11.

BRANSTAD of Winnebago

H—5652

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 6, line 25, by striking the words "disfigurement, or pro-" and inserting in lieu thereof the word "disfigurement".

2. Page 6, by striking lines 26 through 29.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5653

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 6, line 31, by adding after the period the following new section:

"Sec. ..... *NEW SECTION.* PERSON. All references to person in this act are meant to include both male and female human beings. Any reference to the pronoun he or she or other third person personal pronoun shall apply equally to both male and female persons."

LIPSKY of Linn

H—5654

Amend Senate File 85, as passed by the Senate and reprinted, as follows:

1. Page 3, by striking lines 15 through 19.

BRANSTAD of Winnebago

H—5655

Amend Senate File 85 as passed and reprinted by the Senate as follows:

1. Page 3, by striking lines 2 through 8.

BRANSTAD of Winnebago

H—5657

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 19A, by striking lines 17 and 18 and inserting in lieu thereof the following: "the course of committing sexual abuse the other participant is seriously injured or the other participant is under the age of twelve."

2. Page 19A, by striking line 28 in its entirety.

KOOGLER of Mahaska

H—5658

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 225A, line 30, by adding after the period the following: "The board shall interview a class A felon after five years of confinement and regularly thereafter."

LIPSKY of Linn

H—5659

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 22, line 11, by striking the words "and removes".

2. Page 22, line 12, by striking the words "him from the state,".

BRANSTAD of Winnebago

H—5660

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 157, line 11, by striking the word "thereto" and inserting in lieu thereof the words "to a longer time".

BRANSTAD of Winnebago

H—5661

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 152, by striking lines 8 through 19 and inserting in lieu thereof the following:

"(3) Upon consideration of such application, the judge shall enter an order that testimony or other information compelled under the order, any information directly or indirectly derived from such testimony or other information may not be used against the witness in any criminal case, except a prosecution for perjury, contempt of court, or otherwise failing to comply with the order."

BRANSTAD of Winnebago

H—5662

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 12, by striking line 21 and inserting in lieu thereof the following: "or part, of a criminal act to be committed by one or more of".

2. Page 12, line 22, by inserting after the word "conspirators" the words ", whether or not the purpose of the conspiracy is accomplished".

BRANSTAD of Winnebago

H—5663

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 11, line 30, by striking the words "and under circumstances which".
2. Page 11, line 31, by striking the words "corroborates that intent by clear and convincing evidence".
3. Page 11, line 33 by inserting after the word "misdemeanor" the words ", whether or not that felony or aggravated misdemeanor is accomplished".

BRANSTAD of Winnebago

H—5664

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:
1. Page 10, line 15, by inserting after the word "force" the words ", including deadly force".

BRANSTAD of Winnebago

H—5665

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 426, after line 29, by inserting the following:
"Sec. ..... This Act shall take effect January 1, 1978."

NIELSEN of Polk

H—5666

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 220A, by striking lines 33 through page 220B, line 38.
2. By renumbering the remaining sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5667

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 220A, line 14, by striking the word "dollars;" and inserting in lieu thereof the word "dollars."
2. Page 220A, by striking lines 15 through 19.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5668

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 219, by striking lines 22 and 23, and inserting in lieu thereof the following: "security medical facility. Such commitment order shall be for a period of five years, however, he may be released prior to the expiration of the five year period, upon the recommendation of the chief officer of such institution, under".

2. Page 219, by striking lines 29 and 30, and inserting in lieu thereof the following: "At the expiration of the five year period the director of the division of adult corrections may apply to the".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5669

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 218, line 28, by striking the words "commissioner of social services" and inserting in lieu thereof the words "director of the division of adult corrections".

2. Page 219, line 10, by inserting after the word "counsel," the words "have the right of cross examination".

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5670

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 217A, line 31, by striking everything after the period.

2. Page 217A, by striking all of lines 32, 33 and 34.

LIPSKY of Linn

H—5671

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 217A, by striking line 35 through page 218, line 2, and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION*. DANGEROUS OFFENDER.

A dangerous offender is a person convicted of a class B felony who has previously been convicted of a felony involving death or serious injury or has previously been convicted of a felony involving the threat of death or serious injury."

2. Page 218, line 16, by striking the words "twenty-five" and inserting in lieu thereof the word "forty".

3. Page 218, by inserting after line 16 the following:

"..... A class B felon shall be confined for no more than twenty-five years."

4. By renumbering the remaining sections, subsections, and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5679

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 217A, by inserting after line 34 the following:

"Sec. ..... *NEW SECTION.* MINIMUM SENTENCE—USE OF FIREARM IN CLASS B OR C FELONY. At the trial of a person charged with participating in a class B or C felony, if the trier of the fact finds beyond a reasonable doubt that the person represented that he or she was in the immediate possession and control of a firearm, displayed a firearm in a threatening manner, or was armed with a firearm while participating in the class B or C felony, the convicted person shall serve a minimum of ten years of the sentence imposed by law, section two hundred seven (207) notwithstanding. A person sentenced pursuant to this section shall not be eligible for parole until he or she has served the minimum sentence of confinement imposed by this section."

WYCKOFF of Benton

H—5680

Amend Senate File 85, as amended and passed by the Senate, and reprinted as follows:

1. Page 13A, line 19, by striking the word "not".

2. Page 13A, by striking line 20 and inserting in lieu thereof the following: "sentenced for either the conspiracy or the public offense or both the conspiracy and the public offense."

BRANSTAD of Winnebago

H—5681

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 22, line 15, by striking everything after the word "no".

2. Page 22, line 16, by striking the words "that he has any".

LIPSKY of Linn

H—5682

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 18, by striking lines 35, 36 and 37.

2. Page 19A, by striking line 1 and inserting in lieu thereof the following: "between persons is sexual abuse by either of the participants when the act is performed with".

LIPSKY of Linn
VARLEY of Adair
EGENES of Story
WEST of Marshall

H—5683

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 22, line 32, by striking the words "or innocence".

BRANSTAD of Winnebago

H—5684

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 28B, by inserting after line 38 the following:

"4. The theft of property exceeding fifty dollars in value but not exceeding one hundred dollars in value is theft in the fourth degree. Theft in the fourth degree is punishable by imprisonment for not to exceed sixty days or by a fine of not to exceed two hundred dollars, or both such fine and imprisonment."

2. Page 28B, line 39, by striking the words "one hundred" and by inserting in lieu thereof the word "fifty".

3. Page 28B, line 40, by striking the word "fourth" and by inserting in lieu thereof the word "fifth".

4. Page 28B, line 41, by striking the word "fourth" and by inserting in lieu thereof the word "fifth".

5. Page 220A, line 14, by striking the word "dollars;" and by inserting in lieu thereof the word "dollars."

6. Page 220A, by striking lines 15 through 19.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5685

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 46, line 34, by striking the word "willingly" and inserting in lieu thereof the word "willfully".

LIPSKY of Linn

H—5686

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 52, by adding after line 4 the following new subsection: "..... He has never been convicted of assault or other crime defined in Division VIII of this Act."

LIPSKY of Linn

H—5687

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 153, line 26, by adding the following after the word "person", "if the solicitated person is testifying against a defendant charged with solicitation under Section 501."

BRANSTAD of Winnebago

H—5677

Amend Senate File 1065, as passed by the Senate, as follows:

1. Page 2, by inserting after line 6, the following section:

"Sec. ..... Section two hundred seventy-nine point twenty-three (279.23), Code 1975, is amended to read as follows:

279.23 LEASE ARRANGEMENTS. The board of directors of a local school district for which a schoolhouse tax has been voted pursuant to section 278.1, subsection 7, *or section one (1) of this Act*, may enter into a rental or lease arrangement, consistent with the purposes for which the schoolhouse tax has been voted, for a period not exceeding ten years and not exceeding the period for which the schoolhouse tax has been authorized by the voters."

2. By numbering sections as necessary.

PATCHETT of Johnson

H—5688

Amend Senate File 1065, as passed by the Senate, as follows:

1. Page 2, by inserting after line 6 the following section:

"Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Sun and the Hawkeye Record-Herald, a newspaper published in Mount Vernon, Iowa, and in The Clayton County Register, a newspaper

published in Elkader, Iowa."
2. By numbering sections as necessary.

COMMITTEE ON EDUCATION
PATCHETT of Johnson, Chair

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:52 p.m. until 9:00 a.m., Wednesday, March 10, 1976.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day—Fortieth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, MARCH 10, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Ivan C. Bys, pastor of the United Methodist Church, Osceola, Iowa.

The Journal of Tuesday, March 9, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lee Rosebrook, Ames, Iowa.

PRESENTATION OF DISTINGUISHED GUEST

Krause of Palo Alto presented to the House the Honorable Sylvester Barrett, T.D., spokesman on transportation and power in the Irish Parliament, from County Clare, Ireland. He is the visiting dignitary for the St. Patrick's Day celebration at Emmetsburg, Iowa.

Mr. Barrett addressed the House briefly about Ireland's agriculture and industry and welcomed all Americans to visit his country during the coming tourist season.

Speaker Cochran presented a copy of House Resolution 103, adopted by the House of Representatives, to Mr. Barrett.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-six members of the West Burlington High School girls basketball team, Burlington, Iowa, accompanied by Coach Del Walker. By Monroe of Des Moines.

Thirty-nine students from Holmes Junior High School, Cedar

Falls, Iowa, accompanied by Roger Romine, Dave Andreasen and Lee Rittgers. By O'Halloran of Black Hawk.

Kevin, Matthew and Mary Lyman Ryan, relatives of House page Jan Lyman, from Iowa City, Iowa. By Small of Johnson.

PETITIONS FILED

The following petitions were received and placed on file:

By Baker of Buena Vista from sixteen citizens of O'Brien and Cherokee Counties supporting a change in the school finance formula to reduce the basic school district tax levy from $5.40 per $1000 valuation to $4.59 per $1000 valuation and a raise in the foundation level from 73 percent to 76 percent.

By Krause of Palo Alto, a resolution from the City Council of Council Bluffs, Iowa, favoring passage of House File 1502, relating to a State Transit Assistance Plan.

By Krause of Palo Alto, a resolution from sixteen constituents from the City of Burlington, Iowa, favoring passage of House File 1502, relating to a State Transit Assistance Plan.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 1141, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 8, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1119, a bill for an act relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state.

Also: That the Senate has on March 8, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1233, a bill for an act making a correction to Senate File 1102 enacted by the 1976 Session of the Sixty-sixth General Assembly.

Also: That the Senate insists on its amendment to House File 352, a bill for an act relating to dissolution of marriage, and that the members of the conference committee on the part of the Senate, appointed on March 9, 1976, are: The Senator from Johnson, Mrs. Doderer, chairperson; the Senator from Webster, Mr. Coleman; the Senator from Polk, Mr. Hill; the Senator from Des Moines, Mr. Miller; and the Senator from Scott, Mrs. Shaw.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 113
By Crabb and Pellett

Whereas, H. R. 9182, a bill to "require the federal trade commission, the department of justice, and the department of agriculture, to compile information and annually report to the congress with respect to anti-trust enforcement, market structure, and state of competition in the food industry, and for other purposes", is now pending before the congress of the United States of America; and

Whereas, food production is a major factor in the economy of Iowa; and

Whereas, the foundation of both Iowa agriculture and the rural communities is the family farm; and

Whereas, H. R. 9182, may cause investigation into every segment of agriculture, including the family farm; and

Whereas, after twenty-one years of study by the federal government in this area and such study has sufficiently covered relevant inquiries; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the general assembly calls for strict enforcement of existing anti-trust laws under current provisions for gathering information, and expresses its opposition to the passage of H. R. 9182 for all the reasons previously mentioned and encourages members of the Iowa delegation in congress to oppose passage of H. R. 9182; and

Be It Further Resolved, that copies of this Resolution shall be forwarded to all of the members of the Iowa delegation in congress.

Laid over under Rule 25.

HOUSE RESOLUTION 109
By Krause of Palo Alto

Whereas, the City of Livermore will be hosting the Fourth Annual Little Britches Rodeo Days on June 10th through June 13th of this year, *Now, Therefore,*

Be It Resolved by the House of Representatives that the members of the House extend their heartiest congratulations to the people of the Livermore Community on their celebration; and

Be It Further Resolved that a copy of this resolution be forwarded to the people of the Livermore Community who are in charge of preparing for this celebration.

Laid over under Rule 25.

MOTION TO RECONSIDER WITHDRAWN
(House File 1280)

Gilloon of Dubuque asked and received unanimous consent to withdraw his motion to reconsider **House File 1280** filed by him on March 2, 1976, and found on page 794 of the House Journal.

BUSINESS PENDING AT ADJOURNMENT

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties: and providing penalties for violations of laws of the state to accord with the revised classifications.

Jesse of Polk offered the following amendment H—5415 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5415

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 2, by striking lines 35 and 36.
2. Page 3, by striking line 1.
3. Page 114, line 29, by inserting after the word "name" the words "and if provided by law the degree".
4. By renumbering the remaining sections and internal references to accord with this amendment.

Amendment H—5415 was adopted.

Branstad of Winnebago offered the following amendment H—5655 filed by him and moved its adoption:

H—5655

Amend Senate File 85 as passed and reprinted by the Senate as follows:

1. Page 3, by striking lines 2 through 8.

Amendment H—5655 lost.

Branstad of Winnebago offered the following amendment H—5654 filed by him and moved its adoption:

H—5654

Amend Senate File 85, as passed by the Senate and reprinted, as follows:

1. Page 3, by striking lines 15 through 19.

Amendment H—5654 lost.

Jesse of Polk offered the following amendment H—5416 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5416

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, line 17, by striking the word "meanings" and inserting in lieu thereof the word "meaning" and by striking the words "to that term".

2. Page 3, line 18, by striking the words "is clear that the term".

Amendment H—5416 was adopted.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H—5624 filed by him on March 8, 1976, and found on page 1017 of the House Journal.

Jesse of Polk offered the following amendment H—5650 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5650

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by striking line 23, and inserting the word "vertebrate".

Amendment H—5650 was adopted.

Junker of Woodbury offered the following amendment H—5628 filed by him and moved its adoption:

H—5628

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 3, line 26, by striking the words "principally or regularly".

A non-record roll call was requested.

The ayes were 30, nays 50.

Amendment H—5628 lost.

Jesse of Polk offered the following amendment H—5417 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5417

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, by striking lines 1 and 2.
2. By renumbering the remaining sections to accord with this amendment.

Amendment H—5417 was adopted.

Nielsen of Polk in the chair at 9:50 a.m.

Jesse of Polk offered the following amendment H—5418 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5418

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:
1. Page 4, lines 5 and 6, by striking the words "other living creature" and inserting in lieu thereof the word "animal".

Amendment H—5418 was adopted.

Branstad of Winnebago offered the following amendment H—5638 filed by him and moved its adoption:

H—5638

Amend Senate File 85 as amended and passed by the Senate and reprinted, page 4, line 10, by striking the word "serious".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 26, nays 44.

Amendment H—5638 lost.

Junker of Woodbury offered the following amendment H—5629 filed by him and moved its adoption:

H—5629

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 4, line 12, by inserting after the word "weapon." the following: "Dangerous weapons include, but are not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stilletto, or knife having a blade of three inches or longer in length."

Amendment H—5629 was adopted.

Varley of Adair offered the following amendment H—5639 filed by Varley, et al.:

H—5639

Amend Senate File 85, as amended, passed, and re-

printed by the Senate, as follows:

1. Page 4, by inserting after line 12 the following:

"Sec. ..... *NEW SECTION.* DEATH. "Death" means the condition determined by the following standard: A person will be considered dead if in the announced opinion of a physician, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of a physician, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous brain functions. Death will have occurred at the time when the relevant functions ceased."

2. By renumbering the remaining sections and internal references to accord with this amendment.

Schroeder of Pottawattamie asked for unanimous consent to strike the words "a physician" in lines 8 and 14 of amendment H—5639 and insert in lieu thereof the words "two physicians".

Objection was raised.

Schroeder of Pottawattamie asked for unanimous consent to strike the words "a physician" in line 14 of amendment H—5639 and insert in lieu thereof the words "two physicians".

Objection was raised.

Schroeder of Pottawattamie moved that the rules be suspended to consider an amendment striking the words "a physician" in line 14 of amendment H—5639 and inserting in lieu thereof the words "two physicians".

A non-record roll call was requested.

The ayes were 74, nays 2.

The motion prevailed and the rules were suspended to consider the amendment to amendment H—5639.

Schroeder of Pottawattamie moved the adoption of amendment H—5706 to amendment H—5639 filed by him and Hargrave of Johnson from the floor as follows:

H—5706

Amend amendment H—5639, to page 4 of Senate File 85, as follows:

1. Page 1, line 14, by striking "a physician" and inserting in lieu thereof "two physicians".

Amendment H—5706 was adopted.

Hargrave of Johnson offered the following amendment H—5707, to amendment H—5639, filed by him from the floor.

H—5707

Amend the Varley, et al., amendment H—5639 to Senate File 85, as follows:

1. Page 1, line 17, after the period, add the following:

"Death is to be pronounced before artificial means of supporting respiratory and circulatory function are terminated and before any vital organ is removed for purposes of transplantation."

Hines of Story rose on a point of order that amendment H—5707, to amendment H—5639, was not germane.

The Speaker ruled the point not well taken and amendment H—5707 germane.

Hargrave of Johnson asked and received unanimous consent to withdraw amendment H—5707, to amendment H—5639.

Varley of Adair moved the adoption of amendment H—5639, as amended.

Amendment H—5639, as amended, was adopted.

Jesse of Polk offered the following amendment H—5419 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5419

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 4, line 13, by striking the words "FRAUDULENT PRACTICE. Fraudulent" and inserting in lieu thereof the word "DECEPTION".

2. Page 4, line 14, by striking the word "practice" and inserting in lieu thereof the word "Deception".

Amendment H—5419 was adopted.

Jesse of Polk offered the following amendment H—5420 filed by the subcommittee on the criminal code revision:

H—5420

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 5, line 10, by striking the word "homicide" and inserting in lieu thereof the word "murder".

2. Page 13A, line 22, by striking the word "HOMICIDE" and inserting in lieu thereof the word

"MURDER".

3. Page 13A, line 23, by striking the words "CRIMINAL HOMICIDE" and inserting in lieu thereof the word "MURDER".

4. Page 13A, lines 25 and 26, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

5. Page 13A, line 27, by striking the words "CRIMINAL HOMICIDE" and inserting in lieu thereof the word "MURDER".

6. Page 13A, line 28, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

7. Page 13A, lines 29 and 30, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

8. Page 13B, line 37, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

9. Page 13B, line 39, by striking the words "CRIMINAL HOMICIDE" and inserting in lieu thereof the word "MURDER".

10. Page 13B, line 40, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

11. Page 13B, line 41, by striking the word "criminal".

12. Page 13B, by striking line 42 and inserting in lieu thereof the words "murder which is not murder in the first".

13. Page 13B, line 44, by striking the words "Criminal homicide" and inserting in lieu thereof the word "Murder".

14. Page 13B, lines 49 and 50, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

15. Page 13B, line 51, by striking the word "irresistable" and inserting in lieu thereof the word "irresistible".

16. Page 13B, line 57, by striking the words "may be proved as" and inserting in lieu thereof the word "is".

17. Page 13B, line 58, by striking the words "criminal homicide" and inserting in lieu thereof

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the word "murder".

18. Page 13B, line 65, by inserting after the word "felony" the words "or escape".

19. Page 13C, line 71, by striking the words "may be proved as" and inserting in lieu thereof the word "is".

20. Page 13C, line 72, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

Branstad of Winnebago asked and received unanimous consent that action on amendment H—5420 be temporarily deferred.

Branstad of Winnebago offered the following amendment H—5637 filed by him:

H—5637

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 5, line 11, by striking the words "in the first degree".

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5637.

Branstad of Winnebago offered the following amendment H—5636 filed by him and moved its adoption:

H—5636

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 5, line 16, by inserting after the words "therein, or" the word "adapted".

Amendment H—5636 lost.

Branstad of Winnebago offered amendment H—5635 filed by him. Division was requested as follows:

H—5635

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

H—5635A

1. Page 5, line 21, by inserting after the word "during" the words "part or".

H—5635B

2. Page 5, line 22, by striking the word "directly".

On motion by Branstad of Winnebago, amendment H—5635A was adopted.

Branstad of Winnebago moved the adoption of amendment H—5635B.

A non-record roll call was requested.

The ayes were 26, nays 49.

Amendment H—5635B lost.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Higgins of Scott in the chair.

INTRODUCTION OF BILLS

House File 1526, by Horn, a bill for an act to correct a section of the Code dealing with area education agencies.

Read first time and referred to committee on **education.**

House File 1527, by Patchett, a bill for an act requiring the item pricing of certain merchandise sold at retail by persons utilizing the universal product code and computer scanning registers and providing a penalty.

Read first time and referred to committee on **commerce.**

House File 1528, by committee on commerce, a bill for an act relating to the establishment of electric utility service areas and to the regulation of rural electric cooperative rates by the state commerce commission.

Read first time and **placed on the calendar.**

House File 1529, by committee on commerce, a bill for an act relating to public utility rates.

Read first time and **placed on the calendar.**

House File 1530, by committee on transportation, a bill for an act to declare the policy of the state concerning construction of diagonal primary highways.

Read first time and **placed on the calendar.**

House File 1531, by Bina, a bill for an act relating to municipal art galleries.

Read first time and referred to committee on **cities.**

House File 1532, by committee on human resources, a bill for an act making technical amendments to the Iowa housing finance authority.

Read first time and **placed on the calendar.**

House File 1533, by committee on commerce, a bill for an act relating to state insurance exposures.

Read first time and **placed on the calendar.**

House File 1534, by committee on education, a bill for an act relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population.

Read first time and **placed on the calendar.**

House File 1535, by committee on cities, a bill for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and providing penalties for violations.

Read first time and **placed on the calendar.**

House File 1536, by Higgins, a bill for an act to establish the Iowa mental health authority as an independent agency of state government, and to transfer to it the jurisdiction over the state mental hospitals heretofore placed with the department of social services.

Read first time and referred to committee on **state government.**

House File 1537, by Drake and Krause, a bill for an act relating to the imposition of an annual permit fee for operation of a combination of three vehicles and providing for a single trip permit fee for such vehicle combinations pursuant to chapter three hundred twenty-one E (321E) of the Code.

Read first time and referred to committee on **transportation.**

SENATE MESSAGES CONSIDERED

Senate File 28, a bill for an act repealing the prohibition which disallows a person to hold more than one class of beer permit.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 1017, a bill for an act to provide for the voluntary registration of bicycles.

Read first time and referred to committee on **transportation.**

Senate File 1095, a bill for an act to remove participation of nonaccredited private institutions of higher education from the state tuition grant program.

Read first time and **passed on file.**

Senate File 1200, a bill for an act relating to the regulation of bicycles by the state board of regents.

Read first time and passed on file.

Senate File 1203, a bill for an act relating to bids for maintenance or construction of county buildings.

Read first time and **passed on file.**

Senate File 1209, a bill for an act relating to the hearing on a suspension of a driver's license.

Read first time and **passed on file.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 3, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 106, a bill for an act prohibiting smoking in certain public areas.

Also: That the Senate has on March 8, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1157, a bill for an act restricting the exercise of the right of eminent domain by the Iowa state conservation commission.

STEVEN C. CROSS, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed sixty-three members present, thirty-seven absent.

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, and amendment H—5420 filed by the subcommittee on the criminal code revision.

Branstad of Winnebago offered the following amendment H—5709, to amendment H—5420, filed by him from the floor:

H—5709

Amend amendment H—5420 to page 5 of Senate File 85 as follows:

1. Page 1, by striking lines 3 through 50 and inserting in lieu thereof the following:

"1. Pages 13A through 13C by striking lines 23 through 73 and inserting in lieu thereof the following:

"Section ..... *NEW SECTION.* HOMICIDE DEFINED. Homicide is the killing of a person by another.

"Sec. ..... *NEW SECTION.* MURDER IN THE FIRST DEGREE. A person commits murder in the first degree under any of the following circumstances:

"1. The person with either express or implied malice aforethought deliberately and with premeditation commits homicide.

"2. The person commits homicide while participating in a forcible felony.

"3. The person commits homicide while escaping or attempting to escape from lawful custody.

"Murder in the first degree is a class A felony.

"Sec. ..... *NEW SECTION.* MURDER IN THE SECOND DEGREE. A person commits murder in the second degree when such person with either express or implied malice aforethought commits homicide which is not murder in the first degree.

"Murder in the second degree is a class B felony.

"Sec. ..... *NEW SECTION.* VOLUNTARY MANSLAUGHTER. A person commits voluntary manslaughter when such person intentionally commits a homicide solely as the result of sudden, violent, and irresistable passion caused by adequate provocation and there is not an interval between the provocation and the killing in which a person of ordinary reason and temperament would regain control and suppress the impulse to kill.

"Voluntary manslaughter may be proved as an included offense under an indictment for murder in the first or second degree.

"Voluntary manslaughter is a class C felony.

"Sec. ..... *NEW SECTION.* INVOLUNTARY MANSLAUGHTER.

"1. A person commits involuntary manslaughter and is guilty of a class D felony when such person unintentionally commits a homicide by the com-

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mission of a public offense other than a forcible felony or an escape or attempt to escape from

lawful custody.
2. A person commits involuntary manslaughter and is guilty of an aggravated misdemeanor when such person unintentionally commits a homicide by the commission of an act in a manner likely to cause death or serious injury.
Involuntary manslaughter is not an included offense under an indictment for murder in the first or second degree or voluntary manslaughter.
2. Page 2, by striking line 1.
3. Page 2, by striking lines 7 through 9.

Speaker Cochran in the chair at 2:12 p.m.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5709.

Jesse of Polk asked and received unanimous consent to temporarily defer action on amendment H—5420.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5023 filed by him on January 21, 1976, and found on page 90 of the House Journal.

Branstad of Winnebago offered the following amendment H—5651 filed by him and moved its adoption:

H—5651
Amend Senate File 85, as amended and passed by the Senate and reprinted, page 6, by striking lines 2 through 11.

Amendment H—5651 was adopted.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5632 filed by him on March 8, 1976, and found on page 1018 of the House Journal.

Jesse of Polk offered the following amendment H—5421 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5421
Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 6, by striking lines 12 through 16, and inserting in lieu thereof the following:
Sec. ..... *NEW SECTION.* RECKLESS. A person is reckless or acts recklessly when he or she willfully or wantonly disregards the safety of persons or property.

Amendment H—5421 was adopted.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5631 filed by him on March 8, 1976, and found on page 1018 of the House Journal.

Jesse of Polk offered the following amendment H—5422 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5422

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 6, line 19, by striking the words "either natural or deviate,".

Amendment H—5422 was adopted.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5642 filed by him on March 8, 1976, and found on page 1020 of the House Journal.

Spear of Lee offered the following amendment H—5033 filed by him and moved its adoption:

H—5033

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 6, by striking lines 21 and 22, and inserting in lieu thereof the following: "mouth or tongue of one person and genitalia of another person or by contact between genitalia of one person and the genitalia or anus of another person, or by contact between a finger of one person and the genitalia of another person for the purpose of arousing or satisfying the sexual desires of either, or by use of artificial".

A non-record roll call was requested

The ayes were 70, nays 5.

Amendment H—5033 was adopted.

Nielsen of Polk in the chair at 2:57 p.m.

Jesse of Polk offered the following amendment H—5652 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5652

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 6, line 25, by striking the words "disfigurement, or pro-" and inserting in lieu

thereof the word "disfigurement".
2. Page 6, by striking lines 26 through 29.

Amendment H—5652 lost.

Lipsky of Linn offered the following amendment H—5653 filed by her and moved its adoption:

H—5653

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 6, line 31, by adding after the period the following new section:
"Sec. ..... *NEW SECTION.* PERSON. All references to person in this act are meant to include both male and female human beings. Any reference to the pronoun he or she or other third person personal pronoun shall apply equally to both male and female persons."

Amendment H—5653 lost.

Jesse of Polk offered the following amendment H—5423 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5423

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 6, by striking lines 34 through page 7 line 10 and inserting in lieu thereof the following:
"Sec. 301. *NEW SECTION.* AIDING AND ABETTING. All persons concerned in the commission of a public offense, whether they directly commit the act constituting the offense or aid and abet its commission, shall be charged, tried and punished as principals. The guilt of a person who aids and abets the commission of a crime must be determined upon the facts which show the part he or she had in it, and does not depend upon the degree of another person's guilt."

Amendment H—5423 was adopted.

With the adoption of amendment H—5423, the Speaker announced that amendment H—5643 filed by Kreamer of Polk on March 8, 1976, and found on page 1020 of the House Journal was out of order.

Jesse of Polk offered the following amendment H—5424 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5424

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 7, line 12, by inserting after the word "concert," the word "knowingly".

Amendment H—5424 was adopted.

The House resumed consideration of amendment H—5420.

Branstad of Winnebago offered the following amendment H—5725, to amendment H—5420, filed by him from the floor and moved its adoption:

H—5725

Amend amendment H—5420, to Senate File 85 as amended, passed and reprinted by the Senate, as follows:
1. Page 2, line 6, by striking the word "is" and inserting in lieu thereof the words "is not".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 22, nays 49.

Amendment H—5725 lost.

Jesse of Polk moved the adoption of amendment H—5420, filed by the subcommittee on the criminal code revision.

Amendment H—5420 was adopted.

Kreamer of Polk offered the following amendment H—5622 filed by him and moved its adoption:

H—5622

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:
1. Page 7, line 16, by striking the words "which he did not".
2. Page 7, line 17, by striking the words "expressly or tacitly acquiesce in" and inserting in lieu thereof the words "in which he did not consent".

Amendment H—5622 was adopted.

Jesse of Polk offered the following amendment H—5708 filed by the subcommittee on the criminal code revision from the floor and moved its adoption:

H—5708

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 7, line 23, by striking the word "felon" and inserting in lieu thereof the words "person accused of committing the felony".

2. Page 7, line 24, by striking the words "of the felon" and inserting in lieu thereof the words "of the accused person" and by striking the words "conceals the felon" and inserting in lieu thereof the words "conceals the accused person".

3. Page 7, line 28, by striking the word "offender" and inserting in lieu thereof the words "person accused of committing the misdemeanor".

4. Page 7, line 29, by striking the word "offender" and inserting in lieu thereof the words "accused person".

5. Page 7, line 30, by striking the word "offender" and inserting in lieu thereof the words "accused person".

Amendment H—5708 was adopted.

Junker of Woodbury offered amendment H—5625 filed by him and requested division as follows:

H—5625

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

H—5625A

1. Page 7, line 32, by inserting after the word "officer" the word ", director,".

H—5625B

2. Page 7, lines 33, by striking the word "a" and inserting in lieu thereof the words "the same".

On motion by Junker of Woodbury, amendment H—5625A was adopted

On motion by Junker of Woodbury, amendment H—5625B was adopted.

With the adoption of amendment H—5625B, amendment H—5425 filed by the subcommittee on the criminal code revision on March 3, 1976, and found on page 879 of the House Journal was out of order.

Junker of Woodbury offered the following amendment H—5626 filed by him and moved its adoption:

H—5626

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 8, line 15, by striking the words "public offense" and inserting in lieu thereof the words "simple misdemeanor".

2. Page 8, line 21, by inserting after the word "officer" the word ", director,".

3. Page 8, line 22, by striking the words "his

authority" and inserting in lieu thereof the words "the authority of the agent, officer, director of employee".

Amendment H—5626 was adopted.

Action on amendment H—5690 was temporarily deferred.

Jesse of Polk offered the following amendment H—5426 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5426

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5426A

1. Page 9, line 28, by inserting after the word "property." the words "Nothing in this section authorizes the use of any spring gun or trap which is left unattended and unsupervised and which is placed for the purpose of preventing or terminating criminal interference with the possession of or other right in property."

H—5426B

2. Page 11, by striking lines 14 through 19.

3. By renumbering the remaining sections to accord with this amendment.

On motion by Jesse of Polk, amendment H—5426A was adopted.

On motion by Jesse of Polk, amendment H—5426B was adopted.

With the adoption of amendment H—5426, amendment H—5093 filed by Wyckoff of Benton on February 2, 1976, and found on page 230 of the House Journal, amendment H—5104 filed by Branstad of Winnebago on February 2, 1976, and found on page 231 of the House Journal, and amendment H—5691 filed by Branstad of Winnebago from the floor, as follows, are all out of order:

H—5691

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 11, line 14, by inserting after the word "TRAPS" the words "TO ENTRAP HUMANS".

2. Page 11, line 16, by inserting after the word "injury" the words "to a human".

3. Page 11, line 18, by striking the words "operated by" and inserting in lieu thereof the words "used to entrap".

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk for the remainder of the day on request of Baker of Buena Vista.

Patchett of Johnson asked and received unanimous consent to reconsider the vote by which amendment H—5626 was adopted by the House. Division of the amendment was requested as follows: Lines 3 through 5 to be amendment H—5626B and lines 6 through 11 to be amendment H—5626A.

On motion by Junker of Woodbury, amendment H—5626A was adopted.

On motion by Junker of Woodbury, amendment H—5626B lost.

Kreamer of Polk offered the following amendment H—5690 filed by him from the floor and moved its adoption:

H—5690

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 9, by striking lines 4 through 9 and inserting in lieu thereof the following: "or threat. Reasonable force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to one's life or safety, or the life or safety of a third party, or requires one to abandon or retreat from his dwelling or place of business or employment."

Amendment H—5690 was adopted.

Junker of Woodbury offered the following amendment H—5623:

H—5623

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 9, line 31, by inserting after the word "of" the words "his rights in property or in any public".

Amendment H—5623 was adopted.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H—5627 filed by him on March 8, 1976, and found on page 1017 of the House Journal.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5621 filed by him on March 8, 1976, and found on page 1016 of the House Journal.

Jesse of Polk offered the following amendment H—5427 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5427

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 10, lines 15 and 16, by striking the words "felon, any force which he reasonably believes to be necessary" and inserting in lieu thereof the words "perpetrator, reasonable force".

A non-record roll call was requested.

The ayes were 49, nays 30.

Amendment H—5427 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McElroy of Fremont for the remainder of the day on request of Wyckoff of Benton; Hines of Story at 4:45 p.m. on request of Fitzgerald of Webster.

Speaker Cochran in the chair at 4:43 p.m.

Branstad of Winnebago offered the following amendment H—5664 filed by him and moved its adoption:

H—5664

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 10, line 15, by inserting after the word "force" the words ", including deadly force".

Roll call was requested by Branstad of Winnebago and Wyckoff of Benton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5664 be adopted?"

The ayes were, 47:

Avenson	Dieleman	McElroy	Spear
Baker	Dunton	Menke	Spencer
Bennett	Dyrland	Middleswart	Stromer
Binneboese	Evans	Millen	Tofte
Bortell	Halvorson	Miller, A. V.	Welden
Branstad	Hansen	Miller, K. D.	Wells
Brockett	Harper	Nealson	West
Caffrey	Husak	Newhard	Woods
Clark	Hutchins	Nielsen	Wulff
Crabb	Kreamer	Pellett	Wyckoff
Daggett	Lageschulte	Perkins	Mr. Speaker
Danker	Lindeen	Schroeder	

The nays were, 43:

Anderson	Gentleman	Jordan	Patchett
Bina	Gilloon	Junker	Pavich
Bittle	Griffee	Krause	Readinger
Brunow	Hargrave	Lipsky	Scheelhaase
Connors	Harvey	Mennenga	Small
Crawford	Hennessey	Middleton	Spradling
Cusack	Higgins	Miller, O. L.	Svoboda
Doyle	Horn	Monroe	Tauke
Drake	Howell	Norland	Varley
Egenes	Jesse	Oakley	Walter
Fitzgerald	Jochum	O'Halloran	

Absent or not voting, 10:

Brandt	Hines	Koogler	Poncy
Byerly	Hinkhouse	Lonergan	Rinas
Den Herder	Hullinger		

Amendment H—5664 was adopted.

(Senate File 85 pending at adjournment.)

MOTIONS TO RECONSIDER

(Amendment H—5664 to Senate File 85)

I move to reconsider the vote by which amendment H—5664 to Senate File 85 was adopted by the House.

NIELSEN of Polk

(Amendment H—5418 to Senate File 85)

I move to reconsider the vote by which the Jesse amendment H—5418 to Senate File 85 was adopted by the House on March 10, 1976.

BENNETT of Ida

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the vote was taken on amendment H—5514 to Senate File 85. Had I been present, I would have voted "aye".

EVANS of Grundy

I was necessarily absent from the House chamber when the votes were taken on amendment H—5608 to House File 1470 and amendment H—5514 to Senate File 85. Had I been present, I would have voted "nay".

BITTLE of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented

to the Governor for his approval on this 10th day of March, 1976: House Files 739, 787, 835, 1044, 1081, 1142 and 1362.

DAVID L. WRAY
Chief Clerk of the House

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 10, 1976, he approved and transmitted to the Secretary of State the following bill:

House File 1362, an act relating to payment of judgment by cities.

REPORT OF COMMITTEE

Patchett of Johnson, from the committtee on education, submitted the following report:

MR. SPEAKER: Your committee on education to whom was referred **Senate File 1065**, a bill for an act to permit the same purposes for a schoolhouse tax levied by special election as are permitted for a schoolhouse tax levied by regular election, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended in accordance with amendment H—5688, filed March 9, 1976.**

PATCHETT of Johnson, Chair

AMENDMENTS FILED

H—5722

Amend House File 769 as follows:

1. Page 33, line 14, by striking the word "forty" and inserting in lieu thereof the word "seventy".

BINA of Scott
WELLS of Linn
CLARK of Lee
HARVEY of Scott
JESSE of Polk
DOYLE of Woodbury

H—5720

Amend House File 1163 as follows:

1. Page 1, line 13, by striking the words "*thirty* percent" and inserting in lieu thereof the words "[percent] *fifteen*".

2. Page 1, by striking lines 14 and 15 and inserting in lieu thereof the following: "the appropriate eligible list to fill a vacancy [or among highest five if there are less than fifty on the list]."

KRAUSE of Palo Alto

H—5723

Amend House File 1290 as follows:

1. Page 1, line 4, by striking the word "In" and inserting in lieu thereof the following: "[In] *Effective July 1, 1977, in*".

2. Page 1, line 6, by striking the words "the code" and inserting in lieu thereof the following: "**[the] a code,** *and any provisions of such code which is different from the state building code shall cease to be effective as of that date*".

SCHROEDER of Pottawattamie

H—5718

Amend House File 1400 as follows:

1. Page 2, by inserting after line 19 the following new section:

"Sec. ..... Section four hundred twenty-three point four (423.4), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Tangible personal property used in interstate transportation or interstate commerce."

2. Amend the title, line 2, by inserting after the word "tax" the words "and providing a use tax exemption".

SCHROEDER of Pottawattamie

H—5721

Amend House File 1450 as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the words "by the governor. Any of the following may submit to the governor the names of persons for consideration for appointment to the Spanish-speaking peoples commission:

1. Members of the governor's Spanish-speaking peoples task force.
2. Mexican American recreational club.
3. Des Moines lettuce boycott committee.
4. League of united Latin American citizens.
5. Latin American recreational club.
6. Migrant action program.
7. United international soccer club of Des Moines.
8. Spanish-speaking persons who are not members of any Spanish-speaking association or organization but who have made contributions to the Spanish-speaking community may submit their own names upon the filing of a petition containing the signatures and addresses of twenty-five other Spanish-speaking persons.

Persons appointed by the governor to serve on the governor's Spanish-speaking peoples task force shall not be eligible for appointment to the Spanish-speaking peoples commission until July 1, 1981.

The members".

MIDDLETON of Black Hawk

H—5728

Amend House File 1470 as follows:

1. Page 7, line 9, by striking the words "major

electric".
2. Page 7, line 10, by striking the word "generating".
3. Page 7, line 12, by striking the words "major electric generating".

DOYLE of Woodbury

H—5724

Amend House File 1513 as follows:
1. Page 1, by striking lines 18 and 19 and inserting in lieu thereof the following:
"Sec. 2. Section two point thirteen (2.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:".
2. Page 1, line 20, by striking the words "*NEW SECTION.*" and inserting in lieu thereof the words "2.13 ISSUANCE OF WARRANTS."

MONROE of Des Moines

H—5729

Amend House File 1529 as follows:
1. Page 1, by striking lines 14 through 35 and inserting in lieu thereof the following:
"Sec. 2. Section four hundred ninety-six point two (496.2), Code 1975, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. The commerce commission shall take under study the lifeline and fuel stamp concepts and any other program designed to provide the necessary volume of either gas or electricity to the average residential user. The commission shall submit a report of its findings to the general assembly in January of 1977."
2. Page 2, by striking lines 1 through 25.

COMMITTEE ON COMMERCE
SMALL of Johnson, Chair

H—5692

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 12, by striking lines 18 through 27 and inserting in lieu thereof the following:
"Sec. ..... *NEW SECTION.* CONSPIRACY. Conspiracy is an agreement or combination between two or more persons to engage in a course of conduct which will consist, in whole or in part, of criminal acts to be committed by one or more of the conspirators.
2. Renumber sections and correct internal references in conformance with this amendment.

KREAMER of Polk

H—5693

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 12, line 30, by striking the words "voluntary alliance" and inserting in lieu thereof the word "combination".
2. Page 12, line 32, by striking the words "voluntary alliance" and inserting in lieu thereof the word "combination".
3. Page 13A, by striking lines 2 through 4 and inserting in lieu thereof the following: "in such county; provided, that a person may not be prosecuted more than once for a conspiracy based on the same agreement or combination."

KREAMER of Polk

H—5694

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 13A, by striking lines 5 through 15 and inserting in lieu thereof the following:
"Sec. ..... *NEW SECTION.* PENALTIES. Conspiracy to commit a forcible felony is a class C felony. Conspiracy to commit a felony other than a forcible felony is a class D felony. Conspiracy to commit a misdemeanor of some class is a misdemeanor of the same class."
2. Renumber sections and correct internal references in conformance with this amendment.

KREAMER of Polk

H—5695

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. By striking page 13A, line 23 through page 13C, line 73 and inserting in lieu thereof the following:
"Sec. ..... *NEW SECTION.* HOMICIDE DEFINED. Homicide is the killing of a person by another.
Sec. ..... *NEW SECTION.* MURDER IN THE FIRST DEGREE. A person commits murder in the first degree under any of the following circumstances:
1. The person with either express or implied malice aforethought deliberately and with premeditation commits homicide.
2. The person commits homicide while participating in a forcible felony.
3. The person commits homicide while escaping or attempting to escape from lawful custody.
Murder in the first degree is a class A felony.
Sec. ..... *NEW SECTION.* MURDER IN THE SECOND DEGREE. A person commits murder in the second degree when such person with either express or implied malice aforethought commits homicide which is not murder in the first degree.
Murder in the second degree is a class B felony.
Sec. ..... *NEW SECTION.* VOLUNTARY MANSLAUGHTER. A person commits voluntary manslaughter when such

person intentionally commits a homicide solely as the result of sudden, violent, and irresistable passion caused by adequate provocation and there is not an interval between the provocation and the killing in which a person of ordinary reason and temperament would regain control and suppress the impulse to kill.

Voluntary manslaughter may be proved as an included offense under an indictment for murder in the first or second degree.

Voluntary manslaughter is a class C felony.

Sec. ..... *NEW SECTION.* INVOLUNTARY MANSLAUGHTER.

1. A person commits involuntary manslaughter and is guilty of a class D felony when such person unintentionally commits a homicide by the commission of a public offense other than a forcible felony or an escape or attempt to escape from lawful custody.

2. A person commits involuntary manslaughter and is guilty of an aggravated misdemeanor when such person unintentionally commits a homicide by the commission of an act in a manner likely to cause death or serious injury.

Involuntary manslaughter is not an included offense under an indictment for murder in the first

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or second degree or voluntary manslaughter."

2. Renumber sections and correct internal references in conformance with this amendment.

BRANSTAD of Winnbago

H—5696

Amend amendment H—5075 to page 13B of Senate File 85 as reprinted as follows:

1. By striking lines 7, 8 and 9 and inserting in lieu thereof the following: "is imprisoned in a correctional institution under the jurisdiction of the department of social services, or in a city or county jail."

SPEAR of Lee

H—5697

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 30, by inserting after line 15, the following new section:

"Sec. ..... *NEW SECTION.* PURCHASE OR SALE OF ARTICLES FROM WHICH IDENTIFICATION MARKS HAVE BEEN REMOVED. Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his possession a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, firearm, safe, vacuum cleaner,

dictaphone, watch movement, watch case, or any mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment, from which the manufacturer's name plate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of a serious misdemeanor.

This section does not apply to those cases or instances where any of the changes or alterations enumerated in this section have been customarily made or done as an established practice in the ordinary and regular conduct of business by the original manufacturer or by a duly appointed direct representative, or by other specific authorization from the original manufacturer."

2. By renumbering the remaining sections and internal references to accord with this amendment.

WYCKOFF of Benton

H—5698

Amend the Jesse amendment H—5418, by striking lines 4 and 5 and inserting in lieu thereof the words "or other living creature".

BENNETT of Ida

H—5699

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 35, by inserting after line 3 the following new section:

"Sec. ..... *NEW SECTION.* REMOVAL OF SAFEGUARDS OR DANGER SIGNALS. Whoever shall, without the consent of the person in control thereof, willfully remove, throw down, destroy, or carry away from any highway, street, alley, avenue, or bridge, any lamp, obstruction, guard, or other article or things, or extinguish any lamp or other light, erected or placed thereon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue, or bridge, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding one year."

2. Renumber sections and correct internal references in conformance with this amendment.

KREAMER of Polk

H—5700

Amend Senate File 85 as follows:

1. Page 247, by striking lines 22 through 35.

2. Page 248, by striking lines 1 through 18.

3. Page 424, line 13, by inserting after the word "Chapters" the words "thirty-eight (38),".

KRAUSE of Palo Alto
MONROE of Des Moines

H—5701

Amend Senate File 85 as follows:

1. Page 317 by inserting the following after line 16:

NEW SECTION. MINIMUM SENTENCE. The court shall have the discretion of setting a minimum period a person will be held in custody of up to one-half the maximum indeterminate sentence for persons convicted under section A and B of Section 224 unless the drug sold is a substance included in Schedule III, or is marijuana, or the sale was made in accommodation.

WOODS of Polk

H—5702

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 217A, by striking lines 21 through 34.

SPEAR of Lee

H—5703

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 217A, line 30, by striking the word "five" and inserting in lieu thereof the word "three".

SPEAR of Lee

H—5704

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 36, line 13, by striking the words "an aggravated" and inserting in lieu thereof the words "a simple".

BENNETT of Ida

H—5705

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 225A, by striking lines 31 through 35 and inserting in lieu thereof the following:

"If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more convictions for any felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant has served at least one-half of the maximum term of his sentence."

2. Page 225B, by striking lines 36 and 37.

BENNETT of Ida

H—5710

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 40, by inserting after line 6 the following new section:

"Sec. ..... *NEW SECTION.* FURNISHING WEAPON TO INMATE. Any person not authorized by law who furnishes or knowingly makes available any instrument or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag or metal knuckles or any explosive substance or any dirk or dagger or any other sharpened instrument or any firearm to any inmate at any detention facility, correctional institution or any institution under the management of the department of social services commits a class D felony."

BRANSTAD of Winnebago

H—5711

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 57B, by inserting after line 41 the following new sections:

"Sec. ..... *NEW SECTION.* SODOMY—DEFINITION. Whoever shall have carnal copulation in any opening of the body except sexual parts, with another human being, or shall have carnal copulation with a beast, shall be deemed guilty of sodomy.

Sec. ..... *NEW SECTION.* PUNISHMENT. Any person who shall commit sodomy, shall be imprisoned in the penitentiary not more than ten years."

HALVORSON of Clayton
HARPER of Davis

H—5712

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 57B, by inserting after line 41 the following new section:

"Sec. ..... *NEW SECTION.* ADULTERY. Every person who commits adultery shall be imprisoned in the penitentiary not more than three years, or be fined not exceeding three hundred dollars and imprisoned in the county jail not exceeding one year; and when the crime is committed between parties only one of whom is married, both shall be punished. No prosecution therefore can be commenced except on the complaint of the husband or wife."

HALVORSON of Clayton
HARPER of Davis

H—5714

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 5, line 13 by striking the word "building" and inserting in lieu thereof the word "building,".
2. Page 6, line 22 by striking the word "artifical" and inserting in lieu thereof the word "artificial".
3. Page 15A, line 26, by striking the word "medine" and inserting in lieu thereof the word "medicine".
4. Page 20B, line 36, by striking the word "annus" and inserting in lieu thereof the word "anus".
5. Page 21A, line 13, by striking the word "veneral" and inserting in lieu thereof the word "venereal".
6. Page 65, line 15, by striking the words and figure "eighty point nine (80.9)" and inserting in lieu thereof the words and figure "ninety-seven A point one (97A.1),".
7. Page 65, lines 17 and 18, by striking the words and figure "section two hundred forty-seven point twenty (247.20) and".
8. Page 65, lines 23 and 24, by striking the words and figure "nineteen B point twelve (19B.12)" and inserting in lieu thereof the words and figure "eighteen point twelve (18.12)".
9. Page 65, lines 28 and 29, by striking the words and figure "eighty B point three (80B.3)" and inserting in lieu thereof the words and figure "one hundred seven point thirteen (107.13)".
10. Page 66A, line 33, by striking the word "theless" and inserting in lieu thereof the words "the less".
11. Page 73, line 12, by striking the words "FROM ARRESTING OFFICER".
12. Page 87, line 28, by striking the word "court".
13. Page 88, line 14, by striking the words and figure "one thousand three (1003)" and inserting in lieu thereof the words "one thousand four (1004)".
14. Page 103, line 33, by striking the word "division" and inserting in lieu thereof the word "section".
15. Page 104, line 2, by striking the word "court".
16. Page 104, line 4, by striking the words "district court judges".
17. Page 107, line 4, by striking the word "court".
18. Page 164, line 16, by inserting after the word "to" the words and figure "chapter two (2)".
19. Page 166B, by striking lines 54 through 63.
20. Page 183, line 9, by striking the words and figure "seven hundred fifty-three (753) of the Code" and inserting in lieu thereof the words and figures

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"two (2), division five (5) of this Act".
21. Page 215, lines 4 and 5, by striking the words and figures "two hundred seven (207) and two hundred nine (209)" and inserting in lieu thereof the words and figures "two hundred eight (208) and two hundred

ten (210)".

22. Page 216A, line 27, by striking the words and figure "two hundred ten (210)" and inserting in lieu thereof the words and figure "two hundred eleven (211)".

23. Page 217B, line 48, by striking the words and figure "two hundred seven (207)" and inserting in lieu thereof the words and figure "two hundred eight (208)".

24. Page 230, line 8, by striking the words and figure "two hundred seven (207)" and inserting in lieu thereof the words and figure "two hundred eight (208)".

25. Page 248 by striking lines 27 through page 249 line 6 and inserting in lieu thereof the following:

"Sec. ..... Section forty-eight point five (48.5), subsection three (3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-nine (49) is amended to read as follows:

3. Neither the duplicate registration records open to public inspection nor any list obtained under subsection two (2) of this section shall be used for any purpose of any kind or nature, other than to request a registrant's vote at a primary or general election, or any other bona fide political purpose. The commissioner shall keep a list of the name, address, telephone number, and social security number of each person who copies or obtains copies of the registration lists. Any person that uses such lists in violation of this section shall, upon conviction, be [imprisoned in the county jail, not to exceed one year, or be fined not to exceed one thousand dollars, or by both such fine and imprisonment, for each violation] *guilty of a serious misdemeanor.*"

26. Page 269, by striking lines 17 through page 270 line 1.

27. Page 307, by striking lines 21 through 28.

28. Page 326, by striking lines 11 through 22.

29. Page 345, by striking lines 9 through 27, and inserting in lieu thereof the following:

"Sec. ..... Section three hundred twenty-six point twenty-seven (326.27), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-three (173), section nine

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(9) is amended to read as follows:

326.27 VIOLATIONS TO NEGATE AGREEMENTS. Operation of a commercial vehicle or vehicles in violation of the requirements of this chapter, the motor vehicle registration laws of this state, or the terms of any agreement negotiated by the department pursuant to this chapter may, after due notice and hearing, be grounds for denial of reciprocal or proportional

registration privileges on the vehicle or vehicles of an owner so operated. Any owner denied such reciprocal or proportional registration privileges shall be subject to payment of full anual Iowa registration fees on any such vehicle operated on Iowa highways. In addition to denial of reciprocal or proportional registration privileges, it shall **be a *simple* misdemeanor [punishable upon conviction by a fine of not more than one hundred dollars or imprisonment in the county jail for not more than thirty days], unless such act is declared under Iowa** law to be a felony, for any person to operate under reciprocity or proportional registration in violation of any requirements of this chapter."

30. Page 353, by striking lines 11 and 12 and inserting in lieu thereof the following:

"Sec. ..... Section three hundred sixty-four point five (364.5), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred three (203), section thirteen (13) is amended to read as follows:"

31. Page 369, by striking line 32 through page 370, line 6.

32. Page 370, by striking lines 29 through 34.

33. Page 371, by striking lines 19 through 28.

34. Page 372, by striking lines 2 through 30.

35. Page 374, by striking lines 14 through 24.

36. Page 375, by striking lines 8 through 21, and inserting in lieu thereof the following:

"Sec. ..... Section four hundred seventy-nine point twenty-nine (479.29), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-seven (27) is amended to read as follows:

479.29 PENALTY FOR DISCRIMINATION. Any such corporation guilty of extortion, or of making any unjust discrimination as to freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering freights, shall[, upon conviction thereof, be fined in any sum not less than one thousand dollars nor more than five thousand dollars for the first offense, and for each

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subsequent offense not less than five thousand nor more than ten thousand dollars—such fine to be imposed in a criminal prosecution by indictment] ***be guilty of an aggravated misdemeanor***; **or shall be subject to the liability prescribed in section 479.30, to be recovered as therein provided."**

37. Page 376, by striking line 2 through page 377 line 2.

38. Page 379, by striking line 29 through page 380 line 1.

39. Page 413, by striking line 5 through line

14.

40. Page 413, by striking line 15 through line 21, and inserting in lieu thereof the following:

"Sec. 492. Section five hundred ninety-five point nine (595.9), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred forty-four (244), section three (3), is amended to read as follows:

595.9 VIOLATIONS. If a marriage is solemnized without procuring a license, the parties married, and all persons aiding them, are guilty of a *simple* misdemeanor [and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days]."

41. Page 421, by inserting after line 29 the following:

"Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-nine (99), section twenty-three (23), is amended to read as follows:

SEC. 23. Chapter seven hundred twenty-six (726), Code 1975, is amended by adding the following new section:

NEW SECTION. PENALTY. A person who commits an offense declared in this chapter or chapter ninety-nine B (99B) of the Code to be a misdemeanor shall be [subject to imprisonment in the county jail for a period not exceeding one year, or to a fine not exceeding one thousand dollars, or to both fine and imprisonment] *guilty of a serious misdemeanor.*

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-nine (99), section twenty-four (24) is amended to read as follows:

SEC. 24. Chapter seven hundred twenty-six (726), Code 1975, is amended by adding the following new sections:

NEW SECTION. PROTECTION MONEY PROHIBITED. Any officer or employee of this state, or of a county, city, or judicial district who asks for, receives

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or collects any money or other consideration for and with the understanding that the officer or employee will aid, exempt, or otherwise protect another person from detection, arrest or conviction of any violation of this chapter or chapter ninety-nine B (99B) of the Code commits [a felony punishable by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both fine and imprisonment] *an aggravated misdemeanor.*

NEW SECTION. COLLECTION SERVICE PROHIBITED. Any person who knowingly offers, gives or sells his or her services for use in collecting or enforcing any debt arising from gambling, whether or not lawful gambling, commits [a felony, punishable by a fine not

to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both fine and imprisonment] *an aggravated misdemeanor.*

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred (100), section one (1), unnumbered paragraph three (3) is amended to read as follows:

Any person violating the provisions of this Act is guilty of a *simple* misdemeanor [and shall, upon conviction, be subject to a fine not to exceed one hundred dollars or by imprisonment in the county jail for not more than thirty days, or be subject to both such fine and imprisonment.

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirteen (113), section four (4) is amended to read as follows:

SEC. 4. Chapter one hundred ten B (110B), Code 1975, is amended by adding the following new section:

NEW SECTION. PENALTY. Any person violating any of the provisions of this chapter shall be guilty of a *serious* misdemeanor [and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned in the county jail for not more than thirty days].

Sec. ..... Act of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-two (132), section six (6), is amended to read as follows:

SEC. 6. *NEW SECTION.* OFFENSES AND PENALTIES.

1. A person who is convicted of violating section two (2) of this Act [may be sentenced to a fine not to exceed one hundred dollars, or to imprisonment in the county jail for a period not to exceed thirty days, or both the fine and imprisonment] *is guilty of a simple misdemeanor.*

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2. A person who makes or utters a transportation certificate with knowledge that some or all of the information contained in the certificate is false, or a person who alters, forges, or counterfeits a transportation certificate, or the receipt prescribed in section four (4) of this Act, [commits a public offense and upon conviction may be sentenced to a term in the state penitentiary not to exceed ten years, to a fine not to exceed five thousand dollars, or to both the fine and imprisonment] *is guilty of a class C felony.*

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred forty-four (144), section ten (10), unnumbered paragraph one (1), is amended to read as follows:

A person who establishes, conducts, manages, or operates a center without a license shall be guilty

of a *serious* misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, shall be considered a separate offense.

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred fifty (250), section two (2), subsection four (4), is amended to read as follows:

4. A person who violates the provisions of this section is guilty of a *serious* misdemeanor."

44. Page 424, line 8, by inserting after the figure "(753.8)," the word "and".

45. Page 424, lines 9 through 11, by striking the words and figures "seven hundred eighty-two point nine (782.9), seven hundred eighty-two point ten (782.10), seven hundred eighty-two point eleven (782.11),".

46. Renumbering the remaining sections, subsections, and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5715

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 221, by inserting after line 21 the following:

"DIVISION _____
HABITUAL CRIMINALS

Section 1. *NEW SECTION.* THIRD CONVICTION OF A CLASS B FELONY. Whenever any person has been twice convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least twenty-five years each, he shall, upon conviction of a class B felony committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than fifty years.

Sec. 2. *NEW SECTION.* THIRD CONVICTION OF A CLASS C FELONY. Whenever any person has been twice convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least ten years each, he shall, upon conviction of a class C felony committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than thirty-five years.

Sec. 3. *NEW SECTION.* THIRD CONVICTION OF A CLASS D FELONY. Whenever any person has been twice convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least five years each, he shall, upon conviction of a class D felony committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than twenty-five years.

Sec. 4. *NEW SECTION.* FOURTH CONVICTION OF AN INDICTABLE MISDEMEANOR. Whenever any person has been three times convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least two years each, he shall, upon conviction of an indictable misdemeanor committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than six years.

Sec. 5. *NEW SECTION.* FOURTH CONVICTION OF A NON-

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INDICTABLE MISDEMEANOR. Whenever any person has been three times convicted of a crime in this or any other state, or by the United States, or once in this state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least thirty days each, he shall, upon conviction of an indictable misdemeanor committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than three years.

Sec. 6. *NEW SECTION.* MANDATORY MINIMUM SENTENCE. A person sentenced pursuant to any of the preceding sections in this division shall not be eligible for parole until he has served one-third of his sentence.

Sec. 7. *NEW SECTION.* EVIDENCE. On the trial of any of said offenses named in sections one (1), two (2), three (3), four (4) and five (5) of this division, a duly authenticated copy of the record of the former judgment in any court wherein said conviction was had, for any of said crimes against the party indicted, shall be prima facie evidence of such former conviction and may be used in evidence against said party.

Sec. 8. *NEW SECTION.* PARDON FOR FORMER CRIME. If the person convicted shall show, to the satisfaction of the court before whom such conviction was had, that he was released from imprisonment, upon any of said sentences, upon a pardon granted for the reason that he was innocent, such conviction shall not be considered

as such under any of the previous sections in this division.

HALVORSON of Clayton
KREAMER of Polk

H—5716

Amend Senate File 85 as follows:

1. Section 210, page 218 by inserting after the period on line 9 the following words: "A person sentenced as an incorrigible offender shall not be eligible for parole until he or she has served the minimum sentence of confinement of three years and the Court shall have the additional discretion and power of ordering an incorrigible offender to be held in custody for a minimum period up to, but not to exceed, four-tenths of the maximum indeterminate sentence for incorrigible offenders."

WOODS of Polk

H—5717

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 55, by striking lines 13 through 16.

2. Page 55, by striking lines 30 through page 56 line 3.

3. By renumbering the remaining sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5726

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 33, by inserting after line 27 the following new sections:

"Sec. ..... *NEW SECTION.* MAKING TOOLS FOR COUNTERFEITING. If any person engrave, make, or mend, or begin to engrave, make, or mend, any plate, block, press, or other tool, instrument, or implement, or make or provide any paper or other materials, adapted and designed for the forging or making any false and counterfeit note, certificate, state bond, warrant, or other instrument of public security for money or other property of this state or any other of the United States, or any bank bill, promissory note, draft, or other evidence of debt issued or purporting to be issued by any corporation or company, he shall be imprisoned in the penitentiary not more than five years.

Sec. ..... *NEW SECTION.* POSSESSION OF TOOLS FOR COUNTERFEITING. Every person who has in his possession any such plate or block engraved in any

part, or any press or other tool, instrument, or implement, paper or other materials, adapted and designed as aforesaid, with intent to use the same, or to cause or permit the same to be used, in forging or making any such false and forged certificates, notes, bonds, warrants, public securities, or evidences of debt, shall be imprisoned in the penitentiary not more than five years.

Sec. ..... *NEW SECTION.* COUNTERFEITING COIN. If any person forge or counterfeit any gold or silver coin, current by law or usage within this state, or if any person have in his possession at the same time five or more pieces of false money or coin counterfeited in the similitude of any gold or silver coin current as aforesaid, knowing the same to be false and counterfeit, and with intent to utter or pass the same as true, he shall be imprisoned in the penitentiary not more than ten years.

Sec. ..... *NEW SECTION.* UTTERING OR POSSESSION OF COUNTERFEIT COIN. Any person who has in his possession any number of pieces less than five of the counterfeit coin mentioned in the third new section added by this amendment, knowing the same to be false or counterfeit, with intent to utter or pass the same as true; and any person who utters, passes, or tenders in payment any false and counterfeit coin, knowing the same to be false and counterfeit, shall be imprisoned in the penitentiary not exceeding eight years, or fined not more than five

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hundred dollars and imprisoned in the county jail not exceeding one year.

Sec. ..... *NEW SECTION.* COUNTERFEITING FOREIGN COIN. If any person forge or counterfeit any gold or silver coin of any foreign government or country, with intent to export the same to injure or defraud any such government or the citizens thereof, he shall be imprisoned in the penitentiary not exceeding ten years.

Sec. ..... *NEW SECTION.* COUNTERFEITING PUBLIC SEALS. Every person who is convicted of having forged, counterfeited, or falsely altered the great seal of the state; or the sale of any public office authorized by law; or the seal of any court, corporation, city, or county; or who falsely makes, forges, or counterfeits any impression purporting to be the impression of any such seal, with intent to defraud, shall be imprisoned in the penitentiary not exceeding ten years.

Sec. ..... *NEW SECTION.* COUNTERFEITING BRANDS OR STAMPS. If any person, with intent to defraud, falsely make, forge, or counterfeit any stamp or brand authorized by law to be affixed to any substance or thing whatever; or, knowing such stamp

or brand to be counterfeit, use the same as genuine, with intent to defraud, he shall be imprisoned in the penitentiary not exceeding ten years.

Sec. ..... *NEW SECTION.* POSSESSION OF INSTRUMENTS FOR COUNTERFEITING. If any person cast, stamp, engrave, make, or amend or have in his possession any mold, die, press, or other instrument or tool adapted and designed for the forging and counterfeiting of any coin before mentioned, with intent to use the same, or permit the same to be used, for that purpose, he shall be imprisoned in the penitentiary not more than five years, or be fined not exceeding one thousand dollars and imprisoned in the county jail not more than one year."

2. Renumber sections and correct internal references in conformance with this amendment.

BRANSTAD of Winnebago

H—5713

Amend H—5285, filed by the committee on education, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 2 the following amendment:

"..... Page 1, by inserting before line 1 the following section:

"Section 1. Chapter two hundred seventy-seven (277), Code 1975, is amended by adding the following new section:

NEW SECTION. REGISTRATION FOR ARBITRATORS. Each third voter at the regular school election shall be required to complete a form listing the voter's name and address which form shall be used for selecting arbitrators under sections two hundred seventy-nine point thirteen (279.13) and two hundred seventy-nine point twenty-four (279.24) of the Code. The county commissioner of elections shall prescribe and provide the forms. Voters shall be excused from filing the form if they have served as members of the school board or have been certificated employees of the school board at any time during the preceding four years. Other voters may be excused by the county commissioner of elections of the county in which the school district is located. The completed forms shall be transmitted by the election officials to the secretary of the school board." "

2. Page 2, by inserting after line 41 the following amendments:

"..... Page 5, by inserting after line 8 the following:

"shall set a date for a meeting between the board and the teacher for selection of a panel of arbitrators. At the meeting the secretary of the board shall place the forms containing the names and

addresses of voters eligible to serve as arbitrators, completed at the last preceding school election under the provisions of section one (1) of this Act, in a container and the teacher shall draw the names of eleven potential arbitrators from the container. Within five days following the drawing of names, the school board and the teachers shall each remove four names from the list of potential arbitrators. The three potential arbitrators whose names remain shall serve as the panel of arbitrators.

If the board and the teacher agree at the meeting that the use of the procedure specified in this subsection is unfeasible, the board".

..... Page 5, line 33, by inserting after the word "arbitrator" the words "or panel of arbitrators".

Page 2

..... Page 6, line 3, by inserting after the word "arbitrator" the words "or panel of arbitrators".

..... Page 6, line 4, by inserting after the word "arbitrator" the words "or arbitrators".

..... Page 6, line 7, by inserting after the word "arbitrator" the words "or arbitrators".

..... Page 6, line 9, by inserting after the word "arbitrator" the words "or arbitrators"."

3. Page 2, line 45, by inserting after the word "arbitrator" the words "or arbitrators".

4. Page 2, by inserting after line 46 the following amendments:

"..... Page 6, line 11, by inserting after the word "board" the words "or following selection of the panel of arbitrators".

..... Page 6, line 11, by inserting after the word "arbitrator" the words "or arbitrators".

..... Page 6, line 14, by inserting after the period the following: "The judgment of the appeal by the panel of arbitrators shall be unanimous."

..... Page 6, line 14, by inserting after the word "arbitrator" the words "or arbitrators"."

5. Page 2, by inserting after line 49 the following amendment:

"..... Page 6, line 22, by inserting after the word "arbitrator's" the words "or arbitrators' "."

6. Page 3, by inserting after line 4 the following amendment:

"..... Page 6, line 27, by inserting after the period the following: "The panel of arbitrators shall be paid at the same rate as members of a district court jury.

If a unanimous decision cannot be reached by the panel of arbitrators in the time limits allowed, a new panel of arbitrators shall be selected in the same manner as the original panel." "

7. Page 3, line 8, by inserting after the word "arbitrator's" the words "or arbitrators' ".

8. Page 3, line 12, by inserting after the word "arbitrator's" the words "or arbitrators' ".
9. Page 3, line 14, by inserting after the word "arbitrator" the words "or arbitrators".
10. Page 3, line 15, by inserting after the word "arbitrator's" the words "or arbitrators' ".
11. Page 3, line 16, by inserting after the word **"arbitrator's" the words "or arbitrator's' ".**
12. Page 3, line 18, by inserting after the word "arbitrator's" the words "or arbitrators' ".
13. By renumbering sections as necessary.

MILLER of Buchanan

H—5727

Amend Senate File 1014 as amended and passed by the Senate, page 1, line 24A, by inserting after the word *"vehicles."* the words *"Registration plates issued for county sheriff's patrol vehicles shall display two red stars on a yellow background one before and one following the call number for the vehicle."*

PONCY of Wapello
HORN of Linn

H—5719

Amend Senate File 1141, as amended, passed and reprinted by the Senate, as follows:

1. Page 6, by striking lines 27 and 28.
2. Page 6, by striking lines 31 through 35.
3. Page 7, by striking lines 1 through 11.
4. Page 14, by striking lines 22 and 23.
5. Page 14, by striking lines 29 through 35.
6. Page 15, by striking lines 1 through 8.

SCHROEDER of Pottawattamie

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:09 p.m. until 9:00 a.m., Thursday, March 11, 1976.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day—Forty-first Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, MARCH 11, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Harold Kammeraad, pastor of the Salem Reformed Church, Little Rock, Iowa.

The Journal of Wednesday, March 10, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Bell, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oakley of Clinton on request of Tauke of Dubuque; Brandt of Black Hawk on request of Perkins of Greene; Tofte of Winneshiek on request of Halvorson of Clayton.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty members of the government class from Columbus Community High School, Columbus Junction, Iowa, accompanied by John Bosten and Bob Martin. By Nealson of Muscatine.

Twenty-two members of the senior government class from Nora Springs-Rock Falls Junior-Senior High School, Nora Springs, Iowa, accompanied by Mike Pope. By Howell of Floyd.

Seventeen members of the Clarinda High School girls basketball team from Clarinda, Iowa, accompanied by Coach Kokenge and Mrs. Batten. By Daggett of Adams.

PETITIONS FILED

The following petitions were received and placed on file:

By Menke of O'Brien from thirty-two constituents favoring a change in the school finance formula to reduce the basic school district tax levy.

By Poncy of Wapello from two hundred twenty-seven constituents favoring Senate File 71 relating to reimbursement for property taxes paid and rent constituting property taxes paid by persons sixty-five or totally disabled and Senate File 104 relating to taxation of retirement and disability annuities.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 1065, under Rule 36.

HOUSE CONCURRENT RESOLUTION 114

By Committee on Energy

Whereas, the 1975 interim ad hoc committee on radiation safety recommended the creation of a comprehensive state radiation program including provisions for the statutory division of radiation safety and source monitoring responsibilities among various state agencies; and

Whereas, the report included the specific recommendation that radiation producing machinery used in the healing arts be registered or inspected by the state; and

Whereas, the standing subcommittee on nuclear and radiation safety of the house standing committee on energy has initiated efforts to survey health institutions and practitioners to determine the numbers and types of radiation producing machinery currently in use in the state so that a final decision might be reached concerning what type of source monitoring program should be established; *Now, Therefore,*

Be It Resolved by the House of Representatives, That the Legislative Council authorize the standing subcommittee on nuclear and radiation safety of the House standing committee on energy to meet during the 1976 interim for the purpose of continuing their investigation of radiation producing machinery used in the healing arts and to further study and formulate recommendations concerning the statutory division of responsibilities recommended as part of the comprehensive state radiation safety programs by the ad hoc committee.

Be It Further Resolved, That a final report of the subcommittee's findings and recommendations be submitted for consideration by the standing committee on energy

and members of the Sixty-seventh General Assembly meeting in regular session in 1977.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 115
By Middleton

Whereas, the Iowa civil rights commission was established in 1965 to eliminate discrimination and provide equal opportunity for all residents of this state; and

Whereas, these goals have not been accomplished due to a number of reasons including conflicts between commissioners and staff members; and

Whereas, these conflicts have resulted in local human rights commissions throughout the state being hampered in performing their duties to the point of loss of federal funds and the ability to investigate complaints deferred to them by the Iowa civil rights commission; and

Whereas, the resolution of complaints by local human rights commissions would reduce the backlog of complaints filed with the Iowa civil rights commission; ***Now, Therefore,***

Be It Resolved by the House of Representatives, the Senate Concurring, That the civil rights commission should be on notice that if the conflicts between commissioners and staff members are not resolved within a reasonable time, not to exceed thirty days, appropriate measures will be taken by the General Assembly to remove the authority of the civil rights commission to handle complaints.

Laid over under Rule 25.

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

MR. SPEAKER: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Miles round trip
Donald H. Binneboese	470

Respectfully submitted,
WILLIAM B. GRIFFEE
MAURICE HENNESSEY
JAMES D. JORDAN

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 9, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1098, a bill for an act relating to the authority of the board of regents to administer trusts.

Also: That the Senate has on March 10, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1047, a bill for an act broadening the powers of a notary public.

Also: That the Senate has on March 10, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1230, a bill for an act relating to the Iowa Civil Rights Act of 1965.

STEVEN C. CROSS, Secretary

ADOPTION OF HOUSE RESOLUTION 107

Wells of Linn called up for consideration **House Resolution 107** filed on March 9, 1976, and found on page 1023 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House rose and extended its appreciation to the House pages.

SPECIAL RECOGNITION

Wells of Linn rose on a point of personal privilege and offered the following remarks:

It has come to my attention that a member of the legislative news corps has this year reached a significant milestone in his career.

Mr. Frank Nye, of the Cedar Rapids Gazette, is now in his fortieth year of legislative coverage—his long career being launched in 1936 with an assignment to cover a three-day special session called by Governor Herring relating to employment security—with forty years behind him—it appears Frank's employment is secure.

It is our honor to be able to share with Frank the satisfaction he surely must feel for forty years of distinctive service through his excellent coverage of the Legislature.

Although some of us have "eaten our hats", I would guess that very few have eaten a newspaper—therefore, we invite all of you to experience a first—newspaper will be served for your enjoyment at my desk.

And—again to Frank—we are counting on continuing "good news."

The House rose and extended congratulations to Mr. Nye who responded with brief remarks.

BUSINESS PENDING AT ADJOURNMENT

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Jesse of Polk offered amendment H—5428 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5428

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

H—5428A

1. Page 10, line 19, by inserting after the word "using" the word "reasonable".

H—5428B

2. Page 10, lines 20 and 21, by striking the words ", including deadly force, which he reasonably believes to be necessary".

H—5428C

3. Page 10, line 29, by inserting after the word "knows" the words "or should have known".

On motion by Jesse of Polk, amendment H—5428A was adopted.

Jesse of Polk asked for unanimous consent to strike the words ", including deadly force" in line 6 of amendment H—5428B.

Objection was raised.

Nielsen of Polk moved to suspend the rules for the consideration of an amendment to amendment H—5428B, to strike the words in line 6 ", including deadly force".

A non-record roll call was requested.

The ayes were 69, nays 7.

The motion prevailed and the rules were suspended to consider the amendment to amendment H—5428B.

Nielsen of Polk moved the adoption of amendment H—5731, to amendment H—5428B, filed by him from the floor as follows:

H—5731

Amend amendment H—5428 to page 10 of Senate File 85 as follows:

1. Page 1, by striking ", including deadly force".

A non-record roll call was requested.

The ayes were 58, nays 12.

Amendment H—5731 was adopted.

Jesse of Polk moved the adoption of amendment H—5428B, as amended.

Amendment H—5428B, as amended, was adopted.

Spear of Lee offered the following amendment H—5312 filed by him:

H—5312

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 10, by striking lines 27 through 29 and inserting in lieu thereof the following: "place. An officer is justified in using deadly force only when the officer reasonably believes that the person attempting to escape is armed with a dangerous weapon, or is confined on a charge or conviction of a felony, or that there is a substantial risk that the person attempting to escape will cause death or serious physical injury unless his or her escape is prevented".

Spear of Lee offered the following amendment H—5340, to amendment H—5312, filed by him and moved its adoption:

H—5340

Amend the Spear amendment, H—5312 to page 10 of Senate File 85 as reprinted as follows:

1. Line 9, by inserting after the word "felony" the words "or an aggravated misdemeanor".

A non-record roll call was requested.

The ayes were 42, nays 28.

Amendment H—5340 was adopted.

Spear of Lee moved the adoption of amendment H—5312, as amended.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 47, nays 44.

Amendment H—5312, as amended, was adopted.

With the adoption of amendment H—5312, as amended, amendment H—5428C and amendment H—5641 filed by Kreamer of Polk on March 8, 1976, and found on page 1019 of the House Journal, are out of order.

Jesse of Polk offered the following amendment H—5429 filed by the subcommittee on the criminal code revision:

H—5429

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 11, by striking lines 1 through 13.

2. By renumbering the remaining sections to accord with this amendment.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Millen of Van Buren and Varley of Adair, at 11:00 a.m. on request of Speaker Cochran; Connors of Polk at 11:20 a.m. on request of Speaker Cochran.

Jesse of Polk moved the adoption of amendment H—5429.

A non-record roll call was requested.

The ayes were 54, nays 28.

Amendment H—5429 was adopted.

With the adoption of amendment H—5429, amendment H—5613, filed by Welden of Hardin on March 8, 1976, and found on pages 1015 and 1016 of the House Journal, was out of order.

Jesse of Polk offered the following amendment H—5430 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5430

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 11, by striking lines 25 through 35.

2. Page 12, by striking lines 1 through 15.

3. Page 181, by striking lines 23 through 25.

4. By renumbering the remaining sections and internal references to accord with this amendment.

Amendment H—5430 was adopted.

With the adoption of amendment H—5430, amendment H—5663, filed by Branstad of Winnebago on March 9, 1976, and found on pages 1050 and 1051 of the House Journal, was out of order.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Avenson of Fayette in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stromer of Hancock for the afternoon session on request of Speaker Cochran; Husak of Tama for the afternoon session on request of Wyckoff of Benton; Higgins of Scott for the afternoon session on request of Jochum of Dubuque.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 9, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 584, a bill for an act relating to competition between business, commercial, or professional entities.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 584

H—5733

Amend House File 584, as amended and passed by the House and reprinted, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* SHORT TITLE. This Act shall be known and may be cited as the "Iowa Competition Law".

Sec. 2. *NEW SECTION.* CONSTRUCTION. This Act shall be construed to complement and be harmonized with the applied laws of the Untied States which have the same or similar purpose as this Act. This construction shall not be made in such a way as to constitute a delegation of state authority to the federal government, but shall be made to achieve uniform application of the state and federal laws prohibiting restraints of economic activity and

monopolistic practices.

Sec. 3. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Commodity" means tangible or intangible property, real, personal, or mixed.

2. "Enterprise" means a business, commercial or professional entity, including a corporation, partnership, limited partnership, professional corporation, proprietorship, incorporated or unincorporated association, or other form of organization.

3. "Government agency" means the state, its political subdivisions, and any public agency supported in whole or in part by taxation.

4. "Person" means a natural person, estate, trust, enterprise or government agency.

5. "Price" includes the terms and conditions of sale, rental, rate, fee, or any other form of payment for a commodity or service.

6. "Relevant market" means the geographical area of actual or potential competition in a line of commerce, all or any part of which is within this state.

7. "Service" means any activity which is performed in whole or part for financial gain.

8. "Trade or commerce" means any economic activity involving or relating to any commodity, service, or business activity.

Sec. 4. *NEW SECTION.* RESTRAINT PROHIBITED. A contract, combination, or conspiracy between two or more persons shall not restrain or monopolize trade or commerce in a relevant market.

Sec. 5. *NEW SECTION.* MONOPOLY PROHIBITED. A person shall not attempt to establish or establish,

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maintain, or use a monopoly of trade or commerce in a relevant market for the purpose of excluding competition or of controlling, fixing, or maintaining prices.

Sec. 6. *NEW SECTION.* EXEMPTIONS. This Act shall not be construed to prohibit:

1. The activities of any labor organization, individual members of such an organization, or group of such organizations, of any employer or group of employers, or of any groups of employees, if these activities are directed solely to legitimate labor objectives which are permitted under the laws of either this state or the United States.

2. The activities of any agricultural or horticultural organization, whether incorporated or unincorporated, or of the individual members of such organizations, if these activities carry out the legitimate objectives of such organizations, to the extent permitted under the laws of either this state

or the United States.

3. The activities of persons engaged in the production of agricultural products when these persons act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing the products of these persons, to the extent permitted under the laws of either this state or the United States. Activities included under this subsection are the maintaining of marketing and purchasing agencies in common and the making of necessary contracts and agreements to effect such purposes. However, such associations must be operated for the mutual benefit of these persons acting as producers to qualify under this subsection.

4. The activities or arrangements expressly approved or regulated by any regulatory body or officer acting under authority of this state or of the United States.

Sec. 7. *NEW SECTION.* ATTORNEY GENERAL TO ENFORCE.

The attorney general, with such assistance as may be required from time to time of the county attorneys in their respective counties, shall institute all civil actions and proceedings brought under this Act in the name of the state.

Sec. 8. *NEW SECTION.* VENUE. A suit or proceeding brought under this Act may be brought in the county where the cause of action arose, where any defendant resides or transacts business, or where an act in furtherance of the conduct prohibited by this Act occurred.

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Sec. 9. *NEW SECTION.* INVESTIGATION.

1. If the attorney general has reasonable cause to believe that a person has engaged in or is engaging in conduct prohibited by this Act, the attorney general shall make such investigation as is deemed necessary and may, prior to the commencement of a suit against this person under this Act:

a. Issue written demand on this person, its officers, directors, partners, fiduciaries, or employees to compel their attendance before the attorney general and examine them under oath;

b. Issue written demand to produce, examine, and copy a document or tangible item in the possession of this person or its officers, directors, partners, or fiduciaries;

c. Upon an order of a district court, pursuant to a showing that such is reasonably necessary to an investigation being conducted under this section:

(1) Compel the attendance of any other person before the attorney general and examine this person under oath;

(2) Require the production, examination, and copying of a document or other tangible item in the possession of such person; and,

d. Upon an order of a district court, impound a document or other tangible item produced pursuant to this section and retain possession of it until the completion of all proceedings arising out of the investigation.

2. A written demand or court order issued pursuant to this section shall contain the following information, as applicable:

a. A reference to this Act and a general description of the subject matter being investigated;

b. The date, time and place at which any person is to appear or to produce documents or other tangible items;

c. Where the production of documents or other tangible items is required, a description of such documents or items by class with sufficient clarity so that they may be reasonably identified.

3. Any procedure, testimony taken, or material produced under this section shall be sealed by the court and be kept confidential by the attorney general, until an action is filed against a person under this Act for the violation under investigation, unless confidentiality is waived by the person being investigated and the person who has testified, answered interrogatories, or produced material, or unless disclosure is authorized by the court. However, the

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attorney general may, at any time, transmit information collected under this section to the antitrust division of the United States department of justice and to the attorney general's office of any other state.

4. This Act shall not be construed to limit or abridge statutory or constitutional limitations on self-incrimination.

Sec. 10. *NEW SECTION.* INVESTIGATION ENFORCEMENT. If a person objects or otherwise fails to obey a written demand or court order issued under section nine (9) of this Act, the attorney general may file in the district court of the county in which the person resides or maintains a principal place of business within this state an application for an order to enforce the demand or order. Notice of hearing and a copy of the application shall be served upon the person, who may appear in opposition to the application. If the court finds that the demand or order is proper, that there is reasonable cause to believe there has been a violation of this Act, and that the information sought or document or object demanded is relevant to the violation, it shall order the person to comply with the demand or order, subject to such modification as the court may prescribe.

Upon motion by the person and for good cause shown, the court may make any further order in the proceedings which justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense.

Sec. 11. *NEW SECTION.* PROTECTIVE ORDERS. Upon application of any person who was served a written demand or court order under section nine (9) of this Act, upon notice and hearing, and for good cause shown, the district court may make any order which justice requires to protect the person from annoyance, embarrassment, oppression, or undue burden of expense, including the following:

1. That the examination of this person shall not be taken or that documents or other tangible items shall not be produced for inspection and copying;

2. That the examination or production of documents or other tangible items shall be had only on specified terms and conditions, including a change in the time or place;

3. That certain matters shall not be inquired into or that the scope of the examination or production shall be limited to certain matters;

4. That the examination or production and inspection shall be conducted with only those persons present as designated by the court;

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5. That the transcript of the examination shall be sealed and be opened only by order of the court;

6. That a trade secret or other confidential research, development, or commercial information shall not be disclosed or shall be disclosed only in a designated way.

Sec. 12. *NEW SECTION.* REMEDIES. The state or a person who is injured or threatened with injury by conduct prohibited under this Act may bring suit to:

1. Prevent or restrain conduct prohibited under this Act and remove the conduct's effect by injunction, divestiture, divorcement, dissolution of domestic enterprises right to do business in this state, compelling the forfeiture or restraint of the issuance of a certificate of incorporation, permit to transact business, license, or franchise, or granting other equitable relief. The state may bring suit under this section without posting bond.

2. Recover actual damages resulting from conduct prohibited under this Act.

3. Recover, at the court's discretion, exemplary damages which do not exceed twice the actual damages awarded under subsection two (2) of this section if:

a. The trier of fact determines that the prohibited conduct is willful or flagrant; and,

b. The person bringing suit is not the state.

4. Recover the necessary costs of bringing suit, including a reasonable attorney fee. However, the state may not recover any attorny fee.

Sec. 13. *NEW SECTION.* CIVIL PENALTY. In addition to suit under section twelve (12) of this Act, the state may bring suit to assess a civil penalty against an enterprise whose conduct is prohibited under this Act. The suit may be tried to the jury and the civil penalty provided for in this section shall be imposed by the court. The civil penalty assessed shall not exceed ten percent of the total value of the specific commodities by their brand, make, and size or of services either of which were the subject of the prohibited conduct sold in the relevant market in this state by the enterprise in each year in whch this conduct occurred, but this penalty shall not exceed one hundred fifty thousand (150,000) dollars. In computing this penalty, only the four most recent years in which the prohibited conduct occurred, as of commencement of suit under this section, shall be used in the computation.

Sec. 14. *NEW SECTION.* LIMITATIONS.

1. Suit by the state under section thirteen (13)

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of this Act must be commenced within four years after the cause of action accrues or, if there is fraudulent concealment of this cause of action, within four years after the cause of action becomes known, whichever period is later.

2. Suit by any person under section twelve (12) of this Act must be commenced within four years after the cause of action accrues. However, if this cause is based, in whole or part, on the same set of facts as alleged in a suit brought under section thirteen (13) of this Act, this period shall be extended until one year after the suit brought under section thirteen (13) of this Act is concluded.

Sec. 15. *NEW SECTION.* PRIMA FACIE EVIDENCE. A final decree or judgment, other than a consent decree or consent judgment entered before trial, in a suit brought by the state under sections twelve (12) and thirteen (13) of this Act, is prima facie evidence against the defendant in a suit brought by any person other than the state under section twelve (12) of this Act as to all matters respecting which this decree or judgment would be an estoppel between the state and the defendant. This section shall not affect the application of collateral estoppel or issue preclusion.

Sec. 16. Chapter five hundred fifty-three (553), Code 1975, is repealed.

Sec. 17. *NEW SECTION.* EFFECTIVE DATE. This Act shall take effect on January 1, 1977."

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR

(15-Minute)

House File 1410, a bill for an act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land, was taken up for consideration.

Scheelhaase of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1410)

The ayes were, 69:

Anderson	Dyrland	Lageschulte	Readinger
Baker	Gentleman	Lindeen	Scheelhaase
Bennett	Gilloon	Lipsky	Schroeder
Bina	Halvorson	Lonergan	Small
Binneboese	Hansen	McElroy	Spear
Bittle	Hargrave	Menke	Spencer
Bortell	Harper	Mennenga	Spradling
Branstad	Hennessey	Middleswart	Svoboda
Brunow	Hines	Miller, A. V.	Tauke
Cochran	Hinkhouse	Miller, K. D.	Walter
Crawford	Howell	Miller, O. L.	Welden
Cusack	Hullinger	Newhard	Wells
Daggett	Hutchins	Norland	West
Danker	Jochum	O'Halloran	Woods
Den Herder	Jordan	Patchett	Wulff
Dieleman	Junker	Pavich	Mr. Speaker (Avenson)
Doyle	Koogler	Poncy	
Dunton	Kreamer		

The nays were, 5:

Caffrey	Nielsen	Perkins	Wyckoff
Egenes			

Absent or not voting, 26:

Brandt	Evans	Jesse	Oakley
Brockett	Fitzgerald	Krause	Pellett
Byerly	Griffee	Middleton	Rinas
Clark	Harvey	Millen	Stromer
Connors	Higgins	Monroe	Tofte
Crabb	Horn	Nealson	Varley
Drake	Husak		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1143, a bill for an act relating to the immunization of persons attending elementary or secondary schools or institutions of higher education and to the authority of the state depart-

ment of health to modify immunization requirements for admission to school, with report of committee recommending amendment and passage, was taken up for consideration.

Cusack of Scott offered the following amendment H—5299 filed by the committee on human resources and moved its adoption:

H—5299

Amend House File 1143 as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the following:

"1. Every parent or legal guardian shall assure that his or her minor children residing in the state have been adequately immunized against diptheria, pertussis, tetanus, poliomyelitis, rubeola, and rubella according to recommendations provided by the state department of health".

2. Page 1, by striking lines 8, 9, 10, and 11 and inserting in lieu thereof the following:

"2. No person shall be enrolled in any licensed child care center, elementary or secondary school in Iowa without evidence of adequate immunization against diptheria, pertussis, tetanus, poliomyelitis, rubeola, and rubella, except as provided".

3. Page 1, by striking lines 17 and 18 and inserting in lieu thereof the following: "a requirement for enrollment to an elementary or secondary school or licensed child care centers."

4. Page 1, by striking from line 19, "A form of immunization" and inserting in lieu thereof the following: "Immunization".

5. Page 1, by striking lines 20 and 21 and inserting in lieu thereof the following: "enrollment in any elementary or secondary school or licensed child care center".

6. Page 1, by striking lines 23 and 24 and inserting in lieu thereof the following: "a. A statement signed by a doctor, who is licensed by the state board of medical examiners, in which".

7. Page 2, by striking lines 1 and 2 and inserting in lieu thereof the following: "5. A person may be provisionally enrolled in an elementary or secondary school or licensed child care center if".

8. Page 2, by striking line 8 and inserting in lieu thereof the following: "or licensed child care center."

9. Page 2, by striking line 9 and inserting in lieu thereof the following: "6. It shall be the duty of the local board of health".

10. Page 2, by striking lines 12 and 13 and

inserting in lieu thereof the following: "enrolled in any elementary or secondary school or licensed child care center has been immunized in accordance with".

11. Page 2, by striking line 18 and inserting in lieu thereof the following: "7. The local

Page 2

boards of health shall provide the required".

12. Page 2, by striking lines 21, 22, and 23 and inserting in lieu thereof the following:

"8. The state department of health shall promulgate rules and regulations for the implementation of this Act and shall provide said rules to local school boards and local boards of health."

13. Title Page, by striking lines 2 and 3 and inserting in lieu thereof the following: "elementary or secondary schools or licensed child care centers and to the authority of the state department".

14. Page 2, by striking line 28 and inserting in lieu thereof the following : "or secondary school or licensed child care centers in".

Amendment H—5299 was adopted.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1143)

The ayes were, 76:

Anderson	Egenes	Koogler	Readinger
Baker	Evans	Kreamer	Rinas
Bennett	Fitzgerald	Lageschulte	Scheelhaase
Bina	Gentleman	Lipsky	Schroeder
Binneboese	Gilloon	Lonergan	Small
Bittle	Griffee	McElroy	Spear
Bortell	Halvorson	Menke	Spencer
Branstad	Hansen	Mennenga	Spradling
Brockett	Hargrave	Middleswart	Svoboda
Brunow	Harper	Miller, A. V.	Tauke
Caffrey	Hennessey	Miller, K. D.	Walter
Clark	Hines	Miller, O. L.	Welden
Cochran	Hinkhouse	Newhard	Wells
Crawford	Horn	O'Halloran	West
Cusack	Hullinger	Patchett	Woods
Daggett	Hutchins	Pavich	Wulff
Den Herder	Jochum	Pellett	Wyckoff
Doyle	Jordan	Perkins	Mr. Speaker (Avenson)
Dunton	Junker	Poncy	
Dyrland			

The nays were, 3:

Danker	Dieleman	Howell

Absent or not voting, 21:

Brandt	Higgins	Middleton	Norland
Byerly	Husak	Millen	Oakley
Connors	Jesse	Monroe	Stromer
Crabb	Krause	Nealson	Tofte
Drake	Lindeen	Nielsen	Varley
Harvey			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

RETURNED TO REGULAR CALENDAR

House File 1446, a bill for an act relating to exemptions from residency requirements for certain degree-granting institutions, was taken up for consideration.

Debate having exceeded the allowed time, the Speaker announced the bill would be returned to the regular calendar.

Tauke of Dubuque moved that the rules be suspended to continue debate of House File 1446.

A non-record roll call was requested.

The ayes were 39, nays 34.

The motion having failed to receive a constitutional majority lost and **House File 1446** was returned to the **regular calendar.**

House File 1436, a bill for an act relating to the state psychopathic hospital, was taken up for consideration.

Dyrland of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1436)

The ayes were, 79:

Baker	Den Herder	Harper	Lageschulte
Bennett	Dieleman	Harvey	Lindeen
Bina	Doyle	Hennessey	Lipsky
Binneboese	Drake	Hines	Lonergan
Bittle	Dunton	Hinkhouse	McElroy
Branstad	Dyrland	Horn	Menke
Brockett	Egenes	Howell	Mennenga
Brunow	Evans	Hullinger	Middleswart
Clark	Fitzgerald	Hutchins	Middleton
Cochran	Gentleman	Jochum	Miller, A. V.
Crawford	Gilloon	Junker	Miller, K. D.
Cusack	Halvorson	Koogler	Miller, O. L.
Daggett	Hansen	Krause	Monroe
Danker	Hargrave	Kreamer	Newhard

Nielsen	Readinger	Spradling	West
Patchett	Scheelhaase	Svoboda	Woods
Pavich	Schroeder	Tauke	Wulff
Pellett	Small	Walter	Wyckoff
Perkins	Spear	Welden	Mr. Speaker
Poncy	Spencer	Wells	(Avenson)

The nays were, 4:

Anderson	Bortell	Griffee	Jordan

Absent or not voting, 17:

Brandt	Higgins	Nealson	Rinas
Byerly	Husak	Norland	Stromer
Caffrey	Jesse	Oakley	Tofte
Connors	Millen	O'Halloran	Varley
Crabb			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1390, a bill for an act relating to civil damages for the taking of game or furbearing animals, was taken up for consideration.

Wyckoff of Benton offered the following amendment H—5381 filed by him and moved its adoption:

H—5381

Amend House File 1390 as follows:

1. Page 1, by striking lines 34 and 35.

2. Page 2, by striking lines 1 through 6.

3. Page 2, by inserting after line 14 the following new section:

"Sec. ..... Chapter one hundred nine (109), Code 1975, is amended by adding the following new section:

NEW SECTION. Service of process upon or arrest of any person charged with provisions of this chapter for which damages may be assessed pursuant to section one hundred nine point one hundred thirty (109.30) of the Code, shall serve as notice of the pendency of the liquidated damage claim. Trial on the criminal charge may be separated from the determination of the liquidated damage claim in the discretion of the court or by the request of the defendant, but upon conviction of the defendant in the criminal case, the only issue to be determined by the court on the liquidated damage claim is the fact of such conviction."

Amendment H—5381 was adopted.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1390)

The ayes were, 82:

Anderson	Egenes	Junker	Poncy
Baker	Evans	Koogler	Readinger
Bennett	Fitzgerald	Krause	Rinas
Bina	Gentleman	Kreamer	Scheelhaase
Binneboese	Gilloon	Lageschulte	Schroeder
Bittle	Griffee	Lindeen	Small
Bortell	Halvorson	Lipsky	Spear
Branstad	Hansen	Lonergan	Spencer
Brockett	Hargrave	McElroy	Spradling
Brunow	Harper	Menke	Svoboda
Clark	Harvey	Mennenga	Tauke
Cochran	Hennessey	Middleswart	Walter
Crawford	Hines	Miller, A. V.	Welden
Cusack	Hinkhouse	Miller, K. D.	Wells
Daggett	Horn	Miller, O. L.	West
Danker	Howell	Newhard	Woods
Dieleman	Hullinger	Nielsen	Wulff
Doyle	Hutchins	Patchett	Wyckoff
Drake	Jesse	Pavich	Mr. Speaker (Avenson)
Dunton	Jochum	Pellett	
Dyrland	Jordan	Perkins	

The nays were, none.

Absent or not voting, 18:

Brandt	Den Herder	Monroe	O'Halloran
Byerly	Higgins	Nealson	Stromer
Caffrey	Husak	Norland	Tofte
Connors	Middleton	Oakley	Varley
Crabb	Millen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Cochran in the chair at 2:20 p.m.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Kreamer of Polk offered the following amendment H—5692 filed by him:

H—5692

1 **Amend Senate File 85, as amended, passed and re-**

printed by the Senate, as follows:
1. Page 12, by striking lines 18 through 27 and inserting in lieu thereof the following:
"Sec. ..... *NEW SECTION.* CONSPIRACY. Conspiracy is an agreement or combination between two or more persons to engage in a course of conduct which will consist, in whole or in part, of criminal acts to be committed by one or more of the conspirators.
2. Renumber sections and correct internal references in conformance with this amendment.

Jesse of Polk asked and received unanimous consent to defer action on amendment H—5692.

Branstad of Winnebago offered the following amendment H—5662 filed by him:

H—5662
Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:
1. Page 12, by striking line 21 and inserting in lieu thereof the following: "or part, of a criminal act to be committed by one or more of".
2. Page 12, line 22, by inserting after the word "conspirators" the words ", whether or not the purpose of the conspiracy is accomplished".

Branstad of Winnebago asked and received unanimous consent to defer action on amendment H—5662.

Kreamer of Polk offered the following amendment H—5693 filed by him and moved its adoption:

H—5693
Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 12, line 30, by striking the words "voluntary alliance" and inserting in lieu thereof the word "combination".
2. Page 12, line 32, by striking the words "voluntary alliance" and inserting in lieu thereof the word "combination".
3. Page 13A, by striking lines 2 through 4 and inserting in lieu thereof the following: "in such county; provided, that a person may not be prosecuted more than once for a conspiracy based on the same agreement or combination."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 58, nays 15.

Amendment H—5693 was adopted.

Jesse of Polk offered the following amendment H—5431 filed by the subcommittee on the criminal code revision:

H—5431

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 13A, by striking lines 5 through 15, and inserting in lieu thereof the following:
"Sec. ..... *NEW SECTION.* PENALTIES. A person who commits a conspiracy to commit a forcible felony is guilty of a class C felony. A person who commits a conspiracy to commit a felony, other than a forcible felony, is guilty of a class D felony. A person who commits a conspiracy to commit a misdemeanor is guilty of a misdemeanor of the same class."

Amendment H—5431 was adopted.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5694 filed by him on March 10, 1976, and found on page 1083 of the House Journal.

Branstad of Winnebago offered the following amendment H—5680 filed by him and moved its adoption:

H—5680

Amend Senate File 85, as amended and passed by the Senate, and reprinted as follows:
1. Page 13A, line 19, by striking the word "not".
2. Page 13A, by striking line 20 and inserting in lieu thereof the following: "sentenced for either the conspiracy or the public offense or both the conspiracy and the public offense."

A non-record roll call was requested.

The ayes were 20, nays 48.

Amendment H—5680 lost.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5695 filed by him on March 10, 1976, and found on pages 1083 and 1084 of the House Journal.

Spear of Lee offered the following amendment H—5075 filed by him:

H—5075

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 13B, by inserting after line 36 the following new subsection:
"The person kills a peace officer, correctional officer, public employee, or hostage while such person is imprisoned in a county jail or correctional

institution under the juridiction of the department of social services."

Spear of Lee offered the following amendment H—5696, to amendment H—5075, filed by him and moved its adoption:

H—5696

Amend amendment H—5075 to page 13B of Senate File 85 as reprinted as follows:

1. By striking lines 7, 8 and 9 and inserting in lieu thereof the following: "is imprisoned in a correctional institution under the jurisdiction of the department of social services, or in a city or county jail."

Amendment H—5696 was adopted.

Spear of Lee moved the adoption of amendment H—5075, as amended.

A non-record roll call was requested.

The ayes were 67, nays 1.

Amendment H—5075, as amended, was adopted.

(Senate File 85 pending and placed under unfinished business.)

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR (15-Minute)

House File 1365, a bill for an act relating to acceptance of deposits by state banks, credit unions and savings and loan associations, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1365)

The ayes were, 64:

Anderson	Cusack	Harper	Lipsky
Avenson	Dieleman	Hennessey	Lonergan
Baker	Doyle	Hines	McElroy
Bina	Dunton	Hinkhouse	Menke
Binneboese	Dyrland	Horn	Mennenga
Brockett	Egenes	Jesse	Middleswart
Brunow	Fitzgerald	Jochum	Middleton
Byerly	Gentleman	Jordan	Miller, A. V.
Caffrey	Gilloon	Junker	Miller, O. L.
Clark	Halvorson	Koogler	Monroe
Crabb	Hansen	Krause	Norland
Crawford	Hargrave	Lindeen	Patchett

Pavich	Rinas	Svoboda	Woods
Perkins	Schroeder	Walter	Wulff
Poncy	Small	Wells	Wyckoff
Reading**er**	Spencer	West	Mr. Speaker

The nays were, 17:

Bennett	Danker	Kreamer	Scheelhaase
Bittle	Drake	Lageschulte	Spear
Bortell	Evans	Nielsen	Spradling
Bran**stad**	Harvey	Pellett	Welden
Daggett			

Absent or not voting, 19:

Brandt	Howell	Miller, K. D.	Stromer
Connors	Hullinger	Nealson	Tauke
Den Herder	Husak	Newhard	Tofte
Griffee	Hutchins	Oakley	Varley
Higgins	Millen	O'Halloran	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 379 WITHDRAWN

Egenes of Story asked and received unanimous consent to withdraw **House File 379** from further consideration by the House.

STEERING COMMITTEE CALENDAR

House File 1456, a bill for an act authorizing counties to appropriate moneys for the purpose of making grants to rural water districts, was taken up for consideration.

Jordan of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1456)

The ayes were, 82:

Anderson	Crawford	Griffee	Jordan
Baker	Cusack	Halvorson	Junker
Bennett	Daggett	Hansen	Koogler
Bina	Danker	Hargrave	Krause
Binneboese	Dieleman	Harper	Kreamer
Bittle	Doyle	Harvey	Lageschulte
Bortell	Drake	Hennessey	Lindeen
Branstad	Dunton	Hines	Lipsky
Brockett	Dyrland	Hinkhouse	Lonergan
Brunow	Egenes	Horn	McElroy
Byerly	Evans	Howell	Menke
Caffrey	Fitzgerald	Hullinger	Mennenga
Clark	Gentleman	Jesse	Middleswart
Crabb	Gilloon	Jochum	Middleton

Miller, A. V.	Pellett	Spear	Welden
Miller, O. L.	Perkins	Spencer	Wells
Monroe	Poncy	Spradling	West
Newhard	Readinger	Svoboda	Woods
Nielsen	Scheelhaase	Tauke	Wyckoff
Patchett	Schroeder	Walter	Mr. Speaker
Pavich	Small		

The nays were, none.

Absent or not voting, 18:

Avenson	Husak	Norland	Stromer
Brandt	Hutchins	Oakley	Tofte
Connors	Millen	O'Halloran	Varley
Den Herder	Miller, K. D.	Rinas	Wulff
Higgins	Nealson		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House File 1410. Had I been present, I would have voted "aye".

BROCKETT of Marshall

I was necessarily absent from the House chamber when the vote was taken on House File 1410. Had I been present, I would have voted "aye".

FITZGERALD of Webster

I was necessarily absent from the House chamber when the vote was taken on amendment H—5664 to Senate File 85. Had I been present, I would have voted "aye".

KOOGLER of Mahaska

COMMUNICATIONS

Communications were received from the following and are on file in the office of the Chief Clerk:

The Thirty-ninth Annual Report from the Iowa Employment Security Commission.

The official report of the Governor's Spanish Speaking Task Force.

MOTIONS TO RECONSIDER
(House File 1436)

I move to reconsider the vote by which House File 1436 passed the House on March 11, 1976.

SPRADLING of Sioux

(Amendment H—5312 to Senate File 85)

I move to reconsider the vote by which amendment H—5312, as amended, to Senate File 85 was adopted by the House.

SPEAR of Lee

(House File 1365)

I move to reconsider the vote by which House File 1365 passed the House.

SCHROEDER of Pottawattamie
AVENSON of Fayette

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 124 **Ways and Means**
Relating to use of funds made available to the state of Iowa under United States public law ninety-three dash six hundred forty-seven (93-647).

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 11, 1976, he approved and transmitted to the Secretary of State the following bills:

Senate File 442, an act relating to permissible investments by a state bank acting in a fiduciary capacity.

Senate File 1089, an act making an appropriation to the moneys and credits replacement fund.

Senate File 1090, an act relating to the appropriation of the Department of Public Safety made for the fiscal year beginning July 1, 1975.

SUBCOMMITTEE ASSIGNMENTS

House File 153
Human Resources
Tofte, Chair
Schroeder
Anderson

House File 420
Human Resources
Lipsky, Chair
Higgins
Newhard

House File 639
Human Resources
Middleton, Chair
Newhard
Crawford

House File 689
Human Resources
Cusack, Chair
Lipsky
Miller of Buchanan

House File 699
Human Resources
Crawford, Chair
Miller of Buchanan
Hargrave

House File 819
Human Resources
Anderson, Chair
Hansen
Den Herder

House File 1061
Human Resources
Anderson, Chair
Caffrey
Den Herder

House File 1095
Human Resources
Middleton, Chair
Newhard
Crawford

House File 1116
Human Resources
Lonergan, Chair
Cusack
Hansen

House File 1131
Human Resources
Lipsky, Chair
Hargrave
Newhard

House File 1143
Human Resources
Newhard, Chair
Cusack
Hansen

House File 1150
Human Resources
Higgins, Chair
Lipsky
Newhard

House File 1152
Human Resources
Higgins, Chair
Middleton
Hargrave

House File 1162
Human Resources
Higgins, Chair
Middleton
Crawford

House File 1165
Human Resources
Cusack, Chair
Crawford
Readinger

House File 1174
Human Resources
Den Herder, Chair
Monroe
Tofte

House File 1182
Human Resources
Brunow, Chair
Middleton
Crawford

House File 1194
Human Resources
Den Herder, Chair
Lipsky
Newhard

House File 1219
Human Resources
Newhard, Chair
Lipsky
Den Herder

House File 1232
Human Resources
Miller of Buchanan, Chair
Hansen
Tofte

House File 1259
Human Resources
Hansen, Chair
Newhard
Den Herder

Senate File 387
Human Resources
Brunow, Chair
Lonergan
Hansen

Senate File 1067
Human Resources
Readinger, Chair
Monroe
Lonergan

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1222,** a bill for an act appropriating funds to the department of general services for capital improvements, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1223,** a bill for an act making a supplemental appropriation to the campaign finance disclosure commission, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1226,** a bill for an act to appropriate and authorize expenditures for centralized printing, centralized purchasing and the vehicle dispatcher, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—5738

1 Amend House File 544 as follows:

1. Page 1, line 29, by inserting after the word "reports." the words "However, the term does not include any person commonly known as an abstractor to the extent the person prepares written statements, reports or abstracts of or relating to the condition of title to real property if those statements, reports or abstracts contain only information which relates to title to real property and which is a matter of public record."

2. Page 2, line 13, by inserting after the word **"agency." the words "However, the term does not include** any person commonly known as an abstractor to the extent the person prepares written statements, reports or abstracts of or relating to the condition of title to real property if those statements, reports or abstracts contain only information which relates to **title to real** property and which is a matter of public record."

PATCHETT of Johnson

H—5737

Amend House File 1400 as follows:

1. Page 1, line 8, by inserting after the word "property" the words ***"except industrial machinery or equipment"*.**

2. Page 1, line 24, by inserting after the period the following: ***"All tangible personal property exempt from imposition of such tax is hereby specifically exempted from the sales tax imposed by section 422.43 of the Code."***

HARPER of Davis

H—5730

Amend Senate File 85 as passed, amended, and reprinted by the Senate as follows:

1. Page 15B, line 43 by inserting after the word "or" the word "felonious".

2. Page 15B, line 46 by inserting after the word "and" the word "voluntary".

3. Page 15B, line 50 by striking the word "or" and inserting in lieu thereof the word "and".

KREAMER of Polk

H—5732

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 28A, line 3, by striking the words "may infer" and inserting in lieu thereof the words "shall presume".

BRANSTAD of Winnebago

H—5735

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 28A, line 3, by striking the word "infer" and inserting in lieu thereof the word "presume".

BRANSTAD of Winnebago

H—5736

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 60, by inserting after line 27 the following:

"Sec. ..... *NEW SECTION.* TRANSACTING BUSINESS WITHOUT A LICENSE. If any person carry on or transact any business or occupation without license for it, when such license is required by any law of the state, he shall be fined not exceeding one hundred dollars or imprisoned in the county jail not exceeding thirty days."

HANSEN of O'Brien

H—5739

Amend Senate File 85, as passed and reprinted by the Senate, as follows:

1. Page 22, line 1, by striking after the word "class" the letter "C" and inserting in lieu thereof the letter "B".

KREAMER of Polk

H—5740

Amend amendment H—5440 to page 24 of Senate File 85, as follows:

1. Line 5, by striking the words "whose ownership or security interest in the" and inserting in lieu thereof the words "who owns said".

2. Lines 7 and 8, by striking the words "equals ninety percent or more of its value,".

3. Lines 10 and 11, by striking the words "which he has not knowingly contracted for".

BRANSTAD of Winnebago

H—5741

Amend Senate File 85 as follows:

1. Page 51A, line 20 by striking the word "shall" and inserting in lieu thereof the word "may".

2. Page 51A, lines 20 and 21, by striking the words "established by the commission, and".

WYCKOFF of Benton

H—5742

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 219, by striking lines 13 through 33.

BRANSTAD of Winnebago

H—5743

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 216A, by striking lines 13 through 20.
2. Renumber the bill sections accordingly.

BRANSTAD of Winnebago

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Avenson of Fayette, the House adjourned at 3:40 p.m. until 10:00 a.m., Monday, March 15, 1976.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day—Forty-second Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, MARCH 15, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Clemens Hartfield, pastor of St. Paul's Lutheran Church, Council Bluffs, Iowa.

The Journal of Thursday, March 11, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. A. S. Owca, Centerville, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleton of Black Hawk on request of Hargrave of Johnson.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Eighteen members of Girl Scout Troop 1296, Clinton, Iowa, accompanied by Jan Peterson, Edith Graham and Doris Carstensen. By Mennenga of Clinton and Oakley of Clinton.

Sixty ninth grade students from Benton Community High School, Van Horne, Iowa, accompanied by Milt Jensen, Phil Luksetich, Leroy Price and Edna Heitmann. By Husak of Tama, Svoboda of Iowa and Wyckoff of Benton.

Forty fifth grade students from Rex Mathes School, West Des Moines, Iowa, accompanied by Mrs. Freed, Mrs. LaRue and Mrs. Monen. By Bittle of Polk.

PETITIONS FILED

The following petitions have been received and placed on file:

By Stromer of Hancock from sixty-six constituents request-

ing the use of a hearing officer instead of an outside arbitrator in Senate File 205, concerning teacher dismissal procedures.

By Varley of Adair from one hundred forty-two constituents opposing Section 411 of Senate File 85, and future legislation harmful to wildlife or its habitat.

By Husak of Tama, a petition from fifty-two residents of Grinnell College, Grinnell, Iowa, in support of decriminalization of the possession of marijuana for personal use.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on Senate Files 1222, 1223 and 1226, under Rule 36.

INTRODUCITION OF BILL

House File 1538, by committee on commerce, a bill for an act relating to pipelines and underground gas storage and providing penalties.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 106, a bill for an act prohibiting smoking in certain public areas, and providing a penalty.

Read first time and **passed on file.**

Senate File 1047, a bill for an act broadening the powers of a notary public.

Read first time and **passed on file.**

Senate File 1119, a bill for an act relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state.

Read first time and **passed on file.**

Senate File 1157, a bill for an act restricting the exercise of the right of eminent domain by the Iowa state conservation commission.

Read first time and **passed on file.**

Senate File 1230, a bill for an act relating to the Iowa Civil Rights Act of 1965.

Read first time and **passed on file.**

Senate File 1233, a bill for an act making a correction to Senate File one thousand one hundred two (1102) enacted by the 1976 Session of the Sixty-sixth General Assembly.

Read first time and **passed on file.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on March 12, 1976, insisted on its amendment in lines 30, 31 and 32, page 2; lines 24 and 25, page 3; lines 40 through 43, page 4; and lines 5 through 8, page 5, of the Senate amendment to House File 292, a bill for an act to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(5-Minute)

House File 1053, a bill for an act relating to the notation of an anatomical gift on an operator's or chauffeur's license, with report of committee recommending passage, was taken up for consideration.

Millen of Van Buren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1053)

The ayes were, 91:

Anderson	Cusack	Hennessey	Mennenga
Avenson	Daggett	Higgins	Middleswart
Baker	Danker	Hines	Millen
Bennett	Den Herder	Hinkhouse	Miller, A. V.
Bina	Dieleman	Horn	Miller, K. D.
Binneboese	Drake	Hullinger	Miller, O. L.
Bittle	Dunton	Husak	Nealson
Bortell	Dyrland	Hutchins	Newhard
Brandt	Evans	Jochum	Nielsen
Branstad	Fitzgerald	Jordan	Norland
Brockett	Gentleman	Koogler	Oakley
Brunow	Gilloon	Krause	O'Halloran
Byerly	Griffee	Kreamer	Patchett
Caffrey	Halvorson	Lageschulte	Pavich
Clark	Hansen	Lindeen	Pellett
Connors	Hargrave	Lipsky	Perkins
Crabb	Harper	McElroy	Poncy
Crawford	Harvey	Menke	Readinger

Rinas	Spencer	Tofte	Woods
Scheelhaase	Spradling	Varley	Wulff
Schroeder	Stromer	Walter	Wyckoff
Small	Svoboda	Wells	Mr. Speaker
Spear	Tauke	West	

The nays were, none.

Absent or not voting, 9:

Doyle	Jesse	Lonergan	Monroe
Egenes	Junker	Middleton	Welden
Howell			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1165, a bill for an act amending certain programs for elderly, handicapped and low income persons, was taken up for consideration.

Avenson of Fayette offered the following amendment H—5609 filed by him and moved its adoption:

H—5609

Amend House File 1165 as follows:

1. Page 3, by striking lines 11 through 20.

Amendment H—5609 was adopted.

Avenson of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1165)

The ayes were, 92:

Anderson	Danker	Howell	Nealson
Avenson	Den Herder	Hullinger	Newhard
Baker	Dieleman	Husak	Nielsen
Bennett	Drake	Hutchins	Norland
Bina	Dunton	Jochum	Oakley
Binneboese	Dyrland	Jordan	O'Halloran
Bittle	Evans	Koogler	Patchett
Bortell	Fitzgerald	Krause	Pavich
Brandt	Gentleman	Kreamer	Pellett
Branstad	Gilloon	Lageschulte	Perkins
Brockett	Griffee	Lindeen	Poncy
Brunow	Halvorson	Lipsky	Readinger
Byerly	Hansen	McElroy	Rinas
Caffrey	Hargrave	Menke	Scheelhaase
Clark	Harper	Mennenga	Schroeder
Connors	Harvey	Middleswart	Small
Crabb	Higgins	Millen	Spear
Crawford	Hines	Miller, A. V.	Spencer
Cusack	Hinkhouse	Miller, K. D.	Spradling
Daggett	Horn	Miller, O. L.	Stromer

Svoboda	Varley	Wells	Wulff
Tauke	Walter	West	Wyckoff
Tofte	Welden	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Doyle	Hennessey	Junker	Middleton
Egenes	Jesse	Lonergan	Monroe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1298, a bill for an act relating to the prohibition of toxic extinguishers, with report of committee recommending passage, was taken up for consideration.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1298)

The ayes were, 91:

Anderson	Dunton	Koogler	Perkins
Avenson	Dyrland	Krause	Poncy
Baker	Evans	Kreamer	Readinger
Bennett	Fitzgerald	Lageschulte	Rinas
Bina	Gentleman	Lindeen	Scheelhaase
Binneboese	Gilloon	Lipsky	Schroeder
Bittle	Griffee	McElroy	Small
Bortell	Halvorson	Menke	Spear
Brandt	Hansen	Mennenga	Spencer
Branstad	Hargrave	Middleswart	Spradling
Brockett	Harper	Millen	Stromer
Brunow	Harvey	Miller, A. V.	Tauke
Byerly	Hennessey	Miller, K. D.	Tofte
Caffrey	Higgins	Miller, O. L.	Varley
Clark	Hines	Nealson	Walter
Connors	Hinkhouse	Newhard	Welden
Crabb	Horn	Nielsen	Wells
Crawford	Howell	Norland	West
Cusack	Husak	Oakley	Woods
Daggett	Hutchins	O'Halloran	Wulff
Danker	Jesse	Patchett	Wyckoff
Dieleman	Jochum	Pavich	Mr. Speaker
Drake	Jordan	Pellett	

The nays were, none.

Absent or not voting, 9:

Den Herder	Hullinger	Lonergan	Monroe
Doyle	Junker	Middleton	Svoboda
Egenes			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 1200 SUBSTITUTED FOR HOUSE FILE 1435

Miller of Calhoun asked and received unanimous consent to substitute Senate File 1200 for House File 1435.

Senate File 1200, a bill for an act relating to the regulation of bicycles by the state board of regents, was taken up for consideration.

Miller of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1200)

The ayes were, 90:

Anderson	Drake	Koogler	Perkins
Avenson	Dunton	Krause	Poncy
Baker	Dyrland	Kreamer	Readinger
Bennett	Evans	Lageschulte	Rinas
Bina	Fitzgerald	Lindeen	Scheelhaase
Binneboese	Gentleman	Lipsky	Schroeder
Bittle	Gilloon	Lonergan	Small
Bortell	Halvorson	McElroy	Spear
Brandt	Hansen	Menke	Spencer
Branstad	Hargrave	Mennenga	Spradling
Brockett	Harper	Middleswart	Stromer
Brunow	Harvey	Millen	Svoboda
Byerly	Hennessey	Miller, A. V.	Tauke
Caffrey	Hines	Miller, K. D.	Tofte
Clark	Hinkhouse	Nealson	Varley
Connors	Horn	Newhard	Walter
Crabb	Howell	Nielsen	Welden
Crawford	Hullinger	Oakley	Wells
Cusack	Husak	O'Halloran	West
Daggett	Hutchins	Patchett	Woods
Danker	Jesse	Pavich	Wyckoff
Den Herder	Jochum	Pellett	Mr. Speaker
Dieleman	Jordan		

The nays were, 1:

Wulff

Absent or not voting, 9:

Doyle	Higgins	Middleton	Monroe
Egenes	Junker	Miller, O. L.	Norland
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1435 WITHDRAWN

Miller of Calhoun asked and received unanimous consent to withdraw **House File 1435** from further consideration by the House.

House File 1439, a bill for an act relating to birds of prey, was taken up for consideration.

Perkins of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1439)

The ayes were, 80:

Anderson	Drake	Jordan	Perkins
Avenson	Dunton	Koogler	Poncy
Baker	Dyrland	Kreamer	Readinger
Bennett	Evans	Lageschulte	Rinas
Bina	Fitzgerald	Lonergan	Schroeder
Binneboese	Gentleman	McElroy	Small
Bortell	Gilloon	Menke	Spencer
Brandt	Halvorson	Mennenga	Spradling
Branstad	Hansen	Middleswart	Stromer
Brockett	Hargrave	Millen	Svoboda
Byerly	Harper	Miller, A. V.	Tauke
Caffrey	Harvey	Miller, K. D.	Tofte
Clark	Hennessey	Miller, O. L.	Varley
Connors	Higgins	Nealson	Welden
Crabb	Hinkhouse	Newhard	Wells
Cusack	Horn	Nielsen	West
Daggett	Hullinger	Norland	Woods
Danker	Husak	Oakley	Wulff
Den Herder	Hutchins	O'Halloran	Wyckoff
Dieleman	Jesse	Patchett	Mr. Speaker

The nays were, 15:

Bittle	Hines	Lindeen	Scheelhaase
Brunow	Howell	Lipsky	Spear
Crawford	Jochum	Pavich	Walter
Griffee	Krause	Pellett	

Absent or not voting, 5:

Doyle	Junker	Middleton	Monroe
Egenes			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1460, a bill for an act striking references to the Iowa Annie Wittenmyer Home, was taken up for consideration.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1460)

The ayes were, 92:

Anderson	Doyle	Jochum	Pellett
Avenson	Drake	Jordan	Perkins
Baker	Dunton	Koogler	Poncy
Bennett	Dyrland	Krause	Readinger
Bina	Evans	Lageschulte	Rinas
Binneboese	Fitzgerald	Lindeen	Scheelhaase
Bittle	Gentleman	Lipsky	Schroeder
Bortell	Gilloon	Lonergan	Small
Brandt	Griffee	McElroy	Spear
Branstad	Halvorson	Menke	Spencer
Brockett	Hansen	Mennenga	Spradling
Brunow	Hargrave	Middleswart	Stromer
Byerly	Harper	Millen	Svoboda
Caffrey	Harvey	Miller, K. D.	Tauke
Clark	Hennessey	Miller, O. L.	Tofte
Connors	Higgins	Nealson	Varley
Crabb	Hinkhouse	Newhard	Walter
Crawford	Horn	Nielsen	Welden
Cusack	Howell	Norland	West
Daggett	Hullinger	Oakley	Woods
Danker	Husak	O'Halloran	Wulff
Den Herder	Hutchins	Patchett	Wyckoff
Dieleman	Jesse	Pavich	Mr. Speaker

The nays were, 1:

Hines

Absent or not voting, 7:

Egenes	Kreamer	Miller, A. V.	Wells
Junker	Middleton	Monroe	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1463, a bill for an act relating to the weighing of bulk commodities, was taken up for consideration.

Crabb of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1463)

The ayes were, 91:

Anderson	Clark	Gentleman	Horn
Avenson	Connors	Gilloon	Howell
Baker	Crabb	Griffee	Hullinger
Bennett	Crawford	Halvorson	Husak
Bina	Cusack	Hansen	Hutchins
Binneboese	Danker	Hargrave	Jesse
Bittle	Dieleman	Harper	Jochum
Brandt	Drake	Harvey	Jordan
Branstad	Dunton	Hennessey	Koogler
Brockett	Dyrland	Higgins	Krause
Brunow	Evans	Hines	Kreamer
Byerly	Fitzgerald	Hinkhouse	Lageschulte

Lindeen	Nealson	Readinger	Tofte
Lipsky	Newhard	Rinas	Varley
Lonergan	Nielsen	Scheelhaase	Walter
McElroy	Norland	Schroeder	Welden
Menke	Oakley	Small	Wells
Mennenga	O'Halloran	Spear	West
Middleswart	Patchett	Spencer	Woods
Millen	Pavich	Spradling	Wulff
Miller, A. V.	Pellett	Stromer	Wyckoff
Miller, K. D.	Perkins	Svoboda	Mr. Speaker
Miller, O. L.	Poncy	Tauke	

The nays were, none.

Absent or not voting, 9:

Bortell	Den Herder	Egenes	Middleton
Caffrey	Doyle	Junker	Monroe
Daggett			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1361, a bill for an act relating to short-term loans of cities, was taken up for consideration.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1361)

The ayes were, 88:

Anderson	Dieleman	Jordan	Perkins
Avenson	Drake	Koogler	Poncy
Baker	Dunton	Krause	Readinger
Bennett	Dyrland	Lageschulte	Rinas
Bina	Fitzgerald	Lindeen	Scheelhaase
Binneboese	Gentleman	Lipsky	Schroeder
Bittle	Gilloon	Lonergan	Small
Bortell	Griffee	McElroy	Spear
Brandt	Hansen	Menke	Spencer
Branstad	Hargrave	Mennenga	Spradling
Brockett	Harper	Millen	Stromer
Brunow	Harvey	Miller, A. V.	Svoboda
Byerly	Hennessey	Miller, O. L.	Tauke
Caffrey	Higgins	Nealson	Tofte
Clark	Hines	Newhard	Varley
Connors	Hinkhouse	Nielsen	Walter
Crabb	Horn	Norland	Welden
Crawford	Howell	Oakley	Wells
Cusack	Husak	O'Halloran	West
Daggett	Hutchins	Patchett	Woods
Danker	Jesse	Pavich	Wulff
Den Herder	Jochum	Pellett	Mr. Speaker

The nays were, 4:

Evans	Halvorson	Miller, K. D.	Wyckoff

Absent or not voting, 8:

Doyle	Hullinger	Kreamer	Middleton
Egenes	Junker	Middleswart	Monroe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 1048)

Wyckoff of Benton called up for consideration the motion to reconsider **House File 1048**, filed on March 2, 1976, and moved to reconsider the vote by which House File 1048, a bill for an act to prohibit the jailing of juveniles for misdemeanor offenses committed in violation of chapter three hundred twenty-one (321) of the Code, passed the House on February 27, 1976.

A non-record roll call was requested.

The ayes were 35, nays 50.

The motion lost.

MOTION TO RECONSIDER WITHDRAWN
(House File 1365)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider **House File 1365** filed by him on March 11, 1976, and found on page 1124 of the House Journal.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, and amendment H—5692.

Jesse of Polk asked and received unanimous consent to substitute the following amendment H—5745, filed by him and Kreamer of Polk from the floor, for amendment H—5692 and that amendment H—5692 be withdrawn:

H—5745

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 12, by striking lines 18 through 27 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* CONSPIRACY. Conspiracy is an agreement or combination between two or more persons to engage in a course of conduct which will consist, in whole or in part, of criminal acts to be committed by one or more of the conspirators. A person shall not be convicted of a conspiracy without proof of an overt act by one or more of the conspirators evidencing a design to accomplish the purpose of the conspiracy by criminal means."

Jesse of Polk moved the adoption of amendment H—5745.

Amendment H—5745 was adopted.

With the adoption of amendment H—5745, amendment H—5662, filed by Branstad of Winnebago on March 9, 1976, and found on page 1050 of the House Journal, was out of order.

Gentleman of Polk offered amendment H—5561 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5561

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

H—5561A

1. Page 15A, line 20, by striking the words "Any person who".

2. Page 15A, by striking lines 21 through 31.

H—5561B

3. Page 15B, by striking lines 57 through 68.

4. By renumbering the remaining sections and internal references to accord with this amendment.

Avenson of Fayette in the chair at 11:45 a.m.

Gentleman of Polk moved the adoption of amendment H—5561A.

Roll call was requested by Kreamer of Polk and Gentleman of Polk.

On the question "Shall amendment H—5561A be adopted?"

The ayes were, 14:

Bittle	Danker	Jesse	Oakley
Brandt	Egenes	Millen	Readinger
Crawford	Gentleman	Newhard	Schroeder
Cusack	Hargrave		

The nays were, 81:

Anderson	Gilloon	Lageschulte	Rinas
Baker	Griffee	Lindeen	Scheelhaase
Bennett	Halvorson	Lipsky	Small
Bina	Hansen	Lonergan	Spear
Binneboese	Harper	Menke	Spencer
Bortell	Harvey	Mennenga	Spradling
Branstad	Hennessey	Middleswart	Stromer
Brockett	Higgins	Miller, A. V.	Svoboda
Brunow	Hines	Miller, K. D.	Tauke
Byerly	Hinkhouse	Miller, O. L.	Tofte
Caffrey	Horn	Monroe	Varley
Clark	Howell	Nealson	Walter
Cochran	Hullinger	Nielsen	Welden
Crabb	Husak	Norland	Wells
Daggett	Hutchins	O'Halloran	West
Den Herder	Jochum	Patchett	Woods
Dieleman	Jordan	Pavich	Wulff
Drake	Junker	Pellett	Wyckoff
Dyrland	Koogler	Perkins	Mr. Speaker
Evans	Krause	Poncy	(Avenson)
Fitzgerald	Kreamer		

Absent or not voting, 5:

Connors	Dunton	McElroy	Middleton
Doyle			

Amendment H—5561A lost.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 10, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1145, a bill for an act relating to the issuance of cards and licenses by the state department of transportation.

STEVEN C. CROSS, Secretary

RULES SUSPENDED AND BILL WITHDRAWN
(House File 1529)

Small of Johnson asked and received unanimous consent to suspend the rules for the purpose of redrafting **House File 1529,** with amendment H—5729 incorporated as a new bill to be intro-

duced by the committee on commerce and that House File 1529 be withdrawn.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85, a bill** for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Spear of Lee offered amendment H—5744 filed by him from the floor and requested division as follows:

H—5744

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5744A

1. Page 15A, line 28, by inserting after the word "person", the words "or of the fetus".

H—5744B

2. Page 15A, line 29, by inserting after the word "every", the word "reasonable".

H—5744A

3. Page 15B, line 53, by inserting after the word "person" the words "or of the fetus".

Spear of Lee moved the adoption of amendment H—5744A.

Amendment H—5744A was adopted.

On motion by Spear of Lee, amendment H—5744B was adopted.

Gilloon of Dubuque offered the following amendment H—5746 filed by him from the floor and moved its adoption:

H—5746

Amend Senate File 85 as follows:
1. Page 15A, by striking line 31 and inserting in lieu thereof the following: "the life of a fetus showing significant, sustainable vital signs."

A non-record roll call was requested.

The ayes were 12, nays 55.

Amendment H—5746 lost.

Kreamer of Polk offered the following amendment H—5730 filed by him and moved its adoption:

H—5730

Amend Senate File 85 as passed, amended, and reprinted by the Senate as follows:

1. Page 15B, line 43 by inserting after the word "or" the word "felonious".

2. Page 15B, line 46 by inserting after the word "and" the word "voluntary".

3. Page 15B, line 50 by striking the word "or" and inserting in lieu thereof the word "and".

Amendment H—5730 was adopted.

The House resumed consideration of amendment H—5561B as follows:

H—5561B

3. Page 15B, striking lines 57 through 68.

4. By renumbering the remaining sections and internal references to accord with this amendment.

Gentleman of Polk moved the adoption of amendment H—5561B.

Roll call was requested by Branstad of Winnebago and Spencer of Clay.

Rule 69 was invoked.

On the question "Shall amendment H—5561B be adopted?"

The ayes were, 20:

Binneboese	Drake	Griffee	Oakley
Bittle	Dunton	Jesse	O'Halloran
Brandt	Egenes	Jordan	Readinger
Crawford	Evans	Lipsky	Spradling
Danker	Gentleman	Newhard	West

The nays were, 67:

Anderson	Gilloon	Lindeen	Scheelhaase
Avenson	Halvorson	Lonergan	Small
Baker	Hansen	McElroy	Spear
Bennett	Harper	Menke	Spencer
Bina	Harvey	Mennenga	Stromer
Bortell	Hennessey	Middleswart	Svoboda
Branstad	Higgins	Miller, A. V.	Tauke
Brunow	Hines	Miller, O. L.	Tofte
Caffrey	Hinkhouse	Monroe	Varley
Clark	Husak	Nealson	Walter
Crabb	Hutchins	Norland	Welden
Cusack	Jochum	Patchett	Wells
Daggett	Junker	Pavich	Woods
Den Herder	Koogler	Pellett	Wulff
Dieleman	Krause	Perkins	Wyckoff
Doyle	Kreamer	Poncy	Mr. Speaker
Dyrland	Lageschulte	Rinas	

Absent or not voting, 13:

Brockett	Hargrave	Hullinger	Miller, K. D.
Byerly	Horn	Middleton	Nielsen
Connors	Howell	Millen	Schroeder
Fitzgerald			

Amendment H—5561B lost.

Avenson of Fayette in the chair at 3:43 p.m.

Spear of Lee offered amendment H—5344 filed by him and requested division as follows:

H—5344

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5344A

1. Page 15B, line 59, by striking the words "after the twentieth week of pregnancy".
2. Page 15B, line 62, by striking the words "After the twentieth week of pregnancy, a" and inserting in lieu thereof the word "A".

H—5344B

3. Page 15B, line 68, by striking the words "serious misdemeanor" and inserting in lieu thereof the words "class D felony".

On motion by Spear of Lee, amendment H—5344A was adopted.

Junker of Woodbury offered the following amendment H—5760 filed by him from the floor and moved its adoption:

H—5760

Amend Senate File 85 as follows:

1. Page 15B, line 64, by inserting after the word "who" the word "willfully".

Amendment H—5760 was adopted.

Spear of Lee moved the adoption of H—5344B.

Roll call was requested by Spencer of Clay and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5344B be adopted?"

The ayes were, 34:

Anderson	Caffrey	Dyrland	Krause
Baker	Clark	Hansen	Kreamer
Bennett	Daggett	Harper	Lipsky
Bortell	Den Herder	Hennessey	Lonergan
Branstad	Dieleman	Hutchins	Mennenga

Miller, O. L.	Perkins	Spencer	Welden
Monroe	Poncy	Stromer	Wulff
Nealson	Rinas	Tofte	Wyckoff
Norland	Spear		

The nays were, 54:

Bina	Egenes	Jochum	Readinger
Binneboese	Evans	Jordan	Scheelhaase
Bittle	Gentleman	Junker	Schroeder
Brandt	Gilloon	Koogler	Small
Brockett	Griffee	Lageschulte	Spradling
Brunow	Halvorson	Lindeen	Svoboda
Byerly	Harvey	Menke	Tauke
Cochran	Higgins	Miller, A. V.	Varley
Crabb	Hines	Newhard	Walter
Crawford	Hinkhouse	Oakley	Wells
Cusack	Horn	O'Halloran	West
Danker	Howell	Patchett	Mr. Speaker
Doyle	Husak	Pavich	(Avenson)
Dunton	Jesse	Pellett	

Absent or not voting, 12:

Connors	Hargrave	Middleswart	Miller, K. D.
Drake	Hullinger	Middleton	Nielsen
Fitzgerald	McElroy	Millen	Woods

Amendment H—5344B lost.

Kreamer of Polk offered the following amendment H—5747 filed by him from the floor and moved its adoption:

H—5747

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 16, line 16, by inserting after the word "another" the words ", coupled with the apparent ability to execute the act".

2. Page 16, line 19, by inserting after the word "offensive" the words ", coupled with the apparent ability to execute the act".

Amendment H—5747 was adopted.

Jesse of Polk offered the following amendment H—5432 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5432

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 16, line 21, by striking the word "deadly" and inserting in lieu thereof the word "dangerous".

2. Page 16, by striking lines 31 through 34 and inserting in lieu thereof the following:

"1. A person who commits an assault with the intent to inflict serious injury upon another person or who intentionally points any firearm or displays

a dangerous weapon in a threatening manner toward another person, shall be guilty of an aggravated misdemeanor."

Amendment H—5432 was adopted.

Nealson of Muscatine offered the following amendment H—5135 filed by him and Kreamer of Polk and moved its adoption:

H—5135

Amend Senate File 85, as passed by the Senate and reprinted, as follows:

1. Page 17, by inserting after line 6 the following new section:

"Sec. ..... *NEW SECTION.* ASSAULT ON A PEACE OFFICER. A person commits an aggravated misdemeanor if he commits an assault as defined in section eight hundred one (801) of this division on any peace officer who is acting within the scope of his duty or authority."

Amendment H—5135 was adopted.

Jesse of Polk offered the following amendment H—5748 filed by the subcommittee on criminal code revision from the floor and moved its adoption:

H—5748

Amend Senate File 85 as amended, passed, and reprinted by the Senate, as follows:

1. Page 17, by striking lines 18 through 25.

2. By renumbering the remaining sections and internal references to accord with this amendment.

Amendment H—5748 was adopted.

Jesse of Polk offered the following amendment H—5433 filed by the subcommittee on the criminal code revision:

H—5433

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 17, line 28, by striking the word ", harras,".

2. Page 17, line 29, by striking the words "Shoots or throws a missile or discharges" and inserting in lieu thereof the word "Discharges".

Junker of Woodbury asked and received unanimous consent that action on amendment H—5433 be temporarily deferred.

Jesse of Polk offered amendment H—5434 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5434

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5434A

1. Page 18, by striking lines 2 through 23.

H—5434B

2. Page 37, by inserting after line 27 the following new section:

"Sec. ..... *NEW SECTION.* FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. A person who reports or causes to be reported false information to a fire department or a law enforcement authority, knowing that the information is false or who reports the alleged occurrence of a criminal act, knowing the same did not occur commits a simple misdemeanor."

3. Page 179, by striking lines 33 and 34.

4. By renumbering the remaining sections and internal references to accord with this amendment.

Jesse of Polk moved the adoption of amendment H—5434A.

A non-record roll call was requested.

The ayes were 28, nays 54.

Amendment H—5434A lost.

Junker of Woodbury offered the following amendment H—5766 filed by him and Jesse of Polk from the floor and moved its adoption:

H—5766

Amend Senate File 85 as follows:

1. Page 17, line 28, by striking the word ", harass,".

2. Page 17, by striking line 29 and inserting in lieu thereof the following:

"1. Shoots, throws, launches, or discharges a dangerous weapon".

Amendment H—5766 was adopted.

The House resumed consideration of amendment H—5433.

Jesse of Polk asked and received unanimous consent to withdraw amendment H—5433.

Kreamer of Polk offered the following amendment H—5583 filed by him and moved its adoption:

H—5583

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 18, by striking lines 5 through 8.
2. Renumber subsections accordingly.

Amendment H—5583 was adopted.

Junker of Woodbury offered the following amendment H—5767 filed by him from the floor and moved its adoption:

H—5767

Amend Senate File 85 as follows:
1. Page 18, line 12, by inserting after the word "or" the word "simulated".

Lipsky of Linn offered the following amendment H—5682 filed by Lipsky, et al., and moved its adoption:

Amendment H—5767 was adopted.

H—5682

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 18, by striking lines 35, 36 and 37.
2. Page 19A, by striking line 1 and inserting in lieu thereof the following: "between persons is sexual abuse by either of the participants when the act is performed with".

Roll call was requested by Cusack of Scott and Patchett of Johnson.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5682 be adopted?"

The ayes were, 50:

Anderson	Egenes	Krause	Patchett
Bina	Fitzgerald	Lageschulte	Pavich
Binneboese	Gentleman	Lindeen	Pellett
Bittle	Gilloon	Lipsky	Readinger
Brandt	Griffee	Lonergan	Schroeder
Brunow	Hansen	Menke	Small
Byerly	Harvey	Millen	Spradling
Cochran	Hennessey	Miller, O. L.	Svoboda
Connors	Higgins	Monroe	Tauke
Crawford	Hines	Newhard	Tofte
Cusack	Howell	Oakley	Varley
Danker	Jesse	O'Halloran	Walter
Dyrland	Jochum		

The nays were, 42:

Baker	Den Herder	Hinkhouse	Koogler
Bennett	Dieleman	Horn	Kreamer
Bortell	Drake	Hullinger	McElroy
Branstad	Dunton	Husak	Mennenga
Caffrey	Evans	Hutchins	Middleswart
Crabb	Halvorson	Jordan	Miller, A. V.
Daggett	Harper	Junker	Miller, K. D.

Nealson	Rinas	Welden	Wyckoff
Nielsen	Scheelhaase	Wells	Mr. Speaker (Avenson)
Perkins	Spear	Woods	
Poncy	Spencer	Wulff	

Absent or not voting, 8:

Brockett	Doyle	Middleton	Stromer
Clark	Hargrave	Norland	West

Amendment H—5682 was adopted.

Jesse of Polk offered amendment H—5435 filed by the subcommittee on the criminal code revision and requested division as follows:

H—5435

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5435A

1. Page 18, lines 35 and 36, by striking the words "husband and wife, or between a husband and wife who are not".

2. Page 19A, line 1, by striking the words "he performs" and by inserting after the word "act" the words "is performed".

H—5435B

3. Page 19A, line 9, by inserting after the word "force" the word "or".

4. Page 19A, lines 6 and 7, by striking the words "so consenting or acquiescing".

5. Page 19A, line 30, by striking the words "force and" and inserting in lieu thereof the words "force or".

6. Page 19B, line 37, by striking the word "and" and inserting in lieu thereof the word "or".

Jesse of Polk asked and received unanimous consent to withdraw amendment H—5435A.

Spear of Lee offered amendment H—5034 filed by him and requested division as follows:

H—5034

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5034A

1. Page 19A, by striking lines 1 and 2 and inserting in lieu thereof the words "by either of the participants when the act is performed in any of the following circumstances:"

H—5034B

2. Page 19A, line 14, by striking the word "child" and inserting in lieu thereof the words "person under

the age of sixteen years".

3. Page 20A, line 2, by striking the word "child" and inserting in lieu thereof the words "person under the age of fourteen years".

Spear of Lee asked and received unanimous consent to withdraw amendment H—5034A.

Speaker Cochran in the chair at 5:25 p.m.

(Senate File 85 pending at adjournment.)

MOTION TO RECONSIDER WITHDRAWN
(House File 1388)

Readinger of Polk asked and received unanimous consent to withdraw the motion to reconsider **House File 1388** filed by him on March 8, 1976, and found on page 1011 of the House Journal.

HOUSE CONCURRENT RESOLUTION 116
By Brandt

Whereas, there are many Iowans who have skills and talents to offer the state who are barred from state employment because their circumstances do not permit them to accept a full-time job; and

Whereas, one remedy for this situation which other states are employing and which the United States Congress is presently considering is flexibly scheduled job opportunities including part-time, gliding and tandem positions; and

Whereas, statistics indicate that flexible scheduling does work and that the system provides advantages to the employer in terms of productivity and morale and to potential employees, who are primarily women, elderly, handicapped and students in need of employment; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the heads of all state agencies are requested to make reasonable efforts to offer employment within their respective agencies on a flexible hours basis, which employment shall not impede normal agency operations and shall:

1. Provide vacation time and sick leave to flexitime employees according to the number of hours worked; and

2. Provide for participation by flexitime employees in other employee benefit programs including retirement, group insurance, workmen's compensation and unemployment compensation with the state's share prorated to reflect the employee's part-time status; and

3. Protect the employment and employment rights of

Page 2

any employee or prospective employee; and

Be It Further Resolved, That the governor of the state of Iowa is requested to direct the heads of all state agencies to investigate and develop a plan as soon as is feasible for offering a reasonable number of positions within their respective agencies on a flexible hours basis, which plan shall consider the guidelines for flexibly scheduled employment contained in this resolution and shall include an assessment of the problems created by flexible scheduling in terms of employee fringe benefits and agency operations; and

Be It Further Resolved, That the governor or a designee is requested to report to the general assembly concerning the content and progress of state agency plans and efforts to offer flexibly scheduled job opportunities.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 117

By Scheelhaase, Hinkhouse, Husak and Spradling

Whereas, the American farmer, through consistent and diligent effort, has increased the productivity of American agriculture; and

Whereas, the products of the American farm are a significant factor in providing food to the population of the world; and

Whereas, farmers face the continuous problem of soil erosion; and

Whereas, farmers are now facing the withholding or reduction of federal soil conservation funds; and

Whereas, the loss or reduction of federal soil conservation funds can only result in erosion of rich farm soil, decrease in yields from farmland, hardship for American farmers, and eventual repercussions throughout the entire American economy; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That we respectfully urge the President of the United States, officials of the administration, and the Congress of the United States, in their respective roles, to resist the withholding or reduction of federal soil conservation funds. We further urge that such proposals in the future be given the closest scrutiny in light of their potential adverse effects upon American farmers, American consumers, and the economy in general; and

Be It Further Resolved, That copies of this resolution be forwarded to the President of the United States, all members of the Iowa Congressional delegation, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Secretary of the United States Department of Agriculture.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 118

By Patchett and Fitzgerald

Whereas, the University of Iowa Hawkeye wrestling team won its second consecutive national wrestling team championship on March 13, 1976; and

Whereas, Mr. Chuck Yagla won his second consecutive individual national wrestling championship; and

Whereas, Mr. Brad Smith and Mr. Chris Campbell each won individual national wrestling championships; and

Whereas, the Iowa State University Cyclone wrestling team was runner-up to the University of Iowa Hawkeye wrestling team in the national championship tournament; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the week of March 22nd through March 28th be designated Iowa Wrestling Week to honor Coach Gary Kurdelmeier and his National Champion Iowa Hawkeyes and Coach Harold Nichols and his Iowa State Cyclones.

Laid over under Rule 25.

MOTIONS TO RECONSIDER

(Amendment H—5430 to Senate File 85)

I move to reconsider the vote by which amendment H—5430 to page 11 of Senate File 85 was adopted by the House on March 11, 1976.

KREAMER of Polk

(Amendment H—5682 to Senate File 85)

I move to reconsider the vote by which amendment H—5682 to Senate File 85 was adopted by the House.

OAKLEY of Clinton

(Amendment H—5344B to Senate File 85)

I move to reconsider the vote by which amendment H—5344B to Senate File 85 failed to be adopted by the House.

JUNKER of Woodbury

UNANIMOUS CONSENT CALENDAR

We hereby request that House Resolution 109, filed on March 10, 1976, and found on page 1059 of the House Journal, be placed on the unanimous consent calendar.

KRAUSE of Palo Alto
MILLER of Calhoun
CONNORS of Polk

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the votes were taken on House Files 1410, 1143, 1390, 1365, and 1456. Had I been present, I would have voted "aye" on each of these bills.

OAKLEY of Clinton

I regret being necessarily absent because of an important meeting when the votes were taken on the following bills. Had I been present, I would have voted "aye" on House Files 1053, 1165, 1298, 1439, 1460, 1463, and 1361 and Senate File 1200.

JUNKER of Woodbury

COMMUNICATIONS FROM THE SECRETARY OF STATE

The following communications were received and placed on file in the office of the Chief Clerk:

March 12, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 188 was published in the Marshalltown Times-Republican, Marshalltown, Iowa, March 5, 1976, and in the Eldora Herald-Ledger, Eldora, Iowa, March 9, 1976.

I hereby certify that House File 1010 was published in The Hawk Eye, Burlington, Iowa, March 8, 1976, and in the Muscatine Journal, Muscatine, Iowa, March 5, 1976.

I hereby certify that Senate File 1060 was published in the Cherokee Daily Times, Cherokee, Iowa, February 12, 1976, and in the West Des Moines Express, West Des Moines, Iowa, February 12, 1976.

I hereby certify that Senate File 1102 was published in the Carroll Daily Times Herald, Carroll, Iowa, March 2, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa, March 4, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

SUPPLEMENT TO ASSIGNMENTS OF DESKS IN PRESS GALLERY

The following additional persons are accredited members of press and are entitled to seats in the West Press Gallery:

WEST PRESS GALLERY

The Aviator's Journal—John H. Kennedy
The Catholic Mirror—Peter Dubec; Mary Jo Schmidt
The Daily Iowan—Krista Clark; Rhonda Dickey; Wm. Flannary; Kris Jensen; Kim Rogal
KCRG News—Dale Brodt; Gary Galvin; Andy Smith
SIEA Breeze—Thomas J. Cannon, Jr.; Leona "Lee" Larsen; Edward J. Mulvin

The following additional persons represent accredited TV and radio stations and are entitled to seats in the East Press Gallery:

EAST PRESS GALLERY

KCAU-TV—Blaine Bulas; Don Keeler; Mark Swanson; Phil Vanos
KIOA—Nancy Crowfoot
KTVO-KBIZ—Marva Faeth; Ron Heller; Denny Lee; Dean Weitengagan

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 12, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 739, an act relating to the priority of secondary road assessment district projects in a secondary road construction program.

House File 787, an act relating to minimum percentages of plant nutrients in fertilizers.

House File 835, an act providing that certain ammunition and firearms shall be deposited with the State Criminalistics Laboratory.

House File 1044, an act relating to fire drills and tornado drills in schools.

House File 1081, an act relating to the funding of the Iowa State Commerce Commission and the Department of Public Defense and making appropriations.

House File 1142, an act making appropriations to the State Department of Health for the funding of the State Department of Health and various programs under the Department.

Senate File 524, an act relating to business corporations.

AMENDMENTS FILED

H—5765

Amend House File 1332, page 2, line 17, by inserting after the word "installments" the words *"except that semiannual installments shall not apply to commercial vehicles subject to proportional registration with a base state other than the state of Iowa as defined in section three hundred twenty-six point two (326.2), subsection six (6), of the Code"*.

DRAKE of Muscatine
KRAUSE of Palo Alto
BRUNOW of Appanoose
SCHROEDER of Pottawattamie

H—5773

Amend House File 1477 as follows:

1. Page 7, line 32 by inserting after the word "is" the word "conclusive".

BROCKETT of Marshall
EVANS of Grundy
WELDEN of Hardin
HALVORSON of Clayton

H—5774

Amend House File 1477 as follows:

1. Page 5, line 30 by striking the words "at a minimum".

BROCKETT of Marshall
EVANS of Grundy
WELDEN of Hardin
HALVORSON of Clayton

H—5759

Amend House File 1529 as follows:

1. Page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The commerce commission shall take under study the lifeline and fuel stamp concepts and any other program designed to provide the necessary volume of either gas or electricity to the average residential user. The commission shall submit a report of its findings to the general assembly in January of 1977."

HALVORSON of Clayton
EVANS of Grundy
BROCKETT of Marshall
TAUKE of Dubuque
WALTER of Pottawattamie

H—5749

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 19A, by inserting after line 14 the following new subsection:

"..... *NEW SUBSECTION.* The sex act is done with a person of the same sex."

KREAMER of Polk

H—5750

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 19A, by striking lines 30 and 31 and inserting in lieu thereof the words "to commit the sex act."

KREAMER of Polk

H—5751

Amend Senate File 85 as follows:

1. Page 21A, lines 14 and 15, by striking the words "county in which the crime was committed." and inserting the word "state."

HARVEY of Scott

H—5752

Amend Senate File 85 as follows:

1. Page 21A, line 28, by inserting after the word "person" the following: "or to confine such person without authority, or without the consent of such person."

KREAMER of Polk

H—5753

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 25, by striking lines 14 through 25.

2. By renumbering the remaining sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5754

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 32, line 3, by inserting after the word "execution." the following: "Writing includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5755

Amend, amendment H—5710, to page 40, Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 8 through 12, and inserting in lieu thereof the words "dangerous weapon to an".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5756

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 48, line 29, by inserting after the word "require" the words "or permit".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5757

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 66A, line 15, by striking the words "CRIMINAL HOMICIDE" and inserting in lieu thereof

the word "MURDER".

2. Page 66A, line 16, by striking the words "criminal homicide" and inserting in lieu thereof the word "murder".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5758

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 218, by striking lines 27 through 35.

2. Page 219, by striking lines 1 through 12 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* APPLICATION FOR COMMITMENT. For the purposes of Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-nine (139), section six (6), the commissioner of social services shall be considered an interested person and all applicable provisions of Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-nine (139), relating to involuntary hospitalization, shall apply to any persons who have been committed to the custody of the department of social services as a result of a conviction of a public offense."

BRANSTAD of Winnebago

H—5761

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 20A, by striking line 2 and inserting in lieu thereof the following:

"The other person is 12 years of age but less than 16 years of age and the defendant is a member of the same household as the victim, the defendant is related to the victim by blood or affinity to the fourth degree, or the defendant is in a position of authority over the victim and used this authority to coerce the victim to submit."

BRANDT of Black Hawk
O'HALLORAN of Black Hawk

H—5762

Amend Senate File 85 as follows:

1. Page 322, by inserting after line 10 the following new section.

SEC. ..... Chapter two hundred ten (210), Code 1975, is amended by adding the following new sections:

NEW SECTION. RECOGNITION AND USE OF SYSTEMS. The system of weights and measures in customary use in the United States and the metric system of weights

and measures are jointly recognized, and one or the other or a combination of these systems shall be used for all commercial purposes in this state. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the National Bureau of Standards, are recognized and shall govern weighing and measuring equipment and transactions in this state.

NEW SECTION. CONTRACTS, DEALINGS, AND COURT PLEADINGS. A contract or dealing shall not be deemed invalid and a pleading in court shall not be open to objection because weights or measures are stated in terms of the metric system. Contracts made within this state containing references to a weight or measure shall be construed according to the system of weights and measures in customary use in the United States or according to the weights and measures of the metric system, as the contract provides.

2. By re-numbering sections and correcting internal references to conform with this amendment.

KRAUSE of Palo Alto

H—5763

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 28A, line 32 by striking the words "or theft of a motor vehicle, irrespective of".

2. Page 28A, line 33 by striking the words "value,".

BRANSTAD of Winnebago

H—5764

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 27A, line 34, by inserting after the word "Makes" the words ", utters, draws, delivers, or gives".

2. Page 28A, line 8, by inserting after the word "Makes" the words ", utters, draws, delivers, or gives".

BRANSTAD of Winnebago

H—5768

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 29, line 9, by striking the word "he".

2. Page 29, line 10, by striking the words "reasonably believes that he has" and inserting in lieu thereof the words "there is a reasonable belief that there is".

JUNKER of Woodbury

H—5769

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 35, by inserting after line 32, the following:

"3. The term "trespass" shall not mean entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property."

JUNKER of Woodbury

H—5770

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 19A by striking lines 3 through 13 and inserting in lieu thereof the following:

"1. When force or coercion is used to accomplish the sex act. Force or coercion includes but is not limited to any of the following circumstances:

a. When the defendant overcomes the victim through the actual application of physical force or physical violence.

b. When the defendant coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the defendant has the present ability to execute these threats.

c. When the defendant coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the defendant has the ability to execute this threat. As used in this subdivision "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

d. When the defendant engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.

e. When the defendant through concealment or by element of surprise, is able to overcome the victim.

2. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless."

2. Page 19A, line 30, by striking the words "force and against the will" and inserting in lieu thereof "force".

3. Page 19A, by striking line 31.

4. Page 19B, by striking line 37 through page 20A, line 1 and inserting in lieu thereof the following:

1. When force or coercion is used to accomplish the sex act. Force or coercion in-

cludes but is not limited to any of the following circumstances:

a. When the defendant overcomes the victim through the actual application of physical force or physical violence.

b. When the defendant coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the defendant has the present ability to

Page 2

execute these threats.

c. When the defendant coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the defendant has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

d. When the defendant engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.

e. When the defendant, through concealment or by the element of surprise, is able to overcome the victim.

2. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless."

BRANDT of Black Hawk

H—5771

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 22, line 12, by inserting after the word "state" the words "or holds such child in another state".

HALVORSON of Clayton

H—5772

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 22, line 14, by inserting after the word "person" the words ", other than a peace officer,".

HALVORSON of Clayton

H—5775

Amend the Hansen, et al., amendment, H—5234, to Senate File 1072 as follows:

1. Page 1, line 6, by striking the word "section" and inserting in lieu thereof the word "sections".

2. Page 2, by inserting after line 18 the following:

"Sec. ..... Section six hundred two point eighteen (602.18), unnumbered paragraph fourteen (14), Code 1975, is amended to read as follows:

Election district 5A shall consist of [the counties of] *Polk county. Election district 5B shall consist of the counties of* Guthrie, Dallas, [Polk,] Jasper, Madison, Warren, and Marion. Election district [5B] *5C* shall consist of the counties of Adair, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

Sec. ..... All judicial nominating commissioners in election district 5A as it existed on June 30, 1976, who are in office on that date shall continue to serve until the expiration of the term of their appointments or elections, but those commissioners who reside in Polk County shall become commissioners of judicial election district 5A as created by this Act, and those commissioners who reside in Guthrie, Dallas, Jasper, Madison, Warren and Marion counties shall become commissioners of judicial election district 5B as created by this Act. Effective July 1, 1976, judicial election district 5B shall be known as judicial election district 5C, but this change in name shall not affect its judicial nominating commissioners or their terms.

In judicial election districts 5A and 5B as they exist after the effective date of this Act, the governor shall appoint in July, 1976, in the manner provided in section forty-six point three (46.3) of the Code, electors of district 5A and electors of district 5B to their respective judicial nominating commissions for terms commencing August 1, 1976, but only if and to the extent necessary to provide for five appointive members of the judicial nominating commission in each of those judicial election districts. Such appointments shall be for staggered terms, to the extent practicable, ending January 31, 1980, and January 31, 1982, respectively. In the month of January when each of those terms expires and every six years thereafter the governor shall appoint district judicial nominating commissioners for six-year terms in the manner provided in section forty-six point three (46.3) of the Code.

In judicial election districts 5A and 5B as they

exist after the effective date of this Act, the resident members of the bar shall elect, in the manner provided in chapter forty-six (46) of the Code, eligible electors of their respective districts to their respective judicial nominating commissions for terms commencing August 1, 1976, but only if and to the extent necessary to provide for five elective members of the judicial nominating commission in each of those judicial election districts. Such elections shall be for staggered terms, to the extent practicable, ending January 31, 1980, and January 31, 1982, respectively, but the determination of which

newly elected members serve which terms shall be determined by lot by the newly elected commissioners. In the month of January when each of those terms expires and every six years thereafter such members of the bar of each such district shall elect district nominating commissioners for six-year terms in the manner provided in section forty-six point four (46.4) of the Code."

3. Page 2, by striking line 19 and inserting in lieu thereof the following:

"3. By renumbering sections as necessary."

MIDDLESWART of Warren
DIELEMAN of Marion
WEST of Marshall
KOOGLER of Mahaska
HULLINGER of Decatur
BORTELL of Madison
VARLEY of Adair
HUTCHINS of Guthrie
ANDERSON of Jasper

H—5776

Amend Senate File 136 as follows:

1. Page 2, by inserting after line 17 the following sections:

"Sec. ..... Section six hundred two point eighteen (602.18), unnumbered paragraph fourteen (14), Code 1975, is amended to read as follows:

Election district 5A shall consist of [the counties of] *Polk county. Election district 5B shall consist of the counties of* Guthrie, Dallas, [Polk,] Jasper, Madison, Warren, and Marion. Election district [5B] *5C* shall consist of the counties of Adair, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

Sec. ..... All judicial nominating commissioners in election district 5A as it existed on June 30, 1976, who are in office on that date shall continue to serve until the expiration of the term of their appointments or elections, but those commissioners who reside in Polk County shall become commissioners of judicial election district 5A as created by this Act, and those commissioners who reside in Guthrie, Dallas, Jasper, Madison, Warren and Marion counties shall become commissioners of judicial election district 5B as created by this Act. Effective July 1, 1976, judicial election district 5B shall be known as judicial election district 5C, but this change in name shall not affect its judicial nominating commissioners or their terms.

In judicial election districts 5A and 5B as they exist after the effective date of this Act, the governor shall appoint in July, 1976, in the manner provided in section forty-six point three (46.3) of the Code, electors of district 5A and electors of

district 5B to their respective judicial nominating commissions for terms commencing August 1, 1976, but only if and to the extent necessary to provide for five appointive members of the judicial nominating commission in each of those judicial election districts. Such appointments shall be for staggered terms, to the extent practicable, ending January 31, 1980, and January 31, 1982, respectively. In the month of January when each of those terms expires and every six years thereafter the governor shall appoint district judicial nominating commissioners for six-year terms in the manner provided in section forty-six point three (46.3) of the Code.

In judicial election districts 5A and 5B as they exist after the effective date of this Act, the resident members of the bar shall elect, in the manner provided in chapter forty-six (46) of the Code,

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eligible electors of their respective districts to their respective judicial nominating commissions for terms commencing August 1, 1976, but only if and to the extent necessary to provide for five elective members of the judicial nominating commission in each of those judicial election districts. Such elections shall be for staggered terms, to the extent practicable, ending January 31, 1980, and January 31, 1982, respectively, but the determination of which newly elected members serve which terms shall be determined by lot by the newly elected commissioners. In the month of January when each of those terms expires and every six years thereafter such members of the bar of each such district shall elect district nominating commissioners for six-year terms in the manner provided in section forty-six point four (46.4) of the Code."

2. Amend the title, line 1, by inserting after the words "relating to" the words "judicial election districts and to".

3. By renumbering sections as necessary.

MIDDLESWART of Warren
DIELEMAN of Marion
WEST of Marshall
KOOGLER of Mahaska
HULLINGER of Decatur
BORTELL of Madison
VARLEY of Adair
HUTCHINS of Guthrie
ANDERSON of Jasper

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:43 p.m. until 9 a.m., Tuesday, March 16, 1976.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day—Forty-third Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, MARCH 16, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Herbert C. Hanson, pastor of the Good Hope Lutheran Church, Titonka, Iowa.

The Journal of Monday, March 15, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. L. E. Masters, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bittle of Polk and West of Marshall on request of Brockett of Marshall; Millen of Van Buren for a portion of the day on request of Avenson of Fayette.

PRESENTATION OF VISITORS

Junker of Woodbury presented to the House the Honorable Louis A. Peterson, former member of the House during the Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-third and Sixty-fifth General Assemblies representing Woodbury County.

Spradling of Sioux presented to the House Miss Ingrid Dientsmans, an AFS student in LeMars High School from Rio Grandt Do Sul, Brazil. She is the guest of Mr. and Mrs. Norman Barker of Plymouth County.

Den Herder of Sioux presented to the House Salvador Espinosa Gomez, an exchange student from Tampico, Mexico, attending Sioux Center Community High School and staying with the Ralph Vande Bergs.

Harvey of Scott presented to the House Nathalie Garnier, an

AFS student from Clermont-Ferrand, France, sponsored by Mr. and Mrs. Edward Lyness, Bettendorf, Iowa.

The Speaker announced the following visitors were present in the House chamber:

Sixty-five Woodbine High School seniors, Woodbine, Iowa, accompanied by Phil Hummel. By Crabb of Crawford.

PETITIONS FILED

The following petitions were received and placed on file:

By Stromer of Hancock from nineteen constituents opposing House File 198 relating to parimutuel betting in Iowa.

By Harper of Davis and Poncy of Wapello from two hundred forty residents of Wapello County, along with personal visit from eighty-eight residents, favoring House File 1502 relating to transportation services and public transit programs.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 12, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1129, a bill for an act relating to the joint financing of water supply systems by public agencies.

Also: That the Senate has on March 12, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1245, a bill for an act to legalize and validate the proceedings of the city of Ames, in connection with goods and services received for public improvement to the administration building.

Also: That the Senate has on March 12, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1327, a bill for an act relating to public improvements bond and conditions.

Also: That the Senate has on March 12, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 369, a bill for an act relating to the search warrant and bonding authority of the Iowa natural resources council and providing a penalty.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

Senate File 1145, a bill for an act relating to the issuance of

cards and licenses by the state department of transportation and providing penalties.

Read first time and **passed on file.**

RULE 20 INVOKED AND SUSPENDED

Oakley of Clinton rose on a point of order and invoked Rule 20, concerning visitors in the House Chamber.

Kreamer of Polk asked and received unanimous consent that Rule 20 be suspended to permit the following members of the Attorney General's staff admission to the House chamber during the consideration of Senate File 85: Harold Young, Bruce Cook and Bill Enke.

BUSINESS PENDING AT ADJOURNMENT

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Brandt of Black Hawk offered the following amendment H—5770 filed by her and moved its adoption:

H—5770

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 19A by striking lines 3 through 13 and inserting in lieu thereof the following:

"1. When force or coercion is used to accomplish the sex act. Force or coercion includes but is not limited to any of the following circumstances:

a. When the defendant overcomes the victim through the actual application of physical force or physical violence.

b. When the defendant coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the defendant has the present ability to execute these threats.

c. When the defendant coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the de-

fendant has the ability to execute this threat. As used in this subdivision "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

d. When the defendant engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.

e. When the defendant through concealment or by element of surprise, is able to overcome the victim.

2. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless."

2. Page 19A, line 30, by striking the words "force and against the will" and inserting in lieu thereof "force".

3. Page 19A, by striking line 31.

4. Page 19B, by striking line 37 through page 20A, line 1 and inserting in lieu thereof the following:

1. When force or coercion is used to accomplish the sex act. Force or coercion includes but is not limited to any of the following circumstances:

a. When the defendant overcomes the victim through the actual application of physical force or physical violence.

b. When the defendant coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the defendant has the present ability to

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execute these threats.

c. When the defendant coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the defendant has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

d. When the defendant engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.

e. When the defendant, through concealment or by the element of surprise, is able to overcome the victim.

2. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless."

Amendment H—5770 was adopted.

With the adoption of amendment H—5770, amendment H—5435B, filed by the subcommittee on the criminal code revision, was out of order.

The House resumed consideration of amendment H—5034B filed by Spear of Lee. Further division was requested as follows:

H—5034B

2. Page 19A, line 14, by striking the word "child" and inserting in lieu thereof the words "person under the age of sixteen years".

H—5034C

3. Page 20A, line 2, by striking the word "child" and inserting in lieu thereof the words "person under the age of fourteen years".

Spear of Lee moved the adoption of amendment H—5034B.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 24, nays 49.

Amendment H—5034B lost.

Kreamer of Polk offered the following amendment H—5749 filed by him and moved its adoption:

H—5749

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 19A, by inserting after line 14 the following new subsection:

"..... *NEW SECTION.* The sex act is done with a person of the same sex."

Roll call was requested by Kreamer of Polk and Nealson of Muscatine.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5749 be adopted?"

The ayes were, 32:

Bennett	Den Herder	Kreamer	Nielsen
Bortell	Dieleman	Lageschulte	Pellett
Branstad	Dunton	Lindeen	Poncy
Byerly	Evans	Menke	Scheelhaase
Caffrey	Halvorson	Mennenga	Spencer
Crabb	Hansen	Middleswart	Woods
Daggett	Hullinger	Miller, K. D.	Wulff
Danker	Koogler	Nealson	Wyckoff

The nays were, 60:

Anderson	Egenes	Jochum	Readinger
Avenson	Fitzgerald	Jordan	Rinas
Baker	Gentleman	Junker	Schroeder
Bina	Gilloon	Lipsky	Small
Binneboese	Griffee	Lonergan	Spear
Brandt	Hargrave	McElroy	Spradling
Brockett	Harvey	Middleton	Stromer
Brunow	Hennessey	Millen	Svoboda
Clark	Higgins	Miller, A. V.	Tauke
Connors	Hines	Monroe	Tofte
Crawford	Hinkhouse	Newhard	Varley
Cusack	Horn	Oakley	Walter
Doyle	Howell	O'Halloran	Welden
Drake	Husak	Patchett	Wells
Dyrland	Jesse	Pavich	Mr. Speaker

Absent or not voting, 8:

Bittle	Hutchins	Miller, O. L.	Perkins
Harper	Krause	Norland	West

Amendment H—5749 lost.

Koogler of Mahaska offered the following amendment H—5657 filed by him and moved its adoption:

H—5657

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 19A, by striking lines 17 and 18 and inserting in lieu thereof the following: "the course of committing sexual abuse the other participant is seriously injured or the other participant is under the age of twelve."

2. Page 19A, by striking line 28 in its entirety.

Amendment H—5657 was adopted.

Avenson of Fayette in the chair at 11:00 a.m.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5588 filed by him on March 5, 1976, and found on pages 990 and 991 of the House Journal.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5659 filed by him on March 9, 1976, and found on page 1050 of the House Journal.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5750 filed by him on March 15, 1976, and found on page 1154 of the House Journal.

Brandt of Black Hawk offered the following amendment H—5761 filed by her and O'Halloran of Black Hawk and moved its adoption:

H—5761

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 20A, by striking line 2 and inserting in lieu thereof the following:

"The other person is 12 years of age but less than 16 years of age and the defendant is a member of the same household as the victim, the defendant is related to the victim by blood or affinity to the fourth degree, or the defendant is in a position of authority over the victim and used this authority to coerce the victim to submit."

Amendment H—5761 was adopted.

With the adoption of amendment H—5761, amendment H—5034C by Spear of Lee was out of order.

Jesse of Polk offered the following amendment H—5436 filed by the subcommittee on the criminal code revision:

H—5436

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 20A, by striking lines 4 through 8.

Small of Johnson asked for unanimous consent that action on amendment H—5436 be temporarily deferred.

Objection was raised.

Small of Johnson moved that action on amendment H—5436 be temporarily deferred.

The motion prevailed.

Jesse of Polk offered the following amendment H—5437 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5437

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 20A, lines 21 and 22, by striking the words "PERSONS UNDER THE AGE OF SIXTEEN YEARS" and inserting in lieu thereof the words "A CHILD".

2. Page 20A, line 24, by striking the words "any person under the age of sixteen" and inserting in lieu thereof the words "a child".

3. Page 20A, lines 28 and 29, by striking the words "person under the age of sixteen" and inserting in lieu thereof the word "child".

4. Page 20A, line 30, by striking the words

"person under the age of sixteen" and by inserting in lieu thereof the word "child".

5. Page 20A, line 32, by striking the words "person under sixteen years of age" and inserting in lieu thereof the word "child".

6. Page 20B, by striking lines 37 through 39 and inserting in lieu thereof the following:

"4. Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on him or her."

Amendment H—5437 was adopted.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Evans of Grundy for the afternoon session on request of Brockett of Marshall.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rule 69 was invoked. The vote revealed fifty-seven members present, forty-three absent.

HOUSE RESOLUTION 110

By Miller of Calhoun and Bennett

Whereas, the Lake View-Auburn Hawkettes High School basketball team has won the Iowa Girls High School basketball championship, and

Whereas, the Lake View-Auburn Hawkettes High School basketball team have displayed the utmost spirit and teamwork, *Now, Therefore,*

Be It Resolved by the House of Representatives, That the Sixty-sixth General Assembly, 1976 Session, extends its heartiest congratulations to the Lake View-Auburn Hawkettes, their coaches, cheerleaders, faculty and administration, families and loyal fans who encouraged and supported the Hawkettes through the regular season and during the tournament, and

Be It Further Resolved, That the members of the Sixty-sixth General Assembly commend the Hawkettes for their splendid example of sportsmanship, fair play and

athletic prowess which took them to the highest place in Iowa girls high school basketball, winning the championship and becoming Iowa's number one team consecutively the past two years.

Be It Further Resolved, That a copy of this resolution be sent to Coach Bud McCrea and the Lake View-Auburn High School Hawkettes basketball team.

Laid over under Rule 25.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Spear of Lee offered the following amendment H—5035 filed by him and moved its adoption:

H—5035

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Strike page 20A, line 33 through page 20B, line 36, and inserting in lieu thereof the words "in a sex act."

Amendment H—5035 was adopted.

Jesse of Polk offered the following amendment H—5438 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5438

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 21A, line 7, by striking the words "either of them" and inserting in lieu thereof the words "such person or another".

Amendment H—5438 was adopted.

Harvey of Scott offered the following amendment H—5751 filed by him:

H—5751

Amend Senate File 85 as follows:

1. Page 21A, lines 14 and 15, by striking the words "county in which the crime was committed." and inserting the word "state."

Small of Johnson in the chair at 1:56 p.m.

Harvey of Scott moved the adoption of amendment H—5751.

Roll call was requested by Branstad of Winnebago and Wulff of Black Hawk.

Rule 69 was invoked.

On the question "Shall amendment H—5751 be adopted?"

The ayes were, 49:

Anderson	Danker	Junker	Pavich
Baker	Den Herder	Krause	Pellett
Bennett	Dieleman	Kreamer	Rinas
Bina	Dyrland	Lageschulte	Schroeder
Bortell	Egenes	Lindeen	Spear
Brandt	Halvorson	Lonergan	Spencer
Branstad	Harvey	McElroy	Svoboda
Brockett	Hinkhouse	Mennenga	Tauke
Byerly	Horn	Miller, O. L.	Tofte
Caffrey	Husak	Nealson	Woods
Crabb	Jochum	Newhard	Wulff
Cusack	Jordan	Patchett	Wyckoff
Daggett			

The nays were, 32:

Avenson	Hansen	Jesse	Readinger
Binneboese	Hargrave	Koogler	Scheelhaase
Cochran	Harper	Lipsky	Spradling
Crawford	Hennessey	Menke	Varley
Drake	Higgins	Miller, A. V.	Walter
Dunton	Hines	Oakley	Welden
Fitzgerald	Howell	O'Halloran	Mr. Speaker
Gentleman	Hullinger	Perkins	(Small)
Griffee			

Absent or not voting, 19:

Bittle	Evans	Millen	Poncy
Brunow	Gilloon	Miller, K. D.	Stromer
Clark	Hutchins	Monroe	Wells
Connors	Middleswart	Nielsen	West
Doyle	Middleton	Norland	

Amendment H—5751 was adopted.

Kreamer of Polk offered the following amendment H—5752 filed by him and moved its adoption:

H—5752

Amend Senate File 85 as follows:

1. Page 21A, line 28, by inserting after the word "person" the following: "or to confine such person without authority, or without the consent of such person."

Amendment H—5752 was adopted.

Spear of Lee asked and received unanimous consent that action on amendment H—5020 be temporarily deferred.

Jesse of Polk offered the following amendment H—5439 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5439

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 21B, line 41, by striking the words "a firearm or displays".

Amendment H—5439 was adopted.

Kreamer of Polk offered the following amendment H—5739 filed by him and moved its adoption:

H—5739

Amend Senate File 85, as passed and reprinted by the Senate, as follows:

1. Page 22, line 1, by striking after the word "class" the letter "C" and inserting in lieu thereof the letter "B".

A non-record roll call was requested.

The ayes were 48, nays 34.

Amendment H—5739 was adopted.

Lageschulte of Bremer offered the following amendment H—5617 filed by him and moved its adoption:

H—5617

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 22, line 11, by striking the words "and removes".

2. Page 22, line 12, by striking the words "him from the state,".

Amendment H—5617 lost.

Halvorson of Clayton offered the following amendment H—5771 filed by him and moved its adoption:

H—5771

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 22, line 12, by inserting after the word "state" the words "or holds such child in another state".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 51, nays 27.

Amendment H—5771 was adopted.

Halvorson of Clayton offered the following amendment H—5772 filed by him and moved its adoption:

H—5772

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 22, line 14, by inserting after the word "person" the words ", other than a peace officer,".

Amendment H—5772 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk for the remainder of the day and March 17, 18 and 19 on request of Nielsen of Polk.

Lipsky of Linn offered the following amendment H—5681 filed by her and moved its adoption:

H—5681

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 22, line 15, by striking everything after the word "no".

2. Page 22, line 16, by striking the words "that he has any".

Roll call was requested by Kreamer of Polk and Nealson of Muscatine.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5681 be adopted?"

The ayes were, 44:

Anderson	Gentleman	Junker	Patchett
Baker	Gilloon	Koogler	Readinger
Bina	Griffee	Lipsky	Rinas
Binneboese	Hargrave	Lonergan	Scheelhaase
Brockett	Hennessey	McElroy	Schroeder
Connors	Higgins	Miller, A. V.	Spear
Crawford	Hines	Miller, O. L.	Svoboda
Cusack	Hinkhouse	Monroe	Walter
Doyle	Horn	Newhard	Wells
Dunton	Jesse	Nielsen	Mr. Speaker (Small)
Egenes	Jochum	O'Halloran	
Fitzgerald			

The nays were, 35:

Bennett	Drake	Lindeen	Stromer
Bortell	Dyrland	Menke	Tauke
Brandt	Halvorson	Miller, K. D.	Tofte
Branstad	Hansen	Nealson	Varley
Brunow	Harvey	Oakley	Welden
Crabb	Husak	Pellett	Woods
Daggett	Jordan	Perkins	Wulff
Danker	Kreamer	Spencer	Wyckoff
Dieleman	Lageschulte	Spradling	

Absent or not voting, 21:

Avenson	Den Herder	Hutchins	Millen
Bittle	Evans	Krause	Norland
Byerly	Harper	Mennenga	Pavich
Caffrey	Howell	Middleswart	Poncy
Clark	Hullinger	Middleton	West
Cochran			

Amendment H—5681 was adopted.

Branstad of Winnebago offered the following amendment H—5683 filed by him and moved its adoption:

H—5683

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 22, line 32, by striking the words "or innocence".

A non-record roll call was requested.

The ayes were 25, nays 41.

Amendment H—5683 lost.

Junker of Woodbury offered the following amendment H—5791 filed by him from the floor and moved its adoption:

H—5791

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 23, line 2, by striking the words "or displays a dangerous weapon,".

2. Page 23, line 3, by striking the word "firearm" and inserting in lieu thereof the words "dangerous weapon".

Amendment H—5791 was adopted.

Jesse of Polk offered the following amendment H—5440 filed by the subcommittee on the criminal code revision:

H—5440

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 24, line 7, by inserting after the word "damaged" the following: "Provided, that where a

person whose ownership or security interest in the property which the defendant intends to destroy or damage, or which he knowingly endangers, equals ninety percent or more of its value, consented to the defendant's acts, and where no insurer has been exposed fraudulently to any risk which he has not knowingly contracted for, and where the act was done in such a way as not to unreasonably endanger the life or property of any other person the act shall not be arson."

2. Page 24, by striking lines 28 through page 25, line 3.

Branstad of Winnebago offered the following amendment H—5740, to amendment H—5440, filed by him and moved its adoption:

H—5740

Amend amendment H—5440 to page 24 of Senate File 85, as follows:

1. Line 5, by striking the words "whose ownership or security interest in the" and inserting in lieu thereof the words "who owns said".

2. Lines 7 and 8, by striking the words "equals ninety percent or more of its value,".

3. Lines 10 and 11, by striking the words "which he has not knowingly contracted for".

Amendment H—5740 was adopted.

Jesse of Polk moved the adoption of amendment H—5440, as amended.

Amendment H—5440, as amended, was adopted.

Jesse of Polk offered the following amendment H—5441 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5441

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5441A

1. Page 24, line 11, by striking the words "a dwelling, or a building" and inserting in lieu thereof the word "property".

H—5441B

2. Page 24, lines 12 through 15, by striking the phrase "or when he knows or should know that his act will create a reasonable probability that death or serious physical injury to another will result".

On motion by Jesse of Polk, amendment H—5441A was adopted.

Jesse of Polk moved the adoption of amendment H—5441B.

A non-record roll call was requested.

The ayes were 52, nays 21.

Amendment H—5441B was adopted.

Kreamer of Polk offered the following amendment H—5778 filed by him from the floor:

H—5778

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 25, by striking lines 4 through 8 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* EXPLOSIVE OR INCENDIARY MATERIALS OR DEVICES. Any person who shall receive, possess, sell, purchase, or manufacture a bomb, bombshell, grenade, or incendiary or explosive device including but not limited to black powder bombs and molotov cocktails, or, with intent to assemble them, the materials which may be assembled into any such device shall be guilty of a class C felony; provided that this section shall not apply to military and law enforcement agencies and their personnel, or persons, firms, or corporations engaged in business, occupational or recreational use of commercial explosives, fireworks, firearms, or ammunition when possession and use is otherwise authorized or permitted by law. This section shall have no application to the possession or sale of rifle, pistol, or shotgun ammunition; nor shall it prohibit the use, sale, or possession of primers, percussion caps, brass, powder, and other components and supplies for hand loading or reloading rifle, pistol, or shotgun ammunition or loading muzzle-loading arms, where the same is for lawful purposes.

Sec. ..... *NEW SECTION.* DEFINITIONS. As used in this division, unless the context otherwise requires:

1. "Explosive device" means any material, container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects.

2. "Incendiary device" means any inflammable material or container containing an inflammable

liquid or material whose ignition, by fire, friction, concussion, detonation, or other method is intended to produce destructive effects primarily through combustion rather than explosion.

3. "Molotov cocktail" means a breakable container containing an explosive or inflammable liquid or other substance, having a wick or similar device

Page 2

capable of being ignited, and may be described as either an explosive or incendiary device. A "molotov cocktail" is not intended to mean a device commercially manufactured primarily for the purpose of illumination or other such uses."

2. By renumbering sections in conformity with this amendment.

By unanimous consent, the following corrective amendment H—5818, to amendment H—5778, filed by Kreamer of Polk from the floor, was adopted:

H—5818

Amend amendment H—5778 to page 25 of Senate File 85 as follows:

1. Line 3, by striking "4 through 8" and inserting in lieu thereof "9 through 13".

Kreamer of Polk moved the adoption of amendment H—5778, as amended.

Roll call was requested by Wyckoff of Benton and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5778, as amended, be adopted?"

The ayes were, 42:

Bennett	Halvorson	Lageschulte	Spear
Bortell	Hansen	Lindeen	Spencer
Branstad	Harper	McElroy	Stromer
Brockett	Harvey	Menke	Tauke
Caffrey	Hines	Miller, K. D.	Tofte
Crabb	Hinkhouse	Miller, O. L.	Varley
Crawford	Hullinger	Nealson	Welden
Daggett	Husak	Pellett	Woods
Danker	Junker	Perkins	Wulff
Den Herder	Krause	Readinger	Wyckoff
Dunton	Kreamer		

The nays were, 45:

Anderson	Brandt	Drake	Gilloon
Avenson	Brunow	Dyrland	Griffee
Baker	Connors	Egenes	Hargrave
Bina	Cusack	Fitzgerald	Hennessey
Binneboese	Dieleman	Gentleman	Higgins

Horn	Lonergan	O'Halloran	Spradling
Howell	Middleswart	Patchett	Svoboda
Jesse	Miller, A. V.	Pavich	Walter
Jochum	Monroe	Rinas	Wells
Jordan	Newhard	Scheelhaase	Mr. Speaker
Koogler	Nielsen	Schroeder	(Small)
Lipsky	Oakley		

Absent or not voting, 13:

Bittle	Doyle	Mennenga	Norland
Byerly	Evans	Middleton	Poncy
Clark	Hutchins	Millen	West
Cochran			

Amendment H—5778, as amended, lost.

Jesse of Polk offered the following amendment H—5753 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5753

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 25, by striking lines 14 through 25.

2. By renumbering the remaining sections and internal references to accord with this amendment.

Amendment H—5753 was adopted.

Jesse of Polk offered the following amendment H—5442 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5442

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 25, line 31, by striking the word "will" and inserting in lieu thereof the word "would".

Amendment H—5442 was adopted.

Jesse of Polk offered the following amendment H—5443 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5443

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 25, line 33, by striking the words "A person who makes".

2. Page 25, by striking line 34 and inserting in lieu thereof the words "Any person who threatens to place or attempts to place".

Amendment H—5443 was adopted.

Kreamer of Polk offered the following amendment H—5584 filed by him and moved its adoption:

H—5584

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 26, line 6, by striking the words "felony, *assault* or theft therein" and inserting in lieu thereof the words "public offense".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 33, nays 42.

Amendment H—5584 lost.

Oakley of Clinton offered the following amendment H—5619 filed by him and moved its adoption:

H—5619

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 27A, line 31, by inserting after the word "Takes" the words ", destroys, conceals".

Amendment H—5619 was adopted.

Branstad of Winnebago offered the following amendment H—5764 filed by him and moved its adoption:

H—5764

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 27A, line 34, by inserting after the word "Makes" the words ", utters, draws, delivers, or gives".

2. Page 28A, line 8, by inserting after the word "Makes" the words ", utters, draws, delivers, or gives".

Amendment H—5764 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford for the remainder of the day on request of Husak of Tama.

Jesse of Polk asked and received unanimous consent that action on amendments H—5444 and H—5644 to page 27B be deferred.

Branstad of Winnebago offered the following amendment H—5732 filed by him and moved its adoption:

H—5732

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 28A, line 3, by striking the words "may infer" and inserting in lieu thereof the words "shall presume".

Roll call was requested by Branstad of Winnebago and Nealson of Muscatine.

Rule 69 was invoked.

On the question "Shall amendment H—5732 be adopted?"

The ayes were, 64:

Anderson	Dunton	Lindeen	Readinger
Avenson	Dyrland	Lipsky	Scheelhaase
Bennett	Griffee	McElroy	Schroeder
Bina	Halvorson	Menke	Spear
Binneboese	Hansen	Middleswart	Spencer
Bortell	Harper	Millen	Stromer
Branstad	Harvey	Miller, K. D.	Svoboda
Brockett	Hennessey	Miller, O. L.	Tauke
Brunow	Hinkhouse	Monroe	Varley
Caffrey	Hullinger	Nealson	Walter
Cochran	Husak	Newhard	Welden
Crawford	Jordan	O'Halloran	Woods
Cusack	Junker	Pavich	Wulff
Daggett	Krause	Pellett	Wyckoff
Danker	Kreamer	Perkins	Mr. Speaker
Dieleman	Lageschulte	Poncy	(Small)
Drake			

The nays were, 24:

Baker	Gentleman	Howell	Nielsen
Brandt	Gilloon	Jesse	Oakley
Connors	Hargrave	Jochum	Patchett
Doyle	Higgins	Koogler	Rinas
Egenes	Hines	Lonergan	Spradling
Fitzgerald	Horn	Miller, A. V.	Wells

Absent or not voting, 12:

Bittle	Crabb	Hutchins	Norland
Byerly	Den Herder	Mennenga	Tofte
Clark	Evans	Middleton	West

Amendment H—5732 was adopted.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5735 filed by him on March 11, 1976, and found on pages 1126 and 1127 of the House Journal.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kreamer of Polk for the remainder of the day on request of Branstad of Winnebago.

Speaker Cochran in the chair at 5:40 p.m.

Branstad of Winnebago offered the following amendment H—5611 filed by Kreamer of Polk and moved its adoption:

H—5611

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 28A, line 26, by inserting after the word "battle," the words "or the theft of a motor vehicle of a value exceeding five thousand dollars,".

2. Page 28A, line 32 and 33, by striking the words ", irrespective of value," and inserting in lieu thereof the words "of a value less than five thousand dollars".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 23, nays 49.

Amendment H—5611 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gilloon of Dubuque for a portion of the day on request of Spear of Lee.

Branstad of Winnebago offered the following amendment H—5763 filed by him and moved its adoption:

H—5763

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 28A, line 32 by striking the words "or theft of a motor vehicle, irrespective of".

2. Page 28A, line 33 by striking the words "value,".

Amendment H—5763 was adopted.

Jesse of Polk asked and received unanimous consent that action on amendment H—5684 be deferred.

Jesse of Polk offered the following amendment H—5445 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5445

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 28B, line 43, by inserting after the word "value" the words "within the community".

Amendment H—5445 was adopted.

Avenson of Fayette in the chair at 6:01 p.m.

Bennett of Ida offered the following amendment H—5790 filed by him from the floor and moved its adoption:

H—5790

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 29, line 5, by striking the words "acts shall" and inserting in lieu thereof the words "acts may".

2. Page 29, line 5, by striking the words "value shall" and inserting in lieu thereof the words "value may".

Amendment H—5790 was adopted.

Jesse of Polk offered the following amendment H—5821 filed by the subcommittee on the criminal code revision from the floor:

H—5821

Amend Senate File 85 as follows:

1. Page 27A, line 18, by inserting after the word "deception." the words "Where compensation for goods and services is ordinarily paid immediately upon the obtaining of such goods or the rendering of such services, the refusal to pay or absconding without payment or offer to pay gives rise to an inference that the goods or services were obtained by deception."

2. Page 31A, by striking lines 28 through page 31B line 46.

3. By renumbering the remaining sections and internal references to accord with this amendment.

Jesse of Polk asked and received unanimous consent that action on amendment H—5821 be deferred.

Junker of Woodbury offered the following amendment H—5768 filed by him and moved its adoption:

H—5768

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 29, line 9, by striking the word "he".

2. Page 29, line 10, by striking the words "reasonably believes that he has" and inserting in lieu thereof the words "there is a reasonable belief that there is".

A non-record roll call was requested.

The ayes were 28, nays 33.

Amendment H—5768 lost.

Jesse of Polk offered the following amendment H—5446 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5446

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 29, by striking lines 13 through 25.

2. By renumbering the remaining sections and internal references to accord with this amendment.

Amendment H—5446 was adopted.

Jesse of Polk offered the following amendment H—5447 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5447

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 30, line 14, by striking the words "a violation of section one thousand four hundred".

2. Page 30, by striking line 15, and inserting in lieu thereof the word "theft.".

Amendment H—5447 was adopted.

Wyckoff of Benton offered the following amendment H—5697 filed by him and moved its adoption:

H—5697

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 30, by inserting after line 15, the following new section:

"Sec. ..... *NEW SECTION.* PURCHASE OR SALE OF ARTICLES FROM WHICH IDENTIFICATION MARKS HAVE BEEN REMOVED. Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his possession a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, firearms, safe, vacuum cleaner, dictaphone, watch movement, watch case, or any mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment, from which the manufacturer's name plate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of a serious mis-

demeanor.

This section does not apply to those cases or instances where any of the changes or alterations enumerated in this section have been customarily made or done as an established practice in the ordinary and regular conduct of business by the original manufacturer or by a duly appointed direct representative, or by other specific authorization from the original manufacturer."

2. By renumbering the remaining sections and internal references to accord with this amendment.

Roll call was requested by Wyckoff of Benton and Husak of Tama.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5697 be adopted?"

The ayes were, 46:

Baker	Dyrland	McElroy	Perkins
Bennett	Halvorson	Menke	Poncy
Binneboese	Hansen	Middleswart	Readinger
Bortell	Harper	Millen	Stromer
Branstad	Hinkhouse	Miller, A. V.	Tofte
Brunow	Husak	Miller, K. D.	Varley
Caffrey	Hutchins	Miller, O. L.	Welden
Cochran	Jordan	Nealson	Wells
Daggett	Junker	Newhard	Woods
Danker	Koogler	Oakley	Wulff
Dieleman	Krause	Pellett	Wyckoff
Drake	Lageschulte		

The nays were, 87:

Anderson	Hargrave	Lindeen	Schroeder
Bina	Harvey	Lipsky	Small
Brandt	Hennessey	Lonergan	Spear
Connors	Higgins	Monroe	Spradling
Crawford	Hines	Nielsen	Svoboda
Cusack	Horn	O'Halloran	Tauke
Egenes	Howell	Patchett	Walter
Fitzgerald	Hullinger	Pavich	Mr. Speaker (Avenson)
Gentleman	Jesse	Rinas	
Griffee	Jochum		

Absent or not voting, 17:

Bittle	Den Herder	Gilloon	Norland
Brockett	Doyle	Kreamer	Scheelhaase
Byerly	Dunton	Mennenga	Spencer
Clark	Evans	Middleton	West
Crabb			

Amendment H—5697 was adopted.

The House resumed consideration of amendment H—5821 filed by the subcommittee on the criminal code revision. Division of the amendment was requested as follows: Lines 2 through

9 to be amendment H—5821A and lines 10, 11, 12 and 13 to be amendment H—5821B.

Oakley of Clinton rose on a point of order that the amendment was not divisible.

The Speaker ruled the point not well taken and the division in order.

Jesse of Polk asked for unanimous consent to consider amendment H—5821B before H—5821A.

Objection was raised.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion for the remainder of the day on request of Harvey of Scott.

Jesse of Polk moved to consider amendment H—5821B before amendment H—5821A.

The motion prevailed.

Jesse of Polk moved the adoption of amendment H—5821B.

Roll call was requested by Branstad of Winnebago and Perkins of Greene.

Rule 70 was invoked.

On the question "Shall amendment H—5821B be adopted?"

The ayes were, 38:

Baker	Hennessey	**Krause**	**Pavich**
Binneboese	**Higgins**	**Lindeen**	**Rinas**
Brandt	**Hines**	**Lipsky**	**Schroeder**
Connors	**Horn**	**Lonergan**	**Small**
Egenes	**Howell**	**Mennenga**	**Spear**
Fitzgerald	**Jesse**	**Miller, A. V.**	**Spradling**
Gentleman	**Jochum**	**Miller, K. D.**	**Wells**
Gilloon	**Jordan**	**Monroe**	**Mr. Speaker (Avenson)**
Griffee	**Junker**	**Newhard**	
Hargrave	**Koogler**	**Oakley**	

The nays were, 44:

Anderson	Drake	Lageschulte	Perkins
Bennett	**Dunton**	**McElroy**	**Poncy**
Bina	**Dyrland**	**Menke**	**Readinger**
Bortell	**Halvorson**	**Middleswart**	**Stromer**
Branstad	**Hansen**	**Millen**	**Svoboda**
Brunow	**Harper**	**Miller, O. L.**	**Tauke**
Caffrey	**Harvey**	**Nealson**	**Walter**
Crawford	**Hinkhouse**	**Nielsen**	**Welden**
Cusack	**Hullinger**	**O'Halloran**	**Woods**
Daggett	**Husak**	**Patchett**	**Wulff**
Danker	**Hutchins**	**Pellett**	**Wyckoff**

Absent or not voting, 18:

Bittle	Crabb	Kreamer	Spencer
Brockett	Den Herder	Middleton	Tofte
Byerly	Dieleman	Norland	Varley
Clark	Doyle	Scheelhaase	West
Cochran	Evans		

Amendment H—5821B lost.

Jesse of Polk asked and received unanimous consent to withdraw amendment H—5821A.

With the consideration of amendment H—5821, amendment H—5448, filed by the subcommittee on the criminal code revision on March 3, 1976, and found on page 886 of the House Journal, was out of order.

Speaker Cochran in the chair at 7:35 p.m.

Jesse of Polk offered the following amendment H—5754 filed by the subcommittee on the criminal code revision:

H—5754

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 32, line 3, by inserting after the word "execution." the following: "Writing includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification."

Branstad of Winnebago asked for unanimous consent that action on amendment H—5754 be deferred.

Objection was raised.

Jesse of Polk moved the adoption of amendment H—5754.

Amendment H—5754 was adopted.

Branstad of Winnebago offered the following amendment H—5808 filed by Kreamer of Polk from the floor and moved its adoption:

H—5808

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 33, line 27, by inserting after the word "felony." the words "The attempted use of such an instrument in the above manner is an aggravated misdemeanor."

Amendment H—5808 lost.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5726 filed by him on March 10, 1976, and found on pages 1095 through 1097 of the House Journal.

Jesse of Polk offered the following amendment H—5449 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5449

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 34, line 24, by inserting after the word "altered," the word "or" and by striking the words ", or concealed".

Amendment H—5449 was adopted.

Branstad of Winnebago offered the following amendment H—5699 filed by Kreamer of Polk and moved its adoption:

H—5699

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 35, by inserting after line 3 the following new section:

"Sec. ..... *NEW SECTION.* REMOVAL OF SAFEGUARDS OR DANGER SIGNALS. Whoever shall, without the consent of the person in control thereof, willfully remove, throw down, destroy, or carry away from any highway, street, alley, avenue, or bridge, any lamp, obstruction, guard, or other article or things, or extinguish any lamp or other light, erected or placed thereon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue, or bridge, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding one year."

2. Renumber sections and correct internal references in conformance with this amendment.

Amendment H—5699 lost.

(Senate File 85 pending at adjournment.)

MOTIONS TO RECONSIDER

(Amendment H—5657 to Senate File 85)

I move to reconsider the vote by which amendment H—5657 to Senate File 85 was adopted by the House on March 16, 1976.

BRANDT of Black Hawk

(Amendment H—5697 to Senate File 85)

I move to reconsider the vote by which amendment H—5697 to Senate File 85 was adopted by the House.

WYCKOFF of Benton

(Amendment H—5697 to Senate File 85)

I move to reconsider the vote by which amendment H—5697 to Senate File 85 was adopted by the House.

OAKLEY of Clinton

(Amendment H—5697 to Senate File 85)

I move to reconsider the vote by which amendment H—5697 to Senate File 85 was adopted by the House.

PERKINS of Greene

(Amendment H—5821B to Senate File 85)

I move to reconsider the vote by which amendment H—5821B to Senate File 85 failed to be adopted by the House.

PATCHETT of Johnson

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the votes were taken on House Files 1053, 1165, 1298, 1439, 1460, 1463 and 1361 and Senate File 1200. Had I been present, I would have voted "aye" on each of these bills.

MIDDLETON of Black Hawk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 16th day of March, 1976: House Files 392, 744 and 1098.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

AMENDMENTS FILED

H—5806

Amend House File 769 as follows:

1. Page 33, line 31, by striking the numerals "1972" and inserting in lieu thereof the word "1976".

2. Page 34, line 4, by striking the numerals "1972" and inserting in lieu thereof the word "1976".

WELLS of Linn

H—5804

Amend House File 1287 as follows:

1. Page 1, lines 10 through 12, by striking the words "*operated pursuant to Title forty-two (42), chapter thirty-five (35), subchapter seven (VII), of the United States Code*" and inserting in lieu thereof the words "*for elderly persons which receive or have received federal funds available pursuant to Title forty-two (42), chapter thirty-four (34), section two thousand eight hundred nine (2809) of the United States Code as amended to July 1, 1976 and which do not receive more than thirty percent of their total operating funds from federal sources*".

HENNESSEY of Delaware

H—5803

Amend House File 1407 as follows:

1. Page 7, by inserting after line 10 the following section:

"Sec. ..... Chapter three hundred twenty-one (321), Code 1975, is amended by adding the following new section:

NEW SECTION. Every person selling new implements of husbandry at retail with a retail list price in excess of five thousand (5,000) dollars upon which the manufacturer has affixed a vehicle identification number shall maintain a record of such number, the name and address of the purchaser and the date of sale."

DRAKE of Muscatine
KRAUSE of Palo Alto
SCHROEDER of Pottawattamie
VARLEY of Adair
KOOGLER of Mahaska
WOODS of Polk
PAVICH of Pottawattamie
BRUNOW of Appanoose

H—5815

Amend House File 1407, page 6, by striking lines 7 through 14 and inserting in lieu thereof the following:

"garage or enclosure. *Every person doing business as a demolisher or having used engines or transmissions which are component parts for sale shall keep an accurate and complete record of all vehicles demolished and of such component parts purchased or received in the course of business. These records shall contain the name and address of the person from whom each such vehicle or component part was purchased or received and the date when the purchase or receipt occurred. These records*".

DRAKE of Muscatine
KRAUSE of Palo Alto
DOYLE of Woodbury
WELDEN of Hardin
KREAMER of Polk
KOOGLER of Mahaska

H—5820

Amend House File 1432 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section three hundred twenty-one point one hundred thirty-four (321.134), Code 1975, is amended by adding the following new unnumbered paragraph after unnumbered paragraph one:

NEW UNNUMBERED PARAGRAPH. However, commercial vehicles may not pay semiannual installments if such vehicles are subject to proportional registration with a base state other than the state of Iowa as defined in section three hundred twenty-six point two (326.2), subsection six (6), of the Code."

DRAKE of Muscatine
KRAUSE of Palo Alto
BRUNOW of Appanoose
SCHROEDER of Pottawattamie

H—5781

Amend House File 1436 as follows:

1. Page 9, line 30, by striking the words "[medical director of the]" and inserting in lieu thereof the words "medical director of the".

2. Page 9, line 33, by striking the words "[director] *hospital*" and inserting in lieu thereof the word "director".

3. Page 9, line 35, by striking the words "[by the director]" and inserting in lieu thereof the words "by the director".

LIPSKY of Linn

H—5817

Amend House File 1472 as follows:

1. Page 1, line 18, by inserting after the word "*that*" the words "*a professional certificate,*".

HORN of Linn

H—5782

Amend House File 1477, page 1, line 25 by striking the word "heat" and inserting in lieu thereof the words "hot water".

BROCKETT of Marshall
EVANS of Grundy
WELDEN of Hardin
HALVORSON of Clayton

H—5783

Amend House File 1477 as follows:

1. Page 6, by striking lines 1 through 4 and inserting in lieu thereof the following:

"or of any public water supply system."

2. Page 6, by striking lines 30 through 33 and inserting in lieu thereof the following:

"2. **Review plans and specifications for** construction of, and conduct periodic surveys and inspection of the operation, self monitoring, record keeping and reporting of all disposal systems and public water supply systems."

WELDEN of Hardin
BROCKETT of Marshall
EVANS of Grundy
WYCKOFF of Benton
CRABB of Crawford

H—5784

Amend House File 1477 as follows:

1. Page 11, by inserting after line 16 the following new paragraph:

"No permit for the operation of a public water supply system may be denied or revoked for reasons of water quality unless the water contains harmful contaminants in amounts which may be hazardous to the health of consumers. No permit for construction shall be denied except for methods or conditions of construction which could allow introduction of contaminants into the system in amounts which may be hazardous to the health of consumers when the water is delivered to the control of the consumer."

WELDEN of Hardin
BROCKETT of Marshall
EVANS of Grundy
WYCKOFF of Benton
CRABB of Crawford

H—5785

Amend House File 1477 as follows:

1. Page 12, line 5, by striking the word "negligently" and inserting in lieu thereof the following:

"who, after notification in writing by the director of the violation does not at once take steps to correct the violation."

2. Page 12, line 10, by adding after the word "who" the word "repeatedly".

WELDEN of Hardin
BROCKETT of Marshall
EVANS of Grundy
WYCKOFF of Benton
CRABB of Crawford

H—5796

Amend House File 1477 as follows:

1. Page 2, line 2, by striking the words "or may".

2. Page 3, line 6, by striking the words "or may be".

EVANS of Grundy
WELDEN of Hardin
HALVORSON of Clayton
BROCKETT of Marshall
SCHROEDER of Pottawattamie

H—5795

Amend House File 1477 as follows:

1. Page 2, line 1, by striking the words "quantity or".

EVANS of Grundy
WELDEN of Hardin
KREAMER of Polk
SCHROEDER of Pottawattamie
HALVORSON of Clayton
BROCKETT of Marshall

H—5797

Amend House File 1477 as follows:

1. Page 2, line 12, by inserting after the word "*to*" the word "*collect,*".

EVANS of Grundy
WELDEN of Hardin
KREAMER of Polk
SCHROEDER of Pottawattamie
HALVORSON of Clayton
BROCKETT of Marshall

H—5798

Amend House File 1477 as follows:

1. Page 4, lines 23 and 24, by striking the words "*meet water quality standards*" and inserting in lieu thereof the words "*maintain the existing quality of the water-of-the-state receiving the effluent*".

EVANS of Grundy
WELDEN of Hardin
KREAMER of Polk
HALVORSON of Clayton
SCHROEDER of Pottawattamie
BROCKETT of Marshall

H—5799

Amend House File 1477 as follows:

1. Page 4, line 32, by inserting after the word "*agency.*" the following: "*Except as required by federal law or regulation, the commission shall not adopt an effluent standard more stringent with respect to any pollutant than is necessary to*

reduce the concentration of that pollutant in the effluent to the level due to natural causes, including the mineral and chemical characteristics of the land, existing in the water of the state to which the effluent is discharged."

EVANS of Grundy
WELDEN of Hardin
HALVORSON of Clayton
BROCKETT of Marshall
SCHROEDER of Pottawattamie

H—5800

Amend House File 1477 as follows:

1. Page 5, line 5, by inserting after the word "*the*" the words "*minimum allowable*".

2. Page 5, line 9, by striking the word "*first*" and inserting in lieu thereof the word "*last*".

EVANS of Grundy
WELDEN of Hardin
HALVORSON of Clayton
BROCKETT of Marshall
SCHROEDER of Pottawattamie

H—5801

Amend House File 1477 as follows:

1. Page 8, by striking lines 27 through 29 and inserting in lieu thereof the following: "standards [for the water of the state], or in establishing, modifying, or repealing effluent standards for disposal systems, the commission shall [consider] *base its decisions on the basis of information developed in the state regarding the following*:"

BROCKETT of Marshall
WELDEN of Hardin
EVANS of Grundy
HALVORSON of Clayton

H—5802

Amend House File 1477 as follows:

1. Page 9, line 30, by inserting after the word "*endangered*" the words ", *but not for the same alleged violation*".

EVANS of Grundy
WELDEN of Hardin
KREAMER of Polk
SCHROEDER of Pottawattamie
HALVORSON of Clayton
BROCKETT of Marshall

H—5819

Amend House File 1479 as follows:

1. Page 79, by inserting after line 22 the following new section:

"Sec. ..... Section one hundred six point thirteen

(106.13), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

[Chapter 232] *This Act* shall have no application in the prosecution of offenses committed in violation of this chapter or rules and regulations which are adopted under the authority of this chapter which are punishable by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days."

2. Page 82, by inserting after line 11 the following new section:

"Sec. ..... Section three hundred twenty-one G point fourteen (321G.14), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

[Chapter 232] *This Act* shall have no application in the prosecution of offenses which are committed in violation of this chapter, and which are punishable by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days."

3. Renumber the sections accordingly.

MIDDLESWART of Warren
WYCKOFF of Benton
TOFTE of Winneshiek

H—5816

Amend House File 1516 as follows:

1. Page 5, by inserting in line 16 after the word "*funds.*" the words "*An approving board shall not establish any bidding procedure permitting bids of an interest rate in excess of, and shall not agree to accept or accept the payment of a rate of interest in excess of, the maximum interest rate payable by a national bank on time deposits according to regulations issued by the federal reserve board, irrespective of whether the person submitting the bid or agreeing to pay the interest is a bank or a savings and loan association.*"

SVOBODA of Iowa

H—5786

Amend House File 1522 as follows:

1. Page 2, line 28, by striking the words "and facilitate".

2. Page 2, line 29, by striking the words "provide for the" and inserting in lieu thereof the words "facilitate the delivery and".

3. Page 3, line 26, by inserting after the word "guardians" the words "of children currently receiving services".

4. Page 4, by inserting after line 12 the following subsection:

"..... Work closely with existing local structures that are concerned with children and help to develop city or county councils where necessary, to aid in

coordination of services to children."
5. By numbering subsections as necessary.

DOYLE of Woodbury

H—5814

Amend House File 1536 as follows:
1. Page 27, by striking line 2 and inserting in lieu thereof the following:
"Sec. ..... Sections one (1) through forty-nine (49) of this Act shall take effect July 1, 1978.
Sec. ..... There shall be established on July 1, 1976 or as soon thereafter as practicable a task force on administration of mental health to hold hearings upon, review and consider, and formulate and submit to the general assembly recommendations relative to sections one (1) through forty-nine (49) of this Act.
1. The task force shall consist of three senators designated by the majority leader of the senate, three representatives designated by the speaker of the house, and six citizens of the state appointed by the governor. At least one of the senators and one of the representatives so designated shall be members of the minority party of their respective bodies. The legislators serving on the task force shall be reimbursed for expenses and compensated as provided in section two point forty-four (2.44) of the Code. The nonlegislators serving on the task force shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties and shall receive forty dollars per diem for each day they are so engaged, which shall be paid pursuant to section two point twelve (2.12) of the Code.
2. The task force in discharging its duties under this section shall give attention to, but need not confine itself exclusively to, the following matters:
a. The programmatic content of the Act.
b. The structure and function of the new mental health agency established by the Act, including the question whether such an independent agency is preferable to the assignment of similar powers, duties and restrictions to a division or component of either the department of social services or the department of health.
c. The fiscal impact of the new mental health agency established by the Act, and of any alternatives considered pursuant to paragraph b of this subsection, upon the state and upon other sources of funds which support mental health services in this state.
3. It is the intent of the general assembly in adopting this Act that the recommendations developed in response to subsection two (2) of this section be based on the needs of clients and patients of the mental health agencies and facilities affected, and of the public generally, as determined from public

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hearings held widely throughout the state.

4. The task force shall submit its report and recommendations to the general assembly not later than January 16, 1978. The task force shall be abolished and this section shall stand repealed June 30, 1978."

2. Title, line 4, by inserting after the word "services" the words ", effective July 1, 1978, and establishing a task force to hold hearings upon, consider and submit recommendations relative to the provisions of this Act".

CUSACK of Scott
HIGGINS of Scott

H—5777

Amend Senate File 85 as follows:

1. Page 323, by striking lines 27 through 35.

2. Page 324, by striking lines 1 through 4.

3. Page 424, line 13, by inserting after the word "Chapters" the words "two hundred sixteen (216),".

KRAUSE of Palo Alto

H—5788

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 39, line 14, by inserting after the word "escape" the words "or attempted escape".

HANSEN of O'Brien

H—5789

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 44, by striking lines 3 through 8 and inserting in lieu thereof the following: "person with respect to his or her services in such capacity commits a class D felony.

Sec. ..... *NEW SECTION.* ACCEPTING BRIBE. Any person who is serving or has been elected, selected, appointed, employed or otherwise engaged to serve in a public capacity, including any public officer or employee, any referee, juror or venireman, or any witness in any judicial or arbitration hearing or any official inquiry, or any member of a board of arbitration who shall solicit or knowingly receive any promise or anything of value or any benefit given with the intent to influence the act, vote, opinion, judgment, decision or exercise of discretion of such person commits a class C felony. In addition, any person convicted under this section shall be disqualified from holding public office under the laws

of this state."
2. By renumbering sections.

HALVORSON of Clayton

H—5792

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 60, by inserting after line 27 the following new section:
"Sec. ..... *NEW SECTION.* MEDICAL EXPERIMENTS.
1. The term "medical experiment" means any physical act done to a human patient which is not generally accepted as being for the patient's direct therapeutic benefit or as directly contributing to the diagnosis of the patient's disease, or the withholding of any generally accepted procedure from a human patient, or the making of any test on a human patient for which there is no immediate medical need.
The term "consent" means the authorization by a human patient to have a medical experiment performed on the patient after full disclosure to the patient of all material facts which might influence the patient's decision to undergo or not undergo the experiment, including but not limited to, the exact nature and purpose of the experiment, the probable and possible risks or hazards involved, the nature of the information sought to be gained by the experiment, the possible effects caused by the experiment on lower life forms if known, and the expected recovery time of the patient after the experiment.
2. No person shall be subjected to any medical experiment without his or her express voluntary consent. Any person, prior to conducting any medical experiment, shall state in writing the nature and purpose of the experiment, the known and potential or possible hazards of the experiment, the nature of the information sought to be gained by the experiment and the expected recovery time of the patient. A copy of this statement shall be given to every person whose consent is sought to become a subject of the proposed experiment, and the subject shall sign the statement in giving his or her express voluntary consent.
For the purpose of this Act, express voluntary consent may be given:
a. For persons under eighteen years of age, by the person's parent or guardian.
b. For other persons not having legal capacity to consent, or committed to any mental institution, by that person's guardian, parents or spouse.
Consent may not be given by an institution as guardian if the person is confined or in the custody or care of the institution.
3. Any person who performs, or directs to be performed, any medical experiment on another person

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without the express voluntary consent of that person shall be guilty of a class D felony.

Each medical experiment illegally performed upon an individual patient shall be a separate and actionable offense."

KRAUSE of Palo Alto
MONROE of Des Moines
HIGGINS of Scott
LIPSKY of Linn
CONNORS of Polk

H—5793

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 55, by inserting after line 10 the following new section:

"Sec. ..... *NEW SECTION.* DUTY TO CARRY PERMIT. It shall be the duty of any person armed with a revolver, pistol, or pocket billy concealed upon his person to have in his immediate possession the permit provided for in this division and to produce same for inspection at the request of any peace officer. Failure to so produce such permit shall constitute a simple misdemeanor."

JUNKER of Woodbury

H—5794

Amend Senate File 85 as follows:

1. Page 288, by striking lines 29 through 35.
2. Page 289, by striking lines 1 and 2.
3. Page 424, line 13, by inserting after the word "Chapters" the words "one hundred twenty-one (121),".

KRAUSE of Palo Alto

H—5807

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 60, by striking lines 15 through 27.
2. Page 63, by inserting after line 35 the following:

"DIVISION XXIX
WIRETAPPING

Section 2901. *NEW SECTION.* DEFINITIONS. As used in this division, unless the context otherwise requires:

1. "Wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a

common carrier in providing or operating such facilities for the transmission of intrastate, interstate, or foreign communications.

2. "Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation.

3. "Intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical or other device.

4. "Investigative or law enforcement officer" means any officer of the state or political subdivision thereof, who is empowered by the law of this state to conduct investigations of or to make arrests for offenses referred to in section two thousand nine hundred two (2902) of this division, and any attorney charged by law to prosecute such offenses. Whenever the bureau of criminal investigation and bureau of identification is referred to, it shall mean the bureau, or its designee, as long as the bureau remains primarily responsible for the actions of such designee.

5. "Contents" when used with respect to any wire or oral communication, includes any information **concerning the identity of the parties to such** communication or the existence, substance, purport, or meaning of that communication.

6. "Aggrieved person" means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed.

7. "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto

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Rico, and any territory or possession of the United States.

8. "Bureau of criminal investigation and bureau of identification" shall mean the director of the division of criminal investigation and bureau of identification in the department of public safety or his designee; such designation shall be in writing and name a specific individual.

Sec. 2902. *NEW SECTION.* ORDER AUTHORIZING INTERCEPTION. **The attorney general of this state, or an assistant attorney general designated by him, or the county attorney of any county, who has obtained the prior approval of the attorney general or an assistant attorney general designated by him, is hereby authorized to make application to the district court of the county in which an interception is sought to be made, for an order authorizing the interception of wire or oral communications, and the court may grant in conformity with two thousand nine**

hundred four (2904) of this division an order authorizing, the interception of wire or oral communications by the bureau of criminal investigation and bureau of identification, when such interception may provide evidence of the commission of the offense of murder, arson, placing or unlawfully detonating explosives with intent to harm any person or property, kidnapping, robbery, bribery, extortion, or dealing in controlled substances.

Sec. 2903. *NEW SECTION.* DISCLOSURE OF COMMUNICATIONS INTERCEPTED.

1. Any investigative or law enforcement officer of the bureau of criminal investigation and bureau of identification who, by any means authorized by this division or federal law, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

2. Any investigative or law enforcement officer of the bureau of criminal investigation and bureau of identification, who by any means authorized by this division or federal law, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

3. Any investigative or law enforcement officer

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of the bureau of criminal investigation and bureau of identification who has received, by any means authorized by this division or federal law, or by a like statute of any other state, any information concerning a wire or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of this division may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any proceeding in any court or before any grand jury in this state, or in any court of the United States or of any state, or in any federal or state grand jury proceeding.

4. No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this division or federal law, shall lose its privileged character. Any evidence obtained or derived from the interception of a wire or oral communication that is privileged shall be inadmissible in any court. Any evidence so obtained shall be immediately reported to the court which authorized the interception which shall in turn

cause such information to be served upon all parties concerned.

5. When an investigative or law enforcement officer of the bureau of criminal investigation and bureau of investigation, while engaged in intercepting wire or an oral communications in the manner authorized, intercepts wire or oral communications relating to offenses other than those specified in the order of authorization, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsections one (1) and two (2) of this section. Such contents and any evidence derived therefrom may be used under subsection three (3) of this section when authorized or approved by the district court for the county in which such interception was made, where the court finds on subsequent application, made as soon as practicable, that the contents were otherwise intercepted in accordance with the provisions of this division, or federal law, or by a like statute of another state.

Sec. 2904. *NEW SECTION.* APPLICATION—COURT ORDERS—APPEAL.

1. Each application for an order authorizing the interception of a wire or oral communication or order approving such interception under section two thousand nine hundred three (2903), subsection five (5), shall be made in writing upon oath or affirmation to the district court of the county in which such

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interception is to be made, and shall state the applicant's authority to make such application. Each application shall include the following information:

a. The identity of the investigative or law enforcement officer requesting the application. If the application is executed by an assistant attorney general, a certified copy of the designation of authority, signed by the attorney general, shall accompany the application. If executed by the attorney general, the application shall contain a certification that it is made in conformance with this division.

b. A full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including details as to the particular offense that has been, is being, or is about to be committed, a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, a particular description of the type of communications sought to be intercepted, and the identity of the person, if known, committing the offense and whose communications are to be intercepted.

c. A full and complete statement as to whether or not other investigative procedures have been attempted and failed or why they reasonably appear to be unlikely to succeed if attempted or to be too dangerous.

d. A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter.

e. A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any court for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, **facilities, or places specified in the application,** and the action taken by the court on each such application.

f. Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such

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results.

2. The court may require the applicant to furnish additional testimony or documentary evidence **under oath or affirmation in support of the** application. Oral testimony shall be reduced to writing.

3. Upon such application the court may enter an ex parte order, as requested or as modified, authorizing interception of wire or oral communications or approving interceptions made under section two thousand nine hundred three (2903), subsection five (5), if the court determines on the basis of the facts submitted by the applicant that all of the following are true:

a. There is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section two thousand nine hundred two (2902) of this division.

b. There is probable cause for belief that particular communications concerning that offense will be obtained through such interception.

c. Normal investigative procedures have been attempted and have failed or reasonably appear to be unlikely to succeed if attempted or appear to be too dangerous.

d. There is probable cause for belief that the facilities from which, or the place where, the wire

or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person.

4. Each order authorizing or approving the interception of any wire or oral communication shall specify:

a. The identity of the person, if known, whose communications are to be intercepted.

b. The nature and location of the communications facilities as to which, or the place where, authority to intercept is granted, and the means by which such interceptions shall be made.

c. A particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates.

d. The identity of the agency authorized to intercept the communications, and of the person authorizing the application.

e. The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been

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first obtained.

5. No order entered under this section may authorize or approve the interception of any wire or oral communication that has not been intercepted in accordance with the requirements of this division, nor for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection one (1) of this section and the court making the findings required by subsection three (3) of this section. The period of extension shall be no longer than the court deems necessary to achieve the purposes for which it was granted and in no event longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this division, and shall terminate upon attainment of the authorized objective, or in any event in thirty days.

6. Whenever an order authorizing interception is entered pursuant to this division, the order may require reports to be made to the court who issues the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the court may require.

7. The contents of any wire or oral communication intercepted by any means authorized by this division shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication under this subsection shall be stored and maintained in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, the extensions thereof, such recordings shall be made available to the court issuing such order and sealed under his directions. Custody of the recordings shall be wherever the court orders and they shall not be destroyed for a period of ten years except the court shall inspect all intercepted communications and if he finds there is no information therein which will be of aid in law enforcement he shall order the intercepted recording destroyed forthwith. Duplicate recordings may be made for use or disclosure pursuant to the provisions of section two thousand nine hundred three (2903), subsections

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one (1) and two (2) of this division for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or oral communication or evidence derived therefrom under section two thousand nine hundred three (2903), subsection three (3) of this division.

Applications made and orders granted under this division shall be sealed by the court. Custody of the applications and orders shall be wherever the court directs. Such applications and orders shall be disclosed only upon a showing of good cause before the district court of the county in which the interception was made and shall not be destroyed for a period of ten years.

Any violation of the provisions of this division may be punished as contempt of court.

8. Within a reasonable time but not later than ninety days after the filing of an application for an order of authorization or approval under this division which is denied or the termination of the period of an order or extensions thereof, the issuing or denying court shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the court may determine in his discretion that is in the interest of the justice, an inventory which shall include notice of all of the following:

a. The fact of the entry of the order or the application.

b. The date of the entry and the period of authorized, approved or disapproved interception,

or the denial of the application.

c. The fact that during the period wire or oral communications were or were not intercepted.

The court upon the filing of a motion shall make available to the movant for inspection such portions of the intercepted communications, and applications and orders which pertain to the movant.

9. The contents of any intercepted wire or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in any court of this state unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved and the intercepted communications which pertain to such

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party's conversation. This ten-day period may be waived by the court if he finds that it was not possible to furnish the party with the above information ten days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

10. Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of this state, or a political subdivision thereof, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that the communication was unlawfully intercepted, the order of authorization or approval under which it was intercepted is insufficient on its face, or the interception was not made in conformity with the order of authorization or approval. Such motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this division. The court, upon the filing of such motion by the aggrieved person, shall make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the court determines to pertain to the movant.

In addition to any other right to appear, the state shall have the right to appeal:

a. From an order granting a motion to suppress made under unnumbered paragraph one (1) of this subsection if the attorney general or county attorney shall certify to the court or other official granting

such motion that the appeal is not taken for purposes of delay. Such appeal shall be taken within thirty days after the date the order of suppression was entered and shall be diligently prosecuted as in the case of other interlocutory appeals or under such rules as the supreme court may adopt.

b. From an order denying an application for an order of authorization or approval, and such an appeal shall be ex parte and shall be in camera in preference to all other pending appeals in accordance with rules promulgated by the supreme court.

Sec. 2905 *NEW SECTION.* EXEMPTION FROM LIABILITY. A good faith reliance on a court order issued under the provisions of this division shall constitute a

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complete defense to any civil or criminal action brought for violation of this division.

Sec. 2906. *NEW SECTION.* REPORT. In January of each year, the attorney general of this state shall report to the administrative office of the United States courts such information as is required to be filed by federal law. A duplicate copy of such reports shall be filed, at the same time, with the chief justice of the supreme court.

Sec. 2907. *NEW SECTION.* EXEMPTIONS. It shall not be unlawful:

1. For a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; or

2. For a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal, tortious or other injurious act.

3. For an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication; however, said communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

Sec. 2908. *NEW SECTION.* UNLAWFUL INTERCEPTIONS. It shall be unlawful for any person to willfully intercept, attempt to intercept, or procure another to intercept any wire or oral communication which

is not specifically authorized in accordance with the provisions of this division or to knowingly disclose the contents of any wire or oral communication obtained which is not specifically authorized in accordance with the provisions of this division shall **upon conviction be guilty of a class D felony.** Interception of the contents of any wire or oral communication pursuant to a court order which is subsequently held invalid shall not be a violation of this division under this section.

Sec. 2909. *NEW SECTION.* POSSESSION, SALE,

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DISTRIBUTIONS, MANUFACTURE, ADVERTISEMENTS.

1. Except as otherwise specifically provided in subsection two (2) of this section, any person, upon conviction, shall be guilty of a class D felony, if the person does any of the following:

a. Willfully possesses an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication.

b. Willfully sells an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication.

c. Willfully distributes an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication.

d. Willfully manufactures or assembles an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication.

e. Willfully places in any newspaper, magazine, handbill, or other publication within this state, any advertisement promoting the sale or use of any interception device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication.

2. It shall not be unlawful under this section for a communication common carrier or an officer, **agent, or employee of, or a person under contract** with a communication common carrier, in the usual course of the communication common carrier's business; or a person under contract with the government of the United States, a state or a political subdivision thereof, or the District of Columbia, or an officer, agent, or employee of the government of the United States, a state or political subdivision, or municipality thereof to possess, sell, distribute, manufacture, or assemble, or advertise any intercepting device while acting in furtherance of the appropriate activities of the United States, a state or political **subdivision thereof, the District of Columbia, or**

a communication common carrier.

3. Any intercepting device in this state possessed, used, sold, distributed, manufactured or assembled in violation of this section may be seized and forfeited to the state.

Sec. 2910. *NEW SECTION.* TREBLE DAMAGES. Any party to a conversation which is intercepted or is not specifically authorized in accordance with the

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provisions of this division may sue the violator or violators therefor and shall receive three times the damages sustained by him, and the cost of the suit, including a reasonable attorney's fee. No award under this section shall be less than five hundred dollars.

Sec. 2911. *NEW SECTION.* MINISTERS EXEMPT. It shall be unlawful to knowingly intercept any wire or oral communication between a minister, ordained under the laws of the state of Iowa, and parishioner, unless the minister is the principal suspect of criminal activity.

Sec. 2912. *NEW SECTION.* PHYSICIANS EXEMPT. It shall be unlawful to intercept any oral communication between a physician and his patient when the subject matter of the communication concerns treatment of the patient for addiction to narcotics or drugs.

Sec. 2913. *NEW SECTION.* LAWYERS EXEMPT. It shall be unlawful to willfully intercept any wire or oral communication between a lawyer and his client, unless the lawyer is a suspect of criminal activity."

KREAMER of Polk

H—5809

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 35, by inserting after line 3, the following:

"Sec. ..... *NEW SECTION.* ATTEMPTED CRIMINAL MISCHIEF. It shall be a crime to attempt to commit criminal mischief as defined in section one thousand six hundred one (1601) of this division. If the criminal mischief attempted is punishable as a felony, whoever attempts to commit such criminal mischief shall be sentenced to a term of imprisonment not to exceed one half of the term provided for the crime attempted, and in addition such person may be sentenced to a fine of not more than one half of the fine provided for the criminal mischief attempted. If the criminal mischief attempted is punishable as a misdemeanor, whoever attempts to commit such criminal mischief shall be sentenced to a term of imprisonment not to exceed one half of the limits provided for the crime attempted, or a fine not to exceed one half of the fine provided for the

crime attempted, or both such imprisonment and fine."
2. By renumbering sections.

BENNETT of Ida

H—5810

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 36, by inserting after line 29 the following:
"Sec. ..... *NEW SECTION.* INJURIES TO DOGS OR CATS. It shall be unlawful for any peace officer or any person designated by a city or county as an animal control officer to kill or intentionally injure any dog or cat running loose within the city limits of a city, except a dog or cat which the officer has reason to believe is affected with hydrophobia or is an immediate threat to the safety of a person or of some other animal, unless the officer has made a reasonable effort to determine whether or not the dog or cat is licensed. The officer or other person shall not be found to have made a reasonable effort unless the dog or cat has been provided food and shelter for a period of not less than three days during which the dog or cat is made available for recovery by its owner. Costs for shelter may be taxed to the owner as a condition of recovery of the animal. Nothing in this section shall prohibit the use of any tranquilizing device designed to immobilize an animal to facilitate its capture if the device is designed and used in a manner to prevent serious injury. Violation of this section is a simple misdemeanor."
2. Page 422, line 29, by inserting after the numerals "(343.6)," the words and numerals "three hundred fifty-one point twenty-five (351.25), three hundred fifty-one point twenty-six (351.26), three hundred fifty-one point twenty-seven (351.27),".
3. By renumbering sections as necessary.

HENNESSEY of Delaware

H—5811

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 39, line 16, by striking the words "a class D felony." and inserting in lieu thereof the following: "the crime of permitting a prisoner to escape which is subject to the following penalties:
1. If the prisoner is in custody by reason of a conviction or charge of a class A felony, the defendant commits a class C felony.
2. If the prisoner is in custody by reason of a conviction or charge of any felony other than a class A felony, the defendant commits a class D felony.
3. If the prisoner is in custody by reason of a

conviction or charge of any public offense other than a felony, the defendant commits an aggravated misdemeanor."

HANSEN of O'Brien

H—5812

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 39, line 25, by striking the words "a class D felony." and inserting in lieu thereof the following: "the crime of assisting a prisoner to escape which is subject to the following penalties:

1. If the prisoner was confined by reason of a conviction of a class A felony, the defendant commits a class C felony.

2. If the prisoner was confined by a reason of a conviction of any felony other than a class A felony, the defendant commits a class D felony.

3. If the prisoner was confined by reason of a conviction of any public offense other than a felony, the defendant commits an aggravated misdemeanor."

HANSEN of O'Brien

H—5813

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 332, by inserting after line 11 the following:

"Sec. ..... Chapter three hundred five A (305A), Code 1975, is amended by adding sections _____ through _____ of this Act.

Sec. ..... *NEW SECTION.* It is the purpose of this chapter to preserve and protect archaeological resources. The state recognizes that although private persons may finance research or collect artifacts, no one owns exclusive rights to an archaeological object or archaeological data. The state encourages persons with private archaeological collections to confine their collecting activities to the surface of the ground, to report archaeological finds to the state archaeologist, to keep separate objects from different localities, to maintain records on the sources of the collections, to make collections available for study, and to preserve the collections as a unit.

Sec. ..... *NEW SECTION.* All historical objects found on or in land or waters belonging to the state of Iowa or its political subdivisions are declared to be the property of the state and under the juridiction of the state archaeologist. A person shall not salvage, remove or deface historical objects belonging to the state without a permit from the state archaeologist.

Sec. ..... *NEW SECTION.*

1. A person other than those authorized by

subsection two (2) of this section shall not commence archaeological investigations and excavations on a site in this state without the prior approval of the state archaeologist. Copies of any contract for the archaeological work shall be filed with the state archaeologist. The state archaeologist may require the applicant to provide a statement of professional qualifications and professional references.

2. The departments of archaeology of the university of Iowa, and Iowa state university of science and technology, and state agencies which employ an archaeological research staff and have facilities for laboratory analysis, storage, and publication of reports or departments of other colleges and universities which have been designated by the state archaeologist are authorized to conduct archaeological investigations and excavations upon giving notice of the particular project to the state archaeologist.

3. The state archaeologist shall provide examples

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of site record forms to be used and, if historical objects are to be placed in the state repository, instructions on the use of the state cataloging system. All site and accession numbers shall be assigned by the state achaeologist. At the conclusion of the investigation, a final report containing complete site information and historical object catalog sheets shall be filed with the state archaeologist and the director of the division of historic preservation of the state historical department.

Sec. ..... *NEW SECTION.* Historical objects recovered by archaeological investigations may be submitted to and accepted by the state archaeologist for preservation. The office of the state archaeologist shall be the official repository for historical objects and records.

Sec. ..... *NEW SECTION.* Any person discovering historical objects shall report the discovery promptly to the state archaeologist and shall take all reasonable precautions to preserve the discovery until it can be investigated by the state archaeologist or a designee. A person shall not without lawful authority disturb an aboriginal cemetery or possess human remains which exceed one hundred and fifty years in age.

Sec. ..... *NEW SECTION.* Any person violating the provisions of sections _____ through _____ of this Act shall be guilty of a simple misdemeanor.

Sec. ..... Section three hundred five A point four (305A.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

As used in [sections 305A.5 and 305A.6] *this chapter:*

2. The chief clerk is authorized to insert section numbers and complete cross references as necessary.

3. By renumbering section numbers of the bill.

KRAUSE of Palo Alto

H—5805

Amend Senate File 1145, as passed by the Senate and reprinted, as follows:

1. Page 3, by striking lines 31 through 35.

2. Page 4, by striking lines 1 through 5.

3. Page 4, lines 25 and 26, by striking the word and numeral "eight (8)" and inserting in lieu thereof the word and numeral "seven (7)".

4. Page 4, lines 30 and 31, by striking the following: "increased fee prescribed in section six (6) of this Act" and inserting in lieu thereof the following: "fee prescribed in section three hundred twenty-one point one hundred ninety-one (321.191) of the Code".

5. Page 4, line 33, by striking "1976.1" and inserting in lieu thereof "1976."

KRAUSE of Palo Alto

H—5779

Amend Senate File 1190 as amended and passed by the Senate as follows:

1. Page 1, by inserting after line 16 the following:

"Sec. ..... Chapter thirteen (13), Code 1975, is amended by adding the following new section:

NEW SECTION. TRANSPORTATION. The department of justice shall not own or operate any aircraft of any type or modification unless otherwise provided by this section. Funds appropriated to the department of justice shall not be used for transportation by aircraft of any persons unless prior approval of the executive council has been obtained. This section shall not prohibit use by the department of justice of aircraft owned by the state of Iowa and assigned to an aircraft pool."

2. Renumber sections and correct internal references in conformance with this amendment.

MONROE of Des Moines

H—5780

Amend Senate File 1190 as amended and passed by the Senate as follows:

1. Page 3, by inserting after line 13 the following:

"Sec. ..... Section one hundred twenty-seven point fifteen (127.15), Code 1975, is amended to read as follows:

127.15 REQUISITION BY DEPARTMENT. The state department of justice may, if the conveyance is such a one as may be used by said department in connection

with its duties and the enforcement of the law, requisition said conveyance for said department and said requisition shall be delivered to the clerk of the district court of the county having jurisdiction of such conveyance, within ten days after the notice of judgment of forfeiture has been received by the bureau of investigation. *All requisitions of conveyances by the department of justice are subject to approval or disapproval by the director of the department of general services.* If said conveyance is not so requisitioned within ten days after the clerk of the district court has notified the department of justice of the judgment of forfeiture, then the conveyance shall be sold by the sheriff as provided in this chapter.

Sec. ..... Section one hundred twenty-seven point sixteen (127.16), Code 1975, is amended to read as follows:

127.16 ORDER FOR DELIVERY. When any such conveyance is requisitioned by the department of justice *pursuant to approval by the director of the department of general services,* the clerk of the district court shall immediately issue to the sheriff of the county or other officer having possession of said conveyance, an order directing that said conveyance be turned over to the state department of justice, or any of its duly commissioned agents directed by the attorney general to receive it.

Sec. ..... Section one hundred twenty-seven point nineteen (127.19), Code 1975, is amended to read as follows:

127.19 REQUISITION BY COUNTY OR CITY. The board of supervisors of a county or the council of any city in such county may apply to the department of justice that any motor vehicle seized in such county and requisitioned under sections 127.15 to 127.17, inclusive, be delivered to such board or council for use in performing official duties by officials and officers of the county or city. No officer of any county or city shall be allowed mileage for the performance

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of any official duty wherein he uses a publicly owned car. The department of justice [may] *shall* allow such application *as approved by the director of the department of general services* whereupon the automobile shall be delivered to the board of supervisors or to the council for use in accord with such application. Should the county and city both make application for the same vehicle and the applications be granted, the vehicle shall be delivered to the public body whose officers first seized the vehicle.

Sec. ..... Section one hundred twenty-seven point twenty-three (127.23), Code 1975, is amended to read as follows:

127.23 OTHER STATE DEPARTMENTS. Any department of the state government needing a motor vehicle for official use may make written application therefor to the director of the department of general services. The director shall, if he determines that the department should have a motor vehicle, [by written application request] *direct* the department of justice to requisition a suitable motor vehicle for the applicant department whenever one is available, in the manner provided in this chapter. *The department of justice shall requisition such motor vehicles as directed by the director of the department of general services.* Whenever any department receives a motor vehicle under the provisions of this section, the department shall cause the court costs and all other costs incurred in connection with the confiscation and forfeiture of the motor vehicle to be paid to the clerk of the court or the sheriff of the proper county.

Sec. ..... Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new section:

NEW SECTION. LABELING PUBLICLY OWNED MOTOR VEHICLES. All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of said vehicle. This label shall be designed to cover not less than one square foot of surface. This section shall not apply when approved by the director of the department of general services to any motor vehicle which shall be specifically assigned by the head of the department or office owning or controlling it, to enforcement of police regulations or to enforcement and control of venereal disease pursuant to chapters one hundred thirty-nine (139) and one hundred forty (140) of the Code. The department of justice shall not operate an unlabeled

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publicly owned motor vehicle."

2. Page 3, by inserting after line 19 the following:

"Sec. ..... Section seven hundred forty point twenty-one (740.21), Code 1975, is repealed."

3. Renumber the sections and correct internal references in conformance with this amendment.

MONROE of Des Moines

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 8:16 p.m. until 9:00 a.m., Wednesday, March 17, 1976.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day—Forty-fourth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, MARCH 17, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Herbert G. Kohl, associate pastor of the Christian Churches of the Upper Midwest, Newton, Iowa.

The Journal of Tuesday, March 16, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. C. Weideman, Vinton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee for March 17, 18, and 19 on request of Crawford of Story; Patchett of Johnson on request of Dyrland of Clayton.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twelve members of the Ocheyedan Junior-Senior High School basketball team, Ocheyedan, Iowa, accompanied by Dale Block. By Hansen of O'Brien.

Twenty-five second grade students from Fairmeadows Elementary School, West Des Moines, Iowa, accompanied by Mr. Bowles. By Millen of Van Buren.

Six North Linn Senior High School students, Troy Mills, Iowa, accompanied by Mrs. Patsy Niemier and Mrs. Nancy Mauser. By Lipsky of Linn.

Forty-six Waukee Senior High School seniors, Waukee, Iowa, accompanied by Paul Bullock and Jerry Soper. By Varley of Adair.

Twenty-four students from Iowa School for the Deaf at Council Bluffs, Iowa, accompanied by Gene Hiner, principal, and other instructors. By Danker, Pavich, Schroeder and Walter of Pottawattamie.

Eighteen members of the Maquoketa High School basketball team, Maquoketa, Iowa, accompanied by Bill Fleming. By Newhard of Jones and Gilloon of Dubuque.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 15, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 503, a bill for an act relating to transfer of prisoners of institutions administered by the department of social services.

Also: That the Senate has on March 15, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1036, a bill for an act making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality.

Also: That the Senate has on March 15, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1094, a bill for an act making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey.

Also: That the Senate has on March 15, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1141, a bill for an act appropriating funds to the state conservation commission to carry out various programs under the commission.

Also: That the Senate has on March 15, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1218, a bill for an act making an appropriation to the state board of regents for a seeds laboratory.

Also: That the Senate has on March 15, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1242, a bill for an act making technical amendments to the Iowa housing finance authority.

Also: That the Senate has on March 15, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services.

Also: That the Senate has on March 15, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1252, a bill for an act making appropriations to the bureau of labor and the Iowa merit employment department.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

Senate File 369, a bill for an act relating to the search warrant and bonding authority of the Iowa natural resources council and providing a penalty.

Read first time and **passed on file.**

RULE 32 INVOKED
(House File 1484)

Doyle of Woodbury invoked Rule 32 on **House File 1484** and the bill, presently on the regular calendar, was referred to the committee on **ways and means.**

BUSINESS PENDING AT ADJOURNMENT

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Bennett of Ida offered the following amendment H—5809 filed by him and moved its adoption:

H—5809

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 35, by inserting after line 3, the following:

"Sec. ..... *NEW SECTION.* ATTEMPTED CRIMINAL MISCHIEF. It shall be a crime to attempt to commit criminal mischief as defined in section one thousand six hundred one (1601) of this division. If the criminal mischief attempted is punishable as a felony, whoever attempts to commit such criminal mischief shall be sentenced to a term of imprisonment not to exceed one half of the term provided for the crime attempted, and in addition such person may be sentenced to a fine of not more than one half of the fine provided for the criminal mischief attempted. If the criminal mischief attempted is punishable as a misdemeanor, whoever attempts to commit such criminal mischief shall be sentenced to a term of imprisonment not to exceed one half of the limits provided for the crime attempted, or a fine not to exceed one half of the fine provided for the

crime attempted, or both such imprisonment and fine."
2. By renumbering sections.

A non-record roll call was requested.

The ayes were 33, nays 47.

Amendment H—5809 lost.

Junker of Woodbury offered the following amendment H—5769 filed by him and moved its adoption:

H—5769

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 35, by inserting after line 32, the following:
"3. The term "trespass" shall not mean entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 43, nays 40.

Amendment H—5769 was adopted.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—5565 filed by him on March 5, 1976, and found on page 986 of the House Journal.

Bennett of Ida offered the following amendment H—5704 filed by him and moved its adoption:

H—5704

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 36, line 13, by striking the words "an aggravated" and inserting in lieu thereof the words "a simple".

Amendment H—5704 lost.

Hennessey of Delaware offered the following amendment H—5810 filed by him and moved its adoption:

H—5810

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 36, by inserting after line 29 the following:

"Sec. ..... *NEW SECTION.* INJURIES TO DOGS OR CATS. It shall be unlawful for any peace officer or any person designated by a city or county as an animal control officer to kill or intentionally injure any dog or cat running loose within the city limits of a city, except a dog or cat which the officer has reason to believe is affected with hydrophobia or is an immediate threat to the safety of a person or of some other animal, unless the officer has made a reasonable effort to determine whether or not the dog or cat is licensed. The officer or other person shall not be found to have made a reasonable effort unless the dog or cat has been provided food and shelter for a period of not less than three days during which the dog or cat is made available for recovery by its owner. Costs for shelter may be taxed to the owner as a condition of recovery of the animal. Nothing in this section shall prohibit the use of any tranquilizing device designed to immobilize an animal to facilitate its capture if the device is designed and used in a manner to prevent serious injury. Violation of this section is a simple misdemeanor."

2. Page 422, line 29, by inserting after the numerals "(343.6)," the words and numerals "three hundred fifty-one point twenty-five (351.25), three hundred fifty-one point twenty-six (351.26), three hundred fifty-one point twenty-seven (351.27),".

3. By renumbering sections as necessary.

Amendment H—5810 was adopted.

Jesse of Polk offered the following amendment H—5450 filed by the subcommittee on the criminal code revision:

H—5450

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 36, line 33, by striking the word "two" and inserting in lieu thereof the word "three".

Small of Johnson in the chair at 10:14 a.m.

Jesse of Polk moved the adoption of amendment H—5450.

Amendment H—5450 was adopted.

Jesse of Polk offered the following amendment H—5451 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5451

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 37, line 20, by striking the word "serious" and inserting in lieu thereof the word "simple".

Amendment H—5451 was adopted.

The House resumed consideration of amendment H—5434B. Further division was requested as follows:

H—5434B

2. Page 37, by inserting after line 27 the following new section:

"Sec. ..... *NEW SECTION*. FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. A person who reports or causes to be reported false information to a fire department or a law enforcement authority, knowing that the information is false or who reports the alleged occurrence of a criminal act, knowing the same did not occur commits a simple misdemeanor."

H—5434C

3. Page 179, by striking lines 33 and 34.

H—5434B

4. By renumbering the remaining sections and internal references to accord with this amendment.

On motion by Jesse of Polk, amendment H—5434B was adopted.

Jesse of Polk asked and received unanimous consent to withdraw amendment H—5434C.

Dyrland of Clayton asked and received unanimous consent to withdraw amendment H—5382 filed by him on February 27, 1976, and found on page 768 of the House Journal.

Branstad of Winnebago offered the following amendment H—5822 filed by him from the floor and moved its adoption:

H—5822

Amend Senate File 85 as follows:

1. Page 38, line 1, by striking the comma after the word "misdemeanor" and inserting in lieu thereof a period.

2. Page 38, by striking lines 2 through 4 and inserting in lieu thereof the following: "If a person commits an interference with official acts, as defined in this section, and in so doing he purposely inflicts or attempts to inflict serious injury, or displays a dangerous weapon, or is armed with a firearm, he commits an aggravated misdemeanor."

Amendment H—5822 was adopted.

Jesse of Polk offered the following amendment H—5452 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5452

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 38, by striking lines 25 through 28.

Amendment H—5452 was adopted.

Hansen of O'Brien offered the following amendment H—5788 filed by him and moved its adoption:

H—5788

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 39, line 14, by inserting after the word "escape" the words "or attempted escape".

Amendment H—5788 was adopted.

Hansen of O'Brien offered the following amendment H—5811 filed by him and moved its adoption:

H—5811

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 39, line 16, by striking the words "a class D felony." and inserting in lieu thereof the following: "the crime of permitting a prisoner to escape which is subject to the following penalties:

1. If the prisoner is in custody by reason of a conviction or charge of a class A felony, the defendant commits a class C felony.

2. If the prisoner is in custody by reason of a conviction or charge of any felony other than a class A felony, the defendant commits a class D felony.

3. If the prisoner is in custody by reason of a conviction or charge of any public offense other than a felony, the defendant commits an aggravated misdemeanor."

Amendment H—5811 was adopted.

Hansen of O'Brien offered the following amendment H—5812 filed by him and moved its adoption:

H—5812

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 39, line 25, by striking the words "a class D felony." and inserting in lieu thereof the

following: "the crime of assisting a prisoner to escape which is subject to the following penalties:

1. If the prisoner was confined by reason of a conviction of a class A felony, the defendant commits a class C felony.

2. If the prisoner was confined by a reason of a conviction of any felony other than a class A felony, the defendant commits a class D felony.

3. If the prisoner was confined by reason of a conviction of any public offense other than a felony, the defendant commits an aggravated misdemeanor."

A non-record roll call was requested.

The ayes were 48, nays 15.

Amendment H—5812 was adopted.

Branstad of Winnebago offered the following amendment H—5710 filed by him:

H—5710

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 40, by inserting after line 6 the following new section:

"Sec. ..... *NEW SECTION.* FURNISHING WEAPON TO INMATE. Any person not authorized by law who furnishes or knowingly makes available any instrument or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag or metal knuckles or any explosive substance or any dirk or dagger or any other sharpened instrument or any firearm to any inmate at any detention facility, correctional institution or any institution under the management of the department of social services commits a class D felony."

Jesse of Polk offered the following amendment H—5755, to amendment H—5710, filed by the subcommittee on the criminal code revision and moved its adoption:

H—5755

Amend, amendment H—5710, to page 40, Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 8 through 12, and inserting in lieu thereof the words "dangerous weapon to an".

Amendment H—5755 was adopted.

Branstad of Winnebago moved the adoption of amendment H—5710, as amended.

Amendment H—5710, as amended, lost.

Jesse of Polk offered the following amendment H—5453 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5453

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 40, line 30 by striking the word "said".

Amendment H—5453 was adopted.

Jesse of Polk offered the following amendment H—5456 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5456

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 41, line 13, by striking the words "will possibly" and inserting in lieu thereof the words "has been or may".

Amendment H—5456 was adopted.

Jesse of Polk offered the following amendment H—5455 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5455

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 41, line 30, by striking the words "him to be guilty" and inserting in lieu thereof the words "that the person committed the offense".

Amendment H—5455 was adopted.

Jesse of Polk offered the following amendment H—5454 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5454

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 41, by striking lines 31 through page 42, line 5.

Amendment H—5454 was adopted.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5789 filed by him on March 16, 1976, and found on pages 1197 and 1198 of the House Journal.

Halvorson of Clayton offered the following amendment H—5828 filed by him from the floor and moved its adoption:

H—5828

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 44, by striking lines 3 through 8 and inserting in lieu thereof the following: "person with respect to his or her services in such capacity commits a class D felony. In addition, any person convicted under this section shall be disqualified from holding public office under the laws of this state."

2. Page 44, by inserting the following new section:

"Sec. ..... *NEW SECTION.* ACCEPTING BRIBE. Any person who is serving or has been elected, selected, appointed, employed or otherwise engaged to serve in a public capacity, including any public officer or employee, any referee, juror or venireman, or any witness in any judicial or arbitration hearing or any official inquiry, or any member of a board of arbitration who shall solicit or knowingly receive any promise or anything of value or any benefit given with the intent to influence the act, vote, opinion, judgment, decision or exercise of discretion of such person commits a class C felony. In addition, any person convicted under this section shall be disqualified from holding public office under the laws of this state."

3. By renumbering sections.

Amendment H—5828 was adopted.

Jesse of Polk offered the following amendment H—5457 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5457

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 44, line 10, by striking the word "corruptly".

Amendment H—5457 was adopted.

Spear of Lee offered amendment H—5022 filed by him and requested division as follows:

H—5022

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5022A

1. Page 46, line 6, by striking the word "hearing" and inserting in lieu thereof the word "election".

H—5022B

2. Page 46, line 9, by inserting after the word "candidate" the words "or for or against any issue".

On motion by Spear of Lee, amendment H—5022A was adopted.

On motion by Spear of Lee, amendment H—5022B was adopted.

Jesse of Polk offered the following amendment H—5458 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5458

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 46, line 32, by striking the word "and" and inserting in lieu thereof the word "or".

2. Page 46, line 34, by inserting before the word "refuses" the word "who" and by striking the words "or willingly fails to obey".

Amendment H—5458 was adopted.

Lipsky of Linn asked and received unanimous consent to withdraw amendment H—5685 filed by her on March 9, 1976, and found on pages 1054 and 1055 of the House Journal.

Jesse of Polk offered amendment H—5459 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5459

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

H—5459A

1. Page 47, by striking lines 11 through 13.

H—5459B

2. Page 47, by striking lines 17 through 23.

On motion by Jesse of Polk, amendment H—5459A was adopted.

Jesse of Polk moved the adoption of amendment H—5459B.

A non-record roll call was requested.

The ayes were 53, nays 15.

Amendment H—5459B was adopted.

Hargrave of Johnson offered the following amendment H—5830 filed by him from the floor and moved its adoption:

H—5830

Amend Senate File 85 as amended, passed and reprinted as follows:

1. Page 46, lines 15 and 16 by striking the following: ", tumultuous or threatening".

2. Page 46, lines 24 and 25 by striking the following: ", tumultuous or threatening".

3. Page 47, lines 3 and 4 by striking the following: ", tumultuous or threatening".

A non-record roll call was requested.

The ayes were 42, nays 29.

Amendment H—5830 was adopted.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Small of Johnson in the chair.

QUORUM CALL

Roll call was requested by Oakley of Clinton and Schroeder of Pottawattamie to determine that a quorum was present.

Rules 69 and 70 were invoked.

Present, **70**:

Avenson	Drake	Jordan	Scheelhaase
Baker	Dyrland	Junker	Schroeder
Bennett	Evans	Koogler	Spear
Bina	Fitzgerald	Lindeen	Spencer
Binneboese	Gilloon	Lipsky	Spradling
Bittle	Griffee	Lonergan	Svoboda
Bortell	Hansen	Menke	Tauke
Brandt	Hargrave	Middleswart	Tofte
Branstad	Harvey	Miller, A. V.	Varley
Brockett	Hennessey	Miller, K. D.	Walter
Caffrey	Higgins	Miller, O. L.	Wells
Cochran	Hines	Norland	West
Crabb	Hinkhouse	Oakley	Woods
Crawford	Horn	Pavich	Wulff
Cusack	Howell	Pellett	Wyckoff
Danker	Hullinger	Perkins	Mr. Speaker (Small)
Den Herder	Hutchins	Poncy	
Doyle	Jochum	Rinas	

Absent, 30:

Anderson	Egenes	Lageschulte	Newhard
Brunow	Gentleman	McElroy	Nielsen
Byerly	Halvorson	Mennenga	O'Halloran
Clark	Harper	Middleton	Patchett
Connors	Husak	Millen	Readinger
Daggett	Jesse	Monroe	Stromer
Dieleman	Krause	Nealson	Welden
Dunton	Kreamer		

IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House Files 1462, 1047, 1287 and 1473.

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(5-Minute)

House File 1462, a bill for an act relating to the permissible age for qualifying for appointment as judicial magistrate, was taken up for consideration.

Oakley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1462)

The ayes were, 65:

Avenson	Doyle	Jordan	Rinas
Baker	Drake	Junker	Scheelhaase
Bennett	Dyrland	Koogler	Schroeder
Bina	Evans	Kreamer	Spencer
Binneboese	Fitzgerald	Lageschulte	Spradling
Bittle	Gilloon	Lindeen	Stromer
Bortell	Griffee	Lonergan	Svoboda
Brandt	Halvorson	Menke	Tauke
Brockett	Hansen	Middleswart	Tofte
Brunow	Hargrave	Miller, A. V.	Varley
Caffrey	Hennessey	Norland	Walter
Cochran	Higgins	Oakley	Wells
Crawford	Hines	Pavich	West
Cusack	Horn	Perkins	Woods
Danker	Hullinger	Poncy	Mr. Speaker (Small)
Den Herder	Hutchins	Readinger	
Dieleman	Jochum		

The nays were, 12:

Branstad	Hinkhouse	Miller, K. D.	Spear
Crabb	Howell	Miller, O. L.	Wulff
Harvey	Husak	Pellett	Wyckoff

Absent or not voting, 23:

Anderson	Egenes	McElroy	Newhard
Byerly	Gentleman	Mennenga	Nielsen
Clark	Harper	Middleton	O'Halloran
Connors	Jesse	Millen	Patchett
Daggett	Krause	Monroe	Welden
Dunton	Lipsky	Nealson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1473, a bill for an act relating to gas, gasoline, and motor fuel inspectors, was taken up for consideration.

Koogler of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1473)

The ayes were, 83:

Avenson	Dunton	Jordan	Poncy
Baker	Dyrland	Junker	Readinger
Bennett	Evans	Koogler	Rinas
Bina	Fitzgerald	Krause	Scheelhaase
Binneboese	Gentleman	Kreamer	Schroeder
Bittle	Gilloon	Lageschulte	Spear
Bortell	Griffee	Lindeen	Spencer
Brandt	Halvorson	Lipsky	Spradling
Branstad	Hansen	Lonergan	Stromer
Brockett	Hargrave	McElroy	Svoboda
Brunow	Harper	Menke	Tauke
Caffrey	Hennessey	Middleswart	Tofte
Cochran	Higgins	Miller, A. V.	Varley
Crabb	Hines	Miller, K. D.	Walter
Crawford	Hinkhouse	Miller, O. L.	Wells
Cusack	Howell	Newhard	West
Danker	Hullinger	Norland	Woods
Den Herder	Husak	Oakley	Wulff
Dieleman	Hutchins	Pavich	Wyckoff
Doyle	Jesse	Pellett	Mr. Speaker
Drake	Jochum	Perkins	(Small)

The nays were, none.

Absent or not voting, 17:

Anderson	Egenes	Middleton	Nielsen
Byerly	Harvey	Millen	O'Halloran
Clark	Horn	Monroe	Patchett
Connors	Mennenga	Nealson	Welden
Daggett			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

House File 1287, a bill for an act exempting certain sites used

for nutrition programs for the elderly from restaurant licensing requirements, with report of committee recommending passage, was taken up for consideration.

Hennessey of Delaware, offered the following amendment H—5804 filed by him:

H—5804

Amend House File 1287 as follows:

1. Page 1, lines 10 through 12, by striking the words "*operated pursuant to Title forty-two (42), chapter thirty-five (35), subchapter seven (VII), of the United States Code*" and inserting in lieu thereof the words "*for elderly persons which receive or have received federal funds available pursuant to Title forty-two (42), chapter thirty-four (34), section two thousand eight hundred nine (2809) of the United States Code as amended to July 1, 1976 and which do not receive more than thirty percent of their total operating funds from federal sources*".

Lipsky of Linn asked for unanimous consent that House File 1287 be deferred.

Objection was raised.

Lipsky of Linn moved that House File 1287 be deferred and that the bill retain its place on the calendar.

The motion lost.

Hennessey of Delaware moved the adoption of amendment H—5804.

Amendment H—5804 was adopted.

Hennessey of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1287)

The ayes were, 87:

Anderson	Cochran	Fitzgerald	Howell
Avenson	Connors	Gentleman	Hullinger
Baker	Crabb	Griffee	Husak
Bennett	Crawford	Halvorson	Hutchins
Bina	Cusack	Hansen	Jesse
Binneboese	Danker	Hargrave	Jochum
Bittle	Den Herder	Harper	Jordan
Bortell	Dieleman	Harvey	Junker
Brandt	Doyle	Hennessey	Koogler
Branstad	Drake	Higgins	Krause
Brockett	Dunton	Hines	Kreamer
Brunow	Dyrland	Hinkhouse	Lageschulte
Caffrey	Evans	Horn	Lindeen

Lonergan	Newhard	Rinas	Varley
McElroy	Norland	Scheelhaase	Walter
Menke	Oakley	Schroeder	Wells
Middleswart	O'Halloran	Spear	West
Millen	Pavich	Spencer	Woods
Miller, A. V.	Pellett	Spradling	Wulff
Miller, K. D.	Perkins	Stromer	Wyckoff
Miller, O. L.	Poncy	Svoboda	Mr. Speaker
Nealson	Readinger	Tofte	(Small)

The nays were, 2:

Lipsky	Tauke

Absent or not voting, 11:

Byerly	Egenes	Middleton	Patchett
Clark	Gilloon	Monroe	Welden
Daggett	Mennenga	Nielsen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Jesse of Polk offered the following amendment H—5831 filed by him and Junker of Woodbury from the floor and moved its adoption:

H—5831

Amend Senate File 85 as follows:

1. Page 39, by striking lines 18 through 22 and inserting in lieu thereof the following:

"Any person who introduces into any detention facility or correctional institution any weapon, explosive or incendiary substance, rope, ladder, or any instrument or device by which he intends to facilitate the escape of any prisoner, or any person who, not being authorized by law, knowingly causes any such wea-".

Amendment H—5831 was adopted.

Wyckoff of Benton offered amendment H—5823 filed by him from the floor and requested division as follows:

H—5823

Amend Senate File 85 as follows:

H—5823A

1. Page 48, by striking lines 5 through 7 and inserting in lieu thereof the following:

"1. A machine gun. The term machine gun means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person."

H—5823B

2. Page 48, line 11, by inserting after the word "rifle" the following: ", cannon, pistol, revolver".

3. Page 48, line 16, by inserting after the word "display" the words "or lawful shooting".

H—5823C

4. Page 48, line 26, by inserting after the word "weapon" the following: "except magazines or other parts, ammunition, or ammunition components used in common with lawful sporting firearms or parts including but not limited to barrels suitable for refitting to sporting firearms".

Wyckoff of Benton moved the adoption of amendment H—5823A.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 22, nays 49.

Amendment H—5823A lost.

Wyckoff of Benton moved the adoption of amendment H—5823B.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 40, nays 38.

Amendment H—5823B was adopted.

On motion by Wyckoff of Benton, amendment H—5823C was adopted.

Jesse of Polk asked and received unanimous consent to withdraw amendment H—5460 filed by the subcommittee on the criminal code revision on March 3, 1976, and found on page 888 of the House Journal.

Jesse of Polk offered the following amendment H—5756 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5756

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 48, line 29, by inserting after the word "require" the words "or permit".

Amendment H—5756 was adopted.

Wyckoff of Benton offered amendment H—5829 filed by him from the floor and requested division as follows:

H—5829

Amend Senate File 85 as follows:

H—5829A

1. Page 48, line 29, by inserting after the word "require" the words "or permit".

H—5829B

2. Page 49, by inserting after line 6 the following new paragraph:

"7. Any collector who acquires, holds, or disposes of firearms or ammunition as curios or relics."

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—5829A.

Wyckoff of Benton moved the adoption of amendment H—5829B.

A non-record roll call was requested.

The ayes were 28, nays 38.

Amendment H—5829B lost.

Jesse of Polk offered the following amendment H—5461 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5461

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 49, line 16, by inserting after the word "vehicle" the words "operated by the person".

2. Page 49, line 20, by inserting after the word "owned" the words "or possessed".

Amendment H—5461 was adopted.

Kreamer of Polk offered the following amendment H—5824 filed by him from the floor:

H—5824

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 49, by striking lines 19 through 21.

2. Page 49, by striking lines 28 through page 50, line 7.

3. By renumbering the remaining subsections to accord with this amendment.

Newhard of Jones in the chair at 2:32 p.m.

Gilloon of Dubuque offered the following amendment H—5832, to amendment H—5824, filed by him from the floor:

H—5832

Amend amendment H—5824 to page 49 of Senate File 85 as follows:

1. Page 1, line 5, by striking the numeral "7" and inserting in lieu thereof the numeral "3".

Small of Johnson in the chair at 2:37 p.m.

Gilloon of Dubuque moved the adoption of amendment H—5832, to amendment H—5824.

Amendment H—5832 was adopted.

Division of amendment H—5824 was requested, line 3 to be amendment H—5824A and lines 4, 5, 6 and 7 to be amendment H—5824B.

Kreamer of Polk moved the adoption of amendment H—5824A.

Roll call was requested by Junker of Woodbury and Brunow of Appanoose.

Rule 69 was invoked.

On the question "Shall amendment H—5824A be adopted?"

The ayes were, 22:

Bittle	Griffee	Jordan	Rinas
Connors	Hargrave	Kreamer	Spradling
Cusack	Higgins	Lindeen	Svoboda
Egenes	Hines	Lipsky	Mr. Speaker (Small)
Gentleman	Jesse	Mennenga	
Gilloon	Jochum	Monroe	

The nays were, 63:

Avenson	Dieleman	Junker	Pellett
Baker	Doyle	Koogler	Perkins
Bina	Drake	Krause	Poncy
Binneboese	Dyrland	Lageschulte	Readinger
Bortell	Evans	Lonergan	Scheelhaase
Brandt	Halvorson	McElroy	Spear
Branstad	Hansen	Menke	Spencer
Brockett	Harper	Middleswart	Tauke
Brunow	Harvey	Miller, A. V.	Tofte
Caffrey	Hennessey	Miller, K. D.	Walter
Cochran	Hinkhouse	Miller, O. L.	Welden
Crabb	Horn	Nealson	Wells
Crawford	Howell	Newhard	West
Daggett	Hullinger	Oakley	Wulff
Danker	Husak	O'Halloran	Wyckoff
Den Herder	Hutchins	Pavich	

Absent or not voting, 15:

Anderson	Dunton	Nielsen	Stromer
Bennett	Fitzgerald	Norland	Varley
Byerly	Middleton	Patchett	Woods
Clark	Millen	Schroeder	

Amendment H—5824A lost.

Kreamer of Polk moved the adoption of amendment H—5824B, as amended.

Amendment H—5824B, as amended, lost.

Jesse of Polk offered the following amendment H—5462 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5462

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 50, line 5, by inserting after the word "while" the words "engaged in lawful".

2. Page 50, line 24, by striking the words "sum of money" and inserting in lieu thereof the words "property of a value requiring security".

Amendment H—5462 was adopted.

Wyckoff of Benton offered amendment H—3580 filed by him and requested division as follows:

H—3580

Amend Senate File 85, as passed by the Senate and reprinted, as follows:

H—3580A

1. Page 51A, by striking all after the word "PROGRAM." in line 12, all of lines 13, 14, 15, 16 and 17, and through the period in line 18 and inserting in lieu thereof the following:

"A training program to qualify persons in the

safe use of firearms shall be provided by the issuing officer of permits, as provided in section two thousand four hundred ten (2410) of this division. The commissioner of public safety shall approve the training program, and the county sheriff or the commissioner of public safety conducting the training program within their representative jurisdiction may contact with a private organization or use the services of other agencies, or may use a combination of the two, to provide such training."

H—3580B

2. Page 52, line 28, by inserting after the word "satisfied." the following: "However, the training program requirements in section two thousand four hundred seven (2407) of this division may be waived for renewal permits."

3. Page 52, line 30, by inserting after the period the following: "Renewal permits shall be issued for a fee of one dollar."

By unanimous consent the following corrective amendment H—5855, to amendment H—3580A, filed by Wyckoff of Benton from the floor, was adopted:

H—5855

Amend amendment H—3580, to page 51A of Senate File 85 as follows:

1. Page 1, line 14, by striking the word "representative" and inserting in lieu thereof the word "respective".

2. Page 1, line 15, by striking the word "contact" and inserting in lieu thereof the word "contract".

Wyckoff of Benton moved the adoption of amendment H—3580A, as amended.

Amendment H—3580A, as amended, was adopted.

Wyckoff of Benton moved the adoption of amendment H—3580B.

A non-record roll call was requested.

The ayes were 41, nays 22.

Amendment H—3580B was adopted.

Wyckoff of Benton offered the following amendment H—5741 filed by him and moved its adoption:

H—5741

Amend Senate File 85 as follows:

1. Page 51A, line 20 by striking the word

"shall" and inserting in lieu thereof the word "may".

2. Page 51A, lines 20 and 21, by striking the words "established by the commission, and".

Amendment H—5741 was adopted.

Jesse of Polk offered the following amendment H—5463 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5463

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 52, by inserting after line 4 the following new subsection:

"5. When the commissioner reasonably determines from competent evidence that the applicant constitutes a danger to himself or others."

Amendment H—5463 was adopted.

Lipsky of Linn offered the following amendment H—5686 filed by her and moved its adoption:

H—5686

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 52, by adding after line 4 the following new subsection: "..... He has never been convicted of assault or other crime defined in Division VIII of this Act."

A non-record roll call was requested.

The ayes were 45, nays 32.

Amendment H—5686 was adopted.

Jesse of Polk offered the following amendment H—5464 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5464

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 53, line 1, by inserting after the word "sells" the words "or transfers ownership of".

2. Page 53, line 3, by inserting after the word "sale" the words "or transfer".

3. Page 53, line 5, by inserting after the word "selling" the words "or transfer".

4. Page 53, line 7, by striking the word "purchaser" and inserting in lieu thereof the word "recipient".

5. Page 53, line 8, by striking line 8, and inserting in lieu thereof the words "the model, caliber, serial number, and make of such".

Amendment H—5464 was adopted.

Jesse of Polk offered the following amendment H—5465 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5465

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 53, line 21, by striking the words "dangerous weapon" and inserting in lieu thereof the word "firearm".

2. Page 53, line 22, by sriking the words "dangerous weapon" and inserting in lieu thereof the word "firearm".

3. Page 53, lines 25 and 26, by striking the words "and hunting and fishing knives,".

Amendment H—5465 was adopted.

Jochum of Dubuque offered the following amendment H—5842 filed by him and Higgins of Scott from the floor:

H—5842

Amend Senate File 85 as follows:

1. Page 55, by inserting after line 5 the following new section:

"Sec. ..... A person who sells a revolver or pistol, whether such person is a dealer or otherwise, shall require any prospective purchaser to make application for the purchase of the revolver or pistol on forms provided by the department of public safety. The application shall include the name, address, social security number and any other information deemed necessary by the commissioner of public safety.

The seller may not transfer possession of such revolver or pistol before the expiration of five (5) days after the application for purchase.

Within seventy-two (72) hours after application for purchase of a revolver or pistol, the seller shall forward a copy of such application to the department of public safety."

(Senate File 85 and amendment H—5842 pending at adjournment.)

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the vote was

taken on amendment H—5821B to Senate File 85. Had I been present, I would have voted "nay" on this amendment.

DIELEMAN of Marion

I was necessarily absent from the House chamber when the vote was taken on amendment H—5681 to Senate File 85. Had I been present, I would have voted "aye" on this amendment.

PAVICH of Pottawattamie

I was necessarily absent from the House chamber when the votes were taken on House Files 1287, 1462 and 1473. Had I been present, I would have voted "aye" on each of these bills.

DAGGETT of Adams

I was necessarily absent from the House chamber when the vote was taken on House File 1462. Had I been present, I would have voted "aye".

GENTLEMAN of Polk

I was necessarily absent from the House chamber when the vote was taken on amendment H—5824A to Senate File 85. Had I been present, I would have voted "nay".

ANDERSON of Jasper

I was necessarily absent from the House chamber when the votes were taken on House Files 1473 and 1287. Had I been present, I would have voted "aye" on both of these.

O'HALLORAN of Black Hawk

MOTION TO RECONSIDER
(House File 1287)

MR. SPEAKER: I move to reconsider the vote by which House File 1287 passed the House.

CRAWFORD of Story

UNANIMOUS CONSENT CALENDAR
(House Resolution 110)

We hereby request that House Resolution 110, filed on March 16, 1976, and found on pages 1170 and 1171 of the House Journal, be placed on the unanimous consent calendar.

MILLER of Calhoun
BENNETT of Ida
PERKINS of Greene

AMENDMENTS FILED

H—5852

Amend House File 1047 as follows:
1. Page 1, by striking lines 17 and 18.

HIGGINS of Scott

H—5854

Amend House File 1302, as follows:

1. Page 1, line 8, by inserting after the word "processing" the words *"which shall include materials consumed in connection with the manufacture of a product for resale"*.
2. Page 2, line 5, by striking the word "three (3),".
3. Page 2, by striking lines 11 through 16.
4. Page 4, line 7, by inserting after the word "on" the words "or connected with".
5. Page 4, by striking lines 11 through 18.
6. Page 5, line 1, by inserting after the word *"exempt"* the words, *"and used for rental or leasing"*.

DIELEMAN of Marion

H—5853

Amend House File 1447 as follows:

1. Page 1, line 4, by striking **"[1957] *1976*"** and inserting in lieu thereof "1957".

CONNORS of Polk

H—5851

Amend House File 1480 as follows:

1. Page 40, line 33, by inserting after the word "conservation," the word "purchase,".
2. Page 40, line 35, by inserting after the word "conservation" the word ", purchase,".
3. Page 44, line 10, by inserting after the word "restore," the word "purchase,".

KRAUSE of Palo Alto

H—5850

Amend House File 1501, page 1, line 4, by inserting after the word "system" the words "which is established after the effective date of this Act and".

BRANDT of Black Hawk

H—5825

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 71, by striking lines 6 through 24 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* ARRESTS BY PEACE OFFICERS.

1. A peace officer may arrest a person and hold this person in custody anywhere in this state if:

a. The peace officer has probable cause to believe the person has committed or attempted to commit any public offense in this state.

b. The person to be arrested has committed or attempted to commit any public offense in this state in the presence of such peace officer.

c. The peace officer holds a warrant of arrest for this person for a public offense.

d. The peace officer has received from the de-

partment of public safety, from any other peace officer of this state, or any other state or the United States an official communication by bulletin, radio, telegraph, telephone, or otherwise informing this peace officer that a warrant has been issued and is being held for the arrest of the person to be arrested on a designated charge.

2. This section shall not be construed to make unlawful an arrest which would otherwise be lawful."

BRANSTAD of Winnebago

H—5826

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 74, line 8 by inserting after the second word "is" the words "in fresh pursuit of the person he is seeking to arrest, or is".

2. Page 74, line 28 by striking the word "weapons" and inserting in lieu thereof the words "items which are capable of causing bodily harm".

3. Page 74, line 29 by striking the words "about his person" and inserting in lieu thereof the words "within his control".

BRANSTAD of Winnebago

H—5827

Amend amendment H—5711 to page 57B of Senate File 85 as follows:

1. Page 1, by striking lines 9 through 12 and inserting in lieu thereof the following: "is guilty of a class "D" felony."

KREAMER of Polk

H—5833

Amend amendment H—5560 to page 55 of Senate File 85 as follows:

1. Page 1, by striking lines 3 through 8 and inserting in lieu thereof the following:

"1. Page 55, by inserting after line 16 the following new section:

Sec. ..... *NEW SECTION.* SEXUAL CONTACT FOR HIRE. As used in this section, "sexual contact" means any touching of the breast of a female or genitals of a male or female between persons not married to each other for the purpose of arousing or gratifying the sexual desires of either party. Any person who hires, or organizes one or more person to perform acts, or who performs or engages in acts involving sexual contact in return for a fee is guilty of a serious misdemeanor."

DIELEMAN of Marion
JUNKER of Woodbury

H—5834

Amend Senate File 85, as amended, passed and re-

printed by the Senate, as follows:

1. Page 61, line 1, by striking the words "with respect to what is suitable material".

2. Page 61, line 2, by striking the words "for minors".

3. Page 61, by striking line 20.

4. Page 61, by striking lines 27 through 35 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* UNLAWFUL TRANSACTIONS IN OBSCENITY. Any person who distributes, exhibits, manufactures, produces, reproduces, imports, or possesses with the intent to distribute or exhibit, or advertises for distribution any obscene matter, is guilty of a serious misdemeanor."

5. Page 62, by striking lines 1 through 5.

6. Page 62, line 10, by striking the words "to minors".

7. Page 62, line 20, by striking the words "in which the minor is".

8. Page 62, line 21, by striking the word "participating" and the word "the".

9. Page 62, line 22, by striking the words "of minors".

10. Page 62, lines 25 through 27 by striking the words and figures "section two thousand eight hundred two (2802) or two thousand eight hundred three (2803) of this chapter" and inserting in lieu thereof the words "this division".

11. Page 62, line 32, by striking the word "section".

12. Page 62, by striking lines 33 and 34 and inserting in lieu thereof the words "this division".

13. Page 63, line 1, by striking the words and figure "section two thousand eight hundred two (2802)".

14. Page 63, by striking line 2 and inserting in lieu thereof the words "this division".

15. Page 63, by striking lines 14 through 35.

16. By renumbering sections and subsections and internal references to conform with this amendment.

TAUKE of Dubuque
WELLS of Linn

H—5835

Amend Senate File 85 as follows:

1. Page 66A, by inserting after line 12 the following new section:

"..... "Unnecessary delay" is any unexcused delay longer than twenty-four hours."

BRANSTAD of Winnebago

H—5836

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 77, by striking lines 27 through 35.

2. Page 78, by striking lines 1 through 13.

3. Page 86, by inserting after line 11 the following new section:

"Sec. ..... *NEW SECTION.* DETENTION AND SEARCH IN SHOPLIFTING.

1. Persons concealing property as set forth in chapter one (1), section one thousand four hundred six (1406) of this Act, may be detained and searched by a peace officer, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection two (2) of this section.

2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.

3. The detention or search under this section by a peace officer, merchant, or merchant's employee shall not render such peace officer, merchant, or merchant's employee liable, in a criminal or civil action, for false arrest or false imprisonment provided the peace officer, merchant, or merchant's employee had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property as set forth in chapter one (1), section one thousand four hundred six (1406) of this Act."

4. By renumbering sections.

HALVORSON of Clayton
EVANS of Grundy
BROCKETT of Marshall

H—5837

Amend the Doyle amendment, H—5512, to Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 48, by inserting after the word "safety" the words "*and the state conservation director, acting jointly,*".

2. Page 3, by striking line 2 and inserting in lieu thereof the following:

"*4. The commissioner of public safety and the state conservation director, acting jointly, shall design*".

3. Page 3, line 5, by striking the words "*the commissioner of public safety deems*" and inserting in lieu thereof the words "*they deem*".

4. Page 3, line 10, by inserting after the word "*safety*" the words "*and out of the budget of the conservation commission, each budget being liable for half of those costs*".

5. Page 4, line 16, by striking the word "section" and inserting in lieu thereof the words and numerals "sections one hundred eleven point thirty-eight (111.38) or".

6. Page 6, line 1, by inserting after the word "sections" the words and numerals "one hundred eleven point thirty-six (111.36),".

7. Page 10, line 12, by striking the words "one hundred six point twenty (106.20),".

8. Page 10, line 15, by striking the word "five" and inserting in lieu thereof the word "ten".

9. Page 11, line 9, by striking the word "five" and inserting in lieu thereof the word "ten".

10. Page 11, by inserting after line 44, the following new subsection:

"6. VIOLATIONS RELATING TO THE USE AND MISUSE OF PARKS AND PRESERVES.

a. For violations under sections one hundred eleven point thirty-nine (111.39), one hundred eleven point forty-four (111.44), one hundred eleven point forty-five (111.45), one hundred eleven point forty-eight (111.48) and one hundred eleven point fifty (111.50) of the Code, the scheduled fine is ten dollars.

b. For violations under sections one hundred eleven point forty (111.40), one hundred eleven point forty-three (111.43), one hundred eleven point forty-six (111.46) and one hundred eleven point forty-nine (111.49) of the Code, the scheduled fine is fifteen dollars.

11. Page 11, line 45, by striking the numeral "6" and inserting in lieu thereof the numeral "7".

Page 2

12. Page 14, by inserting after line 31 the following:

"Sec. ..... Notwithstanding any effective date which may be specified elsewhere in this Act, sections seven hundred fifty-three point nine (753.9), seven hundred fifty-three point thirteen (753.13), seven hundred fifty-three point fourteen (753.14), seven hundred fifty-three point fifteen (753.15), seven hundred fifty-three point sixteen (753.16), seven hundred fifty-three point seventeen (753.17), seven hundred fifty-three point eighteen (753.18), seven hundred fifty-three point nineteen (753.19) and seven hundred fifty-three point twenty (753.20) of the Code as amended by this Act shall take effect on July 1, 1976."

DOYLE of Woodbury

H—5838

Amend Senate 85, as amended, passed and reprinted by the Senate, page 418, by inserting after line 10 the following:

"Sec. ..... Section six hundred twenty-two point sixty-two (622.62), Code 1975, is amended to read as follows:

622.62 ORDINANCES OF CITY.

1. The printed copies of a city code and of supplements to it which are purported or proved to have been compiled pursuant to section three hundred eighty point eight (380.8) of the Code shall be admitted in the courts of this state as presumptive evidence of the ordinances contained therein. When properly pleaded, the courts of this state shall take judicial notice of ordinances contained in a city code or city code supplement.

2. The printed copies of [the] *an* ordinance of any [municipal corporation,] *city which has not been compiled in a city code or a supplement pursuant to section three hundred eighty point eight (380.8) of the Code but which has been* published by [its] authority *of the city,* or transcripts of any ordinance, act, or proceeding thereof recorded in any book, or entries on any minutes or journals kept under [its] direction *of the city,* and certified by [its] *the city* clerk, shall be received in evidence for any purpose for which the original ordinances, books, minutes, or journals would be received, and with the same effect. The clerk shall furnish such transcripts, and be entitled to charge therefor at the rate that the clerk of the district court is entitled to charge for transcripts of records from that court.

The actions of any court of this state in taking judicial notice of the existence and content of a city ordinance in any proceeding which was commenced between the first day of July, 1973 and the effective date of this section shall be conclusively presumed to be lawful, and to the extent required by this section this section is retroactive. Notwithstanding any other effective date established by this Act, this section shall take effect on July 1, 1976. The Code editor shall not cause this paragraph to be printed in the Code."

DOYLE **of Woodbury**

H—5844

Amend amendment H—5717 to page 55 of Senate File 85 as follows:

1. Page 1, by striking lines 3 through 7 and inserting in lieu thereof the following:

"1. Page 55, by inserting after line 16 the following new section:

Sec. ..... *NEW SECTION.* SEXUAL CONTACT **FOR** HIRE. As used in this section, "sexual contact" means any touching of the breast of a female or genitals of a male or female between persons not married to each other for the purpose of arousing or gratifying the sexual desires of either party. Any person who hires, or organizes one or more persons to perform acts, or who performs or engages

in acts involving sexual contact in return for a fee is guilty of a serious misdemeanor."

DIELEMAN of Marion
JUNKER of Woodbury

H—5845

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 55, by inserting after line 16 the following:

"Sec. ..... *NEW SECTION.* PATRONIZING—PENALTY. A person who knowingly pays or offers or agrees to pay an unlicensed prostitute a fee for the purpose of engaging in an act of sexual intercourse or other sexual contact with another person commits an aggravated misdemeanor."

NEALSON of Muscatine

H—5846

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 57A, by inserting after line 6 the following new section:

"Sec. ..... *NEW SECTION.* HUSBAND OR WIFE MAY BE WITNESS. In all prosecutions under section two thousand six hundred three (2603) of this Act, the husband or wife shall be a competent witness for the state and may testify to any relevant acts or communications between them, anything in previous statutes to the contrary notwithstanding, provided, however, that no husband or wife shall be called or compelled to testify against the other under section two thousand six hundred three (2603) of this Act except upon consent of such witness."

BRANSTAD of Winnebago

H—5847

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 66A, by inserting after line 12 the following new paragraphs:

"..... "Complaint" means a statement in writing, under oath or affirmation, made before a magistrate, of the commission of a public offense, and accusing someone thereof. A complaint shall be substantially in the form provided in the Iowa rules of criminal procedure.

..... "Prosecution" means the commencement, including the filing of a complaint, and continuance of a criminal proceeding, and pursuit of that proceeding to final judgment on behalf of the state or other political subdivision."

2. Page 66A, line 24 by inserting after the word "aggravated" the words "or serious".

3. Page 66A, line 27 by striking the words "or serious".

KREAMER of Polk

H—5848

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 73, line 12 by striking the words "FROM ARRESTING OFFICER".

2. Page 73, line 19 by striking the second word "of".

3. Page 73, line 20 by striking the words "his authority to make it".

KREAMER of Polk

H—5849

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 217A, line 30, by inserting after the word "years" the words ", if convicted of a class D felony or, if convicted of a class B or C felony, ten years".

NEALSON of Muscatine

H—5856

Amend Senate File 85 as follows:

1. Page 55, line 21, by striking the word "an".

2. Page 55, by striking line 22 and inserting in lieu thereof the words "a class "D" felony."

HINES of Story

H—5840

Amend Senate File 106, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 15 the following section:

"Sec. 7. Section two hundred seventy-nine point nine (279.9), Code 1975, is amended to read as follows:

279.9 USE OF TOBACCO, *ALCOHOL AND CONTROLLED SUBSTANCES.* Such rules [shall] *may* prohibit the use of tobacco, *or may regulate its use in the manner contemplated by sections two (2) through five (5) of this Act,* and *shall prohibit* the use or possession of alcoholic liquor or beer or any controlled substance as defined in section 204.101, subsection 6, by any student of such schools and the board may suspend or expel, *or provide for other appropriate disciplinary measures to be taken against,* any student for any violation of [such rule] *these rules.*"

BRANDT of Black Hawk

H—5841

Amend Senate File 1072 as passed by the Senate as follows:

1. Page 2, by inserting after line 27 the following:

"Sec. ..... Funds appropriated to the district

court pursuant to sections one (1) and two (2) of this Act shall not be used to pay any salary of a district judge, district associate judge or magistrate, after December 30 of the year in which the district judge, district associate judge or magistrate is required to stand for retention in office if such district judge, district associate judge or magistrate is not retained in office.

Sec. ..... Section six hundred two point fifty-six (602.56), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

602.56 RETENTION OF JUDICIAL MAGISTRATES. Judicial magistrates appointed under authority of sections six hundred two point fifty (602.50), six hundred two point fifty-one (602.51) and six hundred two point fifty-nine (602.59) of the Code shall stand for retention in office within the county of their residence at the judicial election in 1976 and every two years thereafter. Judicial magistrates shall be placed on the ballot and shall be subject to the same provisions for retention as are applicable to district associate judges, except that the terms of office of magistrates shall be as provided in sections six hundred two point fifty (602.50), six hundred two point fifty-one (602.51) and six hundred two point fifty-nine (602.59) of the Code, respectively, but subject to the condition that a magistrate who is not retained in office shall continue to serve and shall be entitled to hold office only until January first next following the election. A judicial officer who is not retained in office shall not thereafter be eligible for appointment to any judicial office in this state.

Sec. ..... Section six hundred five point twenty-seven (605.27), subsection one (1), Code 1975, is amended to read as follows:

1. Retire a district judge [or], *a* district associate judge *or any magistrate* of the district court or a judge of the supreme court for permanent physical or mental disability which substantially interferes with the performance of his judicial duties."

2. By renumbering sections.

MILLER of Buchanan
JORDAN of Linn

H—5839

Amend Senate File 1145 as follows:

1. Page 3, line 16, by inserting after the word "*Act*" the words "*and a space to provide symbols or coded information regarding any important medical condition of the licensee*".

2. Page 3, by inserting after line 30, the following new paragraph:

"*The department shall develop a list of codes or symbols designed to indicate any important*

medical condition of a licensee in the event of an accident rendering the licensee temporarily unable to communicate individual medical requirements."

BRANDT of Black Hawk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Avenson of Fayette, the House adjourned at 5:05 p.m. until 9:00 a.m., Thursday, March 18, 1976.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day—Forty-fifth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, MARCH 18, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Eugene Kramer, pastor of the Immanuel Lutheran Church, Waterloo, Iowa.

The Journal of Wednesday, March 17, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for a portion of the day on request of Dyrland of Clayton.

PRESENTATION OF VISITORS

Lipsky of Linn presented to the House the Honorable Henry W. Busch, former member of the House during the Sixtieth through the Sixty-second General Assemblies representing Bremer County and the Honorable Herbert L. Campbell, former member of the House during the Sixty-second through the Sixty-fourth General Assemblies representing Washington County.

The Speaker announced that the following visitors were present in the House chamber:

Thirty fifth grade students from Christ the King Elementary School, Des Moines, Iowa, accompanied by Sister Marie Finnegan. By Woods of Polk and Caffrey of Polk.

Twenty-two Camp Fire Girls from Marion, Iowa, accompanied by Charlene Vigness. By Rinas of Linn.

Forty third grade students from Johnston Community School, Johnston, Iowa, accompanied by Helen Billings and Vivian Hunsicker.

PETITIONS FILED

The following petitions were received and placed on file:

By Cochran of Webster from seventy-one constituents favoring passage of Senate File 205, relating to teacher dismissal laws.

By Miller of Calhoun from sixteen citizens of Greene County who support the activities of the Developmental Disabilities Council and the work being done by the Greene County Sheltered Workshop and would encourage changes in the State Department to help make it more effective.

HOUSE CONCURRENT RESOLUTION 119

By Committee on County Government

Whereas, the general assembly finds that a serious situation exists with respect to the availability and cost of liability and physical damage insurance for cities and counties; and

Whereas, the general assembly finds that the high cost or unavailability of cities and counties to purchase liability or physical damage insurance coverage would be detrimental to the citizens of Iowa; and

Whereas, the question of cities and counties having a self-insurance fund should be explored; and

Whereas, meaningful consideration cannot be given these measures without a reliable in-depth study; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is requested to create a study committee which shall include members of the appropriate standing committees of the House of Representatives and the Senate representing both political parties, which committee shall conduct during the 1976-1977 legislative interim a comprehensive study of the causes and effects of and solutions to the high cost and availability of liability and physical damage insurance for cities and counties, and also the feasibility of a city-county self-insurance fund; and

Be It Further Resolved, That the study committee shall prepare and submit a report to the legislative council and to the general assembly meeting in the year 1977, which shall be accompanied by legislative bill drafts designed to carry out any recommendations of the committee.

Laid over under Rule 25.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on February 26, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1003, a bill for an act relating to restricting the ownership of farming land by corporations.

STEVEN C. CROSS, Secretary

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

On motion by Fitzgerald of Webster, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Middleton of Black Hawk and Kreamer of Polk to determine that a quorum was present.

Present, 81:

Anderson	Evans	Jordan	Perkins
Avenson	Fitzgerald	Junker	Readinger
Baker	Gentleman	Koogler	Rinas
Bina	Gilloon	Krause	Scheelhaase
Binneboese	Griffee	Kreamer	Schroeder
Bittle	Halvorson	Lageschulte	Small
Bortell	Hansen	Lindeen	Spear
Branstad	Harper	McElroy	Spencer
Brockett	Harvey	Menke	Spradling
Brunow	Hennessey	Mennenga	Stromer
Caffrey	Higgins	Middleswart	Svoboda
Crabb	Hines	Middleton	Tauke
Crawford	Hinkhouse	Millen	Tofte
Cusack	Horn	Miller, A. V.	Varley
Daggett	Howell	Miller, K. D.	Walter
Danker	Hullinger	Nealson	Wells
Dieleman	Husak	Nielsen	Woods
Doyle	Hutchins	Norland	Wulff
Drake	Jesse	Pavich	Wyckoff
Dunton	Jochum	Pellett	Mr. Speaker
Dyrland			

Absent, 19:

Bennett	Den Herder	Miller, O. L.	Patchett
Brandt	Egenes	Monroe	Poncy
Byerly	Hargrave	Newhard	Welden
Clark	Lipsky	Oakley	West
Connors	Lonergan	O'Halloran	

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

House File 1047, a bill for an act to require a public hearing before a local governing board may pass an ordinance providing for funding of an urban renewal project, with report of committee recommending passage, was taken up for consideration.

Higgins of Scott offered the following amendment H—5852 filed by him and moved its adoption:

H—5852

Amend House File 1047 as follows:
1. Page 1, by striking lines 17 and 18.

Amendment H—5852 was adopted.

Higgins of Scott offered the following amendment H—5073 filed by him and moved its adoption:

H—5073

Amend House File 1047 as follows:
1. Page 1, line 20, by striking the word "advantage".
2. Page 1, by striking all of line 21 and inserting in lieu thereof the following: "benefit a non-public over a public purpose. In the event that the local governing body finds such a disproportionate benefit, it may pass the proposed ordinance only after a referendum held according to the provisions of section three hundred eighty-four point twenty-six (384.26), subsections 2, 3 and 4, Code 1975."

Bittle of Polk asked and received unanimous consent that House File 1047 be deferred and that the bill retain its place on the calendar.

(Amendment H—5073 pending.)

BUSINESS PENDING AT ADJOURNMENT

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, and

amendment H—5842 filed by Jochum of Dubuque and Higgins of Scott as follows:

H—5842

Amend Senate File 85 as follows:

1. Page 55, by inserting after line 5 the following new section:

"Sec. ..... A person who sells a revolver or pistol, whether such person is a dealer or otherwise, shall require any prospective purchaser to make application for the purchase of the revolver or pistol on forms provided by the department of public safety. The application shall include the name, address, social security number and any other information deemed necessary by the commissioner of public safety.

The seller may not transfer possession of such revolver or pistol before the expiration of five (5) days after the application for purchase.

Within seventy-two (72) hours after application for purchase of a revolver or pistol, the seller shall forward a copy of such application to the department of public safety."

Avenson of Fayette in the chair at 1:52 p.m.

Jochum of Dubuque moved the adoption of amendment H—5842.

Roll call was requested by Nealson of Muscatine and Kreamer of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5842 be adopted?"

The ayes were, 50:

Bennett	Fitzgerald	Jordan	O'Halloran
Bittle	Gentleman	Kreamer	Perkins
Brandt	Gilloon	Lageschulte	Poncy
Connors	Griffee	Lindeen	Readinger
Crawford	Hargrave	**Lipsky**	Rinas
Cusack	Harvey	Lonergan	Small
Den Herder	Hennessey	Mennenga	Spradling
Dieleman	Higgins	Middleswart	Svoboda
Drake	Hines	Middleton	Tauke
Dunton	Howell	Monroe	Tofte
Dyrland	Hullinger	Nielsen	Varley
Egenes	Jesse	Norland	Walter
Evans	Jochum		

The nays were, 47:

Anderson	Bortell	Caffrey	Danker
Baker	Branstad	Cochran	Doyle
Bina	Brockett	Crabb	Halvorson
Binneboese	Brunow	Daggett	Hansen

Harper	McElroy	Oakley	Welden
Hinkhouse	Menke	Pavich	Wells
Horn	Millen	Pellett	West
Husak	Miller, A. V.	Scheelhaase	Woods
Hutchins	Miller, K. D.	Schroeder	Wulff
Junker	Miller, O. L.	Spear	Wyckoff
Koogler	Nealson	Spencer	Mr. Speaker
Krause	Newhard	Stromer	(Avenson)

Absent or not voting, 3:

Byerly	Clark	Patchett

Amendment H—5842 was adopted.

Nealson of Muscatine asked and received unanimous consent to withdraw amendment H—5134 filed by him and Kreamer of Polk on February 4, 1976, and found on page 266 of the House Journal.

Junker of Woodbury offered the following amendment H—5793 filed by him and moved its adoption:

H—5793

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 55, by inserting after line 10 the following new section:

"Sec. ..... *NEW SECTION.* DUTY TO CARRY PERMIT. It shall be the duty of any person armed with a revolver, pistol, or pocket billy concealed upon his person to have in his immediate possession the permit provided for in this division and to produce same for inspection at the request of any peace officer. Failure to so produce such permit shall constitute a simple misdemeanor."

Amendment H—5793 was adopted.

Newhard of Jones offered the following amendment H—5863 filed by Newhard, Nealson of Muscatine and Kreamer of Polk from the floor and moved its adoption:

H—5863

Amend Senate File 85 as follows:

1. Page 55, by inserting after line 10 the following:

"Sec. 2419. *NEW SECTION.* FELONY DEFINED. As used in section two thousand four hundred twenty (2420) of this division the word "felony" means any offense punishable in the juridiction where it occurred by imprisonment for a term exceeding one year.

Sec. 2420. *NEW SECTION.* RECEIPT, TRANSPORTATION, AND POSSESSION OF FIREARMS AND DES-

TRUCTIVE DEVICES BY FELONS. Any person who is convicted of a felony in any state or federal court and who subsequently possesses, receives, or transports or causes to be transported a firearm or offensive weapon is guilty of a public offense and shall upon conviction be imprisoned in the penitentiary for not to exceed two years or be fined not to exceed ten thousand dollars or be subject to both such fine and imprisonment.

Sec. 2421. *NEW SECTION.* EXCEPTION. The provisions of section two thousand four hundred twenty (2420) shall not apply to a person who is pardoned by the President of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices."

Amendment H—5863 was adopted.

Jesse of Polk offered the following amendment H—5436 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5436

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 20A, by striking lines 4 through 8.

Roll call was requested by Spear of Lee and Nealson of Muscatine.

Rule 69 was invoked.

On the question "Shall amendment H—5436 be adopted?"

The ayes were, 37:

Anderson	Gentleman	Lipsky	Readinger
Bina	Hargrave	Lonergan	Rinas
Binneboese	Hines	Middleswart	Scheelhaase
Brandt	Hinkhouse	Middleton	Schroeder
Brunow	Howell	Miller, O. L.	Small
Crawford	Hullinger	Monroe	Tofte
Cusack	Jesse	Newhard	Wells
Dieleman	Jordan	Oakley	Mr. Speaker (Avenson)
Doyle	Koogler	O'Halloran	
Fitzgerald	Krause		

The nays were, 52:

Baker	Caffrey	Dunton	Hansen
Bennett	Crabb	Dyrland	Harper
Bittle	Daggett	Egenes	Harvey
Bortell	Danker	Evans	Hennessey
Branstad	Den Herder	Gilloon	Horn
Brockett	Drake	Halvorson	Husak

Hutchins	Menke	Pellett	Tauke
Jochum	Mennenga	Perkins	Walter
Junker	Miller, A. V.	Poncy	Welden
Kreamer	Miller, K. D.	Spear	West
Lageschulte	Nealson	Spencer	Woods
Lindeen	Norland	Stromer	Wulff
McElroy	Pavich	Svoboda	Wyckoff

Absent or not voting, 11:

Byerly	Connors	Millen	Spradling
Clark	Griffee	Nielsen	Varley
Cochran	Higgins	Patchett	

Amendment H—5436 lost.

Spear of Lee offered the following amendment H—5020 filed by him and moved its adoption:

H—5020

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 21A, line 35, by inserting after the word "abuse" the words "in the first, second or third degree".

2. Page 21B, line 40, by inserting after the word "ransom" the words "or where the victim is subject to sexual abuse in the fourth degree".

Amendment H—5020 was adopted.

Jesse of Polk asked and received unanimous consent that action on amendment H—5444 be deferred.

Speaker Cochran in the chair at 3:35 p.m.

Miller of Buchanan offered the following amendment H—5860 filed by him:

H—5860

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 28A, by inserting after line 7 the following:

"Notwithstanding the provisions of this subsection, any bank, person or corporation on which is drawn a check, draft or written order shall be responsible to the payee for payment of the face amount of such instrument upon the payee's demand, even though the maker has insufficient funds on deposit with the drawee to cover the instrument, if:

a. The drawee failed to both initiate return of the instrument to the payee and make reasonable efforts to inform the payee that payment thereon is being refused not later than midnight of the next business day after the instrument is received by the drawee; or

b. The payee presents evidence that the maker has

previously issued one or more checks, drafts or written orders on the same bank, person or corporation which the drawee refused to pay because the maker had insufficient funds on deposit with the drawee to cover the instrument.

The foregoing paragraphs shall not relieve the maker of any check, draft or written order from any penalty to which the maker is subject under this subsection, nor from liability to the drawee for any instrument which the drawee is required to pay hereunder."

2. Page 426, by inserting after line 29 the following new section:

"Sec. ..... The superintendent of banking shall recommend to the first session of the Sixty-seventh General Assembly, not later than January 31, 1977, such amendments to chapters five hundred twenty-four (524), five hundred thirty-three (533), five hundred thirty-four (534) and five hundred fifty-four (554) of the Code, and other statutes of this state governing the operation of financial institutions, as appear necessary to conform to section one thousand four hundred one (1401), subsection six (6) of this Act."

Crabb of Crawford rose on a point of order that amendment H—5860 was not germane.

The Speaker ruled the point not well taken and amendment H—5860 germane.

Miller of Buchanan moved the adoption of amendment H—5860.

Roll call was requested by Miller of Buchanan and Jordan of Linn.

On the question "Shall amendment H—5860 be adopted?"

The ayes were, 10:

Doyle	Jordan	Miller, K. D.	Small
Dunton	Krause	Rinas	Woods
Egenes	Mennenga		

The nays were, 84:

Anderson	Crabb	Griffee	Husak
Avenson	Crawford	Halvorson	Hutchins
Baker	Cusack	Hansen	Jesse
Bennett	Daggett	Hargrave	Jochum
Bina	Danker	Harper	Junker
Binneboese	Den Herder	Harvey	Koogler
Bittle	Dieleman	Hennessey	Kreamer
Bortell	Drake	Higgins	Lageschulte
Brandt	Dyrland	Hines	Lindeen
Branstad	Evans	Hinkhouse	Lipsky
Brockett	Fitzgerald	Horn	Lonergan
Brunow	Gentleman	Howell	McElroy
Caffrey	Gilloon	Hullinger	Menke

Middleswart	Nielsen	Scheelhaase	Tofte
Middleton	Norland	Schroeder	Varley
Millen	Oakley	Spear	Walter
Miller, A. V.	O'Halloran	Spencer	Welden
Miller, O. L.	Pavich	Spradling	Wells
Monroe	Perkins	Stromer	Wulff
Nealson	Poncy	Svoboda	Wyckoff
Newhard	Readinger	Tauke	Mr. Speaker

Absent or not voting, 6:

Byerly	Connors	Pellett	West
Clark	Patchett		

Amendment H—5860 lost.

Jesse of Polk asked and received unanimous consent that action on amendment H—5684 be deferred.

Bennett of Ida offered the following amendment H—5871 filed by him from the floor and moved its adoption:

H—5871

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 53, lines 2 and 3, by striking the words "*seventy-two* hours" and inserting in lieu thereof the words "five days".

Amendment H—5871 was adopted.

(Senate File 85 pending and placed under unfinished business.)

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT
(Senate File 1062)

Norland of Worth called up for consideration the second conference committee report on Senate File 1062, as follows:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 1062

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1062, a bill for an Act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, respectfully submit the following report:

1. That the House recede from its amendment, S—5183, to Senate File 1062, as amended, passed, and reprinted by the Senate.

2. That Senate File 1062, as amended, passed, and reprinted by the Senate, be amended as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

DIVISION I

Budget Limitations for Fiscal Years 1976-77 and 1977-78

Section 1. DEFINITIONS. As used in this division:

1. "Base year" means the preceding fiscal year.

2. "Political subdivision" means a county, a city having a population of more than five hundred persons or any other local public body or corporation having a property tax budget subject to limitation under sections two (2) through five (5) of this division.

3. "Total budget" means the budget including amendments for all funds or programs of a political subdivision.

4. "Property tax budget" means those parts of the total budget of a political subdivision to be derived from property taxation and subject to the maximum dollar levy limitations under sections two (2) through five (5) of this division.

5. "Person" means eligible elector as defined in section thirty-nine point three (39.3) of the Code.

6. "State appeal board" means the state appeal board created under section twenty-four point twenty-six (24.26) of the Code.

Sec. 2. CITY LEVY LIMITATION. The maximum amount in dollars which may be levied by a city with a population of more than five hundred over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal year beginning July 1, 1977 for the following designated property tax levies, except as otherwise provided in this division:

1. The general fund levy authorized pursuant to section three hundred eighty-four point one (384.1) of the Code.

2. The tax levy for the purpose of carrying out the terms of a contract for the use of a bridge by a city situated on a river over which a bridge has been built authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eight (8), of the Code.

3. The tax levy for the operation and maintenance of a municipal transit system and for the creation of a reserve fund for the system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection ten (10), of the Code.

4. The tax levy for the lease of a building or complex of buildings to be operated as a civic center authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eleven (11), of the Code.

5. The tax levy for operating and maintaining a civic center owned by a city authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection twelve (12), of the Code.

6. The tax levy for planning a sanitary disposal system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection thirteen (13), of the Code.

7. The tax levy for an aviation authority authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fourteen (14), of the Code.

8. The tax levy for an authority for a joint city-county building authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fifteen (15), of the Code.

9. The tax levy for a levee improvement fund authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection sixteen (16), of the Code.

10. The tax levy to aid a railway authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection seventeen (17), of the Code.

11. The tax levy to maintain an institution received by gift or devise authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eighteen (18), of the Code.

12. The tax levy for the emergency fund authorized pursuant to section three hundred eighty-four point eight (384.8) of the Code.

Sec. 3. COUNTY LEVY LIMITATION. The maximum amount in dollars which may be levied by a county over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal year beginning July 1, 1977 for the following designated property tax levies, except as otherwise provided in this division:

1. The tax levy for the emergency fund authorized pursuant to section twenty-four point six (24.6) of the Code.

2. The tax levy for the development, operation, and maintenance of a memorial building or monument authorized pursuant to section thirty-seven point eight (37.8) of the Code.

3. The tax levy for the purchase of voting machines authorized pursuant to section fifty-two point three (52.3) of the Code.

4. The tax levy for the county conservation board authorized pursuant to section one hundred eleven A point six (111A.6) of the Code.

5. The tax levy for indemnity payments and the inspection and testing program relating to bovine brucellosis eradication authorized pursuant to section one hundred sixty-four point twenty-three (164.23) of the Code.

6. The tax levy for the bovine tuberculosis eradication fund authorized pursuant to section one hundred sixty-five point eighteen (165.18) of the Code.

7. The tax levy for the fairground fund authorized pursuant to sections one hundred seventy-four point thirteen (174.13) and one hundred seventy-four point seventeen (174.17) of the Code.

8. The tax levy for the purpose of maintaining a county or multicounty juvenile home authorized pursuant to section two hundred thirty-two point twenty-two (232.22) of the Code.

9. The tax levy for the veteran affairs fund authorized pursuant to section two hundred fifty point one (250.1) of the Code.

10. The tax levy for the poor fund authorized pursuant to sections two hundred fifty-two point forty-three (252.43) through two hundred fifty-two point forty-five (252.45) of the Code.

11. The tax levy for secondary road construction and maintenance authorized pursuant to section three hundred nine point seven (309.7) of the Code.

12. The tax levy for the road clearing fund authorized pursuant to section three hundred seventeen point nineteen (317.19) of the Code.

13. The tax levy for the purchase of weed eradicating equipment and materials authorized pursuant to section three hundred seventeen point twenty (317.20) of the Code.

14. The tax levy for an aviation authority authorized pursuant to section three hundred thirty A point fifteen (330A.15) of the Code.

15. The tax levy for the maintenance and improvement of cemeteries in the county authorized pursuant to section three hundred thirty-two point three (332.3) of the Code.

16. The tax levy for public disposal grounds authorized pursuant to section three hundred thirty-two point thirty-two (332.32) of the Code.

17. The tax levy for the operation, control, maintenance, and management of health centers authorized pursuant to section three hundred forty-six A point two (346A.2) of the Code.

18. The tax levy for the payment of claims for bounties on wild animals authorized pursuant to section three hundred fifty point eight (350.8) of the Code.

19. The tax levy for the maintenance of a county library authorized pursuant to section three hundred fifty-eight B point thirteen (358B.13) of the Code.

20. The tax levy for the entering of contracts for the use of city libraries authorized pursuant to section three hundred fifty-eight B point eighteen (358B.18) of the Code.

21. The tax levy for ordinary county revenue and the election expense fund authorized pursuant to section four hundred forty-four point nine (444.9) of the Code.

22. The tax levy for the county orphan fund authorized pursuant to section four hundred forty-four point eleven (444.11) of the Code.

23. The tax levy for the purpose of planning a sanitary disposal project or of paying interest and principal on bonds issued pursuant to section three hundred forty-six point twenty-three (346.23) of the Code which levy is authorized pursuant to section four hundred fifty-five B point eighty-one (455B.81) of the Code.

24. The tax levy for flood and erosion control projects authorized pursuant to section four hundred sixty-seven B point nine (467B.9) of the Code.

25. The tax levy for the maintenance of property received by a county by gift or devise authorized pursuant to section five hundred sixty-five point eight (565.8) of the Code.

Sec. 4. SPECIAL DISTRICT LEVY LIMITATION. The maximum amount in dollars which may be levied by a special purpose district over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal year beginning July 1, 1977, for the following designated property tax levies, except as otherwise provided in this division:

1. The tax levy by a benefited water district for the maintenance of the water system authorized pursuant to section three hundred fifty-seven point twenty-five (357.25) of the Code.

2. The tax levy by a benefited fire district to provide fire protection within the district authorized pursuant to section three hundred fifty-seven B point three (357B.3) of the Code and the levy authorized pursuant to section three hundred fifty-seven B point five (357B.5) of the Code which permits the county board of supervisors to continue the levy upon dissolution of the district until all debts and obligations of the dissolved district are paid.

3. The tax levy by a benefited street lighting district authorized pursuant to section three hundred fifty-seven C point seven (357C.7) and three hundred fifty-seven C point eleven (357C.11) of the Code.

4. The tax levy authorized pursuant to section four hundred sixty-six point four (466.4) of the Code permitting a levy sufficient to raise the amount necessary for maintenance of a system to provide internal drainage necessary by the construction of a levee along a navigable stream forming a part of the boundary of the state.

5. The tax levy for a soil conservation district authorized pursuant to section four hundred sixty-seven A point twenty (467A.20) of the Code.

6. The tax levy authorized pursuant to section four hundred eighty-three point one (483.1) of the Code to provide aid to railroads.

Sec. 5. AGRICULTURAL EDUCATION LEVY LIMITATION. The maximum amount in dollars which may be levied for the county agricultural extension education program authorized pursuant to section one hundred seventy-six A point ten (176A.10) of the Code over the amount in dollars levied for the base year shall be limited to an increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal year beginning July 1, 1977, except as otherwise provided in this division.

Sec. 6. APPEAL TO STATE APPEAL BOARD—FISCAL YEARS 1976-

77 AND 1977-78.

1. If the governing body of a political subdivision certifies a total budget for the fiscal year beginning July 1, 1976 or July 1, 1977, the property tax budget of which exceeds the property tax budget of such political subdivision for the base year by more than nine percent, such certified total budget shall be subject to approval of the state appeal board upon petition signed by the number of persons who are residents of such political subdivision as required under section twenty-four point twenty-seven (24.27) or three hundred eighty-four point nineteen (384.19) of the Code. The petition shall include the objections to the property tax budget or part of such budgets and the grounds for the objections. A valid petition shall be filed with the county auditor of the county in which the political subdivision is located not later than ten days after the effective date of this division for the fiscal year beginning July 1, 1976 and not later than ten days after certification of the total budget to the county auditor and the state comptroller for the fiscal year beginning July 1, 1977.

2. Upon receipt of a valid petition to appeal the certified total budget of a political subdivision under this section, the county auditor shall immediately prepare a copy of the petition and the certified total budget subject to appeal and transmit such information to the state appeal board. The county auditor shall also notify the governing body of the political subdivision of the petition for appeal.

3. Upon receipt of the notification of appeal from the county auditor, the governing body of a political subdivision shall immediately prepare and submit a written statement to the state appeal board citing the unusual circumstances as outlined in subsection four (4) of this section, which create the need for property tax budget expenditures in excess of nine percent of the base year's property tax budget expenditures. The statement shall be accompanied by such supporting documents as deemed appropriate by the governing body. The state appeal board shall conduct a public hearing on the petition in the county or in one of the counties in which the political subdivision is located and may request additional information.

4. If a political subdivision has unusual circumstances, creating a need for additional budget expenditures in excess of nine percent of the base year's property tax expenditures, the following unusual circumstances shall be the basis for justifying a property tax budget increase exceeding nine percent:

a. Any unusual increase in population as determined by the preceding certified federal census.

b. Natural disaster or other emergencies.

c. Unusual problems relating to major new functions required by state law.

d. Unusual staffing problems.

e. Unusual need for additional funds to permit continuance of a program which provides substantial benefit to its residents.

f. Unusual need for a new program which will provide substantial benefit to residents, if the political subdivision establishes the need and the amount of necessary increased cost.

g. Need for increased expenditures by a political subdivision having unusually low total budget expenditures for the base year because of property tax levy limitations otherwise provided by law.

5. The state appeal board may approve or modify the base year's total budget expenditures of any political subdivision which changes accounting procedures.

6. The state appeal board shall approve the property tax budget as requested or reduce the amount of increased expenditures. All decisions of the board under this division shall be made in accordance with reasonable and uniform policies which shall be consistent to carry out the provisions of this division. The board shall take into account the intent of this division to provide property tax relief and to provide reasonable control of costs of the political subdivisions of this state.

7. Upon decision of the board, the state comptroller shall make the necessary changes in the total budget of the political subdivision and certify the total budget to the governing body of the political subdivision and the appropriate county auditors.

Sec. 7. ADDITIONAL PUBLIC HEARING—FISCAL YEAR 1977-78. If the governing body of a political subdivision approves a total budget for the fiscal year July 1, 1977, the property tax budget of which exceeds the property tax budget of such political subdivision for the base year by more than seven percent but not more than nine percent following a public hearing required under chapter twenty-four (24) or three hundred eighty-four (384), division two (II), of the Code, the governing body of such political subdivision shall withhold certification of such budget to the county auditor for at least ten days following such approval. If, during the ten days following approval of the total budget, a valid petition signed by the number of persons who are residents of such political subdivision as required under section twenty-four point twenty-seven (24.27) or three hundred eighty-four point nineteen (384.19) of the Code, is filed with the governing body of a political subdivision requesting a public hearing, the governing body shall publish notice of and conduct such public hearing not later than April fifth. The date, time and location of the public hearing and the information required to be published under section eight (8) of this division, shall be published in a newspaper having general circulation throughout the political subdivision not less than five days before the date specified for such hearing. Thereafter, the total budget shall be certified, with or with-

out changes that may be made after the hearing, to the county auditor and the state comptroller not later than April fifth. If, after such hearing, the property tax budget of the certified total budget for the fiscal year beginning July 1, 1977 is increased to more than nine percent above the property tax budget of the base year, such total budget shall be subject to appeal to the state appeal board as provided in section **six** (6) of this division.

Sec. 8. BUDGET PROCESS—NOTICE OF PUBLIC HEARING. In addition to the requirements of chapters twenty-four (24) and three hundred eighty-four (384), division two (II), of the Code relating to the publication of notice and public hearing on a budget of a political subdivision, the public notice of a hearing on a total budget shall include the following information:

1. The percentage and the dollar amount increase or decrease for the total budget and the property tax budget of the political subdivision.

2. The percentage and the dollar amount increase or decrease of each fund included in the proposed total budget and the property tax budget.

3. A statement showing the allowable growth guideline established by the general assembly and the dollar amount of increase represented by such guideline for the proposed total budget and the property tax budget of the political subdivision.

4. A statement of the major reasons for the proposed increases in the proposed total budget and the property tax budget.

5. A comparison of the percentages and dollar amounts proposed to be expended with the percentages and dollar amounts expended or proposed to be expended during the current fiscal year as amended to the date of publication which information shall be displayed in the publication in the form of a pie graph. The graphs shall be prepared for both fiscal years with one pie graph for each fiscal year showing the sources of anticipated revenue and one pie graph for each fiscal year showing the proposed budget expenditures by category of services.

The provisions of this section shall not apply to publication of notice for a hearing on a total budget for the fiscal year beginning July 1, 1976 required under section twenty-four point nine (24.9) or three hundred eighty-four point sixteen (384.16) of the Code if the notice of hearing has been published before the effective date of this division, but it shall apply to any other notice for a hearing on a total budget or amendment to a total budget required by this division or other provision of law for the fiscal years beginning July 1, 1976 and July 1, 1977.

Sec. 9. EXCEPTION TO DATES FOR BUDGET APPEAL. Notwithstanding sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and three hundred eighty-four point nineteen (384.19) of the Code,

persons affected by a certified total budget of a political subdivision which conducts a public hearing as provided in section seven (7) of this division, shall have ten days following certification of such budget to file a petition to protest to the state appeal board and persons affected by a certified total budget of a political subdivision having a property tax budget exceeding a nine percent increase for the fiscal year beginning July 1, 1976, shall have ten days after the effective date of this division to file a petition to protest to the state appeal board. All other time limitations or dates specified in sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and section three hundred eighty-four point nineteen (384.19) of the Code shall be correspondingly changed or extended to allow the same amount of time for the protest hearing and the decision of the state board that would exist had the appeal to the state appeal board been filed as provided in section twenty-four point twenty-seven (24.27) or three hundred eighty-four point nineteen (384.19) of the Code.

Sec. 10. PROPERTY TAX CARRYOVER. If a political subdivision adopts a total budget for the fiscal year beginning July 1, 1976, which does not include an increase in the amount of the property tax levy computed in dollars which exceeds or is equal to nine percent, the political subdivision may levy property taxes for the fiscal year beginning July 1, 1977 in excess of a seven percent increase and be exempt from the provisions of section seven (7) of this division or in excess of a nine percent increase and be exempt from the provisions of section six (6) of this division. However, the exemption from the provisions of section six (6) or seven (7) of this division shall be applicable only if the additional property tax levy does not raise in dollars an amount which exceeds the seven percent increase or the nine percent increase, as the case may be, for the fiscal year beginning July 1, 1977 and the difference between the amount in dollars which the political subdivision levied during the base year and the amount in dollars which the political subdivision could have levied during the base year under this division.

Sec. 11. PROPERTY TAX LEVY LIMITATION NOT AFFECTED. The provisions of this division shall not be construed as removing or otherwise affecting the property tax levy limitations otherwise provided by law for any fund, account, or program in the total budget of a political subdivision. However, for the fiscal year beginning July 1, 1977, the state appeal board may, upon appeal by a political subdivision, lift a property tax levy limitation where reductions in the assessed value of taxable property will cause a reduction in services providing substantial benefits to the residents of such political subdivision. For the purposes of this section, "political subdivision" means any city, county, or other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation.

Sec. 12. BUDGET APPEAL NOT AFFECTED. The provisions of this division shall not be construed to prohibit or affect a protest filed with the state appeal board against a total budget of a political subdivision having a property tax budget

which does not exceed the property tax budget of such political subdivision for the base year by more than nine percent.

Sec. 13. SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the provisions of this division shall apply to special chartered cities. The state appeal board may adopt such rules relating to budget forms and procedures as the state appeal board deems necessary to carry out the provisions of this division regarding special chartered cities.

Sec. 14. DUTIES OF STATE COMPTROLLER. As soon as practicable after the effective date of this division, the state comptroller shall give notice of the requirements of this division and distribute such forms as required to the governing bodies of the political subdivisions of this state.

Sec. 15. Section twenty-four point twenty-seven (24.27), Code 1975, is amended to read as follows:

24.27 PROTEST TO BUDGET. Not later than the first Tuesday in April, a number of persons in any municipality equal to one-fourth of one percent of those voting for the office of president of the United States or governor, as the case may be, at the last general election in said municipality, but in no event less than ten *or more than one hundred,* who are affected by any proposed budget, expenditure or tax levy, or by any item thereof, may appeal from any decision of the certifying board or the levying board, as the case may be, by filing with the county auditor of the county in which such municipal corporation is located, a written protest setting forth their objections to such budget, expenditure or tax levy, or to one or more items thereof, and the grounds for such objections[; provided that at least three of such persons shall have filed a joint written objection, at or before the time of the meeting contemplated in section 24.11 which shall include a detailed statement of the objections to said budget, expenditures or tax levy for each and every fund, or the items therein to which objection is taken and an analysis of the fund or funds, or items therein showing grounds for such objections or shall have appeared and made objection, either general or specific, as provided by section 24.11]. Upon the filing of any such protest, the county auditor shall immediately prepare a true and complete copy of said written protest, together with the budget, proposed tax levy or expenditure to which objections are made, and shall transmit the same forthwith to the state board, and shall also send a copy of such protest to the certifying board or to the levying board, as the case may be.

Sec. 16. Section three hundred eighty-four point nineteen (384.19), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975

Session, chapter one hundred ninety-seven (197), section twenty-eight (28), is amended to read as follows:

Within a period of ten days after the final date that a budget or amended budget may be certified to the county auditor, persons affected by the budget may file a written protest with the county auditor, specifying their objections to the budget or any part of it. A protest must be signed by qualified electors equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the city, but not less than ten persons[, and at least three of the signers must have filed a written objection or appeared and objected to the budget at the budget hearing held by the council] *or more than one hundred persons.*

DIVISION II

VALUATION OF AGRICULTURAL PROPERTY

Sec. 17. AGRICULTURAL PROPERTY VALUATION. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1976, the assessed value of each tract of agricultural property consisting of more than ten acres shall be computed by multiplying the valuations established by the assessor and approved by the board of review by the percentage which the 1975 income value per acre bears to the 1975 actual value per acre of the agricultural property both as determined by the director. The county auditor shall proceed to make the necessary adjustments on the tax lists. If the valuation of the agricultural property is increased in a county, the county auditor shall notify by ordinary mail the owners of agricultural property affected by the adjustment made pursuant to this section. The local board of review shall reconvene for a period of thirty days following the notification to the taxpayer in counties where valuations have been increased under this section. The notice shall include the adjusted value of the property, the dates during which the board of review is reconvened, and that a protest may be filed within twenty days from the date the local board of review is reconvened. The protest shall be limited to the adjustment made pursuant to this section. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1976.

Sec. 18. EFFECTIVE DATE. The provisions of section seventeen (17) of this Act shall be effective to January 1, 1976 for valuations of agricultural property assessed as of January 1, 1976 and to this extent the provisions of section seventeen (17) are retroactive.

DIVISION III

CREDIT FOR RESIDENTIAL PROPERTY

Sec. 19. HOMESTEAD TAX CREDIT. Notwithstanding the provisions of section four hundred twenty-five point one (425.1), subsections two (2), three (3), and four (4) of the

Code, the homestead tax credit shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The provisions of this section shall only be applicable for each homestead tax credit claimed and approved between January 1, 1975 and July 1, 1975.

Sec. 20. ADMINISTRATION. The county auditor shall recompute the amount of credit allowed on each eligible homestead under the provisions of this Act not later than August 1, 1976 and certify the amount of the homestead tax credits claimed in the county to the department of revenue. The department shall reimburse each county in the manner and at such time as is presently provided by law.

Sec. 21. EFFECTIVE DATE. The provisions of sections nineteen (19) and twenty (20) of this Act are effective to January 1, 1975 for credits claimed and approved under chapter four hundred twenty-five (425) of the Code for a homestead tax credit on eligible homesteads which claims are payable during the fiscal year beginning June 1, 1976 ending June 30, 1977 and to this extent the provisions of sections nineteen (19) and twenty (20) of this Act are retroactive.

Sec. 22. HOMESTEAD EXEMPTION. There is granted an exemption against the 1976 assessed valuation and against which taxes are levied in 1977 to each homestead and for which a homestead tax credit was applied for and approved in 1976, an amount equal to three thousand two hundred fifty dollars of the taxable value of the property. The exemption allowed under the provisions of the section shall be computed after computation of the homestead tax credit allowed under chapter four hundred twenty-five (425) of the Code.

DIVISION IV

AGRICULTURAL LAND CREDIT FUND

Sec. 23. APPROPRIATION. There is appropriated for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to the agricultural land credit fund the sum of twenty-four million (24,000,000) dollars which shall be in addition to moneys appropriated pursuant to section four hundred twenty-six point one (426.1) of the Code.

Sec. 24. ADMINISTRATION. Not later than May 1, 1976, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller on or before September 15, 1976.

DIVISION V

STATE SCHOOL FOUNDATION PROGRAM

Sec. 25. Section four hundred forty-two point three (442.3), Code 1975, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base

for the school year beginning July 1, [1972] *1977*, is [seventy] *seventy-seven* percent of the state cost per pupil. For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil. The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. 26. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section nineteen (19), subsection two (2), unnumbered paragraph one (1), amending section four hundred forty-two point seven (442.7), Code 1975, is amended to read as follows:

2. For school years subsequent to the school year beginning July 1, 1975, a state percent of growth for the budget year shall be computed by the state comptroller prior to February fifteenth of each year and forwarded to the superintendent of public instruction. The state percent of growth shall be an average of the following [six] *four* percentages of growth.

Sec. 27. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section nineteen (19), subsection two (2), amending section four hundred forty-two point seven (442.7), Code 1975, is amended by striking paragraph b.

Sec. 28. The provisions of sections twenty-five (25), twenty-six (26), and twenty-seven (27) of this Act are effective July 1, 1976.

DIVISION VI

PROPERTY TAX REIMBURSEMENT

Sec. 29. Section four hundred twenty-five point seventeen (425.17), subsection ten (10), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirteen (213), section one (1), is amended to read as follows:

10. "PROPERTY TAXES PAID" means property taxes *including one-half of any special assessments, but* exclusive of [special assessments,] delinquent interest[,] and charges for services, paid on a claimant's homestead in this state, but includes only property taxes for which the claimant was liable and which were actually paid by the claimant. If the property taxes have actually been paid, they shall be deemed to have been paid when due, regardless of the date of actual payment. "Property taxes paid" shall be computed with no deduction for any credit under this division or for any homestead credit allowed under section 425.1. Claims for property tax reimbursement filed in 1974 shall be based upon the property taxes paid in 1973. Claims for property tax reimbursement filed in 1975 shall be limited to two-thirds of the property taxes paid in 1974 and the first one-half of 1975. Each year thereafter, each claim shall be based upon the taxes paid

during the base year. If a homestead is owned by two or more persons as joint tenants or tenants in common, and one or more persons are not a member of claimant's household, "property taxes paid" is that part of property taxes paid on the homestead which equals the ownership percentage of the claimant and his household. The county treasurer shall include with the tax receipt a statement that if the owner of the property is sixty-five years of age or over or is totally disabled or is a surviving spouse of such person who is over the age of fifty-five years of age, the person may be eligible for the credit allowed under this division. If a claimant changes his homestead, this shall not prevent him from filing a claim based on property taxes for which the claimant was liable and which were actually paid by the claimant, but duplication of claims shall not be allowed. If a homestead is an integral part of a farm, the claimant may use the total property taxes paid for the larger unit, but not exceeding forty acres of land. If a homestead is an integral part of a multidwelling or multipurpose building the property taxes paid for the purpose of this subsection shall be prorated to reflect the portion which the value of the property that the household occupies as its homestead is to the value of the entire structure. For purposes of this subsection, "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

Sec. 30. Section four hundred twenty-five point seventeen (425.17), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Special assessment" means special assessments made pursuant to sections three hundred eighty-four point thirty-seven (384.37) through three hundred eighty-four point seventy-nine (384.79) of the Code. The amount of a special assessment which may be included in the amount of property taxes paid for one year shall be an amount equal to one-twentieth of the total amount of the special assessment levied against the homestead of the claimant, if the claimant elected to pay the total amount of the special assessment in one payment. If the claimant elects to pay the special assessment in ten annual installments as provided by law, the claimant may include as a portion of the property taxes paid during the base year an amount equal to one-half of the special assessment, including interest, paid during that same base year.

Sec. 31. Section four hundred twenty-five point twenty-three (425.23), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirteen (213), section three (3), is amended by striking paragraph a and inserting in lieu thereof the following:

a. The amount shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes paid or rent constituting property taxes paid allowed as a reimbursement:

$ 0 — 999.99	100%
1,000 — 1,999.99	95
2,000 — 2,999.99	85
3,000 — 3,999.99	70
4,000 — 4,999.99	55
5,000 — 5,999.99	45
6,000 — 6,999.99	35
7,000 — 7,999.99	30
8,000 — 8,999.99	25

Sec. 32. The provisions of sections twenty-nine (29), thirty (30), and thirty-one (31) of this Act shall become effective January 1, 1977 for all claims for property taxes paid and rent constituting property taxes paid filed on or after January 1, 1977.

DIVISION VII

TASK FORCE

Sec. 33. TASK FORCE CREATED. There is established a local government task force composed of sixteen members. The task force shall be composed of the chairman of the senate committee on ways and means, the minority party ranking member of the senate committee on ways and means, the chairman of the house committee on ways and means, the minority party ranking member of the house committee on ways and means, and twelve members appointed by the governor who are interested and knowledgeable in affairs of local government. The governor shall appoint two members from each congressional district, who shall not be members of the same political party. The members appointed by the governor shall serve at the pleasure of the governor. Any vacancy in the membership of the task force shall be filled by appointment in the same manner as the original appointments.

The members of the task force shall receive their actual and necessary expenses to be audited by the state comptroller.

Sec. 34. DUTIES. The local government task force shall conduct a study of local government services and finance. The following suggested study guidelines are provided for reference only and should not be considered in order of priority or inclusive of all matters that may be properly included in the research and study necessary to carry out the intent of this Act:

1. The nature of local government services.

2. Which level of government should provide specific services?

3. Who should pay for these services?

4. How should different types and kinds of property be valued and equalized for assessment purposes?

5. What budget limitations, if any, should be imposed?

6. Which local services, if any, should be financed by state aid?

7. The economics and effectiveness of the delivery of services to people.

8. The merits of local option taxation.

9. The budgeting procedures and mechanisms of local governments.

10. The development of a method of "recapturing" taxes on agricultural land if agricultural land is assessed at other than market value.

Sec. 35. STAFF. The governor may employ such professional, technical, and administrative assistance as shall be necessary to accomplish the purpose of this Act.

Sec. 36. REPORT. The governor shall transmit the recommendations of the local government task force, accompanied by proposed legislation necessary to carry out the recommendations, to the Sixty-seventh General Assembly not later than January 10, 1977. Copies of the recommendations and of the recommended legislation shall be transmitted to the president of the senate and the speaker of the house of representatives who shall, within ten days after the date of receipt, assign the proposed legislation to the appropriate standing committee.

Sec. 37. ACQUIRING DATA. The state comptroller may request the county auditor, an assessor, or any other public official to provide the valuations of each class of property in each city, county, school district, or other political subdivision of the state, and any other information which the task force deems necessary to properly perform its duties. The county auditors, assessors, and other public officials shall cooperate with the state comptroller and provide such information as is requested.

Sec. 38. APPROPRIATION. There is appropriated from the general fund of the state to the office of the governor the sum of one hundred thousand (100,000) dollars, or so much thereof as may be necessary, for the fiscal year beginning July 1, 1976 and ending June 30, 1977, for the purpose of the employment of such professional, technical and administrative staff and assistance on such basis as shall be determined by the governor and for such other expenses as shall be necessary to accomplish the purpose of this Act, including actual expenses incurred by task force members as provided in section thirty-three (33) of this Act.

Sec. 39. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Globe-Gazette, a newspaper published in Mason City, Iowa, and in The Perry Daily Chief, a newspaper published in Perry, Iowa."

2. Amend the title by striking everything after the word "Act" in line 1 and inserting in lieu thereof the words "relating to the financing of political subdivisions of this state by providing budget limitations for certain political subdivisions, providing property tax credits and exemptions for certain property owners and renters, making changes in the procedures for the assessment and valuation of certain taxable property, by amending the school foundation law, creating a task force for the study of local government finance and services, making certain provisions of the Act retroactive,

and making appropriations."

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
NORMAN RODGERS, Chair	LOWELL E. NORLAND, Chair
LOWELL L. JUNKINS	ROBERT F. BINA
GEORGE R. KINLEY	C. W. HUTCHINS

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed eighty-nine members present, eleven absent.

RULE 36 INVOKED

Fitzgerald of Webster moved to invoke Rule 36, paragraph 4, on **Senate File 1062**, inasmuch as the second conference committee report on Senate File 1062 was not printed in the House Journal of March 17, 1976.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 57, nays 35.

The motion prevailed.

POINT OF ORDER

Schroeder of Pottawattamie called up for consideration the following point of order filed by him:

MR. SPEAKER: I object to the introduction of the Conference Committee Report on Senate File 1062 based on Section 770.2 of Mason's Legislative Manual.

The form of this Report is objectionable because the Conference Committee has not confined itself to differences of opinion between the houses.

Also, this Conference Committee Report violates Section 772 of Mason's Legislative Manual because a free conference committee is, by said Section, limited to proposing amendments within the scope of the issue between the houses, and this report covers matters beyond the scope of Senate File 1062 and the differences beween the two houses on this legislation.

SCHROEDER of Pottawattamie

Oakley of Clinton rose on a point of order that the second conference committee report on Senate File 1062 was beyond its scope for the reason of not being germane to the bill.

The Speaker ruled that the scope of this bill was property tax relief and, therefore, the second conference committee report on Senate File 1062 was in order.

Oakley of Clinton rose on a point of order and appealed the ruling of the Chair.

Roll call was requested by Bittle of Polk and Avenson of Fayette.

On the question "Shall the ruling of the Chair be sustained?"

The ayes were, 60:

Anderson	Gilloon	Jordan	Pavich
Avenson	Griffee	Koogler	Perkins
Baker	Hargrave	Krause	Poncy
Bina	Harper	Lonergan	Rinas
Binneboese	Hennessey	Mennenga	Scheelhaase
Brandt	Higgins	Middleswart	Small
Brunow	Hines	Middleton	Spear
Caffrey	Hinkhouse	Miller, A. V.	Spencer
Connors	Horn	Miller, K. D.	Spradling
Cusack	Howell	Miller, O. L.	Svoboda
Dieleman	Hullinger	Monroe	Walter
Doyle	Husak	Newhard	Wells
Dunton	Hutchins	Norland	Woods
Dyrland	Jesse	O'Halloran	Wyckoff
Fitzgerald	Jochum	Patchett	Mr. Speaker

The nays were, 36:

Bennett	Den Herder	Kreamer	Pellett
Bittle	Drake	Lageschulte	Readinger
Bortell	Egenes	Lindeen	Schroeder
Branstad	Evans	Lipsky	Stromer
Brockett	Gentleman	McElroy	Tauke
Crabb	Halvorson	Menke	Tofte
Crawford	Hansen	Millen	Varley
Daggett	Harvey	Nealson	West
Danker	Junker	Oakley	Wulff

Absent or not voting, 4:

Byerly	Clark	Nielsen	Welden

The ruling of the Chair was sustained.

Oakley of Clinton called up for consideration the following point of order filed by him:

MR. SPEAKER: I object to the consideration of the Conference Committee Report on Senate File 1062 on the grounds that it violates Sections 680 and 681 of Mason's Manual for the reason that there are substantial deviations in the language included in the Report and the action shown to have been taken in Committee by its minutes and further that the Report was circulated and filed when the Committee was not convened.

OAKLEY of Clinton

RE: OBJECTIONS TO SECOND CONFERENCE COMMITTEE REPORT FILED PURSUANT TO RULE 36 AND IN SUPPORT OF OBJECTIONS FILED BY MR. SCHROEDER AND MR. OAKLEY

MR. SPEAKER: A conference committee is a select committee of the House by reason of there being three kinds of committees, to wit, committee of the whole, standing committees and select committees.

Thus, the rules governing committees generally apply to free conference committees unless specifically altered by rules pertaining to those committees. It should be noted that under Mason's Section 769 a committee on conference from each of the two houses meeting together is not a joint committee but a joint meeting of two committees and in the absence of joint rules is governed by the rules of the respective houses independent of the other.

The committee report is objectionable on its face because it contains matter beyond the scope of the matters included in the content or title of Senate File 1062, is defective in that it contains at least two places wherein the minutes of the conference committee deviated substantially from the content of the report as to action taken and, lastly, was improperly signed.

Scope

There being no House rule indicating the breadth of inquiry and recommendation to which a conference committee is proscribed, reliance on other sources is necessary. Mason's Section 772(1) states that the committee on free conference has authority to propose any amendment within the scope of the issues between the houses. Thus, the question of scope is actually one of germaneness as the conference committee report is an amendment to the bill. The issue is thus governed by Mason's Section 402. It is debatable and should be submitted to the body for resolution. If the Chair proceeds to rule on germaneness, the motion is then available to appeal that ruling and it is likewise debatable. In determining germaneness and examining the Conference Committee Report, subparagraph 6 seems most appropriate. As the matters contained in the body of Senate File 1062 and its title present no question of such matters as school foundation aid formula, agricultural land tax credits, credits for residential property, property tax reimbursement for the elderly, a task force for local government spending nor several other matters contained in the report. While not compelling authority, persuasive secondary authority is found in former House-Senate Joint Rule 12(3) which specifically requires a free conference committee to be confined to the scope of the matters included in the title.

Defective Report

An examination of the minutes and of the minority members of the House Conference Committee reveals at least two substantive deviations in the language included in the report and the action shown to have been taken in committee by its minutes. This questioning of an action reported by a committee must be questioned before the report itself is considered and should be submitted to the body itself for decision rather than to be decided by the presiding officer. Likewise, it has come to our attention that the conference committee report was circulated and signed by a majority of the members when the committee was not convened and, thus,

the action of reporting is ineffective and cannot be regarded as a report of the committee. Under Section 680(1), "It is the duty of the presiding officer to refuse to accept any report on a bill or other question when he has knowledge that it was not considered and acted upon at a regular meeting."

OAKLEY of Clinton

Oakley of Clinton requested the reading of the following report:

MR. SPEAKER: As chair on the part of the House on the second conference commitee on Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state, I respectfully report that at the meeting of March 18, 1976, the committee, by majority of both houses, voted that the House of Representatives should consider the report of the second conference committee first and that the House of Representatives be given physical custody of Senate File 1062.

NORLAND of Worth, Chair
On the Part of the House

In reply to a parliamentary inquiry by Oakley of Clinton regarding the above report, the Speaker ruled the report was not a part of the conference committee report.

Oakley of Clinton rose on a point of order that the second conference committee report was not valid under Section 680 of Mason's Manual.

The Speaker propounded the question to the House.

Roll call was requested by Oakley of Clinton and Readinger of Polk.

On the question "Is the second conference committee report on Senate File 1062 valid?"

The ayes were, 58:

Anderson	Hargrave	Krause	Perkins
Avenson	Harper	Lonergan	Poncy
Baker	Hennessey	Mennenga	Rinas
Bina	Higgins	Middleswart	Scheelhaase
Binneboese	Hines	Middleton	Small
Caffrey	Hinkhouse	Miller, A. V.	Spear
Connors	Horn	Miller, K. D.	Spencer
Cusack	Howell	Miller, O. L.	Spradling
Dieleman	Hullinger	Monroe	Svoboda
Doyle	Husak	Newhard	Walter
Dunton	Hutchins	Norland	Wells
Dyrland	Jesse	O'Halloran	Woods
Fitzgerald	Jochum	Patchett	Wyckoff
Gilloon	Jordan	Pavich	Mr. Speaker
Griffee	Koogler		

The nays were, 35:

Bennett	Bortell	Brockett	Crawford
Bittle	Branstad	Crabb	Daggett

Danker	Harvey	Menke	Stromer
Den Herder	Junker	Millen	Tauke
Drake	Kreamer	Nealson	Tofte
Egenes	Lageschulte	Oakley	Varley
Evans	Lindeen	Pellett	West
Gentleman	Lipsky	Readinger	Wulff
Halvorson	McElroy	Schroeder	

Absent or not voting, 7:

Brandt	Byerly	Hansen	Welden
Brunow	Clark	Nielsen	

The report was ruled valid.

Oakley of Clinton rose on a point of order that the proper procedures were not taken in the filing of the second conference committee report under Section 680 of Mason's Manual.

The Chair ruled that the proper procedure was followed.

Oakley of Clinton rose on a point of order and appealed the ruling of the Chair.

Roll call was requested by Oakley of Clinton and Harvey of Scott.

On the question "Shall the ruling of the Chair be sustained?"

The ayes were, 57:

Anderson	Hargrave	Koogler	Perkins
Avenson	Harper	Krause	Poncy
Baker	Hennessey	Lonergan	Rinas
Bina	Higgins	Mennenga	Scheelhaase
Binneboese	Hines	Middleswart	Small
Brandt	Hinkhouse	Middleton	Spear
Caffrey	Horn	Miller, A, V.	Spencer
Connors	Howell	Miller, K. D.	Spradling
Dieleman	Hullinger	Miller, O. L.	Svoboda
Doyle	Husak	Nielsen	Walter
Dunton	Hutchins	Norland	Wells
Dyrland	Jesse	O'Halloran	Woods
Fitzgerald	Jochum	Patchett	Wyckoff
Gilloon	Jordan	Pavich	Mr. Speaker
Griffee			

The nays were, 36

Bennett	Den Herder	Kreamer	Pellett
Bittle	Drake	Lageschulte	Readinger
Bortell	Egenes	Lindeen	Schroeder
Branstad	Evans	Lipsky	Stromer
Brockett	Gentleman	McElroy	Tauke
Crabb	Halvorson	Menke	Tofte
Crawford	Hansen	Millen	Varley
Daggett	Harvey	Nealson	West
Danker	Junker	Oakley	Wulff

Absent or not voting, 7:

Brunow	Clark	Monroe	Welden
Byerly	Cusack	Newhard	

The ruling of the Chair was sustained.

Oakley of Clinton called up for consideration the following points of parliamentary inquiry filed by him:

OBJECTIONS TO CONSIDERATION OF
SECOND CONFERENCE COMMITTEE REPORT ON
SENATE FILE 1062

The undersigned hereby objects to the further consideration of Senate File 1062 pursuant to House Rule 36 and other pertinent Rules of the House for the following reasons:

Senate File 1062 is in the possession of the Senate by reason of the House insisting on its amendments on February 24, 1976, and messaging that action, together with the bill, to the upper chamber.

Any physical delivery of Senate File 1062 to this House by the Secretary of the Senate is a violation of his custodial responsibilities under the Senate Rules and violates the spirit and letter of the comity of understanding between the two houses and a long line of legislative precedent.

I specifically refer the Speaker to "Mason's Manual of Legislative Procedure", Sec. 761(6) and (8). See also Mason's Sec. 768(7); Cushing's "Law and Practice of Legislative Assemblies", Sec. 2270; Cannon's "Procedure of the House", §909, page 128; Hughes "American Parliamentary Guide", Sec. 1054 (E) through (H); tradition under former Joint Rule 12 (4), page 28, "Rules of Procedure, Iowa, 1973-1974".

Thus, while the report may be read, the House must defer action until the bill with action on the report is received from the Senate. Will the Chief Clerk please read the latest notation of action on the bill.

If the House has requested return of the bill and the Senate accedes to the written message or request, the state of the proceedings are to place before the House the question of reconsidering its action of February 24th, insisting on its amendments and thereby voiding the action of the Speaker in appointing the conference committee. Such voiding act removes the consideration of a report from our order of business.

I therefore raise the following points of parliamentary inquiry to be considered separately:

1. Is the bill in the possession of the House pursuant to a message to the Senate requesting the same?

2. What Senate action is endorsed on the bill authorizing its messaging from the Senate to the House?

3. Does the receipt of the bill by the House void the consideration of the conference committee report?

4. Is the only method for the House to consider the bill to move to suspend certain specific rules?

OAKLEY of Clinton

The Speaker ruled, with respect to the above separate points of order, that Senate File 1062 had been properly placed in the possession of the House.

Oakley of Clinton rose on a point of order that the House does not have valid possession of Senate File 1062 for the purpose of taking positive action and therefore appealed the ruling of the Chair.

The Speaker propounded the question to the House.

Roll call was requested by Oakley of Clinton and Junker of Woodbury.

On the question "Shall the ruling of the Chair be sustained?"

The ayes were, 57:

Anderson	Harper	Krause	Pavich
Avenson	Hennessey	Lonergan	Perkins
Baker	Higgins	Mennenga	Poncy
Bina	Hines	Middleswart	Rinas
Binneboese	Hinkhouse	Middleton	Scheelhaase
Brandt	Horn	Miller, A. V.	Small
Caffrey	Howell	Miller, K. D.	Spear
Connors	Hullinger	Miller, O. L.	Spencer
Dieleman	Husak	Monroe	Svoboda
Doyle	Hutchins	Newhard	Walter
Dyrland	Jesse	Nielsen	Wells
Fitzgerald	Jochum	Norland	Woods
Gilloon	Jordan	O'Halloran	Wyckoff
Griffee	Koogler	Patchett	Mr. Speaker
Hargrave			

The nays were, 35:

Bennett	Den Herder	Lindeen	Schroeder
Bittle	Drake	Lipsky	Stromer
Bortell	Egenes	McElroy	Tauke
Branstad	Evans	Menke	Tofte
Brockett	Halvorson	Millen	Varley
Crabb	Hansen	Nealson	Welden
Crawford	Harvey	Oakley	West
Daggett	Junker	Pellett	Wulff
Danker	Lageschulte	Readinger	

Absent or not voting, 8:

Brunow	Clark	Dunton	Kreamer
Byerly	Cusack	Gentleman	Spradling

The ruling of the Chair was sustained.

Varley of Adair raised a point of parliamentary inquiry as to whether amendments to the conference committee report would be in order.

The Speaker ruled that amendments would not be accepted.

Norland of Worth moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Bina of Scott and Higgins of Scott.

On the question "Shall the conference committee report and the amendments contained therein be adopted?"

The ayes were, 56:

Anderson	Gilloon	Jordan	Pavich
Avenson	Griffee	Koogler	Perkins
Baker	Harper	Krause	Poncy
Bina	Hennessey	Lonergan	Rinas
Binneboese	Higgins	Mennenga	Scheelhaase
Brandt	Hines	Middleswart	Spear
Brunow	Hinkhouse	Middleton	Spencer
Caffrey	Horn	Miller, A. V.	Spradling
Cusack	Howell	Miller, K. D.	Svoboda
Dieleman	Hullinger	Monroe	Walter
Doyle	Husak	Newhard	Wells
Dunton	Hutchins	Norland	Woods
Dyrland	Jesse	O'Halloran	Wyckoff
Fitzgerald	Jochum	Patchett	Mr. Speaker

The nays were, 41:

Bennett	Drake	Lindeen	Readinger
Bittle	Egenes	Lipsky	Schroeder
Bortell	Evans	McElroy	Small
Branstad	Gentleman	Menke	Stromer
Brockett	Halvorson	Millen	Tauke
Connors	Hansen	Miller, O. L.	Tofte
Crabb	Hargrave	Nealson	Varley
Crawford	Harvey	Nielsen	Welden
Daggett	Junker	Oakley	West
Danker	Lageschulte	Pellett	Wulff
Den Herder			

Absent or not voting, 3:

Byerly	Clark	Kreamer

The motion prevailed and the conference committee report and the amendments contained therein were adopted.

Norland of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 1062)

The ayes were, 55:

Anderson	Doyle	Hinkhouse	Krause
Avenson	Dunton	Horn	Lonergan
Baker	Dyrland	Howell	Mennenga
Bina	Fitzgerald	Hullinger	Middleswart
Binneboese	Gilloon	Husak	Miller, A. V.
Brandt	Griffee	Hutchins	Miller, K. D.
Brunow	Harper	Jesse	Monroe
Caffrey	Hennessey	Jochum	Newhard
Cusack	Higgins	Jordan	Norland
Dieleman	Hines	Koogler	O'Halloran

Patchett	Rinas	Spradling	Woods
Pavich	Scheelhaase	Svoboda	Wyckoff
Perkins	Spear	Walter	Mr. Speaker
Poncy	Spencer	Wells	

The nays were, 41:

Bennett	Drake	Lindeen	Readinger
Bittle	Egenes	Lipsky	Schroeder
Bortell	Evans	McElroy	Small
Branstad	Gentleman	Menke	Stromer
Brockett	Halvorson	Millen	Tauke
Connors	Hansen	Miller, O. L.	Tofte
Crabb	Hargrave	Nealson	Varley
Crawford	Harvey	Nielsen	Welden
Daggett	Junker	Oakley	West
Danker	Lageschulte	Pellett	Wulff
Den Herder			

Absent or not voting, 4:

Byerly	Clark	Kreamer	Middleton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 1062)

Norland of Worth moved to reconsider the vote by which Senate File 1062 passed the House.

A non-record roll call was requested.

The ayes were 39, nays 52.

The motion lost.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 125 **Ways and means**
To create a reassessment expense fund and use the funds for revaluing property.

S. B. 126 **Ways and means**
Relating to equalization and assessment procedures.

S. B. 127 **Ways and means**
To provide limited tax incentives for the improvement, repair, and maintenance of residential property by allowing a five-year tax moratorium for certain improvements to buildings, with certain exceptions.

AMENDMENTS FILED

H—5872

Amend House File 1047 as follows:

1. Page 1, by striking all of lines 14 through 21 and inserting in lieu thereof the following:

"financed by this method."

BITTLE of Polk
HIGGINS of Scott

H—5861

Amend House File 1254 as follows:

1. Page 1, line 5, by striking the words "paragraph a" and inserting in lieu thereof the words "paragraphs a and b".

2. Page 1, by inserting after line 21 the following:

"b. If the claim is for property taxes paid and the household income of the claimant is less than six thousand dollars, the alternative tentative reimbursement shall be one hundred twenty-five dollars, but not to exceed the amount of property taxes paid during the base year."

SVOBODA of Iowa

H—5862

Amend House File 1346 as follows:

1. Page 6, line 32, by striking the word "adjutant" and inserting in lieu thereof the word "governor".

2. Page 6, by striking lines 33 through 35.

3. Page 11, line 10, by inserting after the word "coordinator" the words ", unless appointed under subsection three (3) of section eight (8) of this Act".

4. Page 11, line 34, by striking the word "three" and inserting in lieu thereof the word "two".

5. Page 16, line 21, by striking the word "biennium" and inserting in lieu thereof the word "year".

OAKLEY of Clinton
MONROE of Des Moines

H—5857

Amend Senate File 85 as follows:

1. Page 118A, line 29 by inserting after the word "prejudice" the following: "that will prevent a fair trial".

BRANSTAD of Winnebago

H—5858

Amend Senate File 85 as follows:

1. Page 139, line 4, by inserting before the period the following: "and there is no

objection from either prosecuting attorney or presiding judge".

BRANSTAD of Winnebago

H—5859

Amend Senate File 85 as follows:

1. Page 153, by striking lines 24 through 30.

BRANSTAD of Winnebago

H—5864

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 72, line 27, by striking the words "provided that he is justified in the".

2. Page 72, by striking lines 28 and 29.

3. Page 72, line 30, by striking the word "or" and inserting in lieu thereof the words "and may be justified in the use of deadly force only".

KREAMER of Polk

H—5865

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 57B, by inserting after line 41 the following new section:

"Sec. ..... *NEW SECTION.* SODOMY. Whoever shall have carnal copulation in any opening of the body except sexual parts, with another human being, or shall have carnal copulation with a beast, shall be guilty of sodomy. Sodomy is a class "D" felony."

HALVORSON of Clayton
HARPER of Davis
KREAMER of Polk
SCHROEDER of Pottawattamie

H—5866

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 243, by inserting after line 25 the following:

"DIVISION X
COMPENSATION TO VICTIMS

Sec. 1001. ***NEW SECTION.*** **As used in this division,** unless the context otherwise requires:

1. "Board" means the crime victims compensation board.

2. "Claimant" means the person filing a claim pursuant to this division.

3. "Crime" means an act committed in this state which would, if committed by a mentally competent criminally responsible adult, who has no legal exemption or defense, constitute a crime as defined

in and prescribed by the penal law, provided, however, that no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purposes of this division unless the injuries were intentionally inflicted through the use of a vehicle.

4. "Family", when used with reference to a person, means any person related to such person within the third degree of consanguinity or affinity, any person maintaining a sexual relationship with such person, or any person residing in the same household with such person.

5. "Victim" means a person who suffers personal physical injury as a direct result of a crime.

Sec. 1002. *NEW SECTION.*

1. There is hereby created a board, to be known as the crime victims compensation board. Such board shall consist of three members, no more than two of whom shall belong to the same political party, who shall be appointed by the governor by and with the advice and consent of the senate. The members of the board shall have been admitted to practice law in this state for not less than ten years next preceding their appointment.

2. The term of office of each such member shall be seven years, except that the members first appointed shall serve for terms of seven years, five years and three years, respectively. Any member appointed to fill a vacancy occurring otherwise than by expiration of a term shall be appointed for the remainder of the unexpired term.

3. The governor shall designate one member of the board as chairman thereof, to serve as such at the pleasure of the governor.

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4. The members of the board shall devote their whole time and capacity to their duties, and shall not engage in any other occupation, profession or employment, and shall receive an annual salary to be fixed by the governor within the amount made available therefor by appropriation.

Sec. 1003. *NEW SECTION.* The board shall have the following powers and duties:

1. To establish and maintain a principal office and such other offices within the state as it may deem necessary.

2. To appoint a secretary, counsel, clerks and such other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

3. To adopt, promulgate, amend and rescind suitable rules to carry out the provisions and purposes of this division, including rules for the approval of

attorneys' fees for representation before the board.

4. To request from the department of public safety, from county or municipal police departments and agencies and from any other state or municipal department or agency, or public authority, and the same are hereby authorized to provide, such assistance and data as will enable the board to carry out its functions and duties.

5. To hear and determine all claims for awards filed with the board pursuant to this division, and to reinvestigate or reopen cases as the board deems necessary.

6. To direct medical examination of victims.

7. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to issue subpoenas requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, documentary or other evidence. The powers provided in this subsection may be delegated by the board to any member or employee thereof.

8. To take or cause to be taken affidavits or depositions within or without the state.

9. To render each year to the governor and to the general assembly a written report of its activities.

Sec. 1004. *NEW SECTION.*

1. Except as provided in subsection two (2) of this section, the following persons shall be eligible for awards pursuant to this division:

a. A victim of a crime;

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b. A surviving spouse, parent or child of a victim of a crime who died as a direct result of such crime; and

c. Any other person dependent for his principal support upon a victim of a crime who died as a direct result of such crime.

2. A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person or a member of the family of such persons shall not be eligible to receive an award with respect to such claim.

Sec. 1005. *NEW SECTION.*

1. A claim may be filed by a person eligible to receive an award, as provided in section one thousand four (1004) of this division, or, if such person is a minor, by his parent or guardian.

2. A claim must be filed by the claimant not later than ninety days after the occurrence of the crime upon which such claim is based, or not later than ninety days after the death of the victim, provided, however, that upon good cause shown, the board may extend the time for filing for a period not exceeding

one year after such occurrence.

3. Claims shall be filed in the office of the secretary of the board in person or by mail. The secretary of the board shall accept for filing all claims submitted by persons eligible under subsection one (1) of this section and alleging the jurisdictional requirements set forth in this Act and meeting the requirements as to form in the rules of the board.

4. Upon filing of a claim pursuant to this division, the board shall promptly notify the county attorney of the county wherein the crime is alleged to have occurred. If, within ten days after such notification, such county attorney advises the board that a criminal prosecution is pending upon the same alleged crime and requests that action by the board be deferred, the board shall defer all proceedings under this division until such time as such criminal prosecution has been concluded and shall so notify such county attorney and the claimant. When such criminal prosecution has been concluded, such county attorney shall promptly so notify the board. Nothing in this section shall limit the authority of the board to grant emergency awards pursuant to this division.

Sec. 1006. *NEW SECTION.* No award shall be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of one hundred dollars or has lost at least two continuous weeks earnings or support. Out-of-pocket loss shall mean unreimbursed and

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unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based.

Sec. 1007. *NEW SECTION.*

1. A claim, when accepted for filing, shall be assigned by the chairman to himself or to another member of the board. All claims arising from the death of an individual as a direct result of a crime, shall be considered together by a single board member.

2. The board member to whom such claim is assigned shall examine the papers filed in support of such claim. The board member shall thereupon cause an investigation to be conducted into the validity of such claim. Such investigation shall include, but not be limited to, an examination of police, court and official records and reports concerning the crime and an examination of medical and hospital reports relating to the injury upon which such claim is based.

3. Claims shall be investigated and determined, regardless of whether the alleged criminal has been apprehended or prosecuted for or convicted of any crime based upon the same incident, or has been acquitted, or found not guilty of the crime in question owing to criminal irresponsibility or other legal

exemption.

4. The board member to whom a claim is assigned may decide such claim in favor of a claimant in the amount claimed on the basis of the papers filed in support thereof and the report of the investigation of such claim. If the board member is unable to decide such claim upon the basis of such papers and such report, he shall order a hearing. At such hearing any relevant evidence, not legally privileged, shall be admissible.

5. After examining the papers filed in support of such claim and the report of investigation, and after a hearing, if any, the board member to whom such claim was assigned shall make a decision either granting an award or deny the claim.

6. The board member making a decision shall file with the secretary a written report setting forth such decision and his reasons therefor. The secretary shall thereupon notify the claimant and furnish him a copy of such report.

Sec. 1008. *NEW SECTION.*

1. The claimant may, within thirty days after receipt of the report of the decision of the board member to whom his claim was assigned, make an application in writing to the board for consideration

of such decision by the full board.

2. Any member of the board may, within thirty days after the filing of such report, make an application in writing to the board for consideration of such decision by the full board.

3. Upon receipt of an application the board shall review the record and affirm or modify the decision of the board member to whom the claim was assigned. The action of the board in affirming or modifying such decision shall be final. The board shall file with the secretary of the board a written report setting forth its decision, and if such decision varies in any respect from the report of the board member to whom the claim was assigned setting forth its reasons for such decision. If the board receives no application pursuant to subsection one (1) or two (2) of this section the decision of the board member to whom the claim was assigned shall become the final decision of the board.

4. The secretary of the board shall promptly notify the claimant, the attorney general and the comptroller of the final decision of the board and furnish each with a copy of the report setting forth such decision.

Sec. 1009. *NEW SECTION.*

1. Within thirty days after receipt of the copy of the report containing the final decision of the board, the attorney general may, if in his judgment

the award is improper or excessive, commence a proceeding in the Polk county district court, to review the decision of the board. Within thirty days after receipt of the copy of such report, the comptroller may, if in his judgment the award is improper or excessive, request the attorney general to commence a proceeding to review the decision of the board in which event the attorney general shall commence such a proceeding. Such proceeding shall be heard in a summary manner and shall have precedence over all other civil cases in such court. There shall be no other judicial review of any decision made or action taken by the board, by a member of the board or by the secretary of the board with respect to any claim.

2. Any such proceeding shall be commenced by the service of notice thereof upon the claimant and the board in person or by mail.

Sec. 1010. *NEW SECTION.* Notwithstanding the provisions of section one thousand seven (1007) of this division, if it appears to the board member to whom a claim is assigned, prior to taking action upon

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such claim, that such claim is one with respect to which an award probably will be made, and undue hardship will result to the claimant if immediate payment is not made, such board member may make an emergency award to the claimant pending a final decision in the case, provided, however, that the amount of such emergency award shall not exceed five hundred dollars, the amount of such emergency award shall be deducted from any final award made to the claimant, and the excess of the amount of such emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the board.

Sec. 1011. *NEW SECTION.*

1. No award shall be made unless the board or board member, as the case may be, finds that a crime was committed, such crime directly resulted in personal physical injury to, or death of, the victim, and police records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police records show that such report was made more than forty-eight hours after the occurrence of such crime unless the board, for good cause shown, finds the delay to have been justified.

2. Any award made pursuant to this Act shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based, together with loss

of earnings or support resulting from such injury.

3. Any award made for loss of earnings or support shall, unless reduced pursuant to other provisions of this division, be in an amount equal to the actual loss sustained, provided, however, that no such award shall exceed one hundred dollars for each week of lost earnings or support, and provided further that the aggregate award for such loss shall not exceed fifteen thousand dollars. If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned by the board among the claimants.

4. Any award made pursuant to this division shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury from or on behalf of the person who committed the crime, under insurance programs mandated by law, from public funds, under any contract of insurance

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wherein the claimant is the insured or beneficiary, as an emergency award pursuant to section one thousand ten (1010) of this division.

5. In determining the amount of an award, the board or board member, as the case may be, shall determine whether, because of his conduct, the victim of such crime contributed to the infliction of his injury, and the board or board member shall reduce the amount of the award or reject the claim altogether, in accordance with such determination; provided, however, that the board or board member, as the case may be, may disregard for this purpose the responsibility of the victim for his own injury where the record shows that such responsibility was attributable to efforts by the victim to prevent a crime or an attempted crime from occurring in his presence or to apprehend a person who had committed a crime in his presence or had in fact committed a felony.

6. If the board or board member, as the case may be, finds that the claimant will not suffer serious financial hardship, as a result of the loss of earnings or support and the out-of-pocket expenses incurred as a result of the injury, if not granted financial assistance pursuant to this division to meet such loss of earnings, support or out-of-pocket expenses, the board or board members shall deny an award. In determining such serious financial hardship, the board or board member shall consider all of the financial resources of the claimant. The board shall establish specific standards by rule for determining such serious financial hardship.

Sec. 1012. *NEW SECTION.* The award shall be paid in a lump sum, except that in the case of death or protracted disability the award shall provide for

periodic payments to compensate for loss of earnings or support. No award made pursuant to this division shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis for the claim.

Sec. 1013. *NEW SECTION.* Acceptance of an award made pursuant to this division shall subrogate the state, to the extent of such award, to any right or right of action accruing to the claimant or the victim to recover payments on account of losses resulting from the crime with respect to which the award is made.

Sec. 1014. *NEW SECTION.* The comptroller shall pay to the claimant from funds appropriated by the general assembly for such purposes any initial

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emergency award granted by the board or a board member within five days after receipt of notice from the board of the emergency award.

The comptroller shall pay to the claimant from funds appropriated by the general assembly for such purposes the award as determined in the final decision by the board, reduced to the extent provided in section one thousand eleven (1011) of this division. Such payment shall be made thirty days after communication of the final decision of the board to the comptroller if action to review the board's decision has not been commenced. Payment of the final award as reviewed by the court shall be made in a lump sum within the time period ordered by the court."

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

LIPSKY of Linn
GILLOON of Dubuque

H—5867

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 70, line 5, by striking the words "in contempt".

2. Page 70, by striking lines 6 through 10 and inserting in lieu thereof the words "guilty of a simple misdemeanor and the magistrate may issue a warrant of arrest for the offense originally charged."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5868

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 71, by striking lines 25 through 30.
2. Page 94, by striking lines 23 through page 95, line 6.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5869

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 71, by striking lines 31 through page 72, line 2, and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* **ARRESTS BY PRIVATE PERSONS.** A private person may make an arrest for a public offense committed or attempted in his or her presence."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5870

Amend Senate File 85 as passed and reprinted by the Senate as follows:

1. Page 56, by inserting after line 3 the following new section:

"Sec. 2504A. *NEW SECTION.* **PUBLIC INDECENT EXPOSURE.** A holder of a liquor license or beer permit or any owner, manager, or person who exercises direct control over any licensed premises defined in section one hundred twenty-three point three (123.3), subsection thirty-one (31) of the Code shall be guilty of an aggravated misdemeanor under any of the following circumstances:

1. If such person allow or permit the actual or simulated performance of any sex act upon or in such licensed premises.

2. If such person allow or permit the exposure of the genitals or buttocks or female breast nipple of any person who acts as a waiter, waitress, or entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

3. If such person allow or permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, buttocks, pubic hair or anus.

4. If such person allow or permit the displaying of films or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

Provided that the provisions of this section shall not apply to a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances and any of the circumstances contained in this section were permitted or allowed as part of such performances."

2. Page 289, by inserting after line 12 the following:

"Sec. ..... Section one hundred twenty-three point thirty-nine (123.39), Code 1975, is amended by adding the following new subsection:

" 7. Violation of section 2504A of this Code." "

SCHROEDER of Pottawattamie
JUNKER of Woodbury
BRANSTAD of Winnebago
HALVORSON of Clayton
HARPER of Davis
DANKER of Pottawattamie
PAVICH of Pottawattamie
KREAMER of Polk
MENNENGA of Clinton
McELROY of Fremont
MIDDLESWART of Warren
SPENCER of Clay
HENNESSEY of Delaware
STROMER of Hancock
DIELEMAN of Marion
SPRADLING of Sioux
TAUKE of Dubuque
WYCKOFF of Benton
NEALSON of Muscatine
BROCKETT of Marshall
EVANS of Grundy
CRABB of Crawford
LAGESCHULTE of Bremer
WEST of Marshall
BINNEBOESE of Plymouth
DAGGETT of Adams
HINKHOUSE of Cedar
PELLETT of Cass
HANSEN of O'Brien
TOFTE of Winneshiek
DEN HERDER of Sioux
KOOGLER of Mahaska
LINDEEN of Henry
HULLINGER of Decatur
WALTER of Pottawattamie
DYRLAND of Clayton
WULFF of Black Hawk
HOWELL of Floyd
LONERGAN of Boone
BORTELL of Madison

H—5873

Amend Senate File 85 as follows:

1. Page 20A, by striking lines 5 through 7 and inserting in lieu thereof the following:

"A person commits sexual abuse in the fourth degree when the person commits sexual abuse with a child."

KREAMER of Polk

H—5874

Amend amendment H—5873 to page 20A of Senate File 85 as follows:

1. Line 6, by striking the words "a child" and inserting in lieu thereof the words "another person under the age of fifteen".

SPEAR of Lee

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 10:00 p.m. until 9:00 a.m., Friday, March 19, 1976.

JOURNAL OF THE HOUSE

Sixty-Eighth Calendar Day—Forty-sixth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, MARCH 19, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Jack O. Boerigter, pastor of the First Reformed Church, Sioux Center, Iowa.

The Journal of Thursday, March 18, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hostetter, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oakley of Clinton on request of Millen of Van Buren; Bittle of Polk on request of Evans of Grundy.

SPECIAL PRESENTATION

Gilloon of Dubuque presented to the House Miss Pamela Petersen of Preston, who was the Iowa participant in the Miss National Teen-Ager Pageant at Atlantic City.

The House rose and extended its welcome.

PRESENTATION OF VISITORS

Dieleman of Marion presented to the House the Honorable Gerritt Van Roekel, former member of the House during the Sixty-second and Sixty-third General Assemblies representing Marion County.

The Speaker announced the following visitors were present in the House chamber:

Twenty-five seventh grade students from St. John's School, Des Moines, Iowa, accompanied by Sister Jean Frances and Mary Wood. By Gentleman of Polk and Jesse of Polk.

Twenty-five students from Wilson Junior High School, Des Moines, Iowa, accompanied by Mrs. Wakefield and Mr. Nemmers. By Connors of Polk.

Ten Webelos from Pack 11, Sheridan Park, Des Moines, Iowa, accompanied by Virgil Hillman. By Nielsen of Polk.

Thirty basketball players from Heelan High School, Sioux City, Iowa, accompanied by Coach Dick Collins. By Junker of Woodbury.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 16, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1207, a bill for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes and providing penalties for violations.

Also: That the Senate has on March 17, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1249, a bill for an act relating to vehicles used by sheriffs and deputies.

Also: That the Senate has on March 17, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1254, a bill for an act relating to the filing requirements for information returns for tax purposes.

STEVEN C. CROSS, Secretary

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Jesse of Polk offered the following amendment H—5444 filed by the subcommittee on the criminal code revision:

H—5444

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 27B, line 38, by inserting after the word "funds" the words "or no account".

2. Page 28A, by striking lines 8 through 16.

West of Marshall offered the following amendment H—5644, to amendment H—5444, filed by him and moved its adoption:

H—5644

Amend the amendment, H—5444, to page 27B of Senate File 85 as follows:

1. By striking lines 3 and 4.

2. Line 5, by striking the number "16" and inserting in lieu thereof the words "11".

3. By inserting after line 5 the following:

"3. Page 28A, line 12, by striking the word "presented."."

Amendment H—5644 was adopted.

Jesse of Polk moved the adoption of amendment H—5444, as amended.

Amendment H—5444, as amended, was adopted.

Kreamer of Polk offered the following amendment H—5873 filed by him:

H—5873

Amend Senate File 85 as follows:

1. Page 20A, by striking lines 5 through 7 and inserting in lieu thereof the following:

"A person commits sexual abuse in the fourth degree when the person commits sexual abuse with a child."

Spear of Lee offered the following amendment H—5874, to amendment H—5873, filed by him:

H—5874

Amend amendment H—5873 to page 20A of Senate File 85 as follows:

1. Line 6, by striking the words "a child" and inserting in lieu thereof the words "another person under the age of fifteen".

By unanimous consent the following corrective amendment H—5876, to amendment H—5874, to amendment H—5873, filed by Spear of Lee from the floor, was adopted:

H—5876

Amend amendment H—5874 to page 20A of Senate File 85 as follows:

1. Line 4, by striking the word "another" and inserting in lieu thereof the word "a".

Spear of Lee moved the adoption of amendment H—5874, as amended, to amendment H—5873.

A non-record roll call was requested.

The ayes were 35, nays 46.

Amendment H—5874, as amended, lost.

Kreamer of Polk moved the adoption of amendment H—5873.

Amendment H—5873 was adopted.

Brandt of Black Hawk called up for consideration the motion to reconsider amendment H—5657 filed by her on March 16, 1976, and moved to reconsider the vote by which amendment H—5657 was adopted by the House.

Roll call was requested by Brandt of Black Hawk and Gentleman of Polk.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H—5657 was adopted by the House be reconsidered?"

The ayes were, 46:

Anderson	Fitzgerald	Lipsky	Pavich
Avenson	Gentleman	Lonergan	Poncy
Bina	Gilloon	McElroy	Readinger
Binneboese	Griffee	Mennenga	Rinas
Brandt	Hargrave	Middleton	Scheelhaase
Crawford	Harper	Miller, K. D.	Small
Cusack	Hines	Miller, O. L.	Spear
Doyle	Horn	Monroe	Spradling
Drake	Howell	Newhard	Svoboda
Dunton	Jesse	O'Halloran	Walter
Dyrland	Jochum	Patchett	Wells
Egenes	Krause		

The nays were, 44:

Baker	Evans	Lageschulte	Spencer
Bennett	Halvorson	Lindeen	Stromer
Bortell	Hansen	Menke	Tauke
Branstad	Harvey	Middleswart	Tofte
Brockett	Hinkhouse	Millen	Varley
Brunow	Hullinger	Miller, A. V.	Welden
Caffrey	Husak	Nealson	West
Connors	Jordan	Nielsen	Woods
Daggett	Junker	Pellett	Wulff
Danker	Koogler	Perkins	Wyckoff
Dieleman	Kreamer	Schroeder	Mr. Speaker

Absent or not voting, 10:

Bittle	Crabb	Higgins	Norland
Byerly	Den Herder	Hutchins	Oakley
Clark	Hennessey		

The motion prevailed and the House reconsidered amendment H—5657 filed by Koogler of Mahaska as follows:

H—5657

1 Amend Senate File 85, as amended, passed,

and reprinted by the Senate as follows:
1. Page 19A, by striking lines 17 and 18 and inserting in lieu thereof the following: "the course of committing sexual abuse the other participant is seriously injured or the other participant is under the age of twelve."
2. Page 19A, by striking line 28 in its entirety.

Koogler of Mahaska moved the adoption of amendment H—5657.

Roll call was requested by Koogler of Mahaska and Crabb of of Crawford.

On the question "Shall amendment H—5657 be adopted?"

The ayes were, 54:

Baker	Doyle	Junker	Pavich
Bennett	Dyrland	Koogler	Pellett
Bina	Evans	Kreamer	Perkins
Bortell	Gilloon	Lageschulte	Schroeder
Branstad	Griffee	Lindeen	Tauke
Brunow	Halvorson	Lonergan	Tofte
Caffrey	Hansen	McElroy	Varley
Connors	Harper	Menke	Welden
Crabb	Harvey	Millen	Wells
Cusack	Higgins	Miller, A. V.	Woods
Daggett	Hinkhouse	Miller, O. L.	Wulff
Danker	Hullinger	Nealson	Wyckoff
Den Herder	Husak	Nielsen	Mr. Speaker
Dieleman	Hutchins		

The nays were, 35:

Anderson	Gentleman	Mennenga	Readinger
Avenson	Hargrave	Middleswart	Rinas
Binneboese	Hennessey	Middleton	Scheelhaase
Brandt	Horn	Miller, K. D.	Small
Brockett	Howell	Monroe	Spear
Crawford	Jesse	Newhard	Spradling
Drake	Jochum	O'Halloran	Svoboda
Egenes	Krause	Patchett	Walter
Fitzgerald	Lipsky	Poncy	

Absent or not voting, 11:

Bittle	Dunton	Norland	Stromer
Byerly	Hines	Oakley	West
Clark	Jordan	Spencer	

Amendment H—5657 was adopted.

Branstad of Winnebago offered the following amendment H—5877 filed by Branstad of Winnebago, Perkins of Greene and Koogler of Mahaska from the floor and moved its adoption:

H—5877

Amend Senate File 85 as follows:
1. Page 20A by striking "D" from line 8 and inserting in lieu thereof "C".

Amendment H—5877 was adopted.

Jesse of Polk asked and received unanimous consent to withdraw the following amendments:

H—5560 (to page 55, etc.) filed by the subcommittee on the criminal code revision on March 5, 1976, and found on page 985 of the House Journal.

H—5717 (to page 55, etc.) filed by the subcommittee on the criminal code revision on March 10, 1976, and found on page 1095 of the House Journal.

With the withdrawal of the above amendments, the following amendments are out of order:

H—5833, to amendment H—5560 (to page 55), filed by Dieleman of Marion and Junker of Woodbury on March 17, 1976, and found on page 1241 of the House Journal.

H—5844, to amendment H—5717, (to page 55) filed by Dieleman of Marion and Junker of Woodbury on March 17, 1976, and found on pages 1245 and 1246 of the House Journal.

Gentleman of Polk offered the following amendment H—5875 filed by her from the floor:

H—5875

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 55, by striking lines 11 and 12 and inserting in lieu thereof the following:

"DIVISION XXV

VICE—PROMOTING PROSTITUTION—UNLICENSED MASSAGE

Sec. ..... *NEW SECTION.* DEFINITIONS. For purposes of this division, unless the context otherwise requires:

1. "Massage" means the manipulation of body tissues either by the hands, with a mechanical or vibratory apparatus, by passive or resistive exercise or with use of heat lamps, salt glow, hot and cold packs or tub, shower or cabinet baths for hygienic, reducing or contouring purposes.

2. "Massage establishment" means a place of business where massage is practiced by licensed massage technicians.

3. "Massage technician" means an individual who practices massage and publicly professes to perform the functions incident to the practice of massage.

4. "Department" means the state department of health.

5. "Board" means the board of massage examiners.

Sec. ..... *NEW SECTION.* EXEMPTIONS. The following

classes of persons shall not be construed to be massage technicians:

1. Licensed physicians and surgeons, osteopaths, osteopathic physicians and surgeons, podiatrists, chiropractors, nurses, dentists, physical therapists, cosmetologists, and barbers who are engaged in the practice of their respective professions.

2. Students of massage who practice under the supervision of a licensed massage technician in connection with a regular course of instruction at an accredited school as determined by the board pursuant to chapter one hundred forty-seven (147) of the Code.

3. Nonprofessional workers in hospitals, clinics, offices, sanatoriums, or health care facilities as defined in section one hundred thirty-five C point one (135C.1), of the Code who perform their services under the supervision of a physician or a licensed physical therapist and who do not hold themselves out or accept employment as massage technicians.

4. An athletic coach or trainer who in the course of his employment practices massage in an accredited public or private secondary school, junior college, college or university or for a professional or semiprofessional athletic team or organization.

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Sec. ..... *NEW SECTION.* QUALIFICATIONS. Each applicant for a license to practice massage shall:

1. Have attained the age of eighteen years.

2. Hold a diploma from an accredited school as determined under sections one hundred forty-seven point thirty-two (147.32) and one hundred forty-seven point thirty-three (147.33) of the Code, which school requires a resident course of study in the theory, method, and practice of massage of not less than one thousand hours.

Sec. ..... *NEW SECTION.* TEMPORARY LICENSE. A person who has continuously practiced massage in this state for five years prior to and who is practicing massage in this state on the effective date of this Act and who has not fulfilled the requirement for a diploma may apply for and be granted a license under this Act, but the license obtained under this section shall expire on July 1, 1978.

Sec. ..... *NEW SECTION.* STANDARDS FOR MASSAGE ESTABLISHMENTS. A person shall not operate, own, conduct or permit to be operated, owned, or conducted a massage establishment in this state unless the massage establishment complies with the following minimum standards:

1. The licenses of the massage technicians employed in the establishment are displayed in a conspicuous place.

2. A sign is posted at the main entrance

identifying the establishment as a massage establishment.

3. The premises have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in the practice of massage. Such materials and instruments shall be disinfected after each use.

4. Hot and cold running water are provided at all times.

5. Closed cabinets are provided and used for the storage of all equipment, supplies and clean linens. All used disposable materials and soiled linens and towels shall be kept in covered containers or cabinets which shall be kept separate from clean storage areas.

6. Adequate dressing and toilet facilities and clean and sanitary towels and linens for patrons are provided.

7. The premises are equipped with a service sink for custodial services which shall be located in a room separate from massage service rooms.

The department may promulgate additional sanitary rules for the operation of a massage establishment.

Page 3

A person who fails to comply with the rules and standards of this section shall be notified in writing of such failure and if the rules and standards are not complied with in not more than sixty days after receiving written notice, the department shall order the massage establishment closed. The department shall enforce the provisions of this section and make all necessary inspections.

Sec. ..... Terms of the initial members of the board shall be staggered so that one public member and one licensed member shall be appointed for terms of one year, one public member and one licensed member for terms of two years, and one licensed member for a term of three years.

Sec. ..... *NEW SECTION.* PENALTY. A person who engages in the practice of a massage technician or who owns, operates or maintains a massage establishment, as defined in this division, without having a license therefor commits a simple misdemeanor."

2. Page 296, by inserting after line 29 the following:

"Sec. ..... Section one hundred forty-seven point one (147.1), subsection two (2) and three (3), Code 1975, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, pharmacist, physical therapist, *massage technician,* practitioner of

cosmetology, practitioner of barbering, funeral director or embalmer shall mean a person licensed under this title.

3. "Profession" shall mean medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, physical therapy, *massage*, cosmetology, barbering, funeral directing or embalming.

Sec. ..... Section one hundred forty-seven point two (147.2), Code 1975, is amended to read as follows:

147.2 LICENSE REQUIRED. No person shall engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, *massage*, nursing, dentistry, dental hygiene, optometry, pharmacy, cosmetology, barbering, funeral directing or embalming as defined in the following chapters of this title, unless he shall have obtained from

Page 4

the state department of health a license for that purpose.

Sec. ..... Section one hundred forty-seven point three (147.3), Code 1975, is amended to read as follows:

147.3 QUALIFICATIONS. An applicant for a license to practice a profession under this title shall not be ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. Any board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of medicine, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing, psychology, optometry, pharmacy, physical therapy, *massage*, cosmetology, barbering or funeral directing or embalming for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. ..... Section one hundred forty-seven point thirteen (147.13), Code 1975, is amended to read as follows:

147.13 DESIGNATION OF BOARDS. The examining boards provided in section 147.12 shall be designated as follows: For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, medical examiners; for psychology, psychology examiners; for podiatry, podiatry examiners; for chiropractic, chiropractic examiners; for physical therapists, physical therapy examiners; *for massage technicians, massage examiners;* for nursing, board of nursing; for dentistry and dental hygiene, dental examiners; for optometry, optometry examiners; for cosmetology,

cosmetology examiners; for barbering, barber examiners; for pharmacy, pharmacy examiners; for funeral directing and embalming, funeral director and embalmer examiners.

Sec. ..... Section one hundred forty-seven point fourteen (147.14), subsection one (1), Code 1975, is amended to read as follows:

1. For podiatry, physical therapy, *massage*, cosmetology, barbering, and funeral directing and embalming, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. ..... Section one hundred forty-seven point

Page 5

eighty (147.80), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. License to practice massage issued upon the basis of an examination given by the board of massage examiners, license to practice massage issued under a reciprocal agreement, renewal of a license to practice massage.

Sec. ..... Section one hundred forty-eight A point three (148A.3), Code 1975, is amended by striking subsection five (5) and inserting in lieu thereof the following:

5. Licensed massage technicians who are engaged in the practice of massage."

3. The Chief Clerk is authorized to renumber sections of the bill and to insert proper cross-references in the bill in conformity with the provisions of this amendment.

Junker of Woodbury rose on a point of order that amendment H—5875 was not germane.

The Speaker ruled the point not well taken and amendment H—5875 germane.

Gentleman of Polk moved the adoption of amendment H—5875.

Amendment H—5875 was adopted.

Dieleman of Marion offered the following amendment H—5377 filed by Dieleman, et al.:

H—5377

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 55, by inserting after line 16 the following new section:

"Sec. ..... *NEW SECTION.* SEXUAL CONTACT FOR HIRE. As used in this section, "sexual contact" means any touching of the breast of a female or genitals of a male or female between persons not married to each other for the purpose of arousing or gratifying the sexual desires of either party. Any person who hires, or organizes one or more persons to perform acts, or who performs or engages in acts involving sexual contact in return for a fee is guilty of a serious misdemeanor."

Svoboda of Iowa asked for unanimous consent that action on amendment H—5377 be deferred for the purpose of drafting an amendment.

Objection was raised.

Svoboda of Iowa moved that action on amendment H—5377 be deferred for the purpose of drafting an amendment.

(Senate File 85 and the motion to defer action on amendment H—5377 pending at recess.)

On motion by Avenson of Fayette, the House was recessed until 12:35 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McElroy of Fremont for the afternoon session on request of Wyckoff of Benton; Egenes of Story for the afternoon session on request of Pavich of Pottawattamie; Branstad of Winnebago for the afternoon session on request of Kreamer of Polk.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-seven members present, forty-three absent.

ADOPTION OF RESOLUTION

Patchett of Johnson called up for consideration **House Concurrent Resolution** 118 filed on March 15, 1976, and found on page 1151 of the House Journal.

By unanimous consent the following corrective amendment H—5905 filed by Patchett of Johnson from the floor was adopted:

H—5905

Amend House Concurrent Resolution 118, found on page 1151 of the House Journal, as follows:

1. Lines 14 and 15, by striking the words "*the Senate Concurring,*".

2. Amend the title by striking "HOUSE CONCURRENT RESOLUTION NO. 118" and inserting in lieu thereof the following: "HOUSE RESOLUTION 111".

Patchett of Johnson moved the adoption of House Concurrent Resolution 118, as amended.

A non-record roll call was requested.

The ayes were 49, nays 6.

The motion prevailed and the resolution was adopted.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, and the Svoboda of Iowa motion to defer action on amendment H—5377 filed by Dieleman, et al.

Dieleman of Marion asked for unanimous consent to withdraw amendment H—5377.

Objection was raised.

Dieleman of Marion moved to withdraw amendment H—5377.

Roll call was requested by Spradling of Sioux and Kreamer of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5377 be withdrawn?"

The ayes were, 78:

Anderson	Evans	Krause	Poncy
Avenson	Fitzgerald	Kreamer	Readinger
Baker	Gentleman	Lindeen	Rinas
Bennett	Gilloon	Lipsky	Scheelhaase
Bina	Griffee	Lonergan	Schroeder
Binneboese	Halvorson	Menke	Small
Bortell	Hansen	Mennenga	Spear
Brandt	Hargrave	Middleswart	Spradling
Brunow	Harper	Miller, A. V.	Stromer
Caffrey	Harvey	Miller, K. D.	Svoboda
Crawford	Hennessey	Miller, O. L.	Tauke
Cusack	Higgins	Monroe	Tofte
Daggett	Hinkhouse	Nealson	Varley
Danker	Horn	Newhard	Walter
Den Herder	Howell	Nielsen	Wells
Dieleman	Husak	Patchett	West
Doyle	Jesse	Pavich	Woods
Drake	Jochum	Pellett	Wyckoff
Dunton	Junker	Perkins	Mr. Speaker
Dyrland	Koogler		

The nays were, 4:

Crabb	Lageschulte	Spencer	Wulff

Absent or not voting, 18:

Bittle	Connors	Jordan	Norland
Branstad	Egenes	McElroy	Oakley
Brockett	Hines	Middleton	O'Halloran
Byerly	Hullinger	Millen	Welden
Clark	Hutchins		

The motion prevailed and amendment H—5377 and the motion to defer were withdrawn.

Nealson of Muscatine asked and received unanimous consent to withdraw amendment H—5845 filed by him on March 17, 1976, and found on page 1246 of the House Journal.

Hines of Story offered the following amendment H—5856 filed by him and moved its adoption:

H—5856

Amend Senate File 85 as follows:
1. Page 55, line 21, by striking the word "an".
2. Page 55, by striking line 22 and inserting in lieu thereof the words "a class "D" felony."

Amendment H—5856 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5870 filed by Schroeder, et al. Division was requested as follows:

H—5870

Amend Senate File 85 as passed and reprinted by the Senate as follows:

H—5870A

1. Page 56, by inserting after line 3 the

following new section:

"Sec. 2504A. *NEW SECTION.* PUBLIC INDECENT EXPOSURE. A holder of a liquor license or beer permit or any owner, manager, or person who exercises direct control over any licensed premises defined in section one hundred twenty-three point three (123.3), subsection thirty-one (31) of the Code shall be guilty of an aggravated misdemeanor under any of the following circumstances:

1. If such person allow or permit the actual or simulated performance of any sex act upon or in such licensed premises.

2. If such person allow or permit the exposure of the genitals or buttocks or female breast nipple of any person who acts as a waiter, waitress, or entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

3. If such person allow or permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, buttocks, pubic hair or anus.

4. If such person allow or permit the displaying of films or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

Provided that the provisions of this section shall not apply to a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances and any of the circumstances contained in this section were permitted or allowed as part of such performances."

H—5870B

2. Page 289, by inserting after line 12 the following:

"Sec. ..... Section one hundred twenty-three point thirty-nine (123.39), Code 1975, is amended by adding the following new subsection:

"7. Violation of section 2504A of this Code." "

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn for the remainder of the day on request of Crawford of Story.

Schroeder of Pottawattamie moved the adoption of amendment H—5870A.

Roll call was requested by Wulff of Black Hawk and Harvey of Scott.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5870A be adopted?"

The ayes were, 46:

Bennett	Hansen	Mennenga	Spencer
Binneboese	Hennessey	Middleswart	Stromer
Bortell	Hinkhouse	Miller, A. V.	Svoboda
Crabb	Howell	Miller, O. L.	Tauke
Daggett	Hullinger	Norland	Tofte
Danker	Husak	Pavich	Walter
Den Herder	Junker	Pellett	Wells
Dieleman	Koogler	Poncy	West
Doyle	Kreamer	Scheelhaase	Wulff
Dyrland	Lageschulte	Schroeder	Wyckoff
Evans	Lindeen	Spear	Mr. Speaker
Halvorson	Lonergan		

The nays were, 39:

Anderson	Drake	Horn	Patchett
Avenson	Fitzgerald	Hutchins	Perkins
Baker	Gentleman	Jesse	Readinger
Bina	Gilloon	Jochum	Rinas
Brandt	Griffee	Krause	Small
Brunow	Hargrave	Menke	Spradling
Caffrey	Harper	Monroe	Varley
Connors	Harvey	Newhard	Welden
Crawford	Higgins	Nielsen	Woods
Cusack	Hines	O'Halloran	

Absent or not voting, 15:

Bittle	Clark	Lipsky	Miller, K. D.
Branstad	Dunton	McElroy	Nealson
Brockett	Egenes	Middleton	Oakley
Byerly	Jordan	Millen	

Amendment H—5870A was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Polk for the remainder of the day on request of Speaker Cochran.

Nielsen of Polk rose on a point of order that amendment H—5870B was not germane.

The Speaker ruled the point well taken and amendment H—5870B not germane.

Spear of Lee offered the following amendment H—5342 filed by him and moved its adoption:

H—5342

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 56, lines 29 through 31, by striking the

words "as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew" and inserting in lieu thereof the words "as an ancestor, spouse of an ancestor, aunt, uncle, brother or sister of the whole or half blood, spouse of a brother or sister of the whole or half blood, descendant, spouse of a descendant, stepchild, niece, nephew, mother-in-law or father-in-law".

Amendment H—5342 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5021 filed by him on January 21, 1976, and found on page 90 of the House Journal.

Kreamer of Polk asked and received unanimous consent that action on amendment H—5846 be deferred.

Nielsen of Polk offered the following amendment H—5466 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5466

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 57A, line 20, by inserting after the words "adoptive parent" the words "or person having custody".

2. Page 57A, line 25, by inserting after the words "adoptive parent" the words "or person having custody".

Amendment H—5466 was adopted.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5711 filed by him on March 10, 1976, and found on page 1087 of the House Journal.

With the withdrawal of amendment H—5711, amendment H—5827, filed by Kreamer of Polk on March 17, 1976, and found on page 1241 of the House Journal, was out of order.

(Senate File 85 pending at adjournment.)

UNANIMOUS CONSENT CALENDAR
(House Concurrent Resolution 117)

We hereby request that House Concurrent Resolution 117, filed on March 15, 1976, and found on page 1150 of the House Journal, be placed on the unanimous consent calendar.

SCHEELHAASE of Woodbury
HINKHOUSE of Cedar
HUSAK of Tama
SPRADLING of Sioux

(House Resolution 106)

We hereby request that House Resolution 106, filed on March 3, 1976, and found on page 806 of the House Journal, be placed on the unanimous consent calendar.

GILLOON of Dubuque
JOCHUM of Dubuque
DYRLAND of Clayton

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, March 17, 1976, when the vote on amendment H—5824A to Senate File 85 was taken. Had I been present I would have voted "nay."

VARLEY of Adair

I was necessarily absent from the House chamber when the vote was taken on Senate 85, amendment H—5870A. Had I been present, I would have voted "nay."

MIDDLETON of Black Hawk

MOTIONS TO RECONSIDER

(Amendment H—5870A to Senate File 85)

I move to reconsider the vote by which amendment H—5870A to Senate File 85 was adopted by the House on March 19, 1976.

SCHROEDER of Pottawattamie

(Amendment H—5870A to Senate File 85)

I move to reconsider the vote by which amendment H—5870A to Senate File 85 was adopted by the House on March 19, 1976.

SPEAR of Lee

REPORT OF STEERING COMMITTEE

NON-CON CALENDAR 5 MINUTES

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

H. F. 1505 COMMITTEE BILL—An Act relating to fees which certain municipal corporations charge milk plants and receiving stations. By committee on agriculture; Husak, chair.

H. F. 1457 COMMITTEE BILL—An Act relating to the compensation of the beer and liquor control council. By committee on state government; Monroe, chair.

S. F. 1139 COMMITTEE BILL—An Act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation. By senate committee on judiciary; Glenn, chair.

H. F. 1509 COMMITTEE BILL—An Act relating to certification for applicators of restricted use of pesticides. By committee on agriculture; Husak, chair.

H. F. 1440 COMMITTEE BILL—An Act to prohibit the notation of the amount of the security interest on certificate of title, the release form, or notation certificate for a motor vehicle. By committee on county government; Hutchins, chair.

S. F. 1122 COMMITTEE BILL—An Act relating to the employment rights of second deputy sheriffs. By Senate committee on county government; Miller of Des Moines, chair.

H. F. 1495 COMMITTEE BILL—An Act relating to bedding sanitation in hotels, motels, and motor inns. By committee on agriculture; Husak, chair.

H. F. 1447 COMMITTEE BILL—An Act relating to compliance of certain commercial buildings with certain fire protection requirements. By committee on state government; Monroe, chair.

JESSE of Polk, Chair

REPORT OF STEERING COMMITTEE

NON-CON CALENDAR 15 MINUTES

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

S. F. 1167 COMMITTEE BILL—An Act relating to security arrangements for inmates from other institutions at the state university hospital. By Senate committee on judiciary; Glenn, chair.

H. F. 1052 An Act to require certain information to be included in the notice of public hearing on annual city budgets. By Perkins, Bina, O'Halloran, et al.

H. F. 1532 COMMITTEE BILL—An Act making technical amendments to the Iowa housing finance authority. By committee on human resources; Higgins, chair.

H. F. 1370 COMMITTEE BILL—An Act relating to the refunding of cash bail. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1458 COMMITTEE BILL—An Act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1459 COMMITTEE BILL—An Act relating to appeal procedures in condemnation actions. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1359 COMMITTEE BILL—An Act relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides. By committee on agriculture; Husak, chair.

H. F. 1464 COMMITTEE BILL—An Act relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1366 COMMITTEE BILL—An Act relating to certain savings accounts. By committee on commerce; Small, chair.

H. F. 1496 COMMITTEE BILL—An Act relating to the sale or acquisition of real property by an area education agency. By committee on education; Patchett, chair.

H. F. 1226 An Act relating to loans made by a credit union to its director. By Wells.

H. F. 1483 COMMITTEE BILL—An Act relating to the Uniform Guaranty Association Act. By committee on commerce; Small, chair.

H. F. 1534 COMMITTEE BILL—An Act relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population. By committee on education; Patchett, chair.

H. F. 1161 An Act to define certain additional substances as controlled substances. By Newhard.

S. F. 488 COMMITTEE BILL—An Act relating to the political affiliation of persons serving on state boards, commissions, and councils. By Senate committee on state government; Hill of Jasper, chair.

H. F. 1360 COMMITTEE BILL—An Act relating to filling vacancies in elective city offices. By committee on cities; Rinas, chair.

JESSE of Polk, Chair

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 19th day of March, 1976: House Files 1129, 1245 and 1327.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

PROOF OF PUBLICATION

Published copy of Senate File 1269 and verified proof of publication of said bill in the Des Moines Register on February 23, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 19, 1976, he approved and transmitted to the Secretary of State the following bills:

Senate File 53, an act to establish the license and qualifications of real estate apprentice salesmen.

Senate File 387, an act relating to liability for the performance of or refusal to perform abortions.

SUBCOMMITTEE ASSIGNMENTS

House File 1357
Ways and Means
Norland, Chair
Dyrland
Egenes
Harvey
Svoboda
West
Bina

House File 1387
Ways and Means
Anderson, Chair
Hennessey
Nealson of Muscatine
Jochum
Readinger

House File 1394
Ways and Means
Norland, Chair
Bina
Dyrland
Egenes
Harvey
Svoboda
West

House File 1408
Ways and Means
Dieleman, Chair
Danker
Harvey
Howell
Middleton

House File 1415
Ways and Means
Baker, Chair
Dieleman
Danker

House File 1429
Ways and Means
Miller of Buchanan, Chair
Clark
Howell
Gentleman
Walter
Branstad

House File 1506
Ways and Means
Anderson, Chair
Hennessey
Jochum
Nealson of Muscatine
Readinger

House File 1519
Ways and Means
Wyckoff, Chair
Danker
Bittle

House File 1524
Ways and Means
Husak, Chair
Miller of Buchanan
Dieleman
West
Bittle

House File 1525
Ways and Means
Middleton, Chair
Bina
Danker

Senate File 1143
Ways and Means
Wyckoff, Chair
Danker
Bittle

STUDY BILL SUBCOMMITTEE ASSIGNMENT

S. B. 124
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

REPORT OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations to whom was referred Senate File 1224, a bill for an act to appropriate funds to the state department of health for licensing speech pathologists and audiologists, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same do pass.

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—5894

Amend House File 1346 as follows:

1. Page 1, by striking lines 6 through 8 and inserting in lieu thereof the words "disasters, and in order".

2. Page 1, by inserting after line 23 the following:

"Sec. ..... *NEW SECTION.* DEFINITIONS. "Disaster" means man-made catastrophes and natural occurrences such as fire, flood, earthquake, tornado, windstorm, or floods, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage, or other hostile action from without the state.

"Public disorder" means such substantial interference with the public peace as to constitute a significant threat to the health and safety of the people or a significant threat to public or private property. The term includes insurrection, rioting, looting, and persistent violent civil disobedience.

Sec. ..... *NEW SECTION.* PROCLAMATION OF STATE OF PUBLIC DISORDER BY GOVERNOR.

1. The governor may, after finding a state of public disorder exists, proclaim a state of public disorder emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state.

2. Notice of a proclamation of a state of public disorder emergency shall be given by the secretary of state by publication in a newspaper of general circulation in the area affected, by broadcast through radio and television serving the area affected, and by posting signs at conspicuous places within this area. The exercise of the special powers by the governor under this section shall not be precluded by the lack of giving notice if the giving of notice has been diligently attempted. All orders and rules promulgated under the proclamation shall be given public notice by the governor in the area affected.

3. A state of public disorder emergency shall continue for ten days, unless sooner terminated by the governor. The general assembly may, by concurrent resolution, rescind a proclamation of a state of public disorder emergency. If the general assembly is not in session, the legislative council may, by a majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state.

Page 2

4. The governor may, during the existence of a

state of public disorder emergency, prohibit:

a. Any person being in a public place during the hours declared by the governor to be a period of curfew if this period does not exceed twelve hours in any one day and if its area of its application is specifically designated.

b. Public gatherings of a designated number of persons within a designated area.

c. The manufacture, use, possession, or transportation of any device or object designed to explode or produce uncontained combustion.

d. The possession of any flammable or explosive liquids or materials in a glass or uncapped container, except in connection with normal operation of motor vehicles or normal home and commercial use.

e. The possession of firearms or any other deadly weapon by a person other than at that person's place of residence or business, except by law enforcement officers.

f. The sale, purchase, or dispensing of alcoholic beverages.

g. The sale, purchase, or dispensing of such other commodities as are designated by the governor.

h. The use of certain streets or highways by the public.

i. Such other activities as the governor reasonably believes should be prohibited to help maintain life, health, property, or the public peace.

Sec. ..... *NEW SECTION.* JUDICIAL PROTECTIONS. The supreme court shall promulgate rules for emergency proceedings to be effective upon the declaration of a state of public disorder emergency in order that the constitutional rights of all persons taken into custody shall be adequately protected."

3. Page 1, line 30, by striking the words "major man-".

4. Page 1, by striking lines 31 through 35 and inserting in lieu thereof the words "a disaster."

5. Page 2, by striking lines 1 through 21 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* PROCLAMATION OF DISASTER EMERGENCY BY GOVERNOR.

1. The governor may, after finding a disaster exists or is imminently threatened, proclaim a state of disaster emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state. A state of disaster emergency shall continue for thirty days,

Page 3

unless sooner terminated or extended in writing by the governor. The general assembly may, by concurrent resolution, rescind this proclamation. If the general assembly is not in session, the legislative council

may, by majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state. A proclamation".

6. Page 25, line 7, by striking the word "and" and inserting in lieu thereof the word "[and]".

7. Page 25, line 12, by striking the word *"resulting"*.

8. Page 25, by striking line 13 and inserting in lieu thereof the words *", and emergencies resulting from disasters or public disorders as defined in this Act."*

OAKLEY of Clinton
MONROE of Des Moines
HARVEY of Scott

H—5908

Amend House File 1374, page 1, line 20, by inserting after the word "in" the words *"or who are prospects for employment in programs offering"*.

BRANDT of Black Hawk

H—5911

Amend House File 1450 as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the words "by the governor. Spanish-speaking persons who are not members of any Spanish-speaking association or organization but who have made contributions to the Spanish-speaking community may submit their own names for consideration for appointment to the Spanish-speaking peoples commission upon the filing of a petition containing the signatures and addresses of twenty-five other Spanish-speaking persons.

Persons appointed by the governor to serve on the governor's Spanish-speaking peoples task force shall not be eligible for appointment to the Spanish-speaking peoples commission until July 1, 1978.

The members".

MIDDLETON of Black Hawk

H—5907

Amend House File 1461 as follows:

1. Page 1, by striking line 10 and inserting in lieu thereof the words *"immigrant Thai national, Cambodian national, Laotian national, or Vietnamese national who has the"*.

2. Amend the title page, line 2, by inserting after "immigrant" the words, "Cambodian nationals, Laotian nationals,"

SPEAR of Lee

H—5902

Amend House File 1464 as follows:

1. Page 1, by striking lines 24 through 27.

MONROE of Des Moines

H—5896

Amend House File 1477 as follows:

1. Page 1, by striking lines 29 through 35.

2. Page 2, by striking lines 1 and 2.

EVANS of Grundy

H—5898

Amend House File 1477 as follows:

1. Page 4, by striking lines 29 through 32 and inserting in lieu thereof the following: *"Pollution Control Act. Notwithstanding any other provision of".*

BROCKETT of Marshall
EVANS of Grundy
HALVORSON of Clayton
WELDEN of Hardin

H—5899

Amend House File 1478 as follows:

1. Page 13, by striking lines 17 through 21 and inserting in lieu thereof the following:

"9. Satellite terminals established in this state may be utilized to accomplish transactions involving financial institutions in another state if the laws of that other state and if the persons in control of satellite terminals located in that other state permit customers to utilize, on substantially equivalent terms and conditions, satellite terminals located in that state to accomplish transactions involving financial institutions in this state. The administrator shall promulgate rules which prohibit or limit the utilization of satellite terminals established in this state to accomplish transactions involving financial institutions located in another state to the extent necessary to assure compliance with the provisions of this section."

BINA of Scott

H—5900

Amend House File 1478 as follows:

1. Page 13, line 17, by striking the words: "9. A satellite terminal" and inserting in lieu thereof the following:

"9. Satellite terminals established in this state may be utilized to accomplish transactions involving financial institutions in another state if the laws of that other state and the persons in control of satellite terminals located in that other state permit customers to utilize, on substantially equivalent terms and conditions, satellite terminals located in that state to accomplish transactions involving financial institutions in this state. The administrator shall promulgate rules which prohibit or limit the utilization of satellite terminals

established in this state to accomplish transactions involving financial institutions located in another state to the extent necessary to assure compliance with the provisions of this section. However, a satellite terminal established in this state".

BINA of Scott

H—5901

Amend House File 1478 as follows:

1. Page 10, by striking lines 22 through 28 and inserting in lieu thereof the following:

"2. As a condition precedent to the establishment and use of a satellite terminal in this state, the controlling financial institution must agree that the satellite terminal will be available for use by customers of any other financial institution located in this state upon the request of such other financial institution to share its use and upon the agreement of such other financial institution to share all costs, including a reasonable return on capital expenditures, incurred in connection with the development, installation and operation of that satellite terminal. The owner of the satellite terminal, whether a financial institution or any other person or corporation, shall upon request make the satellite terminal available for use by other financial institutions located in this state and their customers on a nondiscriminatory basis conditioned only upon payment of a reasonable and equitable proportion of all costs, including a reasonable return on capital expenditures, incurred in connection with the development, installation and operation of the satellite terminal. No financial institution".

BINA of Scott

H—5906

Amend House File 1495 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred seventy point two (170.2), Code 1975, is amended to read as follows:

170.2 LICENSE REQUIRED. No person shall maintain a food establishment, tavern, [motor inn, hotel,] or restaurant until he *or she* has obtained a license from the department of agriculture. *No person shall maintain a hotel until he or she has obtained a license from the state department of health.* However, cigar stores, drug stores, egg, cream, or poultry buying stations, or any other establishment selling or offering for sale only candy or gum, schools selling or offering for sale refreshments at athletic contests, band festivals, or similar events, and children selling or offering for sale lemonade or other soft drinks and candy or gum on lawns, curbings, sidewalks, or

any other property shall not be required to obtain a license. Each license shall expire September [1] *first* following the date of issue except a hotel license which shall expire on the last day of December following the date of issue and a restaurant license which shall expire one year from date of issue. This section shall not be construed to require the licensing of establishments or persons involved in a hot-lunch program in any public or parochial school of the state of Iowa or to those persons or establishments exclusively engaged in the processing of meat and poultry licensed as required under section 189A.3.

Sec. 2. Section one hundred seventy point three (170.3), Code 1975, is amended to read as follows:

170.3 APPLICATION FOR LICENSE. Every application for a license under this chapter shall be made upon a blank furnished by the *appropriate* department and shall contain the items required by it as to ownership, management, location, buildings, equipment, rates, and other data concerning the business for which a license is desired. An application for a license to operate an existing business shall be made at least thirty days before the expiration of the existing license.

Sec. 3. Section one hundred seventy point four (170.4), Code 1975, is amended to read as follows:

170.4 OPERATION WITHOUT INSPECTION OR LICENSE. No person shall open or operate a [hotel, motor inn,] tavern, restaurant, or food establishment until inspection has been made by the department of agriculture [or proper application for license has

Page 2

been made at least fourteen days in advance of opening]. *No person shall open or operate a hotel until inspection has been made by the state department of health.*

Sec. 4. Section one hundred seventy point five (170.5), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The *appropriate* department shall collect the following fees for licenses:

Sec. 5. Section one hundred seventy point seven (170.7), Code 1975, is amended to read as follows:

170.7 [HOTEL AND RESTAURANT] *RESTAURANT* FUND. All restaurant[, hotel, motor inn,] and tavern license fees shall upon receipt thereof by the department *of agriculture* be paid to and receipted for by the treasurer of state and shall be kept by him in a separate fund to be known as the "[hotel and] restaurant fund". Such [hotel and] restaurant fund shall be continued from year to year and the treasurer shall keep a separate account thereof showing receipts and disbursements as authorized by law. No part of such

fund shall be used for any other purpose than the administration and enforcement of the laws relating to [hotels,] restaurants, vending machines and commissaries and for conducting educational programs and sanitary training courses and for providing literature and suitable promotional work for the industries licensed under this chapter *by the department of agriculture.* If on July [1] *first* of any year there is a balance remaining in said [hotel and] restaurant fund which, in the opinion of the secretary of agriculture, is greater than is necessary for the proper administration of such laws and for conducting and providing the services authorized under this section, the treasurer of state is hereby authorized, on the recommendation and with the approval of the secretary of agriculture, to transfer to the general fund of the state such portion of said [hotel and] restaurant fund as the secretary of agriculture shall deem advisable to so transfer. *All hotel license fees shall upon receipt thereof by the state department of health be paid into the general fund of the state.*

Sec. 6. Section one hundred seventy point eight (170.8), Code 1975, is amended to read as follows:

170.8 REVOCATION. Any license issued under this chapter may be revoked by the *appropriate* department for violation by the licensee of any provision of this chapter or any rules of the *appropriate* department.

Sec. 7. Section one hundred seventy point twelve

Page 3

(170.12), Code 1975, is amended to read as follows:

170.12 FLOORS. The floors in every food establishment shall be made of some suitable nonabsorbent and impermeable material, approved by the department *of agriculture,* which can be flushed and washed clean with water. All new slaughterhouses shall be constructed with cement, vitrified brick, tile, or other impervious material floors and killing beds.

Sec. 8. Section one hundred seventy point thirteen (170.13), Code 1975, is amended to read as follows:

170.13 INTERIOR FINISH. The [side walls] *sidewalls* and ceilings of every bakery, confectionery, creamery, cheese factory, slaughterhouse, and restaurant or hotel kitchen, shall be made of some suitable material approved by the *appropriate* department, and shall be either oil painted so that they can be washed clean, or they shall be kept well limewashed.

Sec. 9. Section one hundred seventy point twenty-five (170.25), Code 1975, is amended to read as follows:

170.25 USE AS LIVING ROOM. No person shall be allowed to use as a dwelling, or sleep in, any workroom of any bakeshop, kitchen, or dining room where food is prepared for commercial purposes, confectionery,

creamery, ice cream factory, cheese factory, cream station, meat market, or any other place where, in the opinion of the department *of agriculture*, food will be contaminated thereby.

Sec. 10. Section one hundred seventy point twenty-nine (170.29), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

170.29 BEDDING. Every bed, bunk, cot, or other sleeping place in a hotel shall be supplied with under sheets, top sheets, and pillow slips. The sheets shall be of sufficient width and length to completely cover the mattress. The pillow slips and sheets after being used by any guest shall be washed and sanitized, or disposed of, and a clean set furnished each succeeding guest. The other bedding shall be thoroughly aired and kept clean at all times. All mattresses, quilts, blankets, pillows, sheets, comforters, and other bedding which have become worn or insanitary so as to be unfit for use as bedding shall be condemned by an inspector and shall not be used again.

Sec. 11. Section one hundred seventy point thirty-seven (170.37), Code 1975, is amended to read as follows:

170.37 INCREASE OF RATES. The rate posted under section 170.36 shall not be increased until sixty

Page 4

days' notice of the proposed increase has been given to the *state* department *of health.*

Sec. 12. Section one hundred seventy point forty-six (170.46), Code 1975, is amended to read as follows:

170.46 ANNUAL INSPECTION. The department *of agriculture* shall cause to be inspected *every restaurant and food establishment in the state* at least once each calendar year[, every hotel, restaurant, and food establishment in the state], and any inspector of said department may enter any such place at any reasonable hour to make such inspection. *The state department of health shall cause to be inspected every hotel in the state at least once each calendar year, and any inspector of said department may enter any such place at any reasonable hour to make such inspection.* The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete examination.

Sec. 13. Section one hundred seventy point forty-seven (170.47), Code 1975, is amended to read as follows:

170.47 INSPECTION UPON COMPLAINT. Upon receipt of a verified complaint, signed by any patron of any hotel, restaurant, or food establishment, stating facts showing such place to be in an insanitary condition, the *appropriate* department shall cause

an examination to be made. If the complaint is found to be justifiable, the actual expenses necessarily incurred in making such inspection shall be charged and collected from the person conducting such place; but if such complaint is found to be without reasonable grounds, the actual expense necessarily incurred in making such inspection shall be collected from the person or persons making the complaint.

Sec. 14. Section one hundred ninety-one A point five (191A.5), Code 1975, is amended to read as follows:

191A.5 APPLICATION OF MONEYS. All fees collected by the department under the requirements of this chapter shall be paid into the [hotel and] restaurant fund established in section 170.7, and shall be expended as authorized in such section."

MONROE of Des Moines
LIPSKY of Linn
HARVEY of Scott
CAFFREY of Polk
BINA of Scott
SMALL of Johnson

H—5909

Amend House File 1509 as follows:

1. Page 1, line 6, by striking *"1978"* and inserting in lieu thereof *"1977"*.

2. Page 1, by striking lines 7 through 14, and inserting in lieu thereof the following:

"[Notwithstanding any of the provisions of chapter two hundred and six (206) of the Code, all licenses and product registrations that expire after June 30, 1974, and before December 31, 1974, shall remain in full force and effect and be deemed a current license or product registration during the period between July 1, 1974 and December 31, 1974. All licenses and product registrations so extended shall expire on December 31, 1974.]"

3. Page 1, by adding after line 14 the following sections:

"Sec. ..... Section two hundred six point five (206.5), Code 1975, is amended to read as follows:

206.5 CERTIFICATION REQUIREMENTS. No person shall apply any restricted use pesticide without first complying with the certification requirements of this chapter and such other restrictions as determined by the secretary or being under the direct supervision of a certified applicator.

The secretary shall adopt, by rule, requirements for the examination, [re-examination] and certification of applicants and set a fee of not more than ten dollars for the certification program of commercial applicators and not more than five dollars for the certification program of private applicators.

The secretary may adopt rules for the training of applicators in co-operation with the co-operative extension service at Iowa State University of science and technology.

The secretary shall not require applicants for certification as private applicators to take and pass a written test, if the applicant instead shows proof that he has attended an informational course of instruction approved by the secretary. The secretary shall provide for temporary certification for emergency purchases of restricted use product's by requiring the purchaser to sign an affidavit, at the point of purchase, that he has read and understands the information on the label of the restricted use product being purchased.

Sec. ..... Section two hundred six point six (206.6), subsection four (4), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

Page 2

4. Renewal of applicant's license. The secretary shall renew any applicant's license under the classifications for which such applicant is licensed, provided that a program of training of all personnel who apply pesticides has been established and maintained by the licensee. Such a program may include attending training sessions such as Cooperative Extension Short Courses or Industry trade association training seminars.

Sec. ..... Section two hundred six point eight (206.8), subsection three (3), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

3. Provisions of this section shall not apply to a pesticide applicator who sells pesticides as an integral part of his pesticide application service, or any federal, state, county or municipal agency which provides pesticides only for its own programs."

MILLER of Cerro Gordo
PELLETT of Cass
BENNETT of Ida

H—5895

Amend House File 1514 as follows:

1. Page 1, line 23, by striking the word "For" and inserting in lieu thereof the letter and word "a. For".

2. Page 1, line 24, by striking the figure "292,000" and inserting in lieu thereof the figure "283,000".

3. Page 1, by inserting after line 24 the following:

"b. For payment to the city of Waterloo to be distributed to the Waterloo human rights comm-

ission to replace federal funds which would have been available if cases had been waived by the Iowa civil rights commission under the provisions of the contract between the Waterloo human rights commission and the United States equal employment opportunity commission.....$9,000".

MIDDLETON of Black Hawk
DYRLAND of Clayton

H—5878

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 64, line 26 by striking the word "authorized".

2. Page 64, line 32 by striking the word "authorized".

JUNKER of Woodbury

H—5879

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 71, line 2, by striking the words "of a defendant".

2. Page 71, line 3, by inserting after the word "cases," the word "an" and by striking the word "of".

3. Page 71, line 4, by striking the word "defendants".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5880

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 72, by striking line 8 and inserting in lieu thereof the word "arrest."

2. Page 72, by striking lines 9 through 22.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5881

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 72, by striking lines 27 through 30 and inserting in lieu thereof the words "to make the arrest or which he reasonably believes to be necessary".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5882

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 77, by striking lines 22 through 26.

JUNKER of Woodbury

H—5883

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 80, line 20, by striking the word "twelve" and inserting in lieu thereof the word "twenty".

2. Page 81, line 25, by striking the word "twelve" and inserting in lieu thereof the word "twenty".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5884

Amend the subcommittee amendment, H—5467, to page 86, of Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 2 the following:

"1. Page 83, by striking lines 11 and 12.

2. Page 83, by striking line 24.

3. Page 84, line 20, by striking the words "in the case of".

4. Page 84, by striking lines 21 through 23."

2. By renumbering the amendment accordingly.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5885

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 87, line 21, by inserting after the word "includes" the words ", but is not limited to,".

2. Page 87, by striking lines 26 through 35.

3. By striking pages 88 through 89.

4. Page 90, by striking lines 1 through 18.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5886

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 122, line 5, by striking the words "not the result of coercion or threats," and inserting in lieu thereof the word "voluntary".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5887

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 125, line 15, by inserting after the word "witnesses" the words "who the prosecution expects to use at trial,".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5888

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 126, line 11, by striking the words "Such period shall be subject".

2. Page 126, by striking lines 12 and 13 and inserting in lieu thereof the following: "The new information or indictment must be filed within thirty days of the dismissal of the original indictment or information and the defendant must be brought to trial within the time limits specified in Rule 27, rules of criminal procedure."

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5889

Amend Senate File 85 as follows:

1. Page 143, line 33, by inserting after the word "may" the word "not".

BRANSTAD of Winnebago

H—5890

Amend amendment H—5714, to page 5 of Senate File 85, as follows:

1. Page 4, by inserting after line 8 the following:

"..... Page 377, by striking lines 26 through 35."

KRAUSE of Palo Alto

H—5891

Amend amendment H—5512 to page 421 of Senate File 85 as follows:

1. Page 3, by striking lines 30 and 31 and

inserting in lieu thereof the words "[nonmoving scheduled violations applicable to commercial carriers] *which otherwise may be mailed or delivered to a violations office pursuant to section seven hundred fifty-three point sixteen (753.16) of the Code.* The collection".

DOYLE of Woodbury

H—5892

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 424, line 13, by inserting after the word "Chapters" the words and figure "two hundred twenty-five A (225A),".

DOYLE of Woodbury

H—5893

Amend amendment H—5714, to page 5, to Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 3, line 44, by striking the words "of extortion, or" and inserting in lieu thereof "[of extortion, or]".

KRAUSE of Palo Alto

H—5897

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 89, by striking lines 30 through 32.

KREAMER of Polk
BENNETT of Ida

H—5904

Amend Senate File 85 as amended, passed, and reprinted by the Senate, as follows:

1. Page 85, line 13, by striking the word "either" and inserting in lieu thereof the word "any".

2. Page 85, by striking lines 15 through 17 and inserting in lieu thereof the following:

"1. To remove any weapons that a person might seek to use in order to resist arrest or effect his escape.

2. To protect himself from attack.

3. To prevent the concealment or destruction of evidence."

KREAMER of Polk

H—5903

Amend Senate File 488 as amended and passed by the Senate, as follows:

1. Page 1, line 12, by inserting after the word "law" the words "or for which the membership is appointed by more than one person".

MONROE of Des Moines

H—5910

Amend Senate File 1167 as follows:

1. Page 1, by striking lines 20 through 22 and inserting in lieu thereof the following:

"The security arrangements necessary for the patient, as determined by the hospital of the medical college of the state university, shall be provided by the institution from which the patient is sent."

SMALL of Johnson

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald, of Webster, the House adjourned at 2:27 p.m. until 9:00 a.m., Tuesday, March 23, 1976.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day—Forty-seventh Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, MARCH 23, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Very Reverend Monsignor Ed Cooney, pastor of the St. Mary's Catholic Church, Greene, Iowa.

The Journal of Friday, March 19, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom Altemeier, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion for March 23 and 24 on request of Koogler of Mahaska; Poncy of Wapello on request of Lindeen of Henry and Bittle of Polk on request of Brockett of Marshall.

PRESENTATION OF VISITORS

Den Herder of Sioux presented to the House the Honorable Garritt E. Roelofs, former member of the Senate during the Forty-fifth and Forty-sixth General Assemblies representing Lyon, O'Brien, Osceola and Sioux Counties.

The Speaker announced the following visitors were present in the House chamber:

Forty-five 4-H Club members from Henry County, accompanied by their leaders. By Lindeen of Henry.

Fourteen advanced accounting class students from Burlington High School, Burlington, Iowa, accompanied by Dick Wagner and Linda Sheetz. By Monroe of Des Moines.

Fifty-five senior students from Belle Plaine Community High School, Belle Plaine, Iowa, accompanied by Roland Hansen and Ken Roberson. By Husak of Tama.

Twenty-four 4-H Club members from Jasper County, accompanied by Mrs. Wertz and Mr. Lockman. By Anderson of Jasper.

Thirty students from Washington Junior High School, Ottumwa, Iowa, accompanied by Mrs. Corbett. By Harper of Davis and Poncy of Wapello.

Twenty-five students from Ocheyedan Christian School, Ocheyedan, Iowa, accompanied by Stan Vanderberg. By Hansen of O'Brien.

PETITION FILED

By Hargrave of Johnson from three hundred seventy-two constituents favoring House File 1377, relating to the criminal prohibition of private marijuana use.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 1224, under Rule 36.

INTRODUCTION OF BILLS

House File 1539, by committee on appropriations, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities.

Read first time and **placed on the appropriations calendar.**

House File 1540, by Lipsky, a bill for an act to amend the uniform controlled substances act by requiring a prescription for dispensing of schedule V substances on the same basis as is required for schedule III and IV substances.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 1541, by Branstad, a bill for an act relating to eligibility for a tax reduction for an owner of a mobile home who is totally disabled or is sixty-five years of age or older.

Read first time and referred to committee on **ways and means.**

House File 1542, by committee on agriculture, a bill for an act relating to deferred patronage dividends paid by cooperatives.

Read first time and **placed on the calendar.**

House File 1543, by committee on state government, a bill for an act transferring the functions of the war surplus commodities board to the department of general services.

Read first time and **placed on the calendar.**

House File 1544, by committee on state government, a bill for an act relating to the establishment of policies and procedures for legislative employees under the jurisdiction of the legislative council.

Read first time and **placed on the calendar.**

House File 1545, by committee on state government, a bill for an act to amend the statutes relating to school district elections by permitting the school board secretary to designate an alternate person to receive nomination papers, by reenacting previous amendments to sections two hundred seventy-nine point three (279.3) and two hundred ninety-eight point twenty-two (298.22) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code.

Read first time and **placed on the calendar.**

House File 1546, by committee on state government, a bill for an act relating to certain authority of the industrial commissioner.

Read first time and **placed on the calendar.**

House File 1547, by committee on ways and means, a bill for an act to legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School in the counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winneshiek, State of Iowa, and the Dubuque County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of taxes levied pursuant thereto.

Read first time and **placed on the ways and means calendar.**

House File 1548, by Spencer, Pellett, Middleswart, Wyckoff, Kreamer, Miller of Cerro Gordo, Branstad, Den Herder, Daggett, Woods, Crabb, Hutchins, Miller of Calhoun, Lageschulte, Connors, Danker, Dieleman, Miller of Buchanan, Hullinger, Howell, Binneboese, Hansen, Stromer, Hinkhouse, Koogler, Bortell, Hal-

vorson, Spradling, Bennett, Jordan, Lindeen and Welden, a bill for an act relating to raising the legal age from eighteen to nineteen for the purchase and consumption of beer and alcoholic beverages.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 1549, by Walter and Pavich, a bill for an act relating to medical treatment of indigent patients in university hospitals in bordering states and providing funds for such treatment.

Read first time and referred to committee on **human resources.**

SENATE MESSAGES CONSIDERED

Senate File 1242, a bill for an act making technical amendments to the Iowa housing finance authority.

Read first time and **passed on file.**

Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services.

Read first time and referred to committee on **appropriations.**

Senate File 1252, a bill for an act making appropriations to the bureau of labor and the Iowa merit employment department.

Read first time and referred to committee on **appropriations.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 19, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1367, a bill for an act relating to loans by a state bank to its officers.

Also: That the Senate has on March 17, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 356, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts.

Also: That the Senate has on March 18, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1248, a bill for an act relating to the operation of snowmobiles upon highways which are part of a state park road system.

Also: That the Senate has on March 18, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1250, a bill for an act establishing the method for setting salaries of certain appointed, nonelected state officials and setting the salary range for certain nonelected officials.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR (5-Minute)

House File 689, a bill for an act defining autistic children, with report of committee recommending amendment and passage, was taken up for consideration.

Bina of Scott asked and received unanimous consent to withdraw amendment H—5228 filed by him on February 17, 1976, and found on page 414 of the House Journal.

Bina of Scott offered the following amendment H—5293 filed by the committee on human resources and moved its adoption:

H—5293

Amend House File 689 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred forty-four point twelve (444.12), subsection two (2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any portion which the board of supervisors may deem advisable of the cost of psychiatric examination and treatment of persons in need thereof or of professional evaluation, treatment, training, habilitation, and care of persons who are mentally retarded, *autistic children* or *persons who* are afflicted by any other developmental disability, at any suitable public or private facility providing inpatient or outpatient care in such county. As used in this subsection[, "developmental]*: a. "Developmental* disability" has the meaning assigned that term by title 42, section 2691, subsection 1, United States Code, as amended to January 1, 1974. *b. "Autistic children" means persons, regardless of age, with severe communication and behavior disorders that became manifest during the early stages of childhood development and that are characterized by a severely disabling inability to understand, communicate, learn and participate in social relationships. "Autistic children" includes but is not limited to those persons afflicted by infantile autism, profound aphasia and childhood psychosis."*

2. Amend the title, line 1, by inserting after the word "children" the words "and clarifying

provisions relating to payment of the costs of inpatient or outpatient care of autistic children".

Amendment H—5293 was adopted.

Bina of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 689)

The ayes were, 75:

Anderson	Dunton	Jordan	Pellett
Avenson	Dyrland	Junker	Rinas
Baker	Evans	Koogler	Scheelhaase
Bennett	Fitzgerald	Kreamer	Spear
Bina	Gentleman	Lageschulte	Spencer
Bortell	Halvorson	Lindeen	Spradling
Brandt	Hansen	Menke	Stromer
Branstad	Hargrave	Mennenga	Svoboda
Brockett	Harper	Middleswart	Tauke
Brunow	Harvey	Millen	Tofte
Byerly	Hennessey	Miller, A. V.	Varley
Caffrey	Higgins	Miller, K. D.	Walter
Crabb	Hines	Miller, O. L.	Welden
Crawford	Hinkhouse	Nealson	Wells
Cusack	Horn	Newhard	West
Daggett	Howell	Norland	Woods
Den Herder	Husak	Oakley	Wyckoff
Doyle	Hutchins	Patchett	Mr. Speaker
Drake	Jochum	Pavich	

The nays were, 1:

Schroeder

Absent or not voting, 24:

Binneboese	Egenes	Lipsky	O'Halloran
Bittle	Gilloon	Lonergan	Perkins
Clark	Griffee	McElroy	Poncy
Connors	Hullinger	Middleton	Readinger
Danker	Jesse	Monroe	Small
Dieleman	Krause	Nielsen	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

HOUSE FILE 1461 DEFERRED

Baker of Buena Vista asked and received unanimous consent that House File 1461 be deferred and that the bill retain its place on the calendar.

House File 1457, a bill for an act relating to the compensation of the beer and liquor control council, was taken up for consideration.

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1457)

The ayes were, 75:

Anderson	Evans	Koogler	Scheelhaase
Avenson	Fitzgerald	Kreamer	Schroeder
Bennett	Gentleman	Lageschulte	Small
Bina	Halvorson	Lindeen	Spear
Bortell	Hansen	Menke	Spencer
Brandt	Hargrave	Mennenga	Spradling
Branstad	Harper	Middleswart	Stromer
Brockett	Harvey	Miller, A. V.	Svoboda
Brunow	Hennessey	Miller, K. D.	Tauke
Byerly	Higgins	Miller, O. L.	Tofte
Caffrey	Hines	Monroe	Varley
Crabb	Hinkhouse	Nealson	Walter
Crawford	Horn	Newhard	Welden
Cusack	Howell	Norland	Wells
Daggett	Husak	Oakley	West
Doyle	Hutchins	Patchett	Woods
Drake	Jochum	Pavich	Wyckoff
Dunton	Jordan	Pellett	Mr. Speaker
Dyrland	Junker	Rinas	

The nays were, none.

Absent or not voting, 25:

Baker	Dieleman	Krause	Nielsen
Binneboese	Egenes	Lipsky	O'Halloran
Bittle	Gilloon	Lonergan	Perkins
Clark	Griffee	McElroy	Poncy
Connors	Hullinger	Middleton	Readinger
Danker	Jesse	Millen	Wulff
Den Herder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1509 DEFERRED

Miller of Cerro Gordo asked and received unanimous consent that **House File 1509** be deferred and that the bill retain its place on the calendar.

House File 1440, a bill for an act to prohibit the notation of the amount of the security interest on certificate of title, the release form, or notation certificate for a motor vehicle, was taken up for consideration.

Miller of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1440)

The ayes were, 72:

Anderson	Dyrland	Jochum	Rinas
Avenson	Evans	Jordan	Scheelhaase
Baker	Fitzgerald	Koogler	Schroeder
Bennett	Gentleman	Kreamer	Small
Bina	Gilloon	Lageschulte	Spear
Bortell	Halvorson	Lindeen	Spencer
Brandt	Hansen	Menke	Spradling
Branstad	Hargrave	Mennenga	Stromer
Brunow	Harper	Middleswart	Svoboda
Byerly	Harvey	Miller, A. V.	Tauke
Caffrey	Higgins	Miller, K. D.	Tofte
Crawford	Hines	Miller, O. L.	Varley
Cusack	Hinkhouse	Newhard	Walter
Daggett	Horn	Norland	Welden
Den Herder	Howell	Oakley	Wells
Doyle	Hullinger	Patchett	West
Drake	Husak	Pavich	Woods
Dunton	Hutchins	Pellett	Mr. Speaker

The nays were, 6:

Brockett	Junker	Nealson	Wyckoff
Crabb	Monroe		

Absent or not voting, 22:

Binneboese	Egenes	Lonergan	O'Halloran
Bittle	Griffee	McElroy	Perkins
Clark	Hennessey	Middleton	Poncy
Connors	Jesse	Millen	Readinger
Danker	Krause	Nielsen	Wulff
Dieleman	Lipsky		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

The House resumed consideration of **House File 1047**, a bill for an act to require a public hearing before a local governing board may pass an ordinance providing for funding of an urban renewal project.

Higgins of Scott offered the following amendment H—5872 filed by Bittle of Polk and him and moved its adoption:

H—5872

Amend House File 1047 as follows:

1. Page 1, by striking all of lines 14 through 21 and inserting in lieu thereof the following:

"financed by this method."

Amendment H—5872 was adopted.

With the adoption of amendment H—5872, amendment H—5073, filed by Higgins of Scott on January 29, 1976, and found on pages 172 and 173 of the House Journal, was out of order.

Higgins of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1047)

The ayes were, 76:

Anderson	Dyrland	Jordan	Pellett
Avenson	Evans	Junker	Rinas
Baker	Fitzgerald	Koogler	Scheelhaase
Bennett	Gentleman	Kreamer	Small
Bina	Gilloon	Lageschulte	Spear
Bortell	Halvorson	Lindeen	Spencer
Brandt	Hansen	Menke	Spradling
Branstad	Hargrave	Middleswart	Stromer
Brockett	Harper	Millen	Svoboda
Brunow	Harvey	Miller, A. V.	Tauke
Byerly	Higgins	Miller, K. D.	Tofte
Caffrey	Hines	Miller, O. L.	Varley
Crabb	Hinkhouse	Monroe	Walter
Crawford	Horn	Nealson	Welden
Cusack	Howell	Newhard	Wells
Daggett	Hullinger	Norland	West
Doyle	Husak	Oakley	Woods
Drake	Hutchins	Patchett	Wyckoff
Dunton	Jochum	Pavich	Mr. Speaker

The nays were, none.

Absent or not voting, 24:

Binneboese	Dieleman	Lipsky	O'Halloran
Bittle	Egenes	Lonergan	Perkins
Clark	Griffee	McElroy	Poncy
Connors	Hennessey	Mennenga	Readinger
Danker	Jesse	Middleton	Schroeder
Den Herder	Krause	Nielsen	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 1167 DEFERRED

Senate File 1167, a bill for an act relating to security arrangements for inmates from other institutions at the state university hospital, with report of committee recommending passage, was taken up for consideration.

Small of Johnson offered the following amendment H—5910 filed by him and moved its adoption:

H—5910

1 **Amend Senate File 1167 as follows:**

1. Page 1, by striking lines 20 through 22 and inserting in lieu thereof the following:

"The security arrangements necessary for the patient, as determined by the hospital of the medical college of the state university, shall be provided by the institution from which the patient is sent."

A non-record roll call was requested.

The ayes were 26, nays 48.

Amendment H—5910 lost.

Small of Johnson invoked the fifteen-minute time limit on Senate File 1167.

Newhard of Jones asked for unanimous consent to suspend the rules for the further consideration of Senate File 1167.

Objection was raised.

Newhard of Jones moved to suspend the rules for the further consideration of Senate File 1167.

A non-record roll call was requested.

The ayes were 55, nays 21.

The motion prevailed and the rules were suspended.

Small of Johnson asked and received unanimous consent to defer action on Senate File 1167 for the purpose of drafting an amendment.

HOUSE FILE 1052 DEFERRED

Bina of Scott asked and received unanimous consent that **House File 1052** be deferred and that the bill **retain its place on the calendar.**

SENATE FILE 1242 SUBSTITUTED FOR HOUSE FILE 1532

Cusack of Scott asked and received unanimous consent to substitute Senate File 1242 for House File 1532.

Senate File 1242, a bill for an act making technical amendments to the Iowa housing finance authority, was taken up for consideration.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1242)

The ayes were, 77:

Anderson	Fitzgerald	Krause	Readinger
Avenson	Gentleman	Kreamer	Rinas
Baker	Gilloon	Lageschulte	Scheelhaase
Bennett	Griffee	Lindeen	Schroeder
Bina	Hansen	Lipsky	Small
Binneboese	Hargrave	McElroy	Spear
Brandt	Harper	Menke	Spencer
Brockett	Harvey	Middleswart	Spradling
Brunow	Higgins	Miller, A. V.	Stromer
Byerly	Hines	Miller, K. D.	Svoboda
Caffrey	Hinkhouse	Miller, O. L.	Tauke
Connors	Horn	Monroe	Tofte
Crawford	Howell	Newhard	Varley
Cusack	Husak	Norland	Walter
Den Herder	Hutchins	Oakley	Wells
Doyle	Jesse	O'Halloran	West
Drake	Jochum	Patchett	Woods
Dunton	Jordan	Pavich	Wulff
Dyrland	Koogler	Perkins	Mr. Speaker
Evans			

The nays were, 10:

Bortell	Daggett	Nealson	Welden
Branstad	Danker	Pellett	Wyckoff
Crabb	Halvorson		

Absent or not voting, 13:

Bittle	Hennessey	Lonergan	Millen
Clark	Hullinger	Mennenga	Nielsen
Dieleman	Junker	Middleton	Poncy
Egenes			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1532 WITHDRAWN

Cusack of Scott asked and received unanimous consent to withdraw **House File 1532** from further consideration by the House.

RULE 48 SUSPENDED

Avenson of Fayette asked and received unanimous consent that Rule 48 be suspended for the following members while attending a meeting with the Employment Security Commission and those members be permitted to vote on all bills passed while attending the meeting: Connors of Polk, Caffrey of Polk, Branstad of Winnebago and Drake of Muscatine.

House File 1370, a bill for an act relating to the refunding of cash bail, was taken up for consideration.

Brunow of Appanoose offered the following amendment H—5346 filed by him and moved its adoption:

H—5346

Amend House File 1370 as follows:

1. Page 1, line 7, by striking the words ", not applied to the judgment".

2. Page 1, line 9, by inserting after the second word "to" the words "be applied to the judgment or".

A non-record roll call was requested.

The ayes were 47, nays 23.

Amendment H—5346 was adopted.

Oakley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1370)

The ayes were, 85:

Anderson	Dunton	Jesse	Pellett
Avenson	Dyrland	Jochum	Perkins
Baker	Egenes	Jordan	Readinger
Bina	Evans	Junker	Rinas
Binneboese	Fitzgerald	Koogler	Scheelhaase
Bortell	Gentleman	Krause	Schroeder
Brandt	Gilloon	Kreamer	Small
Branstad	Griffee	Lipsky	Spear
Brockett	Halvorson	McElroy	Spencer
Brunow	Hansen	Menke	Spradling
Byerly	Hargrave	Mennenga	Stromer
Caffrey	Harper	Middleswart	Svoboda
Clark	Harvey	Millen	Tauke
Connors	Higgins	Miller, O. L.	Walter
Crabb	Hines	Nealson	Welden
Crawford	Hinkhouse	Newhard	Wells
Cusack	Horn	Norland	West
Daggett	Howell	Oakley	Woods
Danker	Hullinger	O'Halloran	Wulff
Den Herder	Husak	Patchett	Wyckoff
Doyle	Hutchins	Pavich	Mr. Speaker
Drake			

The nays were, 5:

Bennett	Miller, K. D.	Tofte	Varley
Lageschulte			

Absent or not voting, 10:

Bittle	Lindeen	Miller, A. V.	Nielsen
Dieleman	Lonergan	Monroe	Poncy
Hennessey	Middleton		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1458, a bill for an act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973, was taken up for consideration.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1458)

The ayes were, 90:

Anderson	Dunton	Junker	Perkins
Avenson	Dyrland	Koogler	Readinger
Baker	Egenes	Krause	Rinas
Bennett	Evans	Kreamer	Scheelhaase
Bina	Fitzgerald	Lageschulte	Schroeder
Binnebo**ese**	Gentleman	Lipsky	Small
Bortell	Gilloon	McElroy	Spear
Brandt	Griffee	Menke	Spencer
Branstad	Halvorson	Mennenga	Spradling
Brockett	Hansen	Middleswart	Stromer
Brunow	Hargrave	Miller, A. V.	Svoboda
Byerly	Harper	Miller, K. D.	Tauke
Caffrey	Harvey	Miller, O. L.	Tofte
Clark	Hines	Monroe	Varley
Connors	Hinkhouse	Nealson	Walter
Crabb	Horn	Newhard	Welden
Crawford	Howell	Norland	Wells
Cusack	Hullinger	Oakley	West
Daggett	Husak	O'Halloran	Woods
Danker	Hutchins	Patchett	Wulff
Den Herder	Jesse	Pavich	Wyckoff
Doyle	Jochum	Pellett	Mr. Speaker
Drake	Jordan		

The nays were, none.

Absent or not voting, 10:

Bittle	Higgins	Middleton	Nielsen
Dieleman	Lindeen	Millen	Poncy
Hennessey	Lonergan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1459, a bill for an act relating to appeal procedures in condemnation actions, was taken up for consideration.

Jesse of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1459)

The ayes were, 93:

Anderson	Dyrland	Junker	Pellett
Avenson	Egenes	Koogler	Perkins
Baker	Evans	Krause	Readinger
Bennett	Fitzgerald	Kreamer	Rinas
Bina	Gentleman	Lageschulte	Scheelhaase
Binneboese	Gilloon	Lindeen	Schroeder
Bortell	Griffee	Lipsky	Small
Brandt	Halvorson	McElroy	Spear
Branstad	Hansen	Menke	Spencer
Brockett	Hargrave	Mennenga	Spradling
Brunow	Harper	Middleswart	Stromer
Byerly	Harvey	Middleton	Svoboda
Caffrey	Higgins	Miller, A. V.	Tauke
Clark	Hines	Miller, K. D.	Tofte
Connors	Hinkhouse	Miller, O. L.	Varley
Crabb	Horn	Monroe	Walter
Crawford	Howell	Nealson	Welden
Cusack	Hullinger	Newhard	Wells
Daggett	Husak	Norland	West
Danker	Hutchins	Oakley	Woods
Den Herder	Jesse	O'Halloran	Wulff
Doyle	Jochum	Patchett	Wyckoff
Drake	Jordan	Pavich	Mr. Speaker
Dunton			

The nays were, none.

Absent or not voting, 7:

Bittle	Hennessey	Millen	Poncy
Dieleman	Lonergan	Nielsen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1359, a bill for an act relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides, was taken up for consideration.

Miller of Cerro Gordo offered the following amendment H—5412 filed by Miller of Cerro Gordo, et al., and moved its adoption:

H—5412

Amend House File 1359 as follows:

1. Page 2, line 1, by inserting after the word "policy." the following:

["The secretary may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding five hundred dollars for aerial applicators and two hundred fifty dollars for all other applicators for the total amount of liability insurance or surety bond required.]"

Amendment H—5412 was adopted.

Miller of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1359)

The ayes were, 89:

Anderson	Dunton	Junker	Pellett
Avenson	Dyrland	Koogler	Perkins
Baker	Egenes	Krause	Readinger
Bennett	Evans	Kreamer	Rinas
Bina	Fitzgerald	Lageschulte	Scheelhaase
Binneboese	Gentleman	Lindeen	Schroeder
Bortell	Gilloon	Lipsky	Small
Brandt	Griffee	McElroy	Spear
Branstad	Halvorson	Menke	Spencer
Brockett	Hansen	Mennenga	Spradling
Brunow	Hargrave	Middleswart	Stromer
Byerly	Harper	Middleton	Svoboda
Caffrey	Higgins	Millen	Tofte
Clark	Hines	Miller, A. V.	Varley
Connors	Hinkhouse	Miller, K. D.	Walter
Crabb	Horn	Miller, O. L.	Welden
Crawford	Howell	Monroe	Wells
Cusack	Husak	Newhard	West
Daggett	Hutchins	Norland	Woods
Danker	Jesse	O'Halloran	Wulff
Den Herder	Jochum	Patchett	Wyckoff
Doyle	Jordan	Pavich	Mr. Speaker
Drake			

The nays were, 5:

Harvey	Nealson	Oakley	Tauke
Hullinger			

Absent or not voting, 6:

Bittle	Hennessey	Nielsen	Poncy
Dieleman	Lonergan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1464 DEFERRED

Newhard of Jones asked and received unanimous consent that **House File 1464** be deferred and that the bill **retain its place on the calendar.**

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

House File 1464, a bill for an act relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—5902 filed by him and moved its adoption:

H—5902

Amend House File 1464 as follows:
1. Page 1, by striking lines 24 through 27.

Amendment H—5902 was adopted.

Newhard of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1464)

The ayes were, 92:

Anderson	Dunton	Jordan	Patchett
Avenson	Dyrland	Junker	Pavich
Baker	Egenes	Koogler	Pellett
Bennett	Evans	Krause	Perkins
Bina	Fitzgerald	Kreamer	Readinger
Binneboese	Gentleman	Lageschulte	Rinas
Bortell	Gilloon	Lindeen	Scheelhaase
Brandt	Griffee	Lipsky	Schroeder
Branstad	Halvorson	Lonergan	Small
Brockett	Hansen	McElroy	Spear
Brunow	Hargrave	Menke	Spencer
Byerly	Harper	Mennenga	Spradling
Caffrey	Harvey	Middleswart	Tauke
Clark	Hennessey	Middleton	Tofte
Connors	Higgins	Millen	Varley
Crabb	Hines	Miller, A. V.	Walter
Crawford	Hinkhouse	Miller, K. D.	Welden
Cusack	Horn	Miller, O. L.	Wells
Daggett	Howell	Monroe	West
Danker	Husak	Newhard	Woods
Den Herder	Hutchins	Nielsen	Wulff
Doyle	Jesse	Oakley	Wyckoff
Drake	Jochum	O'Halloran	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Bittle	Hullinger	Norland	Stromer
Dieleman	Nealson	Poncy	Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1366, a bill for an act relating to certain savings accounts, was taken up for consideration.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1366)

The ayes were, 68:

Anderson	Dyrland	Jesse	Perkins
Avenson	Egenes	Jochum	Readinger
Baker	Evans	Jordan	Scheelhaase
Binneboese	Gentleman	Koogler	Small
Brandt	Gilloon	Krause	Spear
Branstad	Griffee	Lageschulte	Spencer
Brockett	Halvorson	Lindeen	Spradling
Brunow	Hansen	McElroy	Svoboda
Byerly	Harper	Menke	Tauke
Caffrey	Hennessey	Middleton	Varley
Clark	Higgins	Miller, A. V.	Walter
Connors	Hines	Miller, K. D.	Wells
Crawford	Hinkhouse	Monroe	West
Cusack	Horn	Oakley	Woods
Doyle	Howell	O'Halloran	Wulff
Drake	Husak	Pavich	Wyckoff
Dunton	Hutchins	Pellett	Mr. Speaker

The nays were, 20:

Bennett	Danker	Lipsky	Miller, O. L.
Bina	Den Herder	Lonergan	Newhard
Bortell	Harvey	Mennenga	Schroeder
Crabb	Junker	Middleswart	Tofte
Daggett	Kreamer	Millen	Welden

Absent or not voting, 12:

Bittle	Hargrave	Nielsen	Poncy
Dieleman	Hullinger	Norland	Rinas
Fitzgerald	Nealson	Patchett	Stromer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(5-Minute)

House File 1461, a bill for an act to provide a limited exception to teacher certification requirements for immigrant Thai nationals and Vietnamese nationals, was taken up for consideration.

Baker of Buena Vista offered the following amendment H—5914 filed by him from the floor:

H—5914

1 **Amend House File 1461 as follows:**

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The department of public instruction shall, with the cooperation and assistance of the office of admissions, foreign admissions section of the state university of Iowa, promulgate rules to provide for certification of an immigrant Thai national or Vietnamese national who has applied for certification, has educational training and experience but is unable to produce official documentary evidence in support of the application.

Rules promulgated under this section shall implement the following requirements:

1. Each candidate for certification shall be interviewed, evaluated, and tested by a panel of from three to five educators chosen as follows:

a. Persons representing the local school district shall be appointed by the board of directors of the local school corporation.

b. A person representing the area education agency shall be appointed by the area education agency board.

2. Each candidate for certification approved under subsection one (1) of this section shall receive in-service training and supervision from the staff of the local school district for a period not less than three months.

3. Each candidate approved under subsection one (1) of this section shall receive an emergency certificate and shall be obligated to pursue further in-service training as determined by the department to qualify for issuance of a regular certificate.

Persons seeking certification under this section shall apply to the board of educational examiners before July 1, 1979."

Spear of Lee offered the following amendment H—5916, to amendment H—5914, filed by him from the floor:

H—5916

Amend the Baker amendment, H—5914, to House File 1461 as follows:

1. Page 1, by inserting after line 8 the words ", Cambodian national, Laotian national".

2. Amend the title page, line 2, by inserting after the word "immigrant" the words "Cambodian nationals, Laotian nationals,".

Debate having exceeded the allowed time, Griffee of Chickasaw asked and received unanimous consent to suspend the rules for the further consideration of House File 1461.

Spear of Lee moved the adoption of amendment H—5916, to amendment H—5914.

Amendment H—5916 was adopted.

Baker of Buena Vista moved the adoption of amendment H—5914, as amended.

A non-record roll call was requested.

The ayes were 17, nays 55.

Amendment H—5914, as amended, lost.

Spear of Lee offered the following amendment H—5907 filed by him and moved its adoption:

H—5907

Amend House File 1461 as follows:

1. Page 1, by striking line 10 and inserting in lieu thereof the words *"immigrant Thai national, Cambodian national, Laotian national, or Vietnamese national who has the"*.

2. Amend the title page, line 2, by inserting after "immigrant" the words, "Cambodian nationals, Laotian natonals,"

Amendment H—5907 was adopted.

Spear of Lee offered the following amendment H—5571 filed by him and moved its adoption:

H—5571

Amend House File 1461 as follows:

1. Page 1, by inserting after line 12 the following: *"Persons seeking certification under these rules must apply to the board for certification before July 1, 1979."*

Amendment H—5571 was adopted.

Dyrland of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1461)

The ayes were, 67:

Anderson	Daggett	Hargrave	Jordan
Avenson	Drake	Harper	Krause
Bennett	Dunton	Harvey	Lageschulte
Bina	Dyrland	Hennessey	Lindeen
Brandt	Egenes	Higgins	Lipsky
Branstad	Evans	Hines	Lonergan
Brunow	Fitzgerald	Hinkhouse	Menke
Caffrey	Gentleman	Hullinger	Mennenga
Clark	Gilloon	Husak	Middleton
Connors	Griffee	Hutchins	Miller, A. V.
Crawford	Halvorson	Jesse	Miller, O. L.
Cusack	Hansen	Jochum	Newhard

Norland	Pellett	Stromer	Walter
Oakley	Readinger	Svoboda	Wells
O'Halloran	Rinas	Tauke	Wulff
Patchett	Small	Tofte	Mr. Speaker
Pavich	Spear	Varley	

The nays were, 23:

Baker	Danker	Middleswart	Schroeder
Binneboese	Doyle	Millen	Spradling
Bortell	Howell	Miller, K. D.	Welden
Brockett	Junker	Nielsen	Woods
Byerly	Koogler	Perkins	Wyckoff
Crabb	McElroy	Scheelhaase	

Absent or not voting, 10:

Bittle	Horn	Nealson	Spencer
Den Herder	Kreamer	Poncy	West
Dieleman	Monroe		

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

REMOVED FROM STEERING COMMITTEE NONCONTROVERSIAL CALENDAR (15-Minute) (House File 1360)

We, the undersigned, respectfully request the removal of House File 1360 from the steering committee noncontroversial calendar (15-minute).

TOFTE of Winneshiek
WELDEN of Hardin
HANSEN of O'Brien

MOTION TO RECONSIDER (House File 1366)

I move to reconsider the vote by which House File 1366 passed the House on March 23, 1976.

MILLER of Buchanan

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 22, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1011, a bill for an act amending the election laws of the state of Iowa.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1011

H—5955

1 Amend House File 1011 as amended, passed and

reprinted by the House, as follows:

1. Page 1, by inserting after line 25 the following new section:

"Sec. ..... Section thirty-nine point three (39.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Registrar" means the state registrar of voters designated by section ..... of this Act."

2. Page 3, by striking lines 6 through 17 and inserting in lieu thereof the words "without other certificate[.], *except that a candidate whose*".

3. Page 4, by striking lines 10 and 11 and inserting in lieu thereof the following: "*Each candidate required to execute the foregoing affidavit*".

4. Page 4, by striking from lines 17 and 18 the words "*comply with the applicable requirement of this section*" and inserting in lieu thereof the words "*execute and deliver the affidavit*".

5. Page 4, by inserting after line 22 the following new section:

"Sec. ..... Section forty-three point seventy-three (43.73), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The state commissioner shall similarly certify to the appropriate commissioner or commissioners at the earliest practicable time the names of nominees for a special election, called under section sixty-nine point fourteen (69.14) of the Code, submitted to the state commissioner pursuant to Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand thirty-three (1033), section one (1)."

6. Page 9, by inserting after line 8 the following new sections:

"Sec. ..... Section forty-seven point three (47.3), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The costs of conducting a special election called by the governor *to fill a vacancy in the United States house of representatives*, general election, and the primary election held prior to the general election shall be paid by the county.

Sec. ..... Section forty-seven point three (47.3), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After any special election called by the governor to fill a vacancy in the general assembly has been held, the commissioner

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of each county in which voting occurred in that election may submit to the state commissioner a verified statement of the expense incurred by the county in holding the special election. The expenses

reported may include the cost of preparing and printing ballots, voting machine inserts, affidavits of eligibility, election registers, and canvass materials, publishing notice, mailing absentee ballots, preparing and installing voting machines and compensating precinct election boards. The cost of renting any precinct polling place may also be included if the county ordinarily pays rent in the same amount for use of that polling place for other elections. The state commissioner shall certify the total amount of expense so reported by each county to the state comptroller, who shall draw a warrant in that amount upon any money in the general fund not otherwise appropriated payable to the treasurer of that county. The county treasurer shall place the proceeds in the county election expense fund."

7. Page 9, by inserting after line 8 the following new sections:

"Sec. ..... Section forty-seven point one (47.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-two (42), is amended to read as follows:

47.1 STATE COMMISSIONER OF ELECTIONS. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction of the state commissioner of elections. The state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform such duties as may be assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for [voter registration and] the conduct of elections, and shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. ..... Section forty-seven point three (47.3), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The cost of maintenance of voter registration records and of preparation of election registers and any other voter registration

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lists required by the commissioner in the discharge of the duties of that office shall be paid by the county. The cost of acquisition of voter registration data and of preparation and maintenance of data processing programs, and administrative and clerical costs, incurred by the registrar in discharging the duties of that office shall be paid by the state.

Sec. ..... Section forty-seven point five (47.5), Code 1975, is amended to read as follows:

47.5 PURCHASING BY COMPETITIVE BIDDING. The commissioner shall take bids for any goods and services, *other than data processing services,* which will be performed or provided by persons who are not employees of the commissioner and where the costs of such services exceed five thousand dollars per contract in the case of contracts for the printing of ballots or, in the case of other services, [two thousand five hundred] *one hundred* dollars per contract. No bids shall be required for legal services. The commissioner shall publish notice to bidders, including specifications regarding the goods or services to be purchased or a description of the nature and object of the services to be retained, in a newspaper of general circulation in the county not less than fifteen days before the final date for submission of bids. The commissioner shall also file a copy of the bid specifications in the office of the state commissioner for a period of not less than twenty days prior to the date the bid is let. When competitive bidding procedures are used, the purchase of goods or services shall be made from the lowest responsible bidder which meets the specifications or description of the services needed or the commissioner may reject all bids and readvertise. In determining the lowest responsible bidder, various factors may be considered, including but not limited to the past performance of the bidder relative to quality of product or service, the past experience of the purchaser in relation to the product or service, the relative quality of products or services, the proposed terms of delivery and the best interest of the county.

[A county shall not enter into an intergovernmental agreement with any other political subdivision of the state for acquisition of goods or performance of services until an audit has been conducted by the auditor of state or an independent certified public accountant not in the regular employ of the counties executing an agreement which sets forth the costs of each county for providing goods and services.]

A county may purchase data processing services in

connection with administration of elections from a provider other than the state or an employee of the county, after the effective date of this Act, only until such time as the registrar certifies to the state commissioner that the state comptroller's data processing facilities are able to provide all services which counties are required by this Act to obtain from the registrar. During that period, the commissioner shall give the registrar written notice in advance on each occasion when it is proposed to

have data processing services, necessary in connection with the administration of elections, performed by any person other than the registrar or an employee of the county. Data processing services so performed shall be purchased by written contract of not more than one year's duration. The registrar, in consultation with the state voter registration commission, shall establish by rule the specifications for such data processing contracts, and shall notify prospective bidders on each occasion when a contract for data processing services is to be let. The registrar shall have authority to approve or disapprove all bids received. Each contract for data processing services necessary in connection with the administration of elections shall be executed with the contractor jointly by the board of supervisors of the county purchasing the service and the registrar. Each county exercising the option to purchase data processing services in connection with administration of elections from a provider other than the state or an employee of the county under this section shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by the registrar.

Any election or registration data or records which may be in the possession of a contractor shall remain the property of the commissioner. *Contracts with a private person relating to the maintenance and use of voter registration data, which were properly entered into in compliance with this section and with all other laws relating to bidding on such contracts, shall remain in force only until the most recently negotiated termination date of that contract, which shall in no case be later than one year after the effective date of this Act."*

8. Page 9, by inserting after line 28 the following new sections:

"Sec. ..... Chapter forty-seven (47), Code 1975, is amended by adding the following new sections:

NEW SECTION. STATE REGISTRAR OF VOTERS.

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1. The senior administrator of data processing services in the office of the state comptroller is designated the state registrar of voters, and shall supervise the preparation, preservation and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections as shall be requested and purchased at actual cost of preparation and production by a political party or any resident of this state. The registrar shall maintain a log, which shall be a public record, showing all lists and re-

ports which have been requested or generated or which are capable of being generated by existing programs of the data processing services in the office of the state comptroller.

2. All functions referred to in subsection one (1) of this section shall be performed by the data processing facilities of the state comptroller's office commencing as soon as practicable, but not later than January 1, 1977. The registrar, with approval of the state voter registration commission, shall prescribe the forms required for voter registration by rules adopted pursuant to chapter seventeen A (17A) of the Code.

3. Any county having a population of fifty thousand or more may use its own data processing facilities for voter registration record keeping and utilization functions, in lieu of having this work performed by the state comptroller's data processing facilities as would otherwise be required by subsection two (2) of this section, if the system design and the form in which the registration records are kept conform to specifications established by rules adopted by the registrar. Each county exercising the option to maintain its own voter registration records under this subsection shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by the registrar.

NEW SECTION. VOTER REGISTRATION COMMISSION—COMPOSITION—DUTIES.

1. There is established a state voter registration commission which shall meet at least once each month to make and review policy, promulgate rules and establish procedures to be followed by the registrar in discharging the duties of that office. The commission shall consist of the lieutenant governor, the speaker of the house, the state commissioner,

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and the state chairpersons of the two political parties whose candidates for president of the United States or governor, as the case may be, received the greatest and next greatest number of votes in the most recent general election, or their respective designees, who shall serve without additional salary or reimbursement.

2. The registrar shall provide staff services to the commission and shall make available to it all information relative to registration of voters in this state which may be requested by any two commission members. The commission may authorize the registrar to employ such additional staff personnel as it deems necessary to permit the duties of the registrar's office to be adequately and promptly discharged. Such personnel shall be employed pursuant to chapter nineteen A (19A) of the Code.

3. The commission shall annually adopt a set of standard charges to be made for such utilization of **voter registration records as it authorized by law** by persons other than the registrar, the state commissioner and the several county commissioners. These charges shall be specified by unit wherever possible. The standard charges shall be adopted by the commission by January fifteenth of each calendar year, and shall be in effect for one year thereafter.

Sec. ..... Section forty-eight point four (48.4), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-eight (48), is amended to read as follows:

48.4 COMMISSIONER OF REGISTRATION—DUTIES. The commissioner of registration shall [have complete **charge of],** ***under the direction of the state commissioner and the registrar, supervise*** **the** registration of all eligible electors within the county, and shall appoint such deputies and clerks as may be necessary, from the two political parties receiving the highest vote at the last general election. The number of such deputies and clerks **[for all precinct registration places, and]** ***at*** **the** central registration office**[,] shall be equally divided** between the members of the two said political parties. These appointments shall be subject to the approval of the county board of supervisors. The commissioner of registration shall provide such printed forms and blanks as may be necessary, together with such other supplies and equipment as are necessary to properly carry out the provisions of this chapter. Registration places shall be established throughout the cities and county."

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9. Page 9, lines 29 and 30, by striking the words and figure "subsection three (3),".

10. Page 9, by inserting after line 32 the following:

"48.5 REGISTRATION RECORDS.

1. The county commissioner of registration shall [safely] maintain [at his or her office or other designated locations] the [original] registration records of all qualified electors in the county[. The original registration] ***in accordance with rules promulgated by the registrar. Registration*** **records shall not be removed from that office or other designated locations except upon court order[. Duplicate registration records],** ***and*** **shall be open to inspection by the public at reasonable times.**

2. Any person may request of the [commissioner] ***registrar*** **and shall receive, upon payment of the cost of preparation, a list of [all] qualified electors [in the county]** ***and other data on registration and***

participation in elections, in accordance with the following requirements and limitations:

a. [The commissioner shall draw up each] *Each* list *shall be produced* in the order and form specified by the requestor[, so long as that order and form are within the capability of the record maintenance system used by the commissioner].

b. Each list shall reflect all additions, changes and deletions made prior to the fifth day before the list was prepared.

c. The [commissioner] *registrar* shall not be required to provide lists *or data* during the fifteen days prior to the date of [any] *the primary election, the general election, the regular city election held pursuant to section three hundred seventy-six point one (376.1) of the Code, or the annual school* election in any order or form other than that utilized to conduct the election, if the preparation of a list in any other order or form requested would impede the preparation of the election registers for that election.

d. The county chairperson of each political party, as defined in section forty-eight point four (48.4) of the Code, *and the chairperson of each state political party central committee* may *each* request and shall receive without charge three lists *or reports* during the two-year period prior to each general election, in the order and form requested. *The lists or data requested by the county chairpersons shall pertain only to qualified electors of that county.* The lists *or reports* requested under this paragraph shall be delivered on or before the date specified

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by the requestor, if the requestor gives [the commissioner] at least thirty days advance notice of that date and the timing of the request and the order and form specified do not conflict with the restrictions of paragraph [a or] c of this subsection.

e. [The commissioner shall upon request provide, to any person who has within the previous year obtained a list of all qualified electors in the county under this section, a] *A* periodic updating of the registration lists showing all additions, changes and deletions since the previous updating [of the registration list. The updated list] shall be provided at least once each fourteen days except during the two weeks prior to the close of registration before any election, when it shall be provided daily *if requested.* Each requestor under this paragraph shall receive the updating data at [the same] *a* time [and in the same order and form, which shall be] determined by the [commissioner] *registrar, but in an order and form specified by the requestor.* Each requestor, except those who obtain the initial list of qualified electors under paragraph d of this subsection, shall pay the cost of duplicating

the updating data before receiving a copy thereof."

11. Page 10, line 3, by inserting after the word "commissioner" the words *"or registrar"*.

12. Page 10, by inserting after line 10 the following:

"4. Beginning not later than January 1, 1977, every voter registration record shall be maintained in computer readable form according to the specifications of the registrar."

13. Page 12, by inserting after line 18 the following new sections:

"Sec. ..... Section forty-eight point twenty-seven (48.27), subsection four (4), Code 1975, is amended by striking paragraph f.

Sec. ..... Section forty-eight point twenty-nine (48.29), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

48.29 REMOVAL OF REGISTRATION. Upon registration in any county of an individual who was previously a resident of another county, if that individual was a qualified elector in the former county of residence, his or her name shall be struck from the record of voters currently registered in the former county of residence. If the registrar at any time discovers that the same indivdual is registered at more than one residence location, the commissioner or commissioners involved shall be informed and shall following the procedure prescribed by section forty-eight

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point thirty-one (48.31), subsection eight (8) of the Code."

14. Page 12, by inserting after line 18 the following new section:

"Sec. ..... Section forty-eight point twenty-seven (48.27), subsection five (5), Code 1975, is amended to read as follows:

5. [The] *Each mobile deputy registrar shall be responsible to the* county commissioner of registration *for properly registering electors in accordance with the requirements and the restrictions of this section. The commissioner* may terminate the appointment of a mobile deputy registrar who is not properly registering electors, and shall immediately terminate the appointment upon the written request of the county [chairman] *chairperson* of the party from whose list of nominees the mobile deputy registrar was selected. When an appointment is terminated the county commissioner of registration shall promptly notify the county [chairman] *chairperson* of the political party which nominated the mobile deputy registrar whose appointment has been terminated, and shall appoint another person within five days from a list of substitute nominees provided by that county [chairman] *chairperson*. A mobile deputy registrar whose

appointment is terminated shall immediately return all his *or her* supplies to the county commissioner of registration. If a mobile deputy registrar's appointment is terminated within thirty days of an election, other than by request of the county [chairman] *chairperson* of the party from whose list of nominees the mobile deputy registrar was appointed, a replacement shall be appointed within twenty-four hours from a list of substitute nominees provided by the appropriate county [chairman] *chairperson.*"

15. Page 12, by inserting after line 20 the following new section:

"Sec. ..... Section forty-nine point four (49.4), subsection two (2), Code 1975, is amended to read as follows:

2. Counties using alternative supervisor representation plans two or three, as described in section 331.8, shall be apportioned into single-member supervisor districts on the basis of population. **[The]** *In counties using representation plan three, the* boundaries of supervisor districts shall follow the boundaries of election precincts."

16. Page 12, by inserting after line 20 the following new section:

"Sec. ..... Section forty-eight point thirty-two (48.32),

Page 10

Code 1975, is amended to read as follows:

48.32 ANNUAL REPORT. The county commissioner of elections shall make reports as required by the [state commissioner of elections] *registrar.* On August 1 of each year the [state commissioner of elections] *registrar* shall report the number of persons registered in each political party in each county."

17. Page 23, by inserting after line 5 the following new section:

"Sec. —. Section fifty-three point eleven (53.11), Code 1975, is amended to read as follows:

53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. The commissioner shall deliver an absentee ballot to any qualified elector applying in person at his office not more than forty days before the date of the general election and the primary election, and for all other elections, as soon as the ballot is available. The qualified elector shall immediately mark the ballot, enclose it in a ballot envelope with proper affidavit, and return the absentee ballot to the commissioner. The commissioner shall record the numbers appearing on the application and ballot envelope along with the name of the qualified elector. The commissioner of any county in which there is located a city of [twenty-five] *five* thousand or more population, which is not the county seat, may permit qualified electors to appear in person at some designated place within each such city and there cast an absentee ballot in

the manner prescribed by this section."

18. Page 27, by inserting after line 25 the following new section:

"Sec. ..... Section sixty-two point eighteen, (62.18), Code 1975, is amended to read as follows:

62.18 JUDGMENT. The court shall pronounce judgment whether the incumbent or any other person was duly elected, and adjudge that the person so declared elected will be entitled to his certificate. If the judgment be against the incumbent, and he has already received the certificate, the judgment shall annul it. If the court [find that no person was elected] *finds that one or more of the causes of contest alleged pursuant to section 62.5 of the Code have been substantiated, and that the tainted votes cannot be identified and excluded, it shall exclude all votes cast for the contested office in the precinct or precincts in question. If by so doing the apparent outcome of the elections is reversed,* the judgment shall be that the election *in that precinct or precincts* be set aside, *and a new election held in that precinct or precincts. No person who was*

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not qualified elector in that precinct at the time of election which was set aside shall be allowed to vote at the new election."

19. Page 27, by inserting after line 25 the following new section:

"Sec. ..... Section sixty-nine point eight (69.8), subsections one (1) and two (2), Code 1975, are amended to read as follows:

1. United States senator. In the office of United State senator, when the vacancy occurs when the senate of the United States is in session, or when such senate will convene prior to the next general election, by the governor. *An appointment made under this subsection shall be for the period until the vacancy is filled by election pursuant to law.*

2. State offices. In all state offices, judges of courts of record, officers, trustees, inspectors, and members of all boards or commissions, and all persons filling any position of trust or profit in the state, by the governor, except when some other method is specially provided. *An appointment made under this subsection to a state office subject to Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section four (4), shall be for the period until the vacancy is filled by election pursuant to law.*"

20. Page 28, line 16, by striking the word "its" and inserting in lieu thereof the word "it".

21. Page 29, by inserting after line 31 the following new section:

"Sec. ..... Section two hundred seventy-seven

point twenty (277.20), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

On the next Friday after the *regular* school election, the county board of supervisors shall canvass the returns made to the county commissioner of elections from the several precinct polling places and the absentee ballot counting board, ascertain the result of the voting with regard to every matter voted upon and cause a record to be made thereof as required by section 50.24. *Special elections held in school districts shall be canvassed at the time and in the manner required by that section.* The board shall declare the results of the voting for members of boards of directors of school corporations nominated pursuant to section 277.4, and the commissioner shall at once issue a certificate of election to each person declared elected. The board shall also declare the results of the voting on any public question submitted to the voters of

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a single school district, and the commissioner shall certify the result as required by section 50.27."

22. Page 30, by inserting after line 32 the following new section:

"Sec. ..... Section three hundred thirty-one point twenty-seven (331.27), Code 1975, is amended to read as follows:

331.27 PLAN "THREE." If plan "three" is selected pursuant to section 331.8 or 331.9, the *supervisor districts shall be drawn and members of the* county board shall be elected as provided in section 331.26, except that *boundaries of supervisor districts shall follow voting precinct lines and* each member of the board, and [candidates] *each candidate* for such office, shall, at the primary and general elections, be elected *or nominated* only by the electors of the district which [he or they seek] *that candidate seeks* to represent."

23. Page 33, by inserting after line 19 the following new section:

"Sec. ..... Section three hundred seventy-two point thirteen (372.13), subsection two (2), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred fifty (150), is amended by striking the subsection and inserting in lieu thereof the following:

2. A vacancy in an elective city office during a term of office shall be filled by the council, within thirty days after the vacancy occurs, for the balance of the unexpired term unless a special election is sooner held to fill the office for the remaining balance of the unexpired term. Such an election shall be called if the council is presented with

a petition so requesting, signed by eligible electors entitled to vote to fill the office in question. The petition must bear signatures equal in number to two percent of those who voted for candidates for the office at the last preceding election at which the office was on the ballot, but in no case fewer than ten signatures. If the petition so requests and is timely filed, the special election may be held concurrently with any pending election as provided by section sixty-nine point twelve (69.12) of the Code. Otherwise, a special election to fill the office shall be called at the earliest practicable time after the petition is presented to the council."

24. Page 35, by striking lines 9 through 30 and inserting in lieu thereof the following:

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"Sec. ..... Section three hundred seventy-six point eight (376.8), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

376.8 PERSONS ELECTED IN CITY ELECTIONS.

1. In a regular city election following a city primary, the candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open.

2. In a regular city election held for a city where the council has chosen a runoff election in lieu of a primary, candidates are elected as provided by subsection one (1) of this section, except that no candidate is elected who fails to receive a majority of the votes cast for the office in question. In the case of at-large elections to a multi-member body, a majority is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled.

3. In a regular city election held for a city where the council has chosen to have nominations made in the manner provided by chapter forty-four (44) or forty-five (45) of the Code, the candidates who received the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open."

25. Page 37, by inserting after line 7 the following new section:

"Sec. ..... Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand thirty-three (1033), section one (1), is amended to read as follows:

Section 1. Section forty-three point seventy-eight (43.78), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter

eighty-one (81), section twenty-five (25), is amended by adding the following new subsection:

NEW SUBSECTION. Political party candidates for a vacant seat in the [congress of the] United States *house of representatives* or the general assembly which is to be filled at a special election called pursuant to section sixty-nine point fourteen (69.14) of the Code shall be nominated in the manner provided by subsection one (1) of this section for filling a vacancy on the general election ballot for the same office. The name of any candidate so nominated shall be submitted in writing to the state commissioner, as required by section forty-three point eighty-eight

Page 14

(43.88) of the Code, at the earliest practicable time."

26. Page 37, by inserting after line 28 the following:

"The state commissioner of elections shall obtain from the department of environmental quality a list of every sanitary district established or in the process of establishment under chapter three hundred fifty-eight (358) of the Code, and shall send to each such district written notice of the amendment to section three hundred fifty-eight point nine (358.9) of the Code made by section forty-seven (47) of this Act, and of the requirements of this section."

27. Title, page 1, by striking lines 10, 11 and 12 and inserting in lieu thereof the words "quiring that".

28. Title, page 1, line 14, by inserting after the word "candidacy," the words "specifying how nominations for certain special elections are to be certified,".

29. Title, page 1, line 21, by inserting after the word "filed," the words "providing for the state to reimburse counties for the cost of holding certain special elections,".

30. Title, page 1, line 21, by inserting after the word "filed," the words "revising the manner in which voter registration records are required to be kept and designating a state registrar of voters,".

31. Title, page 1, line 24, by inserting after the word "address," the words "clarifying the relationship between county supervisor district boundaries and election precincts,".

32. Title, page 1a, line 11, by inserting after the word "clarifying" the words "and revising certain requirements relative to".

33. Title, page 1a, line 13, by inserting after the word "measures," the words "clarifying when a contested election may be set aside,".

34. Title, page 1a, line 16, by inserting after the word "withdraw," the words "clarifying the re-

quirements relative to canvassing of school elections,".

35. Title, page 1a, line 23, by inserting after the word "board," the words "correcting a reference in Acts of the Sixty-sixth General Assembly, 1976 Session, House File 1033,".

COMMUNICATION FROM THE SECRETARY OF STATE

March 22, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1063, was published in The Fayette County Union, West Union, Iowa, March 11, 1976, and in the Hampton Chronicle, Hampton, Iowa, March 11, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

APPOINTMENT TO STATE FUNCTIONAL CLASSIFICATION REVIEW BOARD

Pursuant to Section 306.6 (2) d, Code 1975, the Speaker announced the following appointment to the State Functional Classification Review Board: Representative Robert A. Krause.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the votes were taken. Had I been present I would have voted "aye" on the following bills: House Files 689, 1457, 1440 and 1047.

LIPSKY of Linn

I was necessarily absent from the House chamber when the votes were taken on House Files 689, 1457, 1440 and 1047. Had I been present I would have voted "aye."

PERKINS of Greene

I was necessarily absent from the House chamber when the votes were taken on House Files 689, 1457, 1440, and 1047. Had I been present, I would have voted "aye" on all of these.

O'HALLORAN of Black Hawk

PROOF OF PUBLICATION

Published copy of House File 1547 and verified proof of publication of said bill in The Decorah Public Opinion, Decorah, Iowa, on February 24, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23rd day of March, 1976: House Files 503, 1003, 1036, 1094, 1141 and 1218.

DAVID L. WRAY
Chief Clerk of the House

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 19, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 392, an act relating to the definition of tax year for corporation and individual income tax returns and making the act retroactive.

House File 744, an act relating to registration of travel trailers.

House File 1098, an act relating to the authority of the Board of Regents to administer trusts.

A communication was received from the Governor announcing that on March 23, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 1129, an act relating to the joint financing of water supply systems by public agencies.

House File 1245, an act to legalize and validate the proceedings of the City of Ames, in Story County, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa.

House File 1327, an act relating to public improvements bond and conditions.

Senate File 1200, an act relating to the regulation of bicycles by the state board of regents.

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 128 **Ways and means**
To legalize the proceedings of the North Scott Community School District involving the sale of land.

REPORTS OF COMMITTEES

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations has considered **House File 1539**, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **Senate File 1143**, a bill for an act to legalize proceedings taken by the board of directors of the Grinnell-Newburg community school district relating to the sale of certain property, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

NORLAND of Worth, Chair

AMENDMENTS FILED

H—5931

Amend House File 1052 by inserting after the word *"year." in line 14 the following: "The summary shall also include two pie graphs for each fiscal year. For the most recently completed fiscal year one pie graph shall show the sources of the revenue and one shall show the budget expenditures by category of service. For the current fiscal year and the next succeeding fiscal year, one pie graph each year shall show the sources of anticipated revenue and one graph each year shall show the proposed budget expenditures by category of service."*

MENNENGA of Clinton
BINA of Scott
OAKLEY of Clinton

H—5940

Amend House File 1161 as follows:

1. Page 4, by inserting after line 16 the following section:

"Sec. ..... Section two hundred four point three hundred eight (204.308), subsections three (3) and four (4), Code 1975, are amended to read as follows:

3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III [or], IV[,] *or V*, which is a prescription drug as determined under section 155.3, subsections 9 and 10, shall not be dispensed without a written or oral prescription

of a practitioner. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

[4. A controlled substance included in schedule V shall not be distributed or dispensed other than for a medical purpose.]"

LIPSKY of Linn

H—5941

Amend House File 1433 as follows:

Page 1, line 6, by striking the following:

", for the state as a whole or".

Page 1, line 8, by striking the words "a significant portion of the air contaminants" and inserting in lieu thereof the following:

"air contaminants in excess of the maximum amounts allowable".

WELDEN of Hardin

H—5939

Amend House File 1483 as follows:

1. Page 1, by inserting after line 14 the following new section:

"Sec. ..... Section five hundred fifteen B point two (515B.2), subsection four (4), Code 1975, is amended to read as follows:

4. "Insurer" means an insurer licensed to transact insurance business in this state under either chapter 515 or chapter 520, either at the time the policy was issued or when the insured event occurred. It shall not include county or state mutual assessment associations licensed under chapter 518 or chapter 518A, or fraternal beneficiary societies, orders or associations licensed under chapter 512, or corporations operating nonprofit service plans under chapter 514, or life insurance companies or life, accident or health associations licensed under chapter 508 or chapter 510, *or those professions under chapter 519.*"

KREAMER of Polk

H—5929

Amend House File 1489, page 3, line 2, by striking the word and numeral "ten (10)" and inserting in lieu thereof the word and numeral "seven (7)".

COMMITTEE ON COMMERCE
SMALL of Johnson, Chair

H—5912

Amend House File 1505 as follows:

1. Page 1, by inserting after line 9 the following:

"Nothing in this section shall prohibit a

municipal corporation having an agreement with the secretary of agriculture to continue agreements with other municipal corporations for inspection of their milk plants and receiving stations and allowing municipal corporations from charging a fee for that inspection provided the service is rendered."

BROCKETT of Marshall
WEST of Marshall

H—5913

Amend amendment H—5909 to House File 1509 as follows:

1. Page 2, by inserting after line 19 the following:

"Sec. ..... Section two hundred six point eighteen (206.18), subsection four (4), Code 1975, is amended to read as follows:

4. The licensing requirements of section 206.6 shall not apply to [any person] *persons* using hand-powered *or self-propelled* equipment *not exceeding seven and one-half horsepower as determined by rules promulgated by the department* to [applying] *apply* pesticides to lawns, or to ornamental shrubs and trees not in excess of twelve feet high, as an incidental part of taking care of household lawns and yards provided, that such [person] *persons* shall not publicly hold [himself] *themselves* out as being in the business of applying pesticides, and that such [person does] *persons do* not apply restricted use pesticides or state restricted use pesticides, restricted to use only by certified applicators."

SPRADLING of Sioux

H—5930

Amend House File 1538 as follows:

1. Page 3, line 1, by inserting after the word "purchase" the words "or cause to be negotiated or purchased".

2. Page 3, line 15, by inserting after the word "miles" the words ", unless the project involving the construction of such pipelines also involves the construction of underground storage facilities".

3. Page 4, by striking line 11 and inserting in lieu thereof the words "and of any underground storage area proposed for the project, which is drawn with sufficient detail to indicate the location of all right-of-way and deviation and underground storage area applied for, and to indicate the number designations and relative locations of all primary and secondary highways within the county in which the affected property is located".

4. Page 4, lines 20 and 21, by striking the words

"with a center line description of the proposed route corridor and less the map" and inserting in lieu thereof the words "including the map required under paragraph e of subsection five (5) of this section,".

5. Page 5, by striking lines 32 and 33, and inserting in lieu thereof the words "; shall contain a map including all affected counties which is drawn with sufficient detail to indicate the location of all right-of-way and deviation and underground storage area applied for, and to indicate the numbers and relative locations of all primary and secondary highways within each affected county; shall".

SMALL of Johnson

H—5917

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 74, line 8, by striking the words "is in uniform and".

2. Page 74, by inserting after line 20 the following new paragraph:

"c. That evidence would be destroyed."

KREAMER of Polk
WOODS of Polk
HANSEN of O'Brien
HALVORSON of Clayton
WYCKOFF of Benton

H—5918

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 83, line 5, by striking the words "or other authorized person".

2. Page 83, by striking lines 11 and 12.

KREAMER of Polk

H—5919

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 84, line 20, by striking the words "in the case of".

2. Page 84, by striking lines 21 through 23.

3. Page 84, line 27, by striking the word "shall" and inserting in lieu thereof the word "may".

4. Page 84, line 29, by striking the words "Where the".

5. Page 84, by striking lines 30 through 33.

KREAMER of Polk

H—5920

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 85, line 2, by inserting after the word "been" the word "immediately".

KREAMER of Polk

H—5921

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 86, line 8, by striking the words "Anyone who, in executing".

2. Page 86, by striking lines 9 through 11.

KREAMER of Polk

H—5922

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 90, line 18, by inserting after the word "person" the words ", or unless the results of the nontestimonial identification are evidentiary as to an offense committed by another person".

BRANSTAD of Winnebago

H—5923

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 95, line 13, by inserting after the word "undertaking," the words "exclusive of property exempt from execution,".

BRANSTAD of Winnebago

H—5924

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 98, by striking lines 32 through page 102, line 3.

2. Page 102, by striking lines 15 through 25 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* HEARING. The following procedures shall apply to detention hearings held pursuant to this subdivision:

1. The prosecuting attorney may initiate a detention hearing by ex parte written motion. Upon such motion, the district court may issue a warrant for the arrest of the person, if the person is not in custody.

2. The detention hearing shall be held immediately upon the person being brought before the district court for such hearing unless the person or the prosecuting attorney moves for a continuance. A continuance granted on motion of the person shall not exceed three calendar days. A continuance on motion of the prosecuting attorney shall be granted only upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

3. The person shall be entitled to representation by counsel, including appointed counsel for indigent persons, and shall be entitled to the right of cross-examination and to present information, to testify,

and to present witnesses in his own behalf.

4. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the formal rules of evidence.

5. Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, subject only to the following exceptions: Such testimony shall be admissible in proceedings under sections one thousand one hundred two (1102), subsection seven (7) and one thousand one hundred nine (1109) of this chapter, and in perjury proceedings.

6. Unless the defendant otherwise requests in writing, the district court shall conduct the hearing as a private hearing, and any order entered shall remain confidential as to the public generally until the conclusion of the trial.

7. Appeals from orders of detention may be taken in the manner provided under section one thousand one hundred two (1102), subsection six (6) of this chapter.

8. If the trial court issues an order of detention,

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it shall be accompanied by a written finding of fact and the reasons for the detention order.

9. For the purposes of such proceedings, the trial court is not divested of jurisdiction by the filing of a notice of appeal."

3. By renumbering the remaining subdivisions, sections and internal references to accord with this amendment.

COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT,
SUBCOMMITTEE ON THE
CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5925

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 98, by striking lines 33 through 35.
2. Page 99, by striking lines 1 through 35.
3. Page 100, by striking lines 1 through 35.
4. Page 101, by striking lines 1 through 35.
5. Page 102, by striking lines 1 through 3.
6. By renumbering subdivision numbers.

KREAMER of Polk

H—5926

Amend Senate File 85 as follows:

1. Page 13C by inserting after line 73 the following new section:

Sec. ..... *NEW SECTION.* No person who injures the aggressor through application of reasonable

force in defense of his or her person or property may be held civilly liable for such injury.

No person who injures the aggressor through application of reasonable force in defense of a second person may be held civilly liable for such injury.

JUNKER of Woodbury

H—5927

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 369, by striking lines 26 through 29 and inserting in lieu thereof the words "who shall willfully obstruct [it or its members] *the department or board* in the performance of their duties, or who shall refuse to give any information within [his] *the person's* possession that may be required by [it within the line of its duty] *the department or board for the performance of their duties*, shall be [fined not to exceed]".

2. Page 370, by striking lines 9 through 18 and inserting in lieu thereof the following:

"477.15 VIOLATIONS. Any *railroad* corporation, [company, or person] operating [a railroad in this state and using a locomotive engine, or running a train of cars,] or using *in this state* any *train, engine,* freight, *car* [way], *caboose,* or other car contrary to the provisions of sections 477.12 to [477.14] *four hundred seventy-seven point thirteen (477.13) of the Code* shall be guilty of a *serious* misdemeanor[, and shall be subject to a fine of not less than five hundred nor more than one thousand dollars for each and every offense; but such penalties shall not apply to companies hauling cars belonging to railroads other than those of this state which are engaged in interstate traffic]."

3. Page 370, by striking lines 21 and 22 and inserting in lieu thereof the following:

"477.19 VIOLATIONS. Any [person,] railway [company, terminal transfer, or other] corporation [or company who] *which* violates".

4. Page 371, by striking lines 2 through 4 and inserting in lieu thereof the following:

"477.24 VIOLATIONS. Any [person, firm, or] *railroad* corporation owning such line of railway or the equipment operated thereon, [who] *which* shall cause or permit any locomotive, power vehicle, power".

5. Page 371, line 31, by striking the word "company" and inserting in lieu thereof the words "[company] *corporation*".

6. Page 373, by striking lines 1 through 9.

7. Page 373, line 12, by inserting after the word "railroad" the word "*corporation*".

8. Page 373, line 26, by inserting after the word "railroad" the word "*corporation*".

9. Page 373, by striking lines 33 through 35 and

page 374 by striking lines 1 and 2 and inserting in lieu thereof the following:

"478.10 FAILURE TO FENCE—GENERAL PENALTY. If the *railroad* corporation[, officer thereof or lessee

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owning or engaged in the operation of any railroad in the state] refuses or neglects to comply with any provision of this chapter relating to the fencing of the tracts, such *railroad* corporation[, officer, or lessee]".

10. Page 374, line 11, by striking the word "company" and inserting in lieu thereof the words "[company] *corporation*".

11. Page 374, by striking lines 25 though 35 and page 375, by striking lines 1 through 7.

12. Page 377, by striking lines 13 through 25.

13. Page 422, line 32, by inserting after the numeral "(474.41)," the words and numerals "four hundred seventy-seven point fifty-eight (477.58), four hundred seventy-seven point fifty-nine (477.59), four hundred seventy-seven point sixty (477.60), four hundred seventy-nine point nineteen (479.19), four hundred seventy-nine point one hundred nine (479.109), four hundred seventy-nine point one hundred ten (479.110), four hundred seventy-nine point one hundred eleven (479.111), four hundred seventy-nine point one hundred twelve (479.112), four hundred seventy-nine point one hundred thirteen (479.113), four hundred seventy-nine point one hundred fourteen (479.114), four hundred seventy-nine point one hundred fifteen (479.115),".

14. By renumbering sections.

KRAUSE of Palo Alto

H—5928

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 215, line 21, by striking the words "of confinement for more than ninety days,".

2. Page 215, line 23, by inserting after the word "corrections" the words "or to a local agency established under chapter two hundred seventeen (217) of the Code".

3. Page 215, line 28, by inserting after the word "director" the words "or the local corrections agency".

4. Page 223, by striking lines 14 through 19 and inserting in lieu thereof the following:

"Section 501. *NEW SECTION.* PROBATION AND PAROLE SERVICE. Pursuant to designation by the court, parole and probation services shall be provided by the department of social services or by a local agency established under chapter two hundred seventeen (217) of the Code. Parole and probation officers shall perform the duties assigned to them by law and by

the director of the agency by which they are employed."

5. Page 223, line 20, by inserting after the word "PAROLE" the words "AND PROBATION".

6. Page 223, line 20, by inserting after the word "Parole" the words "and probation".

7. Page 223, line 23, by inserting after the word "Parole" the words "and probation".

8. Page 223, line 27, by striking the word "the".

9. Page 223, line 28, by striking the word "his" and inserting in lieu thereof the words "each person's".

10. Page 223, line 29, by striking the word "him" and inserting in lieu thereof the words "that person".

11. Page 223, line 29, by inserting after the word "his" the words "or her".

12. Page 223, line 30, by striking the word "and" and inserting in lieu thereof the word "or".

13. Page 223, line 30, by inserting after the word "Parole" the words "and probation".

14. Page 223, line 35, by inserting after the word "agencies" the words "which offer services of a corrective nature".

15. Page 224, by striking lines 19 through 27 and inserting in lieu thereof the following:

"Section 504. *NEW SECTION.* COOPERATION BY STATE AND LOCAL PAROLE AND PROBATION SERVICES.

1. Any district court which designates persons or agencies established under chapter two hundred seventeen (217) of the Code to provide probation and parole services to any person shall receive and distribute a proportionate share of the moneys

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appropriated for community-based corrections by the legislature. Moneys received by a court shall be determined by the workload assumed by community-based persons and agencies pursuant to the court's designation. Workloads shall be determined as follows:

a. Each parolee or probationer assigned to the person or agency represents one unit.

b. Each person receiving pre-trial supervision represents three units.

c. Each pre-sentence investigation represents one unit.

2. State and local parole and probation agencies shall cooperate in the use of facilities established within the community for local correctional treatment and shall cooperatively share the benefits received from the establishment of contracts for services funded by legislative appropriations and provided by private agencies."

16. Page 229, line 12, by striking the words "by the probation" and inserting in lieu thereof the words "by probation".

17. Page 229, line 13, by striking the word "service" and inserting in lieu thereof the word "services".

18. Page 232, by inserting after line 24 the following:

"2. Of any local agency established under chapter two hundred seventeen (217); or".

19. Page 232, line 25, by striking the figure "2" and inserting in lieu thereof the figure "3".

20. Page 234, by striking lines 3 through 6.

21. Page 234, line 7, by striking the words "prescribe. The".

22. Page 234, line 7, by striking the word "such" and inserting in lieu thereof the word "any".

23. Page 234, line 8, by inserting after the word "person" the words "assigned to a local correctional agency".

24. Page 234, line 8, by striking the word "he" and inserting in lieu thereof the words "that person".

25. Page 234, line 13, by striking the word "him" and inserting in lieu thereof the words "the person".

26. Page 241, line 14, by striking the words and figures "section five hundred four (504)" and inserting in lieu thereof the words and figures "sections one hundred eight (108) and five hundred one (501)".

27. By correcting internal references.

MIDDLETON of Black Hawk

H—5932

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 71, by striking lines 1 through 5.

2. Page 71, line 19, by striking the words "peace officer" and inserting in lieu thereof the words "law enforcement agency".

KREAMER of Polk

H—5933

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 83, by striking all of line 24.

KREAMER of Polk

H—5934

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 102, by striking lines 31 through 33 and inserting in lieu thereof the following: "prevents him from appreciating the charge against him, understanding the proceedings, or assisting effectively in his defense, further proceedings must be suspended and a hearing had upon that question."

KREAMER of Polk

H—5935

Amend amendment H—5669, to page 218, Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by inserting after line 9 the following:

"3. Page 219, line 11, by striking the word "commissioner" and inserting in lieu thereof the word "director".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5936

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 225B, by striking lines 38 and 39.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5937

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 227A, by striking lines 18 through 23.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5938

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 421, by striking line 31.

2. Page 421, line 32, by striking the words and figure "three point three (223.3),".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5943

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 116, line 16, by inserting after the word "judge" the words "or district associate judge".

BRANSTAD of Winnebago

H—5944

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 215, line 21, by striking the words "ninety days" and inserting in lieu thereof the words "one year".

2. Page 220B, line 40, by striking the words "ninety days" and inserting in lieu thereof the words "one year".

3. Page 221, line 3, by striking the words "ninety days" and inserting in lieu thereof the words "one year".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5945

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 215, line 19, by inserting after the word "sentenced" the words "and a statement of the days credited pursuant to section two hundred forty-six point thirty-eight (246.38) of the Code shall be incorporated into the sentence".

2. Page 215, by striking lines 29 through 34.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5946

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 213A, by striking lines 5 through 11.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5947

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 154, line 2, by inserting after the word "admissible" the words "to impeach the witness".

2. Page 154, line 3, by striking the words "or hearing".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5948

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 237, by striking lines 26 through 35.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5949

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 153, by striking lines 18 through 23.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5950

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 105, line 19, by inserting after the first word "hearing" the words "and inform the defendant of the date of the preliminary hearing".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5951

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 104, line 30, by striking the word "and".

2. Page 104, line 31, by inserting after the word "release" the words "and shall provide the defendant with a copy of the complaint".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5952

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 225A, line 23, by striking the words "three years" and inserting in lieu thereof the words "one year".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5953

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 238A, line 4, by striking the words "reasonable grounds" and inserting in lieu thereof the words "probable cause".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5954

Amend Senate File 85 as follows:

1. Page 69, line 24, by inserting after the word "shall" the words ", except as otherwise provided".

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT, SUBCOMMITTEE ON THE CRIMINAL CODE REVISION
JESSE of Polk, Chair

H—5942

Amend Senate File 1145 as follows:

1. Page 3, line 13, by inserting after the period the following:

"The number of places where licenses are available shall not be reduced because of procedures or equipment required in placing colored photographs on licenses or permits."

2. Page 4, by striking lines 25 through 33 and inserting in lieu thereof the following:

"Sec. ..... The provisions of this Act shall become effective January 1, 1977."

WELDEN of Hardin

H—5915

Amend Senate File 1167 as follows:

1. Page 1, by striking lines 20 through 22 and inserting in lieu thereof the following:

"The security arrangements necessary for the patient, as determined jointly by the hospital of the medical college of the state university and the institution, shall be provided by the institution from which the patient is sent."

SMALL of Johnson

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:50 p.m. until 9:00 a.m., Wednesday, March 24, 1976.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day—Forty-eighth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, MARCH 24, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend David Ter Beest, pastor of the First Reformed Church, Hull, Iowa.

The Journal of Tuesday, March 23, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rhodes, Pocahontas, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Caffrey of Polk.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Fifteen students from the Nora Springs-Rock Falls School, Nora Springs, Iowa, accompanied by Frank Altman. By Howell of Floyd.

Twenty-two students from the Price Lab School, Cedar Falls, Iowa, accompanied by Dr. Donald A. Scovel, Bob Johnson, Ferd Riechmann and Carol Durbala. By O'Halloran of Black Hawk.

Thirty-two students from Greenfield High School, Greenfield, Iowa, accompanied by Mrs. Swanson, Mr. Miller and Mr. Wilson. By Bortell of Madison.

PETITIONS FILED

The following petitions were received and placed on file:

By Nealson of Muscatine from thirteen constituents from West Liberty opposing gun control.

By Howell of Floyd from thirty-one constituents opposing House File 198 relating to pari-mutuel betting.

By Menke of O'Brien from fifteen constituents opposing House File 198 relating to pari-mutuel betting.

By Patchett of Johnson from two hundred twenty constituents in favor of the decriminalization of the marijuana laws.

By Hines of Story from two hundred constituents from Story County favoring amendment H—5575 to Senate File 85 to decriminalize the use of marijuana.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House File 1539 and Senate File 1143, under Rule 36.

ADOPTION OF HOUSE RESOLUTION 109

Pursuant to House Rule 26, the Speaker announced that **House Resolution 109**, filed on March 10, 1976, and found on page 1059 of the House Journal, was adopted by unanimous consent.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Junker of Woodbury offered the following amendment H—5878 filed by him and moved its adoption:

H—5878

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 64, line 26 by striking the word "authorized".

2. Page 64, line 32 by striking the word "authorized".

A non-record roll call was requested.

The ayes were 29, nays 46.

Amendment H—5878 lost.

Branstad of Winnebago offered the following amendment H—5835 filed by him and moved its adoption:

H—5835

Amend Senate File 85 as follows:
1. Page 66A, by inserting after line 12 the following new section:
"..... "Unnecessary delay" is any unexcused delay longer than twenty-four hours."

A non-record roll call was requested.

The ayes were 21, nays 55.

Amendment H—5835 lost.

Kreamer of Polk offered the following amendment H—5847 filed by him:

H—5847

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:
1. Page 66A, by inserting after line 12 the following new paragraphs:
"..... "Complaint" means a statement in writing, under oath or affirmation, made before a magistrate, of the commission of a public offense, and accusing someone thereof. A complaint shall be substantially in the form provided in the Iowa rules of criminal procedure.
..... "Prosecution" means the commencement, including the filing of a complaint, and continuance of a criminal proceeding, and pursuit of that proceeding to final judgment on behalf of the state or other political subdivision."
2. Page 66A, line 24 by inserting after the word "aggravated" the words "or serious".
3. Page 66A, line 27 by striking the words "or serious".

Kreamer of Polk asked and received unanimous consent to defer action on amendment H—5847.

Nielsen of Polk offered the following amendment H—5757 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5757

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 66A, line 15, by striking the words "CRIMINAL HOMICIDE" and inserting in lieu thereof the word "MURDER".
2. Page 66A, line 16, by striking the words

"criminal homicide" and inserting in lieu thereof the word "murder".

Amendment H—5757 was adopted.

Nielsen of Polk offered the following amendment H—5954 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5954

Amend Senate File 85 as follows:

1. Page 69, line 24, by inserting after the word "shall" the words ", except as otherwise provided".

Amendment H—5954 was adopted.

Nielsen of Polk offered the following amendment H—5867 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5867

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 70, line 5, by striking the words "in contempt".

2. Page 70, by striking lines 6 through 10 and inserting in lieu thereof the words "guilty of a simple misdemeanor and the magistrate may issue a warrant of arrest for the offense originally charged."

Amendment H—5867 was adopted.

Kreamer of Polk offered the following amendment H—5932 filed by him and moved its adoption:

H—5932

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 71, by striking lines 1 through 5.

2. Page 71, line 19, by striking the words "peace officer" and inserting in lieu thereof the words "law enforcement agency".

A non-record roll call was requested.

The ayes were 22, nays 49.

Amendment H—5932 lost.

Nielsen of Polk offered the following amendment H—5879 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5879

Amend Senate File 85, as amended, passed, and

reprinted by the Senate, as follows:

1. Page 71, line 2, by striking the words "of a defendant".

2. Page 71, line 3, by inserting after the word "cases," the word "an" and by striking the word "of".

3. Page 71, line 4, by striking the word "defendants".

Amendment H—5879 was adopted.

Branstad of Winnebago offered the following amendment H—5825 filed by him:

H—5825

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 71, by striking lines 6 through 24 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* ARRESTS BY PEACE OFFICERS.

1. A peace officer may arrest a person and hold this person in custody anywhere in this state if:

a. The peace officer has probable cause to believe the person has committed or attempted to commit any public offense in this state.

b. The person to be arrested has committed or attempted to commit any public offense in this state in the presence of such peace officer.

c. The peace officer holds a warrant of arrest for this person for a public offense.

d. The peace officer has received from the department of public safety, from any other peace officer of this state, or any other state or the United States an official communication by bulletin, radio, telegraph, telephone, or otherwise informing this peace officer that a warrant has been issued and is being held for the arrest of the person to be arrested on a designated charge.

2. This section shall not be construed to make unlawful an arrest which would otherwise be lawful."

Small of Johnson in the chair at 10:41 a.m.

Branstad of Winnebago moved the adoption of amendment H—5825.

Roll call was requested by Branstad of Winnebago and Nealson of Muscatine.

On the question "Shall amendment H—5825 be adopted?"

The ayes were, 37:

Baker	Clark	Danker	Evans
Bennett	Crabb	Den Herder	Gilloon
Bortell	Crawford	Dunton	Griffee
Branstad	Daggett	Dyrland	Halvorson

Hansen	Lageschulte	Miller, O. L.	Welden
Harvey	Lindeen	Nealson	West
Hinkhouse	McElroy	Pellett	Woods
Hutchins	Menke	Readinger	Wulff
Junker	Mennenga	Tofte	Wyckoff
Krause			

The nays were, 51:

Anderson	Fitzgerald	Kreamer	Poncy
Avenson	Gentleman	Lipsky	Rinas
Bina	Hargrave	Lonergan	Scheelhaase
Binnebo**ese**	Harper	Middleswart	Schroeder
Bittle	Higgins	Miller, A. V.	Spear
Brandt	Horn	Monroe	Spencer
Brunow	Howell	Newhard	Spradling
Byerly	Hullinger	Nielsen	Svoboda
Caffrey	Husak	Oakley	Varley
Cochran	Jesse	O'Halloran	Walter
Cusack	Jochum	Patchett	Wells
Doyle	Jordan	Pavich	Mr. Speaker (Small)
Egenes	Koogler	Perkins	

Absent or not voting, 12:

Brockett	Drake	Middleton	Norland
Connors	Hennessey	Millen	Stromer
Dieleman	Hines	Miller, K. D.	Tauke

Amendment H—5825 lost.

Nielsen of Polk offered the following amendment H—5868 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5868

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

H—5868A

1. Page 71, by striking lines 25 through 30.

H—5868B

2. Page 94, by striking lines 23 through page 95, line 6.

On motion by Nielsen of Polk, amendment H—5868A was adopted.

On motion by Nielsen of Polk, amendment H—5868B was adopted.

Nielsen of Polk offered the following amendment H—5869 filed by the subcommittee on the criminal code revision:

H—5869

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 71, by striking lines 31 through page 72,

line 2, and inserting in lieu thereof the following:
"Sec. ..... *NEW SECTION.* ARRESTS BY PRIVATE PERSONS. A private person may make an arrest for a public offense committed or attempted in his or her presence."

Nielsen of Polk asked for unanimous consent to withdraw amendment H—5869.

Objection was raised.

Nielsen of Polk moved that amendment H—5869 be withdrawn.

The motion prevailed and amendment H—5869 was withdrawn.

Nielsen of Polk offered the following amendment H—5880 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5880

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 72, by striking line 8 and inserting in lieu thereof the word "arrest."
2. Page 72, by striking lines 9 through 22.

Roll call was requested by Branstad of Winnebago and Kreamer of Polk.

On the question "Shall amendment H—5880 be adopted?"

The ayes were, 60:

Anderson	Cusack	Jochum	Patchett
Avenson	Doyle	Jordan	Pavich
Baker	Drake	Koogler	Perkins
Bennett	Dunton	Krause	Readinger
Bina	Egenes	Lindeen	Scheelhaase
Binneboese	Gentleman	Lipsky	Schroeder
Bittle	Gilloon	Lonergan	Spradling
Bortell	Griffee	Menke	Svoboda
Brandt	Harper	Mennenga	Tauke
Brockett	Higgins	Middleton	Tofte
Brunow	Hines	Miller, A. V.	Varley
Byerly	Hinkhouse	Miller, O. L.	Walter
Caffrey	Howell	Nielsen	Wells
Cochran	Hullinger	Oakley	West
Crawford	Jesse	O'Halloran	Woods

The nays were, 27:

Branstad	Hansen	McElroy	Spencer
Clark	Harvey	Middleswart	Stromer
Crabb	Horn	Miller, K. D.	Welden
Danker	Husak	Nealson	Wulff
Dyrland	Junker	Pellett	Wyckoff
Evans	Kreamer	Poncy	Mr. Speaker (Small)
Halvorson	Lageschulte	Spear	

Absent or not voting, 13:

Connors	Fitzgerald	Hutchins	Newhard
Daggett	Hargrave	Millen	Norland
Den Herder	Hennessey	Monroe	Rinas
Dieleman			

Amendment H—5880 was adopted.

Nielsen of Polk offered the following amendment H—5881 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5881

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 72, by striking lines 27 through 30 and inserting in lieu thereof the words "to make the arrest or which he reasonably believes to be necessary".

Amendment H—5881 was adopted.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Small of Johnson in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 23, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1261, a bill for an act making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state.

STEVEN C. CROSS, Secretary

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Bina of Scott to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed:

Present, 63:

Anderson	Daggett	Junker	Pavich
Avenson	Den Herder	Koogler	Pellett
Baker	Dyrland	Kreamer	Perkins
Bennett	Fitzgerald	Lindeen	Poncy
Bina	Gentleman	Lipsky	Readinger
Bittle	Gilloon	Lonergan	Rinas
Bortell	Griffee	Menke	Schroeder
Branstad	Harvey	Middleswart	Spear
Brockett	Hennessey	Millen	Spradling
Brunow	Hinkhouse	Miller, K. D.	Stromer
Byerly	Howell	Miller, O. L.	Tauke
Caffrey	Hullinger	Nealson	Walter
Cochran	Husak	Newhard	West
Crabb	Jesse	Nielsen	Wyckoff
Crawford	Jochum	Norland	Mr. Speaker (Small)
Cusack	Jordan	Oakley	

Absent, 37:

Binneboese	Evans	Krause	Scheelhaase
Brandt	Halvorson	Lageschulte	Spencer
Clark	Hansen	McElroy	Svoboda
Connors	Hargrave	Mennenga	Tofte
Danker	Harper	Middleton	Varley
Dieleman	Higgins	Miller, A. V.	Welden
Doyle	Hines	Monroe	Wells
Drake	Horn	O'Halloran	Woods
Dunton	Hutchins	Patchett	Wulff
Egenes			

POINT OF ORDER

Oakley of Clinton rose on a point of order that those members not present not be permitted to vote on the quorum roll call under Rule 69 within the ten minute time period since the rule states "a vote on any bill may be recorded any time within the ten minutes."

The Speaker ruled the point well taken but in view of past practice allowing members to vote within the ten minute time limit on quorum calls, members would be so recorded within that time period.

BUSINESS PENDING
SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Kreamer of Polk asked and received unanimous consent to

withdraw amendment H—5864 filed by him on March 18, 1976, and found on page 1285 of the House Journal.

Kreamer of Polk offered amendment H—5848 filed by him. Division was requested as follows:

H—5848

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

H—5848A

1. Page 73, line 12 by striking the words "FROM ARRESTING OFFICER".

H—5848B

2. Page 73, line 19 by striking the second word "of".

3. Page 73, line 20 by striking the words "his authority to make it".

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5848A.

Kreamer of Polk moved the adoption of amendment H—5848B.

Amendment H—5848B was adopted.

Gentleman of Polk offered the following amendment H—5956 filed by her from the floor and moved its adoption:

H—5956

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 74, by striking lines 6 through 20.

Roll call was requested by Tauke of Dubuque and Rinas of Linn.

Rule 70 was invoked.

On the question "Shall amendment H—5956 be adopted?"

The ayes were, 49:

Avenson	Fitzgerald	Jordan	Patchett
Bina	Gentleman	Koogler	Pavich
Binneboese	Gilloon	Krause	Readinger
Bittle	Griffee	Lipsky	Rinas
Brandt	Hargrave	Lonergan	Schroeder
Byerly	Hennessey	Mennenga	Spradling
Caffrey	Higgins	Miller, O. L.	Tauke
Clark	Hines	Monroe	Varley
Cochran	Hinkhouse	Newhard	Walter
Crawford	Horn	Nielsen	Wells
Cusack	Howell	Norland	Mr. Speaker (Small)
Doyle	Jesse	O'Halloran	
Egenes	Jochum		

The nays were, 47:

Anderson	Dunton	Lageschulte	Poncy
Baker	Dyrland	Lindeen	Scheelhaase
Bennett	Evans	McElroy	Spear
Bortell	Halvorson	Menke	Spencer
Branstad	Hansen	Middleswart	Svoboda
Brockett	Harper	Millen	Tofte
Brunow	Harvey	Miller, A. V.	Welden
Crabb	Hullinger	Miller, K. D.	West
Daggett	Husak	Nealson	Woods
Danker	Hutchins	Oakley	Wulff
Den Herder	Junker	Pellett	Wyckoff
Drake	Kreamer	Perkins	

Absent or not voting, 4:

Connors	Dieleman	Middleton	Stromer

Amendment H—5956 was adopted.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

With the adoption of amendment H—5956, amendment H—5917, filed by Kreamer, et al., on March 23, 1976, and found on page 1369 of the House Journal, was out of order.

Branstad of Winnebago offered amendment H—5826 filed by him and requested division as follows:

H—5826

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

H—5826A

1. Page 74, line 8 by inserting after the second word "is" the words "in fresh pursuit of the person he is seeking to arrest, or is".

H—5826B

2. Page 74, line 28 by striking the word "weapons" and inserting in lieu thereof the words "items which are capable of causing bodily harm".

3. Page 74, line 29 by striking the words "about his person" and inserting in lieu thereof the words "within his control".

With the adoption of amendment H—5956, amendment H—5826A was out of order.

Branstad of Winnebago moved the adoption of amendment H—5826B.

Amendment H—5826B was adopted.

Spear of Lee offered the following amendment H—5036 filed by him:

H—5036

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 77, by striking lines 22 through 26.

2. By renumbering the remaining sections and internal references.

Nielsen of Polk asked and received unanimous consent to defer action on amendments H—5036 and H—5882.

Halvorson of Clayton offered the following amendment H—5836 filed by Halvorson, et al., and moved its adoption:

H—5836

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 77, by striking lines 27 through 35.

2. Page 78, by striking lines 1 through 13.

3. Page 86, by inserting after line 11 the following new section:

"Sec. ..... *NEW SECTION.* DETENTION AND SEARCH IN SHOPLIFTING.

1. Persons concealing property as set forth in chapter one (1), section one thousand four hundred six (1406) of this Act, may be detained and searched by a peace officer, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection two (2) of this section.

2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.

3. The detention or search under this section by a peace officer, merchant, or merchant's employee shall not render such peace officer, merchant, or merchant's employee liable, in a criminal or civil action, for false arrest or false imprisonment provided the peace officer, merchant, or merchant's employee had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property as set forth in chapter one (1), section one thousand four hundred six (1406) of this Act."

4. By renumbering sections.

Amendment H—5836 was adopted.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H—5882 filed by him on March 19, 1976, and found on page 1327 of the House Journal.

Nielsen of Polk offered the following amendment H—5883

filed by the subcommittee on the criminal code revision and moved its adoption:

H—5883

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 80, line 20, by striking the word "twelve" and inserting in lieu thereof the word "twenty".

2. Page 81, line 25, by striking the word "twelve" and inserting in lieu thereof the word "twenty".

Amendment H—5883 was adopted.

Kreamer of Polk offered amendment H—5918 filed by him. Division was requested as follows:

H—5918

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5918A

1. Page 83, line 5, by striking the words "or other authorized person".

H—5918B

2. Page 83, by striking lines 11 and 12.

On motion by Kreamer of Polk, amendment H—5918A was adopted.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5918B and amendment H—5933 filed by him on March 23, 1976, and found on page 1375 of the House Journal.

Kreamer of Polk offered amendment H—5919 filed by him and requested division as follows:

H—5919

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5919A

1. Page 84, line 20, by striking the words "in the case of".

2. Page 84, by striking lines 21 through 23.

H—5919B

3. Page 84, line 27, by striking the word "shall" and inserting in lieu thereof the word "may".

4. Page 84, line 29, by striking the words "Where the".

5. Page 84, by striking lines 30 through 33.

Kreamer of Polk asked and received unanimous consent to withdraw amendments H—5919A and H—5919B.

Kreamer of Polk offered the following amendment H—5920 filed by him and moved its adoption:

H—5920

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 85, line 2, by inserting after the word "been" the word "immediately".

Amendment H—5920 was adopted.

Kreamer of Polk offered the following amendment H—5904 filed by him:

H—5904

Amend Senate File 85 as amended, passed, and reprinted by the Senate, as follows:
1. Page 85, line 13, by striking the word "either" and inserting in lieu thereof the word "any".
2. Page 85, by striking lines 15 through 17 and inserting in lieu thereof the following:
"1. To remove any weapons that a person might seek to use in order to resist arrest or effect his escape.
2. To protect himself from attack.
3. To prevent the concealment or destruction of evidence."

Nielsen of Polk asked and received unanimous consent to defer action on amendment H—5904.

Kreamer of Polk offered the following amendment H—5921 filed by him and moved its adoption:

H—5921

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 86, line 8, by striking the words "Anyone who, in executing".
2. Page 86, by striking lines 9 through 11.

Amendment H—5921 lost.

(Senate File 85 pending at adjournment and placed under unfinished business.)

MOTION TO RECONSIDER

(Amendment H—5825 to Senate File 85)

I move to reconsider the vote by which amendment H—5825 failed to be adopted by the House on March 24, 1976.

KREAMER of Polk

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 129 Ways and means
Relating to a local option gross receipts tax on chain stores.

AMENDMENTS FILED

H—5957

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, as follows:

1. Page 3, lines 17 and 18, by striking the words "[two thousand five hundred] *one hundred*" and inserting in lieu thereof the words "two thousand five hundred".

2. Page 5, by striking lines 49 and 50 and inserting in lieu thereof the words "commission shall consist of the state commissioner".

3. Page 14, by inserting after line 13 the following new section of the amendment:

..... Page 37, by inserting in line 33 after the word "Iowa." the words "However, sections two (2), sixteen (16), nineteen (19), twenty (20), twenty-two (22), twenty-three (23), twenty-four (24), twenty-eight (28), twenty-nine (29) and thirty-two (32) of this Act shall take effect on July 1, 1977."

SCHROEDER of Pottawattamie

H—5958

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, as follows:

1. Page 1, by striking lines 11 through 20.

2. Page 14, by striking lines 14, 15 and 16.

MILLER of Buchanan

H—5967

Amend House File 1161 as follows:

1. Page 2, by inserting after line 16, the following new section:

"Sec. ..... Section two hundred-four point two hundred-one (204.201), Code 1975, is amended by adding the following new subsection:

5. The board shall exclude any nonnarcotic substance from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C., 301-392, as amended to December 31, 1972, and the law of this state, be lawfully sold over-the-counter without a prescription."

SCHROEDER of Pottawattamie
HARPER of Davis
HARVEY of Scott
JUNKER of Woodbury
WELLS of Linn

WALTER of Pottawattamie
EVANS of Grundy
PERKINS of Greene
BYERLY of Polk
OAKLEY of Clinton

H—5968

Amend House File 1501, page 1, by inserting after line 8 the following new lettered paragraphs:

"*NEW LETTERED PARAGRAPH.* The state comptroller shall appoint a committee of five elected county officials to provide advice on the review and approval of county computer systems. The state comptroller shall not mandate any changes or additions to county computer systems if there is a unanimous vote to the contrary by the members of the advisory committee.

NEW LETTERED PARAGRAPH. Any change or addition to a county computer system required by the state comptroller increasing computer system budgets by more than nine percent shall be paid by the state from the state contingency fund.

NEW LETTERED PARAGRAPH. All procedures for review, approval, or disapproval of a county computer system shall be made by rule, adopted in accordance with the provisions of chapter seventeen A (17A) of the Code."

HUTCHINS of Guthrie

H—5966

Amend House File 1502 as follows:

1. Page 2, line 4 by striking the words "and consolidate all" and line 5 by striking the words "forms of urban and rural".

2. Page 2, by striking all of line 7.

WELDEN of Hardin

H—5964

Amend House File 1548, title page, by striking line 4.

MONROE of Des Moines

H—5959

Amend Senate File 85 as follows:

1. Page 66A, by inserting after line 12 the following new paragraph:

"..... "Complaint" means a statement in writing, under oath or affirmation, made before a magistrate, of the commission of a public offense, and accusing someone thereof. A complaint shall be substantially in the form provided in the Iowa rules of criminal procedure."

2. Page 66A, by inserting after line 12 the following new paragraph:

"..... "Prosecution" means the commencement, including the filing of a complaint, and continuance of a criminal proceeding, and

pursuit of that proceeding to final judgment on behalf of the state or other political subdivision."

3. Page 66A, line 24 by inserting after the word "aggravated" the words "or serious".

4. Page 66A, line 27 by striking the words "or serious".

5. Page 69, by striking lines 25 through 29 and inserting in lieu thereof the word "person."

KREAMER of Polk

H—5961

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 289, by inserting after line 12 the following:

"Sec. ..... Section one hundred twenty-three point thirty-nine (123.39), Code 1975, is amended by adding the following new subsection:

7. Violation of an ordinance adopted pursuant to section three hundred thirty-two point three (332.3), subsection twenty-nine (29) of this Code."

2. Page 347, by inserting after line 30 the following:

"Sec. ..... Section three hundred thirty-two point three (332.3), Code 1975, is amended by adding the following new subsection:

29. To adopt an ordinance prohibiting a holder of a liquor license or beer permit or any owner, manager, or person who exercises direct control over any licensed premises as defined in section one hundred twenty-three point three (123.3), subsection thirty-one (31) of the Code to allow or permit any of the following to occur on such licensed premises:

a. Performances of actual or simulated sex acts.

b. The exposure of the genitals or buttocks or female breast nipple of any person who acts as a waiter, waitress, or entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

c. Any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, buttocks, pubic hair or anus.

d. The displaying of films or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

Provided that the provisions of this subsection shall not apply to a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances and any of the circumstances contained in this section were permitted or allowed as part of such performances.

Any person who violates the provisions of an ordinance adopted pursuant to this subsection shall be guilty of a serious misdemeanor."

SPEAR of Lee

H—5962

Amend Senate File 85 as follows:

1. Page 65, by inserting after line 29 the following new subsection:

"..... Such employees of the department of transportation as are designated "peace officers" by resolution of the department under section three hundred twenty-one point four hundred seventy-seven (321.477), Code 1975."

BRUNOW of Appanoose

H—5963

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 73, line 18, by striking the word "must" and inserting in lieu thereof the word "should".

2. Page 73, line 31, by inserting after the word "issued." the following: "Failure to comply with this section shall not render the arrest invalid."

KREAMER of Polk

H—5965

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 221, by striking lines 24 through 32 and inserting in lieu thereof the following:

"Sec. 401. *NEW SECTION.* BOARD OF PAROLE. The board of parole shall consist of five electors of the state. Not more than three members shall belong to the same political party. At least two members shall be practicing attorneys-at-law at the time of appointment. Each member shall serve for five years from July first of the year of appointment, except appointees to fill vacancies who shall serve for the balance of the unexpired term. The chairperson of the board shall be elected by the members of the board to a term of one year and may serve more than one term. A majority of the members of the board shall constitute a quorum to transact business."

2. Page 222, by striking lines 11 through 16 and inserting in lieu thereof the following:

"Sec. 403. *NEW SECTION.* TRANSITION. Persons serving on the board of parole on June 30, 1976 shall continue as members of the board of parole until they have served the term for which they were appointed with the conditions and salary of the initial appointment, and shall be deemed to fill a membership

position as provided by section four hundred one (401) of this Act. Initial appointment to fill the additional membership positions created by section four hundred one (401) of this Act shall serve as follows:

1. One member shall serve until June 30, 1978.

2. The other member shall serve until June 30, 1981."

3. Page 222, by striking lines 17 through 28.

4. Page 223, line 4, by striking the word "two" and inserting in lieu thereof the word "four".

5. Page 238B, by striking lines 36 and 37 and inserting in lieu thereof the following: "probable cause hearing, a magistrate appointed pursuant to section six hundred two point fifty-one (602.51) of the Code".

6. Page 238B, line 45, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

7. Page 239, line 1, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

8. Page 239, line 3, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

Page 2

9. Page 239, line 10, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

10. Page 239, line 12, by striking the words "LIAISON OFFICER" and inserting in lieu thereof the word "MAGISTRATE".

11. Page 239, line 15, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

12. Page 239, line 18, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

13. Page 239, line 23, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

14. Page 240, line 6, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

15. Page 240, line 25, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

16. Page 242, line 9, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

17. By renumbering the sections in accord with this amendment.

LIPSKY of Linn
DOYLE of Woodbury

H—5971

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 337, by striking lines 7 through 28 and inserting in lieu thereof the following:

"Sec. ..... Section three hundred twenty-one point two hundred eighty-one (321.281), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321.281 OPERATING UNDER THE INFLUENCE.

1. Whoever operates a motor vehicle upon the public highways of this state under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or having alcohol in their blood above the limits prescribed by this section shall be guilty of a public offense.

2. Any person who operates a motor vehicle upon the public highways of this state having ten or more hundredths of one per centum by weight of alcohol in the blood shall upon a plea of guilty or conviction be guilty of a simple misdemeanor and shall be imprisoned in the county jail for not less than seven days.

3. Any person who operates a motor vehicle upon the public highways of this state having fifteen or more hundredths of one per centum by weight of alcohol in the blood shall upon a plea of guilty or conviction be guilty of a serious misdemeanor.

4. Any person who operates a motor vehicle upon the public highways of this state having more than nineteen hundredths of one per centum by weight of alcohol in the blood shall upon a plea of guilty or conviction be guilty of a serious misdemeanor and, upon a third offense of this section, be guilty of an aggravated misdemeanor.

5. Any person who violates the provisions of subsection one (1) of this section and is not subject to the provisions of subsections two (2), three (3), or four (4) of this section shall upon a plea of guilty or conviction be guilty of a serious misdemeanor for the first offense, be guilty of an aggravated misdemeanor for the second violation of this section, and be guilty of a class "D" felony for the third violation of this section.

6. The court in pronouncing sentence shall provide as to the period during which a new license to operate a motor vehicle shall not be issued to the defendant. Notwithstanding the provisions of section three hundred twenty-one point two hundred twelve (321.212) of the Code, the period for violation of subsection two (2) of this section shall not be less than one hundred

twenty days, the period for violation of subsection three (3) of this section shall be one year, the

period for violation of subsection four (4) of this section shall be five years, and the periods for violation of subsection five (5) of this section shall be not less than one hundred twenty days for the first violation and shall be one year for the second violation of this section; and upon a third violation of this section the defendant shall never be issued a new license. All periods of license ineligibility shall be consecutive. The clerk of the court shall forthwith certify to the department a true copy of the judgment sentencing the defendant under this section. The department may receive an application for and shall grant a new license at the expiration of the period provided in the judgment of the court notwithstanding the provisions of sections three hundred twenty-one point one hundred seventy-seven (321.177) and three hundred twenty-one point two hundred twelve (321.212) of the Code.

7. The court shall after pronouncing sentence cause the clerk to certify a true copy of the judgment to the Iowa liquor control commission. Said commission upon receipt of such copy shall cause notice of such conviction and judgment to be sent to the manager of each liquor store in the state which notice shall be posted therein.

8. This section shall not apply to a person operating a motor vehicle while under the influence of a narcotic, hypnotic or other drug if such substances were prescribed for such person and have been taken under such prescription and in accordance with the directions of a reputable doctor of medicine, provided however there is no evidence of the consumption of alcohol and further provided said doctor of medicine has not directed such person to refrain from operating a motor vehicle.

9. In lieu of, or prior to imposition of, the punishment above described for the first and second offense, the court upon hearing may commit the defendant for treatment of alcoholism or drug addiction or dependency to any hospital or institution in Iowa providing such treatment. The court may prescribe the length of time for such treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from his addiction, dependency or tendency to chronically abuse alcohol or drugs. A person committed under this

Page 3

section shall be considered a state patient."

2. Page 340, by inserting after line 6 the following:

"Sec. ..... Section three hundred twenty-one B

point seven (321B.7), Code 1975, is amended to read as follows:

321B.7 REFUSAL TO SUBMIT. If a person under arrest refuses to submit to the chemical testing, no test shall be given, but the director, upon the receipt of a sworn report of the peace officer that he had reasonable grounds to believe the arrested person to have been operating a motor vehicle upon a public highway of this state while under the influence of an alcoholic beverage, that he had placed such person under arrest for the offense of operating a motor vehicle while under the influence of an alcoholic beverage and that the person had refused to submit to the chemical testing, shall, *notwithstanding the provisions of section three hundred twenty-one point two hundred twelve (321.212) of the Code,* revoke his license or permit to drive and any nonresident operating privilege for a period of not less than one hundred twenty days nor more than one year *if the person does not have a prior conviction of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code, for a period of one year if the person has a prior conviction of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code, and permanently if the person has two prior convictions of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code*; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit within one year from the date of the alleged violation, subject to review as hereinafter provided. The effective date of any such revocation shall be twenty days after the director has mailed notice of such revocation to such person by registered or certified mail."

3. By renumbering the sections in accordance with this amendment.

JUNKER of Woodbury

H—5972

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 78, line 33, by striking the word "Any" and inserting in lieu thereof the words "Except for citations for traffic violations, any".

2. Page 78, line 35 by inserting after the word "misdemeanor." the words "Failure to appear in response to a citation for a traffic violation shall be governed by subsection four hundred eighty-seven (487) of section three hundred twenty-one (321) of the Code."

KREAMER of Polk

H—5960

Amend Senate File 356, as passed by the Senate and reprinted, as follows:

1. Page 2, lines 8 and 9, by striking the following: ", except as provided in subsection seven (7) of this section".

2. Page 8, line 14, by striking the word "threefourths" and inserting in lieu thereof the word "three-fourths".

RINAS of Linn

H—5969

Amend Senate File 1061, as amended and passed by the Senate as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. ..... Section three hundred twenty-one point thirty-four (321.34), unnumbered paragraph five (5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended to read as follows:

Special registration plates must be surrendered upon expiration of the owner's amateur radio license, *termination of membership in the Iowa national guard,* or upon transfer of title to the automobile for which such plates have been issued; and the owner shall thereupon be entitled to his regular registration plates.

Sec. ..... Section three hundred twenty-one point thirty-four (321.34), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A member of the Iowa national guard, as defined in chapter twenty-nine A (29A) of the Code may, upon application to the county treasurer, order special registration plates of a type approved by the director after consultation with the adjutant general of the state. When received by the county treasurer, such special registration plates shall be issued to the applicant in exchange for the registration plates issued to the person. Not more than one set of special registration plates may be issued to an applicant."

2. Renumber sections and correct internal references as necessary in conformance with this amendment.

3. Amend the title, line 1 by inserting after the word "Act" the words "relating to motor vehicle registration providing for special registration plates for members of the Iowa national guard and".

MONROE of Des Moines

H—5970

Amend Senate File 1190, as amended and passed by the Senate, page 1, line 32, by inserting after the word "any" the word "*executive*".

MONROE of Des Moines

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:42 p.m. until 9:00 a.m., Thursday, March 25, 1976.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day—Forty-ninth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, MARCH 25, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Walter Dutton, pastor of the Westminster Presbyterian Church, Des Moines, Iowa.

The Journal of Wednesday, March 24, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Hawkins, Clarion, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Caffrey of Polk.

PRESENTATION OF VISITORS

Hennessey of Delaware presented to the House the Honorable Roy A. Miller, former member of the House during the Sixtieth, Sixtieth Extra, Sixty-second and Sixty-third General Assemblies representing Jones County.

Millen of Van Buren presented to the House J. Ward (Brad) Rotter, former House Page who served during the 1972 session.

The Speaker announced the following visitors were present in the House chamber:

Twenty-three students from the New Hampton High School Student Senate, New Hampton, Iowa, accompanied by Larry Fain and Wendell Hurst. By Griffee of Chickasaw.

Twenty-five students from Nevada High School, Nevada, Iowa, accompanied by Bill Miller. By Hines of Story.

Forty third-grade students from Johnston School, Johnston, Iowa, accompanied by Reva Herold and Marilyn John. By Readinger of Polk.

Ninety 4-H students from Jones County, accompanied by Varlyn Fink. By Newhard of Jones and Hennessey of Delaware.

Fourteen Teen-Angels for the Elderly from the Bedford area, accompanied by Nancy Gray. By Daggett of Adams.

PETITION FILED

The following petition was received and placed on file:

By Cochran of Webster from thirty-two constituents of the Hormel Retirees Club of Local P-31 in Fort Dodge, favoring legislation providing funds for public transportation services in Iowa.

INTRODUCTION OF BILL

House File 1550, by committee on commerce, a bill for an act relating to public utility rates.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 356, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts.

Read first time and **passed on file.**

Senate File 1207, a bill for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and providing penalties for violations.

Read first time and **passed on file.**

Senate File 1248, a bill for an act to permit control of the operation of snowmobiles upon highways which are part of a state park road system or a county conservation parkway system.

Read first time and **passed on file.**

Senate File 1249, a bill for an act relating to vehicles used by sheriffs and deputies.

Read first time and **passed on file.**

Senate File 1250. a bill for an act establishing the method for setting salaries of certain appointed, nonelected state officials and

setting a salary range for certain appointed, nonelected state officials and designated appointed, nonelected employees of the state and providing for the governor to set salaries within such ranges and expanding the use of funds appropriated by the general assembly.

Read first time and referred to committee on **appropriations.**

Senate File 1254, a bill for an act relating to the filing requirements for information returns for tax purposes.

Read first time and referred to committee on **ways and means.**

HOUSE CONCURRENT RESOLUTION 120
By McElroy and Byerly

Be It Resolved by the House, the Senate Concurring, That a joint convention of the two houses of the Sixty-sixth General Assembly be held in the House chamber on Tuesday, April 6, 1976, at 2:00 p.m., and

Be It Further Resolved, That Mr. John Warner, the Administrator of the American Revolution Bicentennial Administration, be invited to deliver an address in observance of the Iowa Bicentennial Festival, and

Be It Further Resolved, That Governor Robert D. Ray, the Supreme Court, the Bicentennial Commission, the Marine Color Guard, the Wagon Train Personnel, the Bicentennial Singers, and Reverend Arnpriester also be invited.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 121
By Monroe and Spear

Whereas, the chamber of commerce of the city of Burlington, Iowa has been actively engaged in efforts to improve housing for residents of the city of Burlington; and

Whereas, pursuant to such efforts the city of Burlington, Iowa has applied for Housing and Urban Development 202 funds; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the chamber of commerce of the city of Burlington, Iowa is congratulated for its efforts on behalf of the citizens of the city and the general assembly urges the approval of the application of the city of Burlington, Iowa for 202 funds by the United States Department of housing and urban development.

Laid over under Rule 25.

COMMUNICATION FROM THE SECRETARY OF STATE

March 24, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1090 was published in the Cherokee Daily Times, Cherokee, Iowa, on March 16, 1976, and in The Winterset Madisonian, Winterset, Iowa, on March 17, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

MOTION TO RECONSIDER WITHDRAWN
(House File 1287)

Crawford of Story asked and received unanimous consent to withdraw his motion to reconsider **House File 1287** filed by him on March 17, 1976, and found on page 1239 of the House Journal.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Brunow of Appanoose offered the following amendment H—5962 filed by him and moved its adoption:

H—5962

Amend Senate File 85 as follows:
1. Page 65, by inserting after line 29 the following new subsection:
"..... Such employees of the department of transportation as are designated "peace officers" by resolution of the department under section three hundred twenty-one point four hundred seventy-seven (321.477), Code 1975."

Amendment H—5962 was adopted.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5847 filed by him on March 17, 1976, and found on page 1246 of the House Journal.

Kreamer of Polk offered the following amendment H—5959 filed by him and moved its adoption:

H—5959

Amend Senate File 85 as follows:

1. Page 66A, by inserting after line 12 the following new paragraph:

"..... "Complaint" means a statement in writing, under oath or affirmation, made before a magistrate, of the commission of a public offense, and accusing someone thereof. A complaint shall be substantially in the form provided in the Iowa rules of criminal procedure."

2. Page 66A, by inserting after line 12 the following new paragraph:

"..... "Prosecution" means the commencement, including the filing of a complaint, and continuance of a criminal proceeding, and pursuit of that proceeding to final judgment on behalf of the state or other political subdivision."

3. Page 66A, line 24 by inserting after the word "aggravated" the words "or serious".

4. Page 66A, line 27 by striking the words "or serious".

5. Page 69, by striking lines 25 through 29 and inserting in lieu thereof the word "person."

Amendment H—5959 was adopted.

Kreamer of Polk offered the following amendment H—5963 filed by him and moved its adoption:

H—5963

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 73, line 18, by striking the word "must" and inserting in lieu thereof the word "should".

2. Page 73, line 31, by inserting after the word "issued." the following: "Failure to comply with this section shall not render the arrest invalid."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 34, nays 45.

Amendment H—5963 lost.

The House resumed consideration of amendment H—5036 filed by Spear of Lee as follows:

H—5036

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 77, by striking lines 22 through 26.

2. By renumbering the remaining sections and internal references.

Spear of Lee moved the adoption of amendment H—5036.

A non-record roll call was requested.

The ayes were 26, nays 45.

Amendment H—5036 lost.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5972 filed by him on March 24, 1976, and found on page 1401 of the House Journal.

Branstad of Winnebago offered the following amendment H—5973 filed by him and moved its adoption:

H—5973

Amend Senate File 85 as amended, passed, and reprinted by the Senate, as follows:

1. Page 81, by striking lines 13 and 14 and inserting in lieu thereof the words "herein, the court shall issue a warrant for the arrest of the president of the corporation, as provided for the arrest of persons under this chapter."

2. Page 82, lines 3 and 4, by striking the words "judgment will be pronounced against you" and inserting in lieu thereof the words "an arrest warrant will issue against the president of A. B. Company".

Amendment H—5973 lost.

Branstad of Winnebago offered amendment H—5974 filed by him and requested division as follows:

H—5974

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5974A

1. Page 83, line 33, by inserting after the word "searched" the words "and the property to be seized".

2. Page 83, line 35, by striking the words "The application".

3. Page 84, line 1, by striking the words "shall describe the property to be seized."

H—5974B

4. Page 84, line 8, by striking the words "The magistrate may in".

5. Page 84, by striking lines 9 through 11.

Branstad of Winnebago moved the adoption of amendment H—5974A.

Roll call was requested by Kreamer of Polk and Nealson of Muscatine.

Rule 69 was invoked.

On the question "Shall amendment H—5974A be adopted?"

The ayes were, 51:

Bennett	Evans	McElroy	Schroeder
Bittle	Gentleman	Menke	Small
Bortell	Halvorson	Middleswart	Spear
Brandt	Hansen	Millen	Spencer
Branstad	Harper	Miller, K. D.	Stromer
Brockett	Harvey	Miller, O. L.	Tofte
Clark	Higgins	Nealson	Varley
Crabb	Husak	Oakley	Welden
Crawford	Hutchins	O'Halloran	West
Daggett	Krause	Pellett	Woods
Drake	Kreamer	Perkins	Wulff
Dyrland	Lageschulte	Readinger	Wyckoff
Egenes	Lindeen	Rinas	

The nays were, 40:

Anderson	Dunton	Jochum	Newhard
Avenson	Fitzgerald	Jordan	Nielsen
Baker	Gilloon	Junker	Patchett
Bina	Hargrave	Koogler	Pavich
Binneboese	Hennessey	Lipsky	Poncy
Byerly	Hinkhouse	Lonergan	Scheelhaase
Caffrey	Horn	Mennenga	Spradling
Cusack	Howell	Middleton	Walter
Dieleman	Hullinger	Miller, A. V.	Wells
Doyle	Jesse	Monroe	Mr. Speaker

Absent or not voting, 9:

Brunow	Den Herder	Hines	Svoboda
Connors	Griffee	Norland	Tauke
Danker			

Amendment H—5974A was adopted.

Branstad of Winnebago moved the adoption of amendment H—5974B.

Amendment H—5974B lost.

The House resumed consideration of amendment H—5904.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5904 filed by him on March 19, 1976, and found on page 1329 of the House Journal.

Oakley of Clinton offered the following amendment H—5979 filed by him from the floor and moved its adoption:

H—5979

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 85, line 13, by striking the word "either" and inserting in lieu thereof the word "any".

2. Page 85, by inserting after line 17, the following:

"3. To remove any item which is capable of causing bodily harm that the person may use to resist arrest or effect his escape."

Amendment H—5979 was adopted.

Nielsen of Polk offered the following amendment H—5467 filed by the subcommittee on the criminal code revision:

H—5467

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 86, by striking lines 12 through 35.

2. Page 87, by striking lines 1 through 17.

3. By renumbering the remaining divisions, sections and internal references to accord with this amendment.

Nielsen of Polk offered the following amendment H—5884 to amendment H—5467, filed by the subcommittee on the criminal code revision and moved its adoption:

H—5884

Amend the subcommittee amendment, H—5467, to page 86, of Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 2 the following:

"1. Page 83, by striking lines 11 and 12.

2. Page 83, by striking line 24.

3. Page 84, line 20, by striking the words "in the case of".

4. Page 84, by striking lines 21 through 23."

2. By renumbering the amendment accordingly.

Amendment H—5884 was adopted.

Nielsen of Polk moved the adoption of amendment H—5467, as amended.

Amendment H—5467, as amended, was adopted.

Nielsen of Polk offered amendment H—5885 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5885

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

H—5885A

1. Page 87, line 21, by inserting after the word "includes" the words ", but is not limited to,".

H—5885B

2. Page 87, by striking lines 26 through 35.
3. By striking pages 88 through 89.
4. Page 90, by striking lines 1 through 18.

Nielsen of Polk moved the adoption of amendment H—5885A.

Amendment H—5885A was adopted.

Nielsen of Polk moved the adoption of amendment H—5885B.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 64, nays 23.

Amendment H—5885B was adopted.

With the adoption of amendment H—5885B, the following amendments are out of order:

H—5897 filed by Kreamer of Polk and Bennett of Ida on March 19, 1976, and found on page 1329 of the House Journal.

H—5922 filed by Branstad of Winnebago on March 23, 1976, and found on page 1370 of the House Journal.

Branstad of Winnebago offered the following amendment H—5923 filed by him and moved its adoption:

H—5923

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 95, line 13, by inserting after the word "undertaking," the words "exclusive of property exempt from execution,".

Amendment H—5923 lost.

Nielsen of Polk offered the following amendment H—5924 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5924

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 98, by striking lines 32 through page 102, line 3.

2. Page 102, by striking lines 15 through 25 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* HEARING. The following procedures shall apply to detention hearings held pursuant to this subdivision:

1. The prosecuting attorney may initiate a detention hearing by ex parte written motion. Upon such motion, the district court may issue a warrant for the arrest of the person, if the person is not in custody.

2. The detention hearing shall be held immediately upon the person being brought before the district court for such hearing unless the person or the prosecuting attorney moves for a continuance. A continuance granted on motion of the person shall not exceed three calendar days. A continuance on motion of the prosecuting attorney shall be granted only upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

3. The person shall be entitled to representation by counsel, including appointed counsel for indigent persons, and shall be entitled to the right of cross-examination and to present information, to testify, and to present witnesses in his own behalf.

4. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the formal rules of evidence.

5. Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, subject only to the following exceptions: Such testimony shall be admissible in proceedings under sections one thousand one hundred two (1102), subsection seven (7) and one thousand one hundred nine (1109) of this chapter, and in perjury proceedings.

6. Unless the defendant otherwise requests in writing, the district court shall conduct the hearing as a private hearing, and any order entered shall remain confidential as to the public generally until the conclusion of the trial.

7. Appeals from orders of detention may be taken in the manner provided under section one thousand one hundred two (1102), subsection six (6) of this chapter.

8. If the trial court issues an order of detention,

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it shall be accompanied by a written finding of fact and the reasons for the detention order.

9. For the purposes of such proceedings, the trial court is not divested of jurisdiction by the filing of a notice of appeal."

3. By renumbering the remaining subdivisions, sections and internal references to accord with this amendment.

Amendment H—5924 was adopted.

With the adoption of amendment H—5924, the following amendment was out of order:

H—5925 filed by Kreamer of Polk on March 23, 1976, and found on page 1371 of House Journal.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Small of Johnson in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed fifty-six members present, forty-four absent.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Kreamer of Polk offered the following amendment H—5934 filed by him and moved its adoption:

H—5934

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 102, by striking lines 31 through 33 and inserting in lieu thereof the following: "prevents him from appreciating the charge against him, under-

standing the proceedings, or assisting effectively in his defense, further proceedings must be suspended and a hearing had upon that question."

Amendment H—5934 was adopted.

Oakley of Clinton offered the following amendment H—5951 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5951

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 104, line 30, by striking the word "and".

2. Page 104, line 31, by inserting after the word "release" the words "and shall provide the defendant with a copy of the complaint".

Amendment H—5951 was adopted.

Oakley of Clinton offered the following amendment H—5950 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5950

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 105, line 19, by inserting after the first word "hearing" the words "and inform the defendant of the date of the preliminary hearing".

Amendment H—5950 was adopted.

Oakley of Clinton offered the following amendment H—5501 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5501

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 105, line 23, by inserting after the word "custody." the following: "With the consent of the defendant and upon a showing of good cause, the time limits specified may be extended by the magistrate. In the absence of such consent, the time limits may be extended only upon a showing that extraordinary circumstances exist and that delay is indispensable to the interest of justice."

2. Page 105, by striking lines 24 through 26.

Roll call was requested by Branstad of Winnebago and Stromer of Hancock.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5501 be adopted?"

The ayes were, 45:

Avenson	Dunton	Jordan	Patchett
Baker	Fitzgerald	Koogler	Pavich
Bina	Gentleman	Lipsky	Poncy
Binneboese	Griffee	Mennenga	Rinas
Brandt	Hargrave	Miller, A. V.	Scheelhaase
Byerly	Hennessey	Miller, K. D.	Spear
Caffrey	Higgins	Newhard	Spradling
Cochran	Hines	Nielsen	Walter
Crawford	Hinkhouse	Norland	Wells
Cusack	Howell	Oakley	Mr. Speaker
Doyle	Hullinger	O'Halloran	(Small)
Drake	Jesse		

The nays were, 48:

Anderson	Dyrland	Krause	Readinger
Bennett	Egenes	Kreamer	Schroeder
Bittle	Evans	Lindeen	Spencer
Bortell	Gilloon	Lonergan	Stromer
Branstad	Halvorson	McElroy	Svoboda
Brockett	Hansen	Menke	Tauke
Brunow	Harper	Middleswart	Tofte
Clark	Harvey	Millen	Varley
Crabb	Husak	Miller, O. L.	Welden
Daggett	Hutchins	Nealson	West
Danker	Jochum	Pellett	Wulff
Dieleman	Junker	Perkins	Wyckoff

Absent or not voting, 7:

Connors	Horn	Middleton	Woods
Den Herder	Lageschulte	Monroe	

Amendment H—5501 lost.

Oakley of Clinton offered the following amendment H—5468 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5468

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 106, line 14, by inserting after the comma the words "a peace officer selected by the attorney representing the state,".

Amendment H—5468 was adopted.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5589 filed by him on **March 5, 1976,** and found on page 991 of the House Journal.

Oakley of Clinton offered the following amendment H—5469 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5469

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 112A, by striking lines 30 through 35 and inserting in lieu thereof the following:

"The grand jury shall meet at times specified by order of a district judge. In addition to those times, the grand jury shall meet at the request of the county attorney or upon the request of a majority of the grand jurors."

Amendment H—5469 was adopted.

Kreamer of Polk offered the following amendment H—5980 filed by him from the floor and moved its adoption:

H—5980

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 113, by inserting after line 2, the following:

"Rule ..... STATE GRAND JURY.

1. A state grand jury is created. Whenever the attorney general deems it to be in the public interest to convene a state grand jury he shall petition the chief justice of the supreme court to impanel a state grand jury. The chief justice shall, upon finding that it would be in the public interest, issue an order to the clerk of the supreme court to summon a state grand jury panel.

2. The clerk of the supreme court, upon receipt of the order of the chief justice, shall prepare a list of not less than fifty prospective grand jurors drawn by lot from the current grand jury lists of the several counties.

3. The sheriffs of the counties in which prospective members of the grand jury reside shall, upon the request of the clerk of the supreme court, cause the prospective grand jurors to be summoned for service.

4. The chief justice of the supreme court shall impanel a state grand jury of seven members from the panel selected as provided in section two (2) of this amendment in the same manner as a county grand jury, and the members shall have the same qualifications as the members of a county grand jury, except that challenges shall be made only by the attorney general.

5. The state grand jury shall have the power to return indictments, make presentments or issue reports following their investigation into the matter or matters for which they have been convened, the indictments, presentments or reports shall be returned to the supreme court and the supreme court shall make public the indictment after it has been filed and the defendant or defendants apprehended

and arrested and may make public any presentment or report of the state grand jury.

6. The state grand jury shall have the same powers and authority as a county grand jury, except its jurisdiction and process shall extend throughout the state.

7. The procedures and duties of the state grand jury shall be the same as a county grand jury except:

a. The chief justice of the supreme court or an associate justice of the supreme court or a judge of the district court designated by the chief justice shall entertain all questions and applications of the

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state grand jury and shall have jurisdiction over all matters pertaining to the state grand jury.

b. Presentation of evidence shall be by the attorney general.

c. Subpoenas and other process shall be issued by the clerk of the supreme court at the request of the attorney general or the state grand jury.

d. Fees for the members of the state grand jury shall be the same as for members of county grand juries and their expenses and the expenses of witnesses shall be the same as for state employees.

e. An indictment cannot be found without the concurrence of five grand jurors. Every indictment must be endorsed "a true bill" and the endorsement signed by the foreman of the grand jury.

f. Any indictment, presentment, or report by the state grand jury shall be returned to the supreme court.

g. Indictments may be returned by the state grand jury in multiple counts against multiple defendants and may on motion of the attorney general be consolidated for trial with indictments returned by county grand juries when the charges arise from the same transaction or series of transactions and there are common questions of fact and law as to all.

h. The attorney general shall prosecute any indictment returned by the state grand jury or designate a prosecutor.

i. Any indictment by the state grand jury shall be returned without designation of venue, and the chief justice or an associate justice or a district court judge designated by the chief justice shall fix the county of venue for trial notwithstanding any provisions of this amendment to the contrary.

j. Venue shall be in the county where a substantial number of the acts constituting the crime or crimes charged in the indictment were committed, and the trial court shall have jurisdiction to try

the entire indictment.

k. A state grand jury shall be empowered to act for a period of one year unless discharged or extended by the chief justice upon motion of the attorney general.

l. Section six hundred twenty-two point sixty-eight (622.68) of the Code shall not apply to the state grand jury.

m. The special duties of the grand jury enumerated

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in chapter two (2), section one thousand three hundred one (1301), rule three (3), subsection j, of this Act shall not apply to the state grand jury.

n. Notwithstanding the provisions of chapter two (2), section one thousand three hundred one (1301), rule three (3), subsection d, of this Act, the county attorney may not appear before the grand jury on his own request for the purpose of giving information or for the purpose of examining witnesses.

o. All expenses of the state grand jury shall be payable out of the general fund of the state from funds not otherwise appropriated.

There is hereby appropriated from the general fund of the state, from funds not otherwise appropriated, such funds as are sufficient to pay the expenses of any state grand jury."

2. By renumbering rules in the section.

Roll call was requested by Kreamer of Polk and Wulff of Black Hawk.

Rule 69 was invoked.

On the question "Shall amendment H—5980 be adopted?"

The ayes were, 27:

Bennett	Drake	McElroy	Tofte
Bittle	Egenes	Mennenga	Welden
Bortell	Evans	Millen	West
Branstad	Halvorson	Nealson	Woods
Crabb	Harvey	Pellett	Wulff
Daggett	Kreamer	Schroeder	Wyckoff
Danker	Lindeen	Stromer	

The nays were, 66:

Anderson	Cusack	Hennessey	Krause
Avenson	Dieleman	Higgins	Lipsky
Baker	Doyle	Hinkhouse	Lonergan
Bina	Dunton	Howell	Menke
Binneboese	Dyrland	Hullinger	Middleton
Brandt	Fitzgerald	Husak	Miller, A. V.
Brunow	Gentleman	Hutchins	Miller, K. D.
Byerly	Gilloon	Jesse	Miller, O. L.
Caffrey	Griffee	Jochum	Monroe
Clark	Hansen	Jordan	Newhard
Cochran	Hargrave	Junker	Nielsen
Crawford	Harper	Koogler	Norland

Oakley	Poncy	Spencer	Walter
O'Halloran	Readinger	Spradling	Wells
Patchett	Rinas	Svoboda	Mr. Speaker
Pavich	Scheelhaase	Tauke	(Small)
Perkins	Spear	Varley	

Absent or not voting, 7:

Brockett	Den Herder	Horn	Middleswart
Connors	Hines	Lageschulte	

Amendment H—5980 lost.

Oakley of Clinton offered the following amendment H—5502 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5502

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 115, lines 9 and 10, by striking the words "or bill of particulars".

Amendment H—5502 was adopted.

Oakley of Clinton offered amendment H—5470 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5470

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

H—5470A

1. Page 116, line 9, by inserting after the word "names" the words ", occupations, and last known addresses".

H—5470B

2. Page 116, lines 11 and 12, by striking the words "minute of the evidence" and inserting in lieu thereof the words "full and fair statement of what the testimony of the witnesses endorsed thereon is expected to be".

On motion by Oakley of Clinton, amendment H—5470A was adopted.

Kreamer of Polk offered the following amendment H—5989 filed by him from the floor and moved its adoption:

H—5989

Amend Senate File 85 as follows:

1. Page 116, line 11 by striking the words "a minute of".

2. Page 116, by striking lines 12 through 14 and inserting in lieu thereof ", of each witness whose

name is endorsed upon the information, a statement sufficient to enable the defendant to prepare his defense."

Roll call was requested by Kreamer of Polk and Branstad of Winnebago.

Rule 69 was invoked.

On the question "Shall amendment H—5989 be adopted?"

The ayes were, 57:

Anderson	Drake	Junker	Pavich
Baker	Dunton	Kreamer	Pellett
Bennett	Dyrland	Lindeen	Perkins
Bittle	Evans	Lonergan	Readinger
Bortell	Gilloon	McElroy	Spear
Branstad	Griffee	Menke	Spencer
Brockett	Halvorson	Mennenga	Tauke
Brunow	Hansen	Middleswart	Tofte
Caffrey	Harper	Millen	Varley
Crabb	Harvey	Miller, K. D.	Welden
Crawford	Hullinger	Miller, O. L.	West
Daggett	Husak	Nealson	Woods
Danker	Hutchins	Newhard	Wulff
Den Herder	Jordan	Patchett	Wyckoff
Dieleman			

The nays were, 34:

Bina	Gentleman	Jochum	Rinas
Binneboese	Hargrave	Koogler	Scheelhaase
Brandt	Hennessey	Krause	Spradling
Byerly	Higgins	Lipsky	Svoboda
Clark	Hines	Miller, A. V.	Walter
Cusack	Hinkhouse	Nielsen	Wells
Doyle	Horn	Oakley	Mr. Speaker (Small)
Egenes	Howell	O'Halloran	
Fitzgerald	Jesse	Poncy	

Absent or not voting, 9:

Avenson	Lageschulte	Monroe	Schroeder
Cochran	Middleton	Norland	Stromer
Connors			

Amendment H—5989 was adopted.

With the adoption of amendment H—5989, amendment H—5470B was out of order.

Oakley of Clinton offered amendment H—5471 filed by the subcommittee on the criminal code revision:

H—5471

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 116, by striking lines 15 and 16.

2. Page 116, line 17, by striking the words "jurisdiction of the offense" and inserting in lieu thereof the following:

"4. APPROVAL BY JUDGE. Prior to the filing of the information, a district judge having jurisdiction of the offense must approve the information by a finding that the evidence contained in the information and the minutes of testimony, if unexplained, would warrant a conviction by the trial jury."

Branstad of Winnebago offered the following amendment H—5988, to amendment H—5471, filed by him from the floor and moved its adoption:

H—5988

Amend amendment H—5471 to page 116 of Senate File 85 as follows:

1. Page 1, line 8, by inserting after the word "judge" the words "or district associate judge".

Amendment H—5988 was adopted.

Oakley of Clinton moved the adoption of amendment H—5471, as amended.

Amendment H—5471, as amended, was adopted.

With the adoption of amendment H—5471, amendment H—5943, filed by Branstad of Winnebago on March 23, 1976, and found on page 1376 of the House Journal, was out of order.

Oakley of Clinton offered the following amendment H—5503 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5503

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 116, line 32, by inserting after the word "subpoenas" the words "including subpoena duces tecum,".

Amendment H—5503 was adopted.

Oakley of Clinton offered amendment H—5504 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5504

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

H—5504A

1. Page 117, by striking line 4, and inserting in lieu thereof the words "event disclosure shall be made."

H—5504B

2. Page 117, line 9, by inserting after the word

"witnesses" the words "and any penalties for violations thereof".

Oakley of Clinton moved the adoption of amendment H—5504A.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 57, nays 21.

Amendment H—5504A was adopted.

Oakley of Clinton moved the adoption of amendment H—5504B.

Amendment H—5504B was adopted.

Oakley of Clinton offered the following amendment H—5505 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5505

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 117, line 26, by striking the words "An included crime".

2. Page 117, by striking lines 27 through page 118A, line 9.

Amendment H—5505 was adopted.

Kreamer of Polk offered the following amendment H—5646 filed by him and moved its adoption:

H—5646

Amend Senate File 85, as amended and passed by the Senate and reprinted, page 118A, by striking lines 25 through 31 and inserting in lieu thereof the following:

"b. DEFENDANTS JOINTLY CHARGED—JOINT OR SEPARATE TRIALS—DISCRETION. When two or more defendants are jointly charged with any felony, they must be tried jointly, unless the court orders separate trials. In ordering separate trials, the court in its discretion may order a separate trial as to one or more defendants and a joint trial as to the others, or may order any number of defendants to be tried at one trial and any number of the others at different trials, or may order a separate trial for each defendant; however, if two or more persons can be jointly tried, the fact that separate indictments or informations were filed shall not prevent their joint trial."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 30, nays 49.

Amendment H—5646 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie for the remainder of the day on request of Pavich of Pottawattamie.

Branstad of Winnebago offered the following amendment H—5857 filed by him and moved its adoption:

H—5857

Amend Senate File 85 as follows:
1. Page 118A, line 29 by inserting after the word "prejudice" the following: "that will prevent a fair trial".

Roll call was requested by Branstad of Winnebago and Nealson of Muscatine.

Rule 69 was invoked.

On the question "Shall amendment H—5857 be adopted?"

The ayes were, 25:

Bennett	Dyrland	Lindeen	Pellett
Bortell	Halvorson	Menke	Perkins
Branstad	Harvey	Mennenga	Spencer
Crabb	Junker	Middleswart	Welden
Daggett	Krause	Miller, O. L.	Wulff
Danker	Kreamer	Nealson	Wyckoff
Den Herder			

The nays were, 57:

Anderson	Doyle	Husak	Patchett
Avenson	Drake	Hutchins	Pavich
Baker	Dunton	Jesse	Poncy
Bina	Egenes	Jochum	Readinger
Binneboese	Evans	Jordan	Scheelhaase
Bittle	Fitzgerald	Koogler	Schroeder
Brandt	Gentleman	Lipsky	Spear
Brockett	Gilloon	Lonergan	Spradling
Brunow	Hargrave	Middleton	Svoboda
Byerly	Harper	Miller, A. V.	Tauke
Caffrey	Hennessey	Miller, K. D.	Varley
Clark	Higgins	Newhard	Wells
Crawford	Hines	Oakley	Mr. Speaker
Cusack	Horn	O'Halloran	(Small)
Dieleman	Howell		

Absent or not voting, 18:

Cochran	Hullinger	Nielsen	Tofte
Connors	Lageschulte	Norland	Walter
Griffee	McElroy	Rinas	West
Hansen	Millen	Stromer	Woods
Hinkhouse	Monroe		

Amendment H—5857 lost.

Oakley of Clinton offered the following amendment H—5886 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5886

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 122, line 5, by striking the words "not the result of coercion or threats," and inserting in lieu thereof the word "voluntary".

Amendment H—5886 was adopted.

Oakley of Clinton offered the following amendment H—5506 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5506

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 124, line 11, by inserting after the word "particulars" the words "or a change of venue".

2. Page 124, line 14, by inserting after the word "for" the word "good".

Amendment H—5506 was adopted.

Oakley of Clinton asked and received unanimous consent to withdraw amendment H—5887 (to page 125) filed by the subcommittee on the criminal code revision on March 19, 1976, and found on page 1328 of the House Journal.

Oakley of Clinton offered the following amendment H—5888 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5888

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 126, line 11, by striking the words "Such period shall be subject".

2. Page 126, by striking lines 12 and 13 and inserting in lieu thereof the following: "The new information or indictment must be filed within thirty days of the dismissal of the original indictment or

information and the defendant must be brought to trial within the time limits specified in Rule 27, rules of criminal procedure."

Amendment H—5888 was adopted.

Oakley of Clinton offered amendment H—5508 filed by the subcommittee on the criminal code revision:

H—5508

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 126, line 26, by inserting after the word "had" the words "owing to the prejudice of the judge, or to excitement or prejudice against the defendant in such county. The petition shall be verified on information and belief by the affidavit of the petitioners".

By unanimous consent, the following corrective amendment H—6005, to amendment H—5508, filed by Junker of Woodbury from the floor was adopted:

H—6005

Amend amendment H—5508 to page 126 of Senate File 85 as follows:

1. Page 1, line 4, by striking the words "owing to" and inserting in lieu thereof the following: "by reason of".

Oakley of Clinton moved the adoption of amendment H—5508, as amended.

Amendment H—5508, as amended, was adopted.

Kreamer of Polk offered the following amendment H—5975 filed by him from the floor and moved its adoption:

H—5975

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 126, by inserting after line 29 the following new paragraph:

"..... ADDITIONAL VERIFICATION. When the ground alleged in the motion filed by the defendant is excitement or prejudice against him in the county, it must be verified by the affidavit of three disinterested persons who are residents of the county from which the change is sought in addition to the affidavit of the petitioner himself."

2. By renumbering paragraphs within the subsection.

Amendment H—5975 lost.

(Senate File 85 pending at adjournment and placed under unfinished business.)

RECEIVED TO COMMITTEE ON WAYS AND MEANS
(House File 1547)

Norland of Worth asked and received unanimous consent that **House File 1547**, presently on the ways and means calendar, be rereferred to the committee on ways and means.

MOTION TO RECONSIDER
(Amendment H—5956 to Senate File 85)

I move to reconsider the vote by which H—5956 to Senate File 85 was adopted by the House on March 24, 1976.

SCHROEDER of Pottawattamie

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House Files 689, 1457, 1440, 1047, 1370, 1458, 1459, 1359, 1464, 1366, 1461, and Senate File 1242. Had I been present, I would have voted "aye" on each of these bills. Had I been present, I would have voted "aye" on amendments H—5825 and H—5880, and "nay" on amendment H—5956 to Senate File 85.

DIELEMAN of Marion

AMENDMENTS FILED

H—5987

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, as follows:

1. Page 2, by striking lines 45 through 50, and page 3, by striking lines 1 through 7.

2. Page 3, by striking line 10 and inserting in lieu thereof the following:

"47.5 PURCHASING BY COMPETITIVE BIDDING.

1. The com-".

3. Page 3, lines 11 and 12, by striking the words ", *other than data processing services,*".

4. Page 3, lines 17 and 18, by striking the words "[two thousand five hundred] *one hundred*" and inserting in lieu thereof the words "two thousand five hundred".

5. Page 3, by striking line 19 and inserting in lieu thereof the words "shall be required for legal services. [The]

2. When it is proposed to purchase any goods or services, other than data processing services, in connection with administration of elections, the commis-".

6. Page 3, line 29, by striking the words "the

date the bid is let" and inserting in lieu thereof the words "[the] *such final* date [the bid is let]".

7. Page 3, by striking lines 42 through 49 and inserting in lieu thereof the following:

"A county shall not enter into an intergovernmental agreement with any other political subdivision of the state for acquisition of goods or performance of services until an audit has been conducted by the auditor of state or an independent certified public accountant not in the regular employ of the counties executing an agreement which sets forth the costs of each county for providing goods and services."

8. Page 3, by striking line 50, and page 4, by striking lines 1 through 34, and inserting in lieu thereof the following:

"3. The procedure for purchasing data processing services in connection with administration of elections shall be the same as prescribed in subsection two (2) of this section, except that the required copy of the bid specifications shall be filed with the registrar rather than the state commissioner. The specifications shall conform to the rules of the voter registration commission relative to the form and manner of keeping voter registration records. The registrar shall, not later than the final date for submission of bids, inform the commissioner in writing whether the state comptroller's data processing facilities are currently capable of furnishing the

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services the county proposes to purchase, and if so the cost to the county of so obtaining the services as determined in accordance with the standard charges therefor adopted by the voter registration commission. The commissioner, with approval of the board of supervisors, may reject all bids and enter into an arrangement with the registrar for the services to be furnished by the state. Each contract for the furnishing of data processing services necessary in connection with the administration of elections by any person other than the registrar or an employee of the county shall be executed with the contractor by the board of supervisors of the county purchasing the services. Each county exercising the option to purchase such data processing services from a provider other than the registrar or an employee of the county shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by rules promulgated by the voter registration commission."

9. Page 4, line 35, by striking the word "Any" and inserting in lieu thereof the figure and word "4. Any".

10. Page 4, line 45, by inserting after the word "*Act.*" the words "*A new contract with the same provider*

may be entered into in accordance with subsection three (3) of this section."

11. Page 5, line 4, by striking the word "supervise" and inserting in lieu thereof the word "regulate".

12. Page 5, by striking lines 18 through 26 and inserting in lieu thereof the following:

"2. The registrar shall offer to each county in the state the opportunity to arrange for performance of all functions referred to in subsection one (1) of this section by the data processing facilities of the state comptroller's office, commencing at the earliest practicable time."

13. Page 5, by striking lines 30 through 33 and inserting in lieu thereof the words "functions, if the system design and the form".

14. Page 5, lines 35 and 36, by striking the words "adopted by the registrar" and inserting in lieu thereof the words "promulgated by the voter registration commission".

15. Page 6, by striking line 7 and inserting in lieu thereof the following:

"2. The voter registration commission shall prescribe the forms required for voter registration by rules promulgated pursuant to chapter seventeen

Page 3

A (17A) of the Code.

3. The registrar shall provide staff services".

16. Page 6, line 9, by inserting after the word "to" the words "the activities of the registrar's office in connection with the".

17. Page 6, by striking lines 17 through 22 and inserting in lieu thereof the following:

"4. The commission shall annually adopt a set of standard charges to be made for the services the registrar is required to offer to the several counties, and for furnishing of voter registration records which are requested by persons other than the registrar, the state commissioner of any commissioner pursuant to section forty-eight point five (48.5), subsection two (2) of the Code. These charges shall be sufficient to reimburse the state for the actual cost of furnishing such services or information, and shall be specified by unit wherever".

18. Page 7, line 11, by striking the word "*registrar*" and inserting in lieu thereof the words "*voter registration commission*".

19. Page 8, line 17, by striking the words "[the same] *a*" and inserting in lieu thereof the words "the same".

20. Page 8, line 18, by striking the words "[, which shall be]" and inserting in lieu thereof the words ", which shall be".

SCHROEDER of Pottawattamie

H—5986

Amend House File 1374 as follows:

1. Page 4, by inserting after line 1 the following new section:

"Sec. ..... Section one hundred twenty-five point twenty-two (125.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

125.22 COMPOSITION OF FACILITIES' BOARDS—TREATMENT PLANS FURNISHED.

1. In addition to other requirements established by this chapter, no facility shall be approved pursuant to section one hundred twenty-five point thirteen (125.13) of the Code unless it is either a licensed hospital or a community mental health center operating under chapter two hundred thirty A (230A) of the Code, or it is organized under the Iowa nonprofit corporation Act appearing as chapter five hundred four A (504A) of the Code. In the latter case, at least fifty percent of the membership of the board of directors shall be representatives of local government units providing funds to the facility for treatment of alcoholism.

2. A local governmental unit which is providing funds to a facility for treatment of alcoholism may request from the facility a treatment program plan prior to authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program requirements of section one hundred twenty-five point twenty-eight (125.28) of the Code."

2. Page 5, by striking lines 14 and 15 and inserting in lieu thereof the following:

"Sec. ..... Section three hundred thirty-two point three (332.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. To require that any person, agency or organization which is not a part of the county government but is receiving funds from the county to pay in whole or in part for services furnished to third parties submit to audit by auditors assigned or employed for the purpose by the board. Upon request by the board, the person, agency or organization to be audited under this subsection shall make available all pertinent books, records and documents needed for the audit."

HARGRAVE of Johnson

H—5990

Amend House File 1432 as follows:

1. Page 4, line 24, by striking the word

"*board*" and inserting in lieu thereof the word "*department*".

DRAKE of Muscatine
KRAUSE of Palo Alto
DOYLE of Woodbury
VARLEY of Adair

H—6001

Amend House File 1437 as follows:

1. Page 1, by striking lines 1 through 14 and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state to the state board of regents for the fiscal period commencing July 1, 1976 the following amount to be used for the purposes designated:

a. For aujeszky's disease research to be conducted by the Iowa state university of science and technology $100,000

b. Funds appropriated by this section shall be expended in their entirety for the purposes for which appropriated and shall not revert to the general fund of the state."

2. Amend the title page by striking all of lines 1 through 3 and inserting in lieu thereof the following: "An Act appropriating funds to the state board of regents for aujeszky's disease research to be conducted by the Iowa state university of science and technology."

HUSAK of Tama
PELLETT of Cass

H—5991

Amend the Small amendment, H—5930, to page 3 of House File 1538, as follows:

1. Page 1, line 10, by striking the word "of".

SMALL of Johnson

H—5996

Amend House File 1539 as follows:

1. Page 2, line 11, by inserting after the numeral "(4)," the word and numeral "five (5),".

2. Page 2, line 13, by striking the numeral "1976" and inserting in lieu thereof the numeral "1977".

3. Page 2, line 14, by striking the numeral "1976" and inserting in lieu thereof the numeral "1977".

CUSACK of Scott

H—6004

Amend House File 1542 as follows:

1. Page 1, by striking lines 13 through 16 and inserting in lieu thereof the following: "patronage dividends of deceased members or patrons[, and members who become ineligible with-

out reference to the order of priority herein prescribed,] *and members or patrons over the age of sixty-five upon request and if the member or patron is no longer actively engaged in association or cooperative activities.*"

HUSAK of Tama
PELLETT of Cass

H—5976

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 128, by inserting after line 24 the following new subparagraph:

"(....) STATE'S RIGHT TO EXPERT EXAMINATION. Where a defendant has indicated the use of the defense of insanity, and has engaged an expert or experts for the purpose of examining him on the issue of insanity, the court shall order the examination of the defendant by a state-named expert or experts."

KREAMER of Polk

H—5977

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 130B, by striking lines 37 through 57 and inserting in lieu thereof the following: "the showing of necessity arising from the fact that there is a likelihood that the prospective witness to be deposed will be unavailable at the time of trial."

KREAMER of Polk

H—5978

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 131, by striking lines 33 through 36 and inserting in lieu thereof the following: "shall be such as would be allowed in the trial itself. Either party shall make available to the other party or his counsel, for examination and use at the taking of the deposition, any statement of the witness being deposed which is in the possession of the other party and to which that party would be entitled at the trial"

2. Page 132, by striking lines 1 and 2.

KREAMER of Polk

H—5981

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 134, line 27, by striking the word "may" and inserting in lieu thereof the word "shall".

2. Page 135A, line 2, by striking the word "may" and inserting in lieu thereof the word "shall".

KREAMER of Polk

H—5982

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 143, by striking lines 33, 34, and 35 and inserting in lieu thereof the words: "waive the making of such statement."

KREAMER of Polk

H—5983

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 144, by striking lines 19, 20, and 21.

BRANSTAD of Winnebago

H—5984

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 162, line 23, by striking the words ", or reduce".

2. Page 162, by striking line 24.

3. Page 162, line 25, by striking the words "is imposed, or".

BRANSTAD of Winnebago

H—5985

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 166A, by striking line 1 and inserting in lieu thereof the word "appeal".

KREAMER of Polk

H—5992

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 133, by striking lines 3 through 35 and inserting in lieu thereof the following:

"Rule ..... DISCOVERY AND INSPECTION.

1. DEFENDANT'S STATEMENTS—REPORTS OF EXAMINATIONS AND TESTS—DEFENDANT'S GRAND JURY TESTIMONY. Upon motion of a defendant the court may order the attorney for the government to permit the defendant to inspect and copy or photograph any relevant:

a. Written or recorded statements or confessions made by the defendant, or copies thereof, within the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government, and

b. Results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the government, the existence of which is known, or by the

exercise of due diligence may become known, to the attorney for the government, and

c. Recorded testimony of the defendant before a grand jury.

2. OTHER BOOKS, PAPERS, DOCUMENTS, TANGIBLE OBJECTS OR PLACES. Upon motion of a defendant the court may order the attorney for the government to permit the defendant to inspect and copy or photograph books, papers, documents, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the government, upon a showing of materiality to the preparation of his defense and that the request is reasonable. Except as provided in paragraph b of subsection one (1) of this rule, this rule does not authorize the discovery or inspection of reports, memoranda, or other internal government documents made by government agents in connection with the investigation or prosecution of the case, or of statements made by government witnesses or prospective government witnesses (other than the defendant) to agents of the government except as provided in 18 U.S.C. §3500.

3. DISCOVERY BY THE GOVERNMENT. If the court grants relief sought by the defendant under paragraph b of subsection one (1), or subsection two (2) of this rule, it may, upon motion of the government, condition its order by requiring that the defendant permit the government to inspect and copy or photograph scientific or medical reports, books, papers, documents,

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tangible objects, or copies or portions thereof, which the defendant intends to produce at the trial and which are within his possession, custody or control, upon a showing of materiality to the preparation of the government's case and that the request is reasonable. Except as to scientific or medical reports, this subdivision does not authorize the discovery or inspection of reports, memoranda, or other internal defense documents made by the defendant, or his attorneys or agents in connection with the investigation or defense of the case, or of statements made by the defendant, or by government or defense witnesses, or by prospective government or defense witnesses, to the defendant, his agents or attorneys.

4. TIME, PLACE AND MANNER OF DISCOVERY AND INSPECTION. An order of the court granting relief under this rule shall specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just.

5. PROTECTIVE ORDERS. Upon a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted or deferred, or make such other order as is appropriate. Upon motion by the

government the court may permit the government to make such showing, in whole or in part, in the form of a written statement to be inspected by the court in camera. If the court enters an order granting relief following a showing in camera, the entire text of the government's statement shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal by the defendant.

6. TIME OF MOTIONS. A motion under this rule may be made only within ten days after arraignment or at such reasonable later time as the court may permit. The motion shall include all relief sought under this rule. A subsequent motion may be made only upon a showing of cause why such motion would be in the interest of justice.

7. CONTINUING DUTY TO DISCLOSE—FAILURE TO COMPLY. If, subsequent to compliance with an order issued pursuant to this rule, and prior to or during trial, a party discovers additional material previously requested or ordered which is subject to discovery or inspection under the rule, he shall promptly notify the other party or his attorney or the court of the existence of the additional material. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may order such party to permit the discovery or inspection

Page 3

of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as it deems just under the circumstances."

2. Page 134, by striking lines 1 through 35.

3. Page 135A, by striking lines 1 through 35.

4. Page 135B, by striking lines 36 through 53.

5. Page 136, by striking lines 1 through 15.

6. By renumbering subparagraphs, paragraphs, subsections and rules as necessary.

BRANSTAD of Winnebago

H—5993

Amend the amendment H—5510, to page 130A of Senate File 85, as follows:

1. Page 1, by inserting after line 11 the following:

"1. TIME, PLACE AND MANNER OF DISCOVERY AND INSPECTION. An order of the court granting relief under this rule shall specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just.

2. FAILURE TO COMPLY. If at any time during

the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may order such party to permit the discovery or inspection, grant a continuance, or prohibit the party from introducing any evidence not disclosed, or it may enter such other order as it deems just under the circumstances.

3. SECRECY OF GRAND JURY. Except where specific provisions require otherwise, grand jury proceedings remain confidential. However, any member of the grand jury and the clerk thereof, and any officer of the court, may be required by the court or any legislative committee duly authorized to inquire into the conduct or acts of any state officer which might be the basis for impeachment proceedings, to disclose the testimony of a witness examined before the grand jury for the purpose of ascertaining whether it is consistent with that given by him before the court or legislative committee, or to disclose the same upon a charge of perjury against the witness, or when in the opinion of the court or legislative committee such disclosure is necessary in the administration of justice. No grand juror shall be questioned for anything he may say or any vote he may give in the grand jury relative to a matter legally pending before it, except for perjury of which he may have been guilty in making an accusation, or in giving testimony to his fellow jurors."

2. Page 1, line 16, by inserting after the word "action." the words "The provisions of rule twelve (12), subsections one (1), two (2), and three (3) shall apply to this rule."

OAKLEY of Clinton

H—5995

Amend Senate File 356 as amended, passed and reprinted by the Senate as follows:

1. Page 8, line 31, by inserting after the word "ordinance" the words "amending the ordinance".

LIPSKY of Linn

H—5994

Amend Senate File 1139, as amended and passed by the Senate, as follows:

1. Page 1, by striking lines 18 and 19 and inserting in lieu thereof the following: "3. Upon going from an educational work release to parole or discharge, one hundred dollars minus any funds received under subsection two (2)."

2. Page 2, by striking lines 7 and 8 and inserting in lieu thereof the following: "3. Upon going from an educational work release to parole

or discharge, one hundred dollars minus any funds received under subsection two (2)."

SPEAR of Lee

H—6003

Amend amendment H—5994, to Senate File 1139 as amended and passed by the Senate, as follows:

1. Page 1, by striking lines 3 through 12 and inserting in lieu thereof the following:

"1. Page 1, by striking lines 7 through 19 and inserting in lieu thereof the following: "inmate is discharged, paroled, or placed on work release, the warden or superintendent shall furnish her, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan. When an inmate is discharged, paroled or placed on work release, the warden or superintendent shall provide her, at state expense, money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.

2. Upon being placed on work release, fifty dollars.

3. Upon going from an educational work release to parole or discharge, fifty dollars."

2. Page 1, by striking lines 31 through 35 and page 2, by striking lines 1 through 8 and inserting in lieu thereof the following: "is discharged, paroled, or placed on work release, the warden or superintendent shall furnish him, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan. When an inmate is discharged, paroled or placed on work release, the warden or superintendent shall provide him, at state expense, money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.

2. Upon being placed on work release, fifty dollars.

3. Upon going from an educational work release to parole or discharge, fifty dollars."

SPEAR of Lee

H—6002

Amend Senate File 1207 as amended, passed and reprinted by the Senate as follows:

1. Page 14, line 26, by adding after the word "Act." the words "Such fees shall be deposited in the state general fund.".

2. Page 14, line 31, by adding after the word "jurisdiction." the words "Such fees shall be deposited in the local government's general fund.".

RINAS of Linn

H—5998

Amend Senate File 1261, as passed by the Senate and reprinted, as follows:

1. Page 10, by striking lines 1 through 35.

2. Page 11, by striking lines 1 through 6.

DAGGETT of Adams

H—5999

Amend Senate File 1261, as passed by the Senate and reprinted as follows:

1. Page 12, line 4, by striking the figure "257,600" and inserting in lieu thereof the figure "249,851".

2. Page 12, line 10, by striking the figure "58,950,900" and inserting in lieu thereof the figure "60,450,226".

3. Page 12, line 18, by striking the figure "13,871,100" and inserting in lieu thereof the figure "14,235,400".

4. Page 12, line 25, by striking the figure "3,161,600" and inserting in lieu thereof the figure "3,214,000".

5. Page 12, line 29, by striking the figure "1,130,300" and inserting in lieu thereof the figure "1,160,200".

6. Page 12, line 33, by striking the figure "2,253,800" and inserting in lieu thereof the figure "2,263,200".

7. Page 13, line 6, by striking the figure "2,419,600" and inserting in lieu thereof the figure "2,465,700".

8. Page 13, line 12, by striking the figure "48,556,200" and inserting in lieu thereof the figure "49,962,900".

9. Page 13, line 16, by striking the figure "5,723,300" and inserting in lieu thereof the figure "5,928,600".

10. Page 13, line 21, by striking the figure "5,159,200" and inserting in lieu thereof the figure "5,211,500".

11. Page 13, line 25, by striking the figure "20,232,300" and inserting in lieu thereof the figure "20,544,800".

12. Page 13, line 30, by striking the figure "1,384,300" and inserting in lieu thereof the figure "1,403,100".

13. Page 13, line 34, by striking the figure "2,551,100" and inserting in lieu thereof the figure "2,582,100".

HINES of Story

H—6000

Amend Senate File 1261, as passed by the Senate and reprinted, as follows:

1. Page 15, line 4, by striking "...." and inserting in lieu thereof the word "at".

DUNTON of Keokuk

H—5997

Amend Senate File 1263 as follows:

1. Page 1, by inserting after line 9 the following:

"Nothing in this section shall prohibit a municipal corporation having an agreement with the secretary of agriculture to continue agreements with other municipal corporations for inspection of their milk plants, receiving stations, and for milk and milk products, and allowing municipal corporations to charge a fee for that inspection provided the service is rendered."

WEST of Marshall
BROCKETT of Marshall

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:20 p.m. until 9:00 a.m., Friday, March 26, 1976.

JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day—Fiftieth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, MARCH 26, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Gordon P. Roberts, pastor of the St. Peters Episcopal Church, Bettendorf, Iowa.

The Journal of Thursday, March 25, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lon Brewer, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion for the morning session on request of Spear of Lee; Connors of Polk on request of Caffrey of Polk; Nielsen of Polk on request of Byerly of Polk.

PRESENTATION OF VISITORS

Readinger of Polk presented to the House Miss Valerie Poubelle, an AFS student from Strasbourg, Alsace-Lorraine, France, attending Urbandale High School, Urbandale, Iowa. She is a guest of Dr. and Mrs. John Bardole, Des Moines, Iowa.

The Speaker announced the following visitors were present in the House chamber:

Thirteen students from Clegg Park School, West Des Moines, Iowa, accompanied by Jennie Allbee. By Bittle of Polk.

Nineteen seniors from Bayard High School, Bayard, Iowa, accompanied by Ernest Gilson. By Hutchins of Guthrie.

Twenty members of the Office Education Club from Allamakee Community School, Waukon, Iowa, accompanied by Miss Holzer. By Halvorson of Clayton.

Sixty-eight fifth grade students from Franklin and Colorado Schools, Muscatine, Iowa, accompanied by Carla Reynolds, Virginia Guck and Phyliss Knoche. By Nealson of Muscatine.

Fifty fifth and sixth grade students from Meservey-Thornton School, Thornton, Iowa, accompanied by Nancy Hill and Sonna Pals. By Miller of Cerro Gordo.

HOUSE CONCURRENT RESOLUTION 122

By Branstad

Whereas, the salvation of the family farm in the State of Iowa and the United States is of critical importance to both agriculture and the consumer in America; and

Whereas, one of the major causes of destruction of the family farm and the family farm system is the loss of family owned farms and businesses because of federal inheritance and estate tax laws; and

Whereas, it is to the benefit of this country to have estate tax laws that are not confiscatory in nature which present federal estate tax laws are; and

Whereas, the Congress of the United States has seemingly procrastinated on this most important matter, thereby making it impossible for state legislatures to effect or enact corrective legislation until the federal government acts; *Now, Therefore, Be It Resolved by the House of Representatives, the Senate Concurring*, That the Legislature of the State of Iowa exhorts and insists that the Congress of the United States take action on this matter of the federal estate tax laws immediately in order that state legislatures throughout the United States may take action yet this year which will help save the family farm; and

Be It Further Resolved, That a copy of this resolution be sent by the Clerk of the House to all members of Iowa's Congressional Delegation to encourage them in the strongest manner possible to utilize whatever abilities they have to bring this matter to a satisfactory conclusion as quickly as possible.

Laid over under Rule 25.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1125, a bill for an act repealing the statutory appropriation for the state employees' disability plan, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1125)

The ayes were, 83:

Anderson	Dunton	Jordan	Poncy
Avenson	Dyrland	Junker	Readinger
Baker	Evans	Koogler	Scheelhaase
Bennett	Fitzgerald	Kreamer	Schroeder
Bina	Gentleman	Lageschulte	Small
Bittle	Gilloon	Lindeen	Spear
Bortell	Griffee	Lipsky	Spradling
Brandt	Halvorson	McElroy	Stromer
Branstad	Hansen	Menke	Svoboda
Brockett	Hargrave	Middleswart	Tauke
Brunow	Harper	Millen	Tofte
Caffrey	Harvey	Miller, A. V.	Varley
Clark	Hennessey	Miller, K. D.	Walter
Crabb	Higgins	Miller, O. L.	Welden
Crawford	Hinkhouse	Monroe	Wells
Cusack	Horn	Nealson	West
Daggett	Howell	Norland	Woods
Danker	Hullinger	Oakley	Wulff
Den Herder	Husak	Pavich	Wyckoff
Doyle	Hutchins	Pellett	Mr. Speaker
Drake	Jochum	Perkins	

The nays were, none.

Absent or not voting, 17:

Binneboese	Hines	Mennenga	O'Halloran
Byerly	Jesse	Middleton	Patchett
Connors	Krause	Newhard	Rinas
Dieleman	Lonergan	Nielsen	Spencer
Egenes			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1520, a bill for an act directing the code editor and the superintendent of printing to prepare and publish a compilation of the Iowa election laws, as amended, and providing for distribution thereof and for payment of the cost of preparing, publishing and distributing the compilation from the appropriation for publication of the Code and portions thereof, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1520)

The ayes were, 83:

Anderson	Brandt	Cusack	Evans
Avenson	Branstad	Daggett	Fitzgerald
Baker	Brockett	Danker	Gentleman
Bennett	Brunow	Den Herder	Gilloon
Bina	Caffrey	Doyle	Griffee
Binneboese	Clark	Drake	Halvorson
Bittle	Crabb	Dunton	Hansen
Bortell	Crawford	Dyrland	Hargrave

Harper	Lageschulte	Oakley	Svoboda
Harvey	Lindeen	Pavich	Tauke
Hennessey	Lipsky	Pellett	Tofte
Higgins	McElroy	Perkins	Varley
Hinkhouse	Menke	Poncy	Walter
Horn	Middleswart	Readinger	Welden
Howell	Millen	Rinas	Wells
Hullinger	Miller, A. V.	Scheelhaase	West
Husak	Miller, K. D.	Schroeder	Woods
Hutchins	Miller, O. L.	Small	Wulff
Jochum	Monroe	Spear	Wyckoff
Junker	Nealson	Spradling	Mr. Speaker
Koogler	Norland	Stromer	

The nays were, 1:

Jordan

Absent or not voting, 16:

Byerly	Hines	Lonergan	Nielsen
Connors	Jesse	Mennenga	O'Halloran
Dieleman	Krause	Middleton	Patchett
Egenes	Kreamer	Newhard	Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1222, a bill for an act appropriating funds to the department of general services for capital improvements, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1222)

The ayes were, 84:

Anderson	Drake	Jochum	Perkins
Avenson	Dunton	Jordan	Poncy
Baker	Dyrland	Junker	Readinger
Bennett	Evans	Koogler	Scheelhaase
Bina	Fitzgerald	Lageschulte	Schroeder
Binneboese	Gentleman	Lindeen	Small
Bittle	Gilloon	Lipsky	Spear
Bortell	Griffee	McElroy	Spradling
Brandt	Halvorson	Menke	Stromer
Branstad	Hansen	Middleswart	Svoboda
Brockett	Hargrave	Middleton	Tauke
Brunow	Harper	Millen	Tofte
Caffrey	Harvey	Miller, A. V.	Varley
Clark	Hennessey	Miller, K. D.	Walter
Crabb	Higgins	Miller, O. L.	Welden
Crawford	Hinkhouse	Monroe	Wells
Cusack	Horn	Newhard	West
Daggett	Howell	Norland	Woods
Danker	Hullinger	Oakley	Wulff
Den Herder	Husak	Pavich	Wyckoff
Doyle	Hutchins	Pellett	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Byerly	Hines	Lonergan	O'Halloran
Connors	Jesse	Mennenga	Patchett
Dieleman	Krause	Nealson	Rinas
Egenes	Kreamer	Nielsen	Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1223, a bill for an act making a supplemental appropriation to the campaign finance disclosure commission, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1223)

The ayes were, 82:

Anderson	Dyrland	Koogler	Pellett
Avenson	Evans	Lageschulte	Perkins
Baker	Fitzgerald	Lindeen	Poncy
Bennett	Gentleman	Lipsky	Readinger
Bina	Gilloon	Lonergan	Rinas
Bittle	Griffee	McElroy	Scheelhaase
Bortell	Halvorson	Menke	Schroeder
Brandt	Hansen	Mennenga	Spear
Branstad	Hargrave	Middleswart	Spradling
Brockett	Harper	Middleton	Stromer
Brunow	Harvey	Millen	Svoboda
Caffrey	Hennessey	Miller, A. V.	Tofte
Clark	Higgins	Miller, K. D.	Varley
Crabb	Hinkhouse	Miller, O. L.	Walter
Crawford	Howell	Monroe	Welden
Cusack	Hullinger	Nealson	Wells
Daggett	Husak	Newhard	West
Den Herder	Hutchins	Norland	Wulff
Doyle	Jochum	Oakley	Wyckoff
Drake	Jordan	Pavich	Mr. Speaker
Dunton	Junker		

The nays were, 4:

Danker	Horn	Small	Tauke

Absent or not voting, 14:

Binneboese	Egenes	Kreamer	Patchett
Byerly	Hines	Nielsen	Spencer
Connors	Jesse	O'Halloran	Woods
Dieleman	Krause		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1226, a bill for an act to appropriate and authorize expenditures for centralized printing, centralized purchasing and the vehicle dispatcher, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1226)

The ayes were, 90:

Anderson	Dunton	Kreamer	Poncy
Avenson	Dyrland	Lageschulte	Readinger
Baker	Evans	Lindeen	Rinas
Bennett	Fitzgerald	Lipsky	Scheelhaase
Bina	Gentleman	Lonergan	Schroeder
Binneboese	Gilloon	McElroy	Small
Bittle	Griffee	Menke	Spear
Bortell	Halvorson	Mennenga	Spencer
Brandt	Hansen	Middleswart	Spradling
Branstad	Hargrave	Middleton	Stromer
Brockett	Harper	Millen	Svoboda
Brunow	Hennessey	Miller, A. V.	Tauke
Byerly	Higgins	Miller, O. L.	Tofte
Caffrey	Hinkhouse	Monroe	Varley
Clark	Horn	Newhard	Walter
Crabb	Howell	Norland	Welden
Crawford	Hullinger	Oakley	Wells
Cusack	Husak	O'Halloran	West
Daggett	Hutchins	Patchett	Woods
Danker	Jochum	Pavich	Wulff
Den Herder	Jordan	Pellett	Wyckoff
Doyle	Junker	Perkins	Mr. Speaker
Drake	Koogler		

The nays were, 2:

Harvey	Nealson

Absent or not voting, 8:

Connors	Egenes	Jesse	Miller, K. D.
Dieleman	Hines	Krause	Nielsen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1224, a bill for an act to appropriate funds to the state department of health for licensing speech pathologists and audiologists, with report of committee recommending passage, was taken up for consideration.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1224)

The ayes were, 90:

Anderson	Evans	Lindeen	Poncy
Avenson	Fitzgerald	Lipsky	Readinger
Baker	Gentleman	Lonergan	Rinas
Bennett	Gilloon	McElroy	Scheelhaase
Bina	Griffee	Menke	Schroeder
Binneboese	Halvorson	Mennenga	Small
Bittle	Hansen	Middleswart	Spear
Branstad	Hargrave	Middleton	Spencer
Brockett	Harper	Millen	Spradling
Brunow	Hennessey	Miller, A. V.	Stromer
Byerly	Higgins	Miller, K. D.	Svoboda
Caffrey	Hinkhouse	Miller, O. L.	Tauke
Clark	Horn	Monroe	Tofte
Crabb	Howell	Nealson	Varley
Crawford	Hullinger	Newhard	Walter
Cusack	Husak	Norland	Welden
Daggett	Hutchins	Oakley	Wells
Danker	Jochum	O'Halloran	West
Den Herder	Jordan	Patchett	Woods
Doyle	Junker	Pavich	Wulff
Drake	Koogler	Pellett	Wyckoff
Dunton	Kreamer	Perkins	Mr. Speaker
Dyrland	Lageschulte		

The nays were, 2:

Bortell	Harvey

Absent or not voting, 8:

Brandt	Dieleman	Hines	Krause
Connors	Egenes	Jesse	Nielsen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the day on request of Rinas of Linn; Bittle of Polk for the remainder of the day on request of Egenes of Story.

House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, was taken up for consideration.

Cusack of Scott offered the following amendment H—5996 filed by him and moved its adoption:

H—5996

Amend House File 1539 as follows:

1. Page 2, line 11, by inserting after the numeral "(4)," the word and numeral "five (5),".

2. Page 2, line 13, by striking the numeral "1976" and inserting in lieu thereof the numeral "1977".

3. Page 2, line 14, by striking the numeral "1976" and inserting in lieu thereof the numeral "1977".

Amendment H—5996 was adopted.

Varley of Adair offered the following amendment H—6006 filed by Varley of Adair and Dunton of Keokuk:

H—6006

Amend House File 1539 as follows:
1. Page 2, by inserting after line 2 the following new section:
"Sec. 2. The department of social services shall designate each of the mental health institutes as a community based corrections center."
2. By renumbering subsequent provisions to conform with this amendment.

Daggett of Adams offered the following amendment H—6009, to amendment H—6006, filed by him from the floor and moved its adoption:

H—6009

Amend amendment H—6006 to House File 1539 as follows:
1. Page 1, line 5, by inserting after the word "designate" the words "a portion of".

A non-record roll call was requested.

The ayes were 53, nays 36.

Amendment H—6009 was adopted.

Griffee of Chickasaw offered the following amendment H—6011, to amendment H—6006 filed by him and Hansen of O'Brien from the floor:

H—6011

Amend amendment H—6006 to House File 1539 as follows:
1. Page 1, line 5, by striking the word "shall" and inserting in lieu thereof the word "may".

Fitzgerald of Webster moved the previous question on House File 1539 and all motions and amendments filed thereto.

A non-record roll call was requested.

The ayes were 53, nays 32.

The motion prevailed.

Baker of Buena Vista moved that House File 1539 be deferred.

The Speaker ruled the motion to defer out of order under the previous question.

Baker of Buena Vista moved that the rules be suspended to defer action on House File 1539.

A non-record roll call was requested.

The ayes were 21, nays 61.

The motion lost.

Griffee of Chickasaw moved the adoption of amendment H—6011, to amendment H—6006.

A non-record roll call was requested.

The ayes were 51, nays 33.

Amendment H—6011 was adopted.

(House File 1539 and amendment H—6006, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

SENATE MESSAGE CONSIDERED

Senate File 1261, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments and boards responsible for education programs in this state.

Read first time and referred to **committee on appropriations.**

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

ADOPTION OF HOUSE RESOLUTION 110

Pursuant to House Rule 26, the Speaker announced that **House Resolution 110** filed on March 16, 1976, and found on pages 1170 and 1171 of the House Journal was adopted by unanimous consent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn for the afternoon session on request of Crawford of Story; Middleton of Black Hawk for the afternoon session on request of Newhard of Jones.

BUSINESS PENDING

The House resumed consideration of **House File 1539,** a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, and amendment H—6006, as amended.

Daggett of Adams offered the following amendment H—6010, to amendment H—6006, filed by him from the floor and moved its adoption:

H—6010

Amend amendment H—6006 to House File 1539 as follows:

1. Page 1, by striking all of line 6, and inserting in lieu thereof "for minimum security inmates".

A non-record roll call was requested.

The ayes were 39, nays 34.

Amendment H—6010 was adopted.

Small of Johnson in the chair at 2:47 p.m.

Varley of Adair moved the adoption of amendment H—6006, as amended.

Roll call was requested by Gentleman of Polk and Higgins of Scott.

On the question "Shall amendment H—6006, as amended, be adopted?"

The ayes were, 33:

Anderson	Den Herder	Lageschulte	Perkins
Bennett	Dieleman	McElroy	Schroeder
Bortell	Drake	Middleswart	Stromer
Branstad	Egenes	Miller, K. D.	Tofte
Brockett	Evans	Miller, O. L.	Varley
Byerly	Halvorson	Nealson	Welden
Crabb	Hansen	Newhard	Woods
Daggett	Husak	Pellett	Wyckoff
Danker			

The nays were, 55:

Avenson	Crawford	Harvey	Jochum
Baker	Cusack	Hennessey	Jordan
Bina	Doyle	Higgins	Koogler
Binneboese	Dyrland	Hines	Krause
Brandt	Fitzgerald	Hinkhouse	Lindeen
Brunow	Gentleman	Horn	Lonergan
Caffrey	Gilloon	Howell	Menke
Clark	Griffee	Hutchins	Millen
Cochran	Hargrave		

Monroe	Pavich	Spear	Walter
Norland	Poncy	Spencer	Wells
Oakley	Readinger	Spradling	Wulff
O'Halloran	Rinas	Svoboda	Mr. Speaker
Patchett	Scheelhaase	Tauke	(Small)

Absent or not voting, 12:

Bittle	Harper	Kreamer	Middleton
Connors	Hullinger	Lipsky	Nielsen
Dunton	Junker	Mennenga	West

Amendment H—6006, as amended, lost.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1539)

The ayes were, 73:

Anderson	Dyrland	Jochum	Perkins
Avenson	Fitzgerald	Jordan	Poncy
Bina	Gentleman	Krause	Readinger
Binneboese	Gilloon	Lageschulte	Rinas
Bortell	Griffee	Lindeen	Scheelhaase
Brandt	Halvorson	Lonergan	Spear
Branstad	Hansen	McElroy	Spencer
Brunow	Hargrave	Menke	Spradling
Byerly	Harper	Middleswart	Stromer
Caffrey	Harvey	Millen	Svoboda
Clark	Hennessey	Miller, A. V.	Tauke
Cochran	Higgins	Monroe	Tofte
Crawford	Hines	Norland	Varley
Cusack	Hinkhouse	Oakley	Walter
Daggett	Horn	O'Halloran	Wells
Den Herder	Howell	Patchett	Wulff
Dieleman	Husak	Pavich	Mr. Speaker
Doyle	Hutchins	Pellett	(Small)
Drake	Jesse		

The nays were, 15:

Baker	Egenes	Miller, O. L.	Welden
Bennett	Evans	Nealson	Woods
Crabb	Koogler	Newhard	Wyckoff
Danker	Miller, K. D.	Schroeder	

Absent or not voting, 12:

Bittle	Dunton	Kreamer	Middleton
Brockett	Hullinger	Lipsky	Nielsen
Connors	Junker	Mennenga	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

WAYS AND MEANS CALENDAR

House File 1320, a bill for an act to correct an internal code reference under the individual income tax law, was taken up for consideration.

Norland of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1320)

The ayes were, 84:

Anderson	Evans	Krause	Poncy
Avenson	Fitzgerald	Lageschulte	Readinger
Baker	Gentleman	Lindeen	Rinas
Bennett	Gilloon	Lonergan	Scheelhaase
Bina	Griffee	McElroy	Schroeder
Binneboese	Halvorson	Menke	Spear
Bortell	Hansen	Middleswart	Spencer
Brandt	Hargrave	Millen	Spradling
Branstad	Harper	Miller, A. V.	Stromer
Brunow	Harvey	Miller, K. D.	Svoboda
Caffrey	Hennessey	Miller, O. L.	Tauke
Clark	Higgins	Monroe	Tofte
Cochran	Hines	Nealson	Varley
Crabb	Hinkhouse	Newhard	Walter
Cusack	Horn	Norland	Welden
Daggett	Howell	Oakley	Wells
Danker	Husak	O'Halloran	Woods
Dieleman	Hutchins	Patchett	Wulff
Doyle	Jochum	Pavich	Wyckoff
Drake	Jordan	Pellett	Mr. Speaker
Dyrland	Koogler	Perkins	(Small)
Egenes			

The nays were, none.

Absent or not voting, 16:

Bittle	Crawford	Jesse	Mennenga
Brockett	Den Herder	Junker	Middleton
Byerly	Dunton	Kreamer	Nielsen
Connors	Hullinger	Lipsky	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1321, a bill for an act relating to accumulated distributions of trusts under the individual income tax and making the Act retroactive, was taken up for consideration.

Norland of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1321)

The ayes were, 84:

Anderson	Bortell	Cochran	Dieleman
Avenson	Brandt	Crabb	Doyle
Baker	Branstad	Crawford	Drake
Bennett	Brunow	Cusack	Dyrland
Bina	Caffrey	Daggett	Egenes
Binneboese	Clark	Danker	Evans

Fitzgerald	Jochum	Nealson	Spencer
Gentlemen	Jordan	Newhard	Spradling
Gilloon	Koogler	Norland	Stromer
Griffee	Krause	Oakley	Svoboda
Hansen	Lageschulte	O'Halloran	Tauke
Hargrave	Lindeen	Patchett	Tofte
Harper	Lonergan	Pavich	Varley
Harvey	McElroy	Pellett	Walter
Hennessey	Menke	Perkins	Welden
Higgins	Middleswart	Poncy	Wells
Hines	Millen	Readinger	Woods
Hinkhouse	Miller, A. V.	Rinas	Wulff
Horn	Miller, K. D.	Scheelhaase	Wyckoff
Howell	Miller, O. L.	Schroeder	Mr. Speaker
Husak	Monroe	Spear	(Small)
Hutchins			

The nays were, none.

Absent or not voting, 16:

Bittle	Den Herder	Jesse	Mennenga
Brockett	Dunton	Junker	Middleton
Byerly	Halvorson	Kreamer	Nielsen
Connors	Hullinger	Lipsky	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1400 DEFERRED

House File 1400, a bill for an act to correct certain references in the law relating to the use tax, was taken up for consideration.

Speaker Cochran in the chair at 3:40 p.m.

Harper of Davis offered the following amendment H—5737 filed by her. Division was requested as follows:

H—5737

Amend House File 1400 as follows:

H—5737A

1. Page 1, line 8, by inserting after the word "property" the words *"except industrial machinery or equipment"*.

H—5737B

2. Page 1, line 24, by inserting after the period the following: *"All tangible personal property exempt from imposition of such tax is hereby specifically exempted from the sales tax imposed by section 422.43 of the Code."*

Norland of Worth asked and received unanimous consent **that House File 1400** be deferred and that the bill **retain its place on the calendar.**

Senate File 1143, a bill for an act to legalize proceedings taken by the board of directors of the Grinnell-Newburg Community School District relating to the sale of certain property, with report of committee recommending passage, was taken up for consideration.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1143)

The ayes were, 84:

Anderson	Dyrland	Koogler	Poncy
Avenson	Egenes	Krause	Readinger
Baker	Evans	Lageschulte	Rinas
Bennett	Fitzgerald	Lindeen	Scheelhaase
Bina	Gentleman	Lonergan	Schroeder
Binneboese	Gilloon	McElroy	Small
Bortell	Griffee	Menke	Spear
Brandt	Hansen	Middleswart	Spencer
Branstad	Hargrave	Millen	Spradling
Brunow	Harper	Miller, A. V.	Stromer
Byerly	Harvey	Miller, K. D.	Svoboda
Caffrey	Hennessey	Miller, O. L.	Tauke
Clark	Higgins	Monroe	Tofte
Crabb	Hines	Newhard	Varley
Crawford	Hinkhouse	Norland	Walter
Cusack	Horn	Oakley	Welden
Daggett	Howell	O'Halloran	Wells
Danker	Husak	Patchett	Woods
Dieleman	Hutchins	Pavich	Wulff
Doyle	Jochum	Pellett	Wyckoff
Drake	Jordan	Perkins	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Bittle	Dunton	Junker	Middleton
Brockett	Halvorson	Kreamer	Nealson
Connors	Hullinger	Lipsky	Nielsen
Den Herder	Jesse	Mennenga	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE CALENDAR

House File 1346, a bill for an act relating to disaster services, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact, was taken up for consideration.

Oakley of Clinton offered the following amendment H—5894 filed by Oakley, et al., and moved its adoption:

H—5894

Amend House File 1346 as follows:

1. Page 1, by striking lines 6 through 8 and inserting in lieu thereof the words "disasters, and in order".

2. Page 1, by inserting after line 23 the following:

"Sec. ..... *NEW SECTION.* DEFINITIONS. "Disaster" means man-made catastrophes and natural occurrences such as fire, flood, earthquake, tornado, windstorm, or floods, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage, or other hostile action from without the state.

"Public disorder" means such substantial interference with the public peace as to constitute a significant threat to the health and safety of the people or a significant threat to public or private property. The term includes insurrection, rioting, looting, and persistent violent civil disobedience.

Sec. ..... *NEW SECTION.* PROCLAMATION OF STATE OF PUBLIC DISORDER BY GOVERNOR.

1. The governor may, after finding a state of public disorder exists, proclaim a state of public disorder emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state.

2. Notice of a proclamation of a state of public disorder emergency shall be given by the secretary of state by publication in a newspaper of general circulation in the area affected, by broadcast through radio and television serving the area affected, and by posting signs at conspicuous places within this area. The exercise of the special powers by the governor under this section shall not be precluded by the lack of giving notice if the giving of notice has been diligently attempted. All orders and rules promulgated under the proclamation shall be given public notice by the governor in the area affected.

3. A state of public disorder emergency shall continue for ten days, unless sooner terminated by the governor. The general assembly may, by concurrent resolution, rescind a proclamation of a state of public disorder emergency. If the general assembly is not in session, the legislative council may, by a majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state.

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4. The governor may, during the existence of a state of public disorder emergency, prohibit:

a. Any person being in a public place during the hours declared by the governor to be a period of curfew if this period does not exceed twelve hours in any one day and if its area of its application is specifically designated.

b. Public gatherings of a designated number of persons within a designated area.

c. The manufacture, use, possession, or transportion of any device or object designated to explode or produce uncontained combustion.

d. The possession of any flammable or explosive liquids or materials in a glass or uncapped container, except in connection with normal operation of motor vehicles or normal home and commercial use.

e. The possession of firearms or any other deadly weapon by a person other than at that person's place of residence or business, except by law enforcement officers.

f. The sale, purchase, or dispensing of alcoholic beverages.

g. The sale, purchase, or dispensing of such other commodities as are designated by the governor.

h. The use of certain streets or highways by the public.

i. Such other activities as the governor reasonably believes should be prohibited to help maintain life, health, property, or the public peace.

Sec. ..... *NEW SECTION.* JUDICIAL PROTECTIONS. The supreme court shall promulgate rules for emergency proceedings to be effective upon the declaration of a state of public disorder emergency in order that the constitutional rights of all persons taken into custody shall be adequately protected."

3. Page 1, line 30, by striking the words "major man-".

4. Page 1, by striking lines 31 through 35 and inserting in lieu thereof the words "a disaster."

5. Page 2, by striking lines 1 through 21 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* PROCLAMATION OF DISASTER EMERGENCY BY GOVERNOR.

1. The governor may, after finding a disaster exists or is imminently threatened, proclaim a state of disaster emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state. A state of disaster emergency shall continue for thirty days,

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unless sooner terminated or extended in writing by the governor. The general assembly may, by concurrent

resolution, rescind this proclamation. If the general assembly is not in session, the legislative council may, by majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state. A proclamation".

6. Page 25, line 7, by striking the word "and" and inserting in lieu thereof the word "[and]".

7. Page 25, line 12, by striking the word *"resulting"*.

8. Page 25, by striking line 13 and inserting in lieu thereof the words ", *and emergencies resulting from disasters or public disorders as defined in this Act.*"

Amendment H—5894 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer for the remainder of the day on request of Pellett of Cass; Baker of Buena Vista for the remainder of the day on request of Koogler of Mahaska; Perkins of Greene for the remainder of the day on request of Hutchins of Guthrie; Binneboese of Plymouth on request of Newhard of Jones.

Monroe of Des Moines offered amendment H—5602 filed by him and Harvey of Scott. Division was requested as follows:

H—5602

Amend House File 1346 as follows:

H—5602A

1. Page 1, line 8, by inserting after the word "earthquake," the word "tornado,".

H—5602B

2. Page 3, line 8, by striking the word "ay" and inserting in lieu thereof the word "any".

3. Page 4, by striking lines 22 and 23 and inserting in lieu thereof the following: "debris or wreckage from private property, such corporation, organization or individual shall first agree to hold harmless the state or local government against any claim arising".

4. Page 5, line 20, by adding the following after the period: "Upon the request of a local governing body, the governor may also suspend statutes limiting local governments in their ability to provide services to aid disaster victims."

5. Page 8, line 17, by inserting after the word "services" the words "as provided in chapter seventeen A (17A) of the Code".

6. Page 11, lines 16, by inserting after the

word "services" the words "as provided in chapter seventeen A (17A) of the Code".

7. Page 12, line 20, by adding the following after the period: "The joint county-municipal disaster services and emergency planning administration, a city council, or a board of supervisors may by a unanimous vote appoint a coordinator who does not meet the qualifications established by the director. Such appointment shall be interim in nature. An interim coordinator shall not hold office for more than one year unless he or she shall have met the qualifications established by the director."

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H—5602A.

Monroe of Des Moines moved the adoption of amendment H—5602B.

Amendment H—5602B was adopted.

Harvey of Scott offered amendment H—5596 filed by him and requested division as follows:

H—5596

Amend House File 1346 as follows:

H—5596A

1. Page 6, line 7, by striking the words "and compel".

H—5596B

2. Page 16, by striking all of line 31 and inserting in lieu thereof the words "executive council.".

On motion by Harvey of Scott, amendment H—5596A was adopted.

On motion by Harvey of Scott, amendment H—5596B was adopted.

Oakley of Clinton offered the following amendment H—5862 filed by him and Monroe of Des Moines and moved its adoption:

H—5862

Amend House File 1346 as follows:

1. Page 6, line 32, by striking the word "adjutant" and inserting in lieu thereof the word "governor".

2. Page 6, by striking lines 33 through 35.

3. Page 11, line 10, by inserting after the word "coordinator" the words ", unless appointed under subsection three (3) of section eight (8) of this Act".

4. Page 11, line 34, by striking the word "three" and inserting in lieu thereof the word "two".
5. Page 16, line 21, by striking the word "biennium" and inserting in lieu thereof the word "year".

Amendment H—5862 was adopted.

Monroe of Des Moines offered the following amendment H—5656 filed by him and Harvey of Scott and moved its adoption:

H—5656

Amend House File 1346 as follows:
1. Page 8, by striking line 8 and inserting in lieu thereof the following:
"of this Act. Boards of supervisors and city councils shall form a joint county-municipal disaster".

Amendment H—5656 was adopted.

Harvey of Scott offered the following amendment H—5488 filed by him and moved its adoption:

H—5488

Amend House File 1346 as follows:
1. Page 17, by striking all of lines 17 through 35.
2. By striking all of pages 18, 19, 20, 21 and 22.
3. Page 23, by striking all of lines 1 through 24.

A non-record roll call was requested.

The ayes were 21, nays 46.

Amendment H—5488 lost.

Harvey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1346)

The ayes were, 71:

Anderson	Caffrey	Dyrland	Hennessey
Avenson	Clark	Egenes	Higgins
Bennett	Crawford	Evans	Hines
Bina	Cusack	Fitzgerald	Hinkhouse
Bortell	Daggett	Gentleman	Horn
Brandt	Danker	Hansen	Hullinger
Branstad	Dieleman	Hargrave	Husak
Brunow	Doyle	Harper	Hutchins
Byerly	Drake	Harvey	Jochum

Jordan	Monroe	Readinger	Tauke
Krause	Newhard	Rinas	Varley
Lindeen	Norland	Scheelhaase	Walter
Menke	Oakley	Schroeder	Welden
Middleswart	O'Halloran	Small	Woods
Millen	Patchett	Spear	Wulff
Miller, A. V.	Pavich	Spradling	Wyckoff
Miller, K. D.	Pellett	Stromer	Mr. Speaker
Miller, O. L.	Poncy	Svoboda	

The nays were, 4:

Gilloon	Howell	Koogler	Lonergan

Absent or not voting, 25:

Baker	Dunton	Lageschulte	Nielsen
Binneboese	Griffee	Lipsky	Perkins
Bittle	Halvorson	McElroy	Spencer
Brockett	Jesse	Mennenga	Tofte
Connors	Junker	Middleton	Wells
Crabb	Kreamer	Nealson	West
Den Herder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

COMMUNICATION FROM THE COMMONWEALTH OF VIRGINIA

A copy of Senate Joint Resolution No. 36, applying to Congress to initiate proceedings for the purpose of amending the Constitution of the United States to provide restrictions on Congressional appropriations has been received from the Commonwealth of Virginia and is on file in the office of the Chief Clerk.

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the votes were taken on House File 1520 and Senate Files 1125, 1222, 1223, 1224 and 1226. Had I been present, I would have voted "aye" on all of these.

KRAUSE of Palo Alto

I was necessarily absent from the House chamber when the vote was taken on House File 1520 and Senate Files 1125, 1222, 1223, 1224 and 1226. Had I been present, I would have voted "aye" on each of these bills.

DIELEMAN of Marion

Because of a previous engagement made some six weeks ago when we were not working on Friday afternoons, I was addressing 300 high school students in Washington, Iowa, the afternoon of March 26. I was, therefore, unable to be present when the vote was taken. Had I been present I would have voted "aye" on the following bills: House Files 1320, 1321, 1346 and 1539 and Senate File 1143.

DUNTON of Keokuk

I was necessarily absent from the House chamber when the votes were taken on House File 1520 and Senate Files 1125, 1222, and 1223. Had I been present, I would have voted "aye" on all of these.

O'HALLORAN of Black Hawk

MOTION TO RECONSIDER
(Senate File 1223)

I move to reconsider the vote by which Senate File 1223 passed the House on March 26, 1976.

MILLER of Buchanan

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 26, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 503, an act relating to transfer of prisoners of institutions administered by the Department of Social Services.

House File 1003, an act relating to restricting the ownership of farming land by corporations.

House File 1036, an act making an appropriation to agencies responsible for the administration of energy and environmental programs including the Energy Policy Council and the Department of Environmental Quality.

House File 1094, an act making appropriations to State agencies concerned with regulating use of the soil and water of this State including the Iowa National Resources Council, the Department of Soil Conservation, the State Soil Conservation Committee, and the Geological Survey.

House File 1141, an act appropriating funds to the State Conservation Commission to carry out various programs under the Commission.

House File 1218, an act making an appropriation to the State Board of Regents for a seeds laboratory.

SUBCOMMITTEE ASSIGNMENT

House File 1484
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S. B. 125
Ways and Means
Husak, Chair
Bittle
West
Dieleman
Miller of Buchanan

S. B. 126
Ways and Means
Husak, Chair
Miller of Buchanan
Bittle
West
Dieleman

S. B. 127
Ways and Means
Bina, Chair
Wyckoff
Nealson of Muscatine
Spradling
Clark

S. B. 128
Ways and Means
Wyckoff, Chair
Bittle
Danker

AMENDMENTS FILED

H—6026

Amend the temporary rules of the House by inserting after rule 12 the following new rule:

"There shall be allowed at a time prior to adjournment of each days session, except on the last day of the legislative work week, points of personal privilege. The points shall be given at a time designated by the speaker."

SCHEELHAASE of Woodbury
DOYLE of Woodbury
O'HALLORAN of Black Hawk
RINAS of Linn
MIDDLESWART of Warren
HUSAK of Tama
PELLETT of Cass
LAGESCHULTE of Bremer
DIELEMAN of Marion
GILLOON of Dubuque

H—6008

Amend House File 909 as follows:

1. Page 5, by inserting after line 10 the following:

"Sec. ..... Section four hundred nine point forty-five (409.45), Code 1975, is amended to read as follows:

409.45 SALE OR LEASE WITHOUT PLAT. Any person who shall dispose of or offer for sale or lease any lots in any city or addition to any city, until the plat thereof has been acknowledged and recorded as provided in this chapter, shall forfeit and pay [fifty] *five hundred* dollars for each lot and part of lot sold or disposed of, leased, or offered for sale."

2. By renumbering remaining sections and correcting internal references in accordance with this amendment.

BRANDT of Black Hawk

H—6017

Amend Senate amendment H—5955 to House File 1011, as amended, passed, and reprinted by the House as follows:

1. Page 1, by striking lines 45 through 50.
2. Page 2, by striking lines 1 through 20.

TAUKE of Dubuque

H—6030

Amend House File 1314 as follows:

1. Page 2, line 3, by inserting after the word "poses" the following: ", including payment to highway maintenance personnel of a premium of fifteen percent based upon and in addition to the wages which they earn for adjusted working hours during the winter season".

SVOBODA of Iowa

H—6025

Amend amendment H—5737 to House File 1400 as follows:

1. Page 1, line 3, by striking the word "industrial".

STROMER of Hancock
BRANSTAD of Winnebago
CLARK of Lee

H—6021

Amend House File 1454, page 3, line 13 by inserting after the word "consultants." the words "The department may perform, upon request by the political subdivision, any consulting services necessary for acquisition, planning, construction and certification of the airport facilities."

MONROE of Des Moines
KRAUSE of Palo Alto

H—6007

Amend House File 1470 as follows:

1. Page 7, by striking lines 30 through 35.
2. Page 8, by striking lines 1 through 23.

ANDERSON of Jasper

H—6020

Amend House File 1471 as follows:

1. Page 1, lines 5 and 6 by striking the words "A violation of this section is a misdemeanor."
2. Amend the title, lines 1 and 2 by striking the words "and providing penalties".

HARVEY of Scott

H—6022

Amend House File 1510, page 4, by inserting after line 20 the following:

"Sec. ..... Chapter one hundred forty-seven (147), Code 1975, is amended by adding the following new section:

NEW SECTION. The examining boards for the various professions shall promulgate all necessary and proper rules to implement and interpret the provisions of this chapter and chapters one hundred forty-eight (148), one hundred forty-eight A (148A), one hundred forty-eight B (148B), one hundred forty-nine (149), one hundred fifty (150), one hundred fifty A (150A), one hundred fifty-one (151), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-four (154), one hundred fifty-four A (154A), one hundred fifty-four B (154B), one hundred fifty-five (155), and one hundred fifty-six (156) of the Code."

MONROE of Des Moines

H—6024

Amend House File 1547, page 2, by striking lines 9 through 14 and inserting in lieu thereof the

following:

"Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Decorah Public Opinion, a newspaper published in Decorah, Iowa, and in The Clayton County Register, a newspaper published in Elkader, Iowa, without expense to the state."

DYRLAND of Clayton

H—6016

Amend House File 1550 as follows:

1. Page 1, by striking lines 14 through 22 and inserting in lieu thereof the following:

"Sec. 2. Section four hundred ninety A point four (490A.4), Code 1975, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The commission shall designate, not later than October 1, 1976, a lifeline volume of gas and a lifeline quantity of electricity which is necessary to supply the energy needs of the average residential user. In estimating such volumes and quantities the commission shall take into account differentials in energy needs between utility customers whose residential energy needs are supplied by both electricity and gas and utility customers whose residential needs are supplied by electricity. The commission shall also take into account any substantial differentials in energy needs caused by geographic differences in severity of climate, and by season. The commission may establish more than one lifeline rate based on the variables specified in this paragraph.

NEW UNNUMBERED PARAGRAPH. Each public utility which provides residential natural gas service or residential electric service the rates of which are subject to regulation by the commission shall file not later than January 1, 1977, a schedule of rates and charges providing for a lifeline rate applicable to each unit of service consumed up to and including the lifeline volume of natural gas, and the lifeline quantity of electricity, whichever is applicable, as designated by the commission. The initial lifeline service rate for each public utility shall be the average cost per unit of service as determined by applying the lifeline volume or quantity designated by the commission to the rate or scale of rates for residential use approved and in effect for such service of that utility as of July 1, 1976. It shall be unlawful to increase an initial lifeline service rate until such time as the lowest rate for electric service, or natural gas service, whichever is applicable, other than the residential lifeline service, exceeds the lifeline service rate by more than twenty-five percent, calculated as a percentage of the lifeline rate. Thereafter, any rates or rate

schedules which establish a lifeline service rate equal to more than eighty percent of the next lowest service rate is unlawful. A power supply or fuel cost adjustment shall not be made by any public utility if that adjustment would have the effect of decreasing

Page 2

the rate differential prescribed by this paragraph.

Sec. 3. The commission shall report to the general assembly in January of 1977 and each year thereafter respecting the effects of this Act on utility rates and utility service consumption, including any indirect effects on public utilities not subject to rate regulation by the commission."

SMALL of Johnson
KRAUSE of Palo Alto
O'HALLORAN of Black Hawk

H—6014

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 243, by inserting after line 25 the following:

"DIVISION X
COMPENSATION FOR VICTIMS OF CRIME

Section 1001. *NEW SECTION.* As used in this Act, unless the context otherwise requires:

1. "Board" means the state appeals board as defined in section twenty-three point one (23.1) of the Code.

2. "Claimant" means the person filing a claim pursuant to this Act.

3. "Crime" means an act committed in this state which would, if committed by a mentally competent criminally responsible adult, who has no legal exemption or defense, constitute a crime as defined in and prescribed by the penal law, provided, however, that no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purposes of this Act unless the injuries were intentionally inflicted through the use of a vehicle.

4. "Family", when used with reference to a person, means any person related to such person within the third degree of consanguinity or affinity, any person maintaining a sexual relationship with such person, or any person residing in the same household with such person.

5. "Victim" means a person who suffers personal physical injury as a direct result of a crime.

Sec. 1002. *NEW SECTION.* The attorney general shall appoint a special assistant attorney general who shall serve as the secretary of the board as provided in section twenty-five point four (25.4) of the Code.

Sec. 1003. *NEW SECTION.* The board shall have the following powers and duties:

1. To request from the department of public safety, from county or municipal police departments and agencies and from any other state or municipal department or agency, or public authority, and the same are hereby authorized to provide, such assistance and data as will enable the board to carry out its functions and duties.

2. To direct medical examination of victims.

3. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to issue subpoenas requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, documentary or other evidence. The powers provided

Page 2

in this subsection may be delegated by the board to any member or employee thereof.

4. To take or cause to be taken affidavits or depositions within or without the state.

5. To render each year to the general assembly a written report of its activities and recommendations for awards.

Sec. 1004. *NEW SECTION.*

1. Except as provided in subsection two (2) of this section, the following persons shall be eligible for awards pursuant to this Act:

a. A victim of a crime;

b. A surviving spouse, parent or child of a victim of a crime who died as a direct result of such crime; and

c. Any other person dependent for his principal support upon a victim of a crime who died as a direct result of such crime.

2. A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person or a member of the family of such persons shall not be eligible to receive an award with respect to such claim.

Sec. 1005. *NEW SECTION.*

1. A claim may be filed by a person eligible to receive an award, as provided in section one thousand four (1004) of this Act, or, if such person is a minor, by his parent or guardian.

2. A claim must be filed by the claimant not later than ninety days after the occurrence of the crime upon which such claim is based, or not later than ninety days after the death of the victim, provided, however, that upon good cause shown, the board may extend the time for filing for a period not exceeding one year after such occurrence.

3. Claims shall be filed in the office of the secretary of the board in person or by mail. The secretary of the board shall accept for filing all claims submitted by persons eligible under subsection

one (1) of this section and alleging the jurisdictional requirements set forth in this Act and meeting the requirements as to form in the rules of the board.

4. Upon filing of a claim pursuant to this Act, the board shall promptly notify the county attorney of the county wherein the crime is alleged to have occurred. If, within ten days after such notification, such county attorney advises the board that a criminal prosecution is pending upon the same alleged crime and requests that action by the board be deferred, the board shall defer all proceedings under this Act

Page 3

until such time as such criminal prosecution has been concluded and shall so notify such county attorney and the claimant. When such criminal prosecution has been concluded, such county attorney shall promptly so notify the board. Nothing in this section shall limit the authority of the board to grant emergency awards pursuant to this Act.

Sec. 1006. *NEW SECTION.* No award shall be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of one hundred dollars or has lost at least two continuous weeks earnings or support. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based.

Sec. 1007. *NEW SECTION.*

1. The board shall cause an investigation to be conducted into the validity of each claim. Such investigation shall include, but not be limited to, an examination of police, court and official records and reports concerning the crime and an examination of medical and hospital reports relating to the injury upon which such claim is based.

2. Claims shall be investigated and determined, regardless of whether the alleged criminal has been apprehended or prosecuted for or convicted of any crime based upon the same incident, or has been acquitted, or found not guilty of the crime in question owing to criminal irresponsibility or other legal exemption.

3. The board may decide such claim in favor of a claimant in the amount claimed on the basis of the papers filed in support thereof and the report of the investigation of such claim. If the board is unable to decide such claim upon the basis of such papers and such report, he shall order a hearing. At such hearing any relevant evidence, not legally privileged, shall be admissible.

4. After examining the papers filed in support of such claim and the report of investigation, and after a hearing, if any, the board shall make a

decision either granting an award or deny the claim.

5. The board shall file with the secretary a written report setting forth such decision and reasons therefor. The secretary shall thereupon notify the claimant and furnish him a copy of such report.

Sec. 1008. *NEW SECTION.* Notwithstanding the provisions of section one thousand seven (1007) of this Act, if it appears to the board prior to taking

Page 4

action upon such claim, that such claim is one with respect to which an award probably will be made, and undue hardship will result to the claimant if immediate payment is not made, the board may make an emergency award to the claimant pending a final decision in the case, provided, however, that the amount of such emergency award shall not exceed five hundred dollars, the amount of such emergency award shall be deducted from any final award made to the claimant, and the excess of the amount of such emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the board.

Sec. 1009. *NEW SECTION.*

1. No award shall be made unless the board finds that a crime was committed, such crime directly resulted in personal physical injury to, or death of, the victim, and police records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police records show that such report was made more than forty-eight hours after the occurrence of such crime unless the board, for good cause shown, finds the delay to have been justified.

2. Any award made pursuant to this Act shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based, together with loss of earnings or support resulting from such injury.

3. Any award made for loss of earnings or support shall, unless reduced pursuant to other provisions of this Act, be in an amount equal to the actual loss sustained, provided, however, that no such award shall exceed one hundred dollars for each week of lost earnings or support, and provided further that the aggregate award for such loss shall not exceed fifteen thousand dollars. If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned by the board among the claimants.

4. Any award made pursuant to this Act shall be reduced by the amount of any payments received or to be received by the claimant as a result of the

injury from or on behalf of the person who committed the crime, under insurance programs mandated by law, from public funds, under any contract of insurance wherein the claimant is the insured or beneficiary, or as an emergency award pursuant to section one

Page 5

thousand eight (1008) of this Act.

5. In determining the amount of an award, the board shall determine whether, because of his conduct, the victim of such crime contributed to the infliction of his injury, and the board shall reduce the amount of the award or reject the claim altogether, in accordance with such determination; provided, however, that the board may disregard for this purpose the responsibility of the victim for his own injury where the record shows that such responsibility was attributable to efforts by the victim to prevent a crime or an attempted crime from occurring in his presence or to apprehend a person who had committed a crime in his presence or had in fact committed a felony.

6. If the board finds that the claimant will not suffer serious financial hardship, as a result of the loss of earnings or support and the out-of-pocket expenses incurred as a result of the injury, if not granted financial assistance pursuant to this Act to meet such loss of earnings, support or out-of-pocket expenses, the board or board members shall deny an award. In determining such serious financial hardship, the board shall consider all of the financial resources of the claimant. The board shall establish specific standards by rule for determining such serious financial hardship.

Sec. 1010. *NEW SECTION.* The award shall be paid in a lump sum, except that in the case of death or protracted disability the award may provide for periodic payments to compensate for loss of earnings or support. No award made pursuant to this Act shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis for the claim.

Sec. 1011. *NEW SECTION.* Acceptance of an award made pursuant to this Act shall subrogate the state, to the extent of such award, to any right or right of action accruing to the claimant or the victim to recover payments on account of losses resulting from the crime with respect to which the award is made.

Sec. 1012. *NEW SECTION.* The comptroller shall pay to the claimant from funds appropriated by the general assembly for such purposes any initial emergency award granted by the board or a board member within five days after receipt of notice from the board of the emergency award.

Sec. 1013. *NEW SECTION.* The provisions of chapter

twenty-five (25) of the Code shall be applicable unless inconsistent with this division of this Act.

Page 6

Sec. 1014. This division of this Act applies only to injuries, including those resulting in death, which are inflicted after the effective date of this Act."

LIPSKY of Linn
GILLOON of Dubuque

H—6015

Amend amendment H—5510 to page 130A of Senate File 85 as follows:

1. Page 1, line 4, by striking the word "lines" and inserting in lieu thereof the word "pages".

JESSE of Polk

H—6013

Amend H—5285, filed by the committee on education, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 4, by striking the words "and nurses employed by the" and inserting in lieu thereof the words "including registered nurses who are also certified teachers".

2. Page 1, line 5, by striking the word "board".

HALVORSON of Clayton
EVANS of Grundy

H—6023

Amend the education committee amendment, H—5285 to Senate File 205 as passed and reprinted by the Senate as follows:

1. Page 4, line 24 by striking the words "representatives if any not to exceed five" and insert in lieu thereof the words "representatives and legal counsel, if any,".

WELDEN of Hardin

H—6019

Amend Senate File 488 as amended and passed by the Senate as follows:

1. Page 1, by inserting after line 12 the following:

"Sec. 2. *NEW SECTION.* If an employee of an appointive board, commission, or council is a member of the board, commission, or council, that employee shall not be a voting member. Payment of per diem and expenses shall not cause a member to be considered an employee of that board, commission or council.

Sec. 3. Section one hundred seventy-three point one (173.1), subsection four (4), Code 1975, is amended to read as follows:

4. A secretary and a treasurer to be elected by

the state fair board *who shall be nonvoting members.*

Sec. 4. Section five hundred twenty-four point two hundred five (524.205), subsection one (1), Code 1975, is amended to read as follows:

524.205 STATE BANKING BOARD.

1. The state banking board shall be composed of the superintendent, who shall be *an* ex officio *nonvoting* [a] member and chairman [and who shall have the right to vote], and six other members, appointed by the governor, who shall be chosen from various sections of the state. Provided, however, that in no event shall more than five members of such board be engaged in the business of banking in any executive capacity. In case of a vacancy in the state banking board, other than one resulting from a vacancy in the office of the superintendent, the governor shall appoint a new member to fill such vacancy for the unexpired term."

2. Amend the title, line 1, by striking the words "the political affiliation of".

LIPSKY of Linn

H—6018

Amend Senate File 1014 as amended and passed by the Senate, page 1, line 24A, by inserting after the word *"vehicles."* the words *"Registration plates issued for a county sheriff's patrol vehicles shall display one seven pointed gold star on a green background followed by the letter "S" and the call number of the vehicle."*

PONCY of Wapello
HORN of Linn

H—6027

Amend Senate File 1261, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, line 29, by inserting after the word "year." the words "A person who receives financial benefits under this section and sections five (5) and six (6) of this Act shall be required to repay the amount of funds paid on behalf of such person unless such person practices optometry in this state for the same number of years for which the person received benefits. The debt owed to the state shall be prorated based upon the number of years the person attended an optometric school and received benefits from the state and for each year the person practices in this state the prorated amount of debt shall not have to be repaid to the state."

MILLER of Buchanan

H—6028

Amend Senate File 1261 as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 7 the following:

"Sec. ..... Section two hundred sixty-one point

two (261.2), subsection four (4), Code 1975, is amended to read as follows:

4. Prepare and administer a state plan for a state supported and administered scholarship program. Said state plan shall provide for scholarships based on [ability and] need to deserving students of Iowa, matriculating in Iowa universities, colleges, area vocational schools, area community colleges, or schools of professional nursing."

2. Renumber the sections as required by this amendment.

MILLER of Buchanan

H—6029

Amend Senate File 1261 as amended, passed, and reprinted by the Senate, page 9, by inserting after line 35 the following:

"Funds appropriated by this subsection shall not be expended to finance any activities, teams, or facilities which are associated with, engaged in, or used for intercollegiate athletics. This provision shall not apply to physical education courses or intramural athletic programs.

Any person who attends a merged area school and participates in intercollegiate athletics shall not be eligible to receive the benefits provided for under subsection four (4) of section two hundred sixty-one point two (261.2) of the Code."

MILLER of Buchanan

H—6031

Amend Senate File 1261, as amended, passed, and reprinted by the Senate, as follows:

1. Page 14, by inserting after line 7 the following: "A person who receives financial benefits under chapter one hundred forty-eight C (148C) of the Code shall be required to repay the amount of funds paid on behalf of such person unless such person practices medicine in this state for the same number of years for which the person received benefits. The debt owed to the state shall be prorated based upon the number of years the person participated in the residency program and received benefits from the state under chapter one hundred forty-eight C (148C) of the Code and for each year the person practices in this state the prorated amount of debt shall not have to be repaid to the state."

MILLER of Buchanan

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:25 p.m. until 9:00 a.m., Tuesday, March 30, 1976.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day—Fifty-first Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, MARCH 30, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Kenneth Ebb, Chaplain, Iowa State Training School for Boys, Eldora, Iowa.

The Journal of Friday, March 26, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lyle Fuller, Garner, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mennenga of Clinton on request of Miller of Buchanan; Poncy of Wapello on request of Harper of Davis.

PRESENTATION OF VISITORS

Crabb of Crawford presented to the House the Honorable Stanley T. Shepherd, former member of the House during the Sixty-second and Sixty-third General Assemblies, representing Lee County.

The Speaker announced the following visitors were present in the House chamber:

Twenty-six American government students from Gilmore City-Bradgate Community School, Gilmore City, Iowa, accompanied by Mrs. Velma Juelfs. By Cochran of Webster.

Forty-nine eighth grade students from Glidden-Ralston Community School, Glidden, Iowa, accompanied by Mr. McCrea and Mr. Mason. By Perkins of Greene.

Forty-five students from Newell-Providence Community School, Newell, Iowa, accompanied by Mr. Jones and Mr. Spurbeck. By Baker of Buena Vista.

Seventy-five fifth grade students from East Elementary School, Ankeny, Iowa, accompanied by Mrs. Fees, Mrs. Nelson and Mrs. Peterson. By Byerly of Polk.

Thirty-two senior students from Holstein High School, Holstein, Iowa, accompanied by Mr. Mentzer. By Bennett of Ida.

Eighty-five fifth grade students from North Cedar School, Cedar Falls, Iowa, accompanied by William Nettleton, principal, Dorothy Clopton, Alice Jamosky and Jo Dee Scholz.

Thirty-two eighth grade students from Schleswig Community School, Schleswig, Iowa, accompanied by Duane Goode. By Bennett of Ida.

PETITIONS FILED

The following petitions were received and placed on file:

By Brandt of Black Hawk from twenty constituents opposing taking IPERS investment money out of the hands of the Employment Security Commission.

By Brandt of Black Hawk from forty-five constituents favoring the decriminalization of marijuana.

By Anderson of Jasper from thirty-five students of Newton Senior High School favoring presidential elections be declared national holidays.

By Harper of Davis from twenty-one members of the Pulaski Mothers Club regarding a proposed nuclear energy plant, possibly near Eddyville, who are concerned with dangers associated with the disposition of radioactive material and favoring further study of the ultimate effects additional nuclear energy plants could have on our future.

PROOF OF PUBLICATION

Published copy of Senate File 1279 and verified proof of publication of said bill in The Lee Town News, Des Moines, Iowa, on March 11, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 24, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 324, a bill for an act relating to abandoned vehicles.

Also: That the Senate has on March 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 749, a bill for an act relating to interest payments and interest penalties under the retail sales and income taxes.

Also: That the Senate has on March 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1009, a bill for an act relating to the effective date of special assessments.

Also: That the Senate has on March 24, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1040, a bill for an act relating to applications and fees for high school equivalency diplomas.

Also: That the Senate has on March 24, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1063, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons.

Also: That the Senate has on March 29, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1217, a bill for an act appropriating funds to the capitol planning commission for a central energy plant.

Also: That the Senate has on March 24, 1976, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 38, urging Congress to continue adequate funding of the "priority primary" highway program and have copies of this resolution forwarded to each member of the Iowa congressional delegation.

Also: That the Senate has on March 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 7, a bill for an act relating to the use of reflectorized materials on bicycles and providing a penalty.

Also: That the Senate has on March 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 534, a bill for an act relating to rules of the board of directors of an area school.

Also: That the Senate has on March 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1244, a bill for an act authorizing the board of supervisors to establish and govern certain service districts.

Also: That the Senate has on March 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1253, a bill for an act relating to the use of probation by the court.

Also: That the Senate has on March 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1263, a bill for an act relating to fees which certain municipal corporations charge milk plants and receiving stations.

Also: That the Senate has on March 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1265, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code.

Also: That the Senate has on March 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1269, a bill for an act to legalize and validate an election upon the proposition to authorize the board of directors of the Saydel Consolidated School District to sell and convey, or lease, or otherwise dispose of certain real estate.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 324

H—6034

Amend House File 324 as amended and passed by the House, as follows:

1. Page 1, by inserting before line 23 the following:

"(....) However a vehicle shall not be considered abandoned for a period of fifteen days if its owner or operator is unable to move the vehicle and notifies the police authority responsible for the geographical location of the vehicle and requests assistance in the removal of the vehicle."

2. Page 3, line 2, by striking the word "vehicles" and inserting in lieu thereof the word "vehicle".

SENATE AMENDMENT TO HOUSE FILE 1040

H—6035

Amend House File 1040 as passed by the House, as follows:

1. Page 1, line 9, by striking the words "application fee and".

SENATE AMENDMENT TO HOUSE FILE 1063

H—6033

Amend House File 1063 as follows:

1. Page 1, by adding after line 13, the following:

"Sec. ..... Section two hundred forty-five point one (245.1), Code 1975 is amended by striking unnumbered paragraph two (2)."

SENATE AMENDMENT TO HOUSE FILE 1217

H—6036

Amend House File 1217 as amended, passed and reprinted by the House as follows:

1. Page 2, by striking lines 8 and 9.

ADOPTION OF HOUSE RESOLUTIONS 106 AND 117

Pursuant to House Rule 26, the Speaker announced that **House Resolution 106** filed on March 3, 1976, and found on page 806 of the House Journal and **House Concurrent Resolution 117** filed on March 15, 1976, and found on page 1150 of the House Journal were adopted by unanimous consent.

MOTION TO RECONSIDER WITHDRAWN
(House File 1436)

Spradling of Sioux asked and received unanimous consent to withdraw the motion to reconsider **House File 1436** filed by him on March 11, 1976, and found on page 1123 of the House Journal.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed fifty-nine members present, forty-one absent.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Kreamer of Polk offered the following amendment H—5976 filed by him and moved its adoption:

H—5976

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 128, by inserting after line 24 the following new subparagraph:

"(....) STATE'S RIGHT TO EXPERT EXAMINATION. Where a defendant has indicated the use of the defense of insanity, and has engaged an expert or experts for the purpose of examining him on the issue of insanity, the court shall order the examination of the defendant by a state-named expert or experts."

Roll call was requested by Kreamer of Polk and Lageschulte of Bremer.

Rule 69 was invoked.

On the question "Shall amendment H—5976 be adopted?"

The ayes were, 46:

Avenson	Daggett	Lageschulte	Schroeder
Bennett	Danker	Lipsky	Small
Bina	Drake	Menke	Stromer
Bittle	Dunton	Middleswart	Tauke
Bortell	Dyrland	Millen	Tofte
Brockett	Halvorson	Miller, K. D.	Varley
Brunow	Hansen	Miller, O. L.	Walter
Caffrey	Harper	Pavich	Welden
Connors	Harvey	Pellett	West
Crabb	Hennessey	Perkins	Woods
Crawford	Hutchins	Readinger	Wyckoff
Cusack	Kreamer		

The nays were, 25:

Anderson	Hargrave	Koogler	Patchett
Baker	Higgins	Krause	Scheelhaase
Brandt	Hines	Newhard	Spear
Dieleman	Hinkhouse	Norland	Spradling
Doyle	Horn	Oakley	Wells
Fitzgerald	Jesse	O'Halloran	Mr. Speaker
Gentleman			

Absent or not voting, 29:

Binneboese	Griffee	Lindeen	Nealson
Branstad	Howell	Lonergan	Nielsen
Byerly	Hullinger	McElroy	Poncy
Clark	Husak	Mennenga	Rinas
Den Herder	Jochum	Middleton	Spencer
Egenes	Jordan	Miller, A. V.	Svoboda
Evans	Junker	Monroe	Wulff
Gilloon			

Amendment H—5976 was adopted.

RULE 20 SUSPENDED

Oakley of Clinton asked and received unanimous consent to suspend Rule 20 to permit G. Wylie Pillers, Clinton County Attorney and president of the County Attorneys Association, admission to the House chamber during the consideration of Senate File 85.

Oakley of Clinton offered the following amendment H—5509 filed by the subcommittee on the criminal code revision:

H—5509

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 128, lines 28 and 29, by striking the words

"the district court which has jurisdiction to try the aggrieved party".

By unanimous consent the following corrective amendment H—6032, to amendment H—5509, filed by the subcommittee on the criminal code revision from the floor was adopted:

H—6032

Amend amendment H—5509 to page 128 of Senate File 85 as follows:

1. Page 1, line 5, by striking the word "party" and inserting in lieu thereof the word "person".

Oakley of Clinton moved the adoption of amendment H—5509, as amended.

Amendment H—5509, as amended, was adopted.

Oakley of Clinton offered the following amendment H—5510 filed by the subcommittee on the criminal code revision:

H—5510

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 130A, by striking lines 16 through 35.

2. By striking lines 130B through 135B.

3. Page 136, by striking lines 1 through 34 and inserting in lieu thereof the following:

"Rule 12. DEPOSITIONS. A defendant in a criminal case, either after preliminary information, indictment, or information, may examine witnesses conditionally or on notice or commission, in the same manner and with like effect as in civil actions.

Rule 13. PERPETUATING TESTIMONY. A person apprehensive of a criminal prosecution may perpetuate testimony in his or her favor in the same manner, and with like effect, as may be done in apprehension of any civil action."

Oakley of Clinton offered the following amendment H—5993, to amendment H—5510, filed by the subcommittee on the criminal code revision and moved its adoption:

H—5993

Amend the amendment H—5510, to page 130A of Senate File 85, as follows:

1. Page 1, by inserting after line 11 the following:

"1. TIME, PLACE AND MANNER OF DISCOVERY AND INSPECTION. An order of the court granting relief under this rule shall specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just.

2. FAILURE TO COMPLY. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may order such party to permit the discovery or inspection, grant a continuance, or prohibit the party from introducing any evidence not disclosed, or it may enter such other order as it deems just under the circumstances.

3. SECRECY OF GRAND JURY. Except where specific provisions require otherwise, grand jury proceedings remain confidential. However, any member of the grand jury and the clerk thereof, and any officer of the court, may be required by the court or any legislative committee duly authorized to inquire into the conduct or acts of any state officer which might be the basis for impeachment proceedings, to disclose the testimony of a witness examined before the grand jury for the purpose of ascertaining whether it is consistent with that given by him before the court or legislative committee, or to disclose the same upon a charge of perjury against the witness, or when in the opinion of the court or legislative committee such disclosure is necessary in the administration of justice. No grand juror shall be questioned for anything he may say or any vote he may give in the grand jury relative to a matter legally pending before it, except for perjury of which he may have been guilty in making an accusation, or in giving testimony to his fellow jurors."

2. Page 1, line 16, by inserting after the word "action." the words "The provisions of rule twelve (12), subsections one (1), two (2), and three (3) shall apply to this rule."

Amendment H—5993 was adopted.

Jesse of Polk offered the following amendment H—6015, to amendment H—5510, filed by him and moved its adoption:

H—6015

Amend amendment H—5510 to page 130A of Senate File 85 as follows:

1. Page 1, line 4, by striking the word "lines" and inserting in lieu thereof the word "pages".

Amendment H—6015 was adopted.

Cusack of Scott in the chair at 10:48 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Small of Johnson for the morning session on request of Dyrland of Clayton.

Oakley of Clinton moved the adoption of amendment H—5510, as amended.

Roll call was requested by Oakley of Clinton and Gentleman of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5510, as amended, be adopted?"

The ayes were, 46:

Anderson	Egenes	Jochum	Pavich
Avenson	Fitzgerald	Junker	Rinas
Baker	Gentleman	Koogler	Schroeder
Bina	Griffee	Lipsky	Spear
Binneboese	Hargrave	Middleton	Spradling
Brandt	Hennessey	Miller, A. V.	Svoboda
Byerly	Higgins	Miller, K. D.	Tauke
Caffrey	Hines	Nielsen	Walter
Connors	Hinkhouse	Norland	Wyckoff
Crawford	Howell	Oakley	Mr. Speaker (Cusack)
Dieleman	Husak	O'Halloran	
Doyle	Jesse	Patchett	

The nays were, 45:

Bennett	Dyrland	Lageschulte	Readinger
Bittle	Evans	Lindeen	Scheelhaase
Bortell	Gilloon	Lonergan	Spencer
Branstad	Hansen	McElroy	Stromer
Brockett	Harper	Menke	Tofte
Brunow	Harvey	Middleswart	Varley
Crabb	Horn	Millen	Welden
Daggett	Hullinger	Miller, O. L.	Wells
Danker	Hutchins	Newhard	West
Den Herder	Krause	Pellett	Woods
Drake	Kreamer	Perkins	Wulff
Dunton			

Absent or not voting, 9:

Clark	Jordan	Monroe	Poncy
Cochran	Mennenga	Nealson	Small
Halvorson			

Amendment H—5510, as amended, was adopted.

With the adoption of amendment H—5510, as amended, the following amendments are out of order:

H—5977 filed by Kreamer of Polk on March 25, 1976, and found on page 1432 of the House Journal.

H—5978 filed by Kreamer of Polk on March 25, 1976, and found on page 1432 of the House Journal.

H—5992 filed by Branstad of Winnebago on March 25, 1976, and found on pages 1433 through 1435 of the House Journal.

H—5472 filed by the subcommittee on the criminal code revision on March 3, 1976, and found on pages 891 and 892 of the House Journal.

H—5981 filed by Kreamer of Polk on March 25, 1976, and found on page 1432 of the House Journal.

H—5473 filed by the subcommittee on the criminal code revision on March 30, 1976, and found on page 892 of the House Journal.

Oakley of Clinton offered the following amendment H—5474 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5474

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 137, line 6, by striking the word "Subpoenas".

2. Page 137, by striking lines 7 through 9.

A non-record roll call was requested.

The ayes were 47, nays 29.

Amendment H—5474 was adopted.

Oakley of Clinton offered the following amendment H—5528 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5528

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 137, line 26, by striking the words "A witness who is subpoenaed".

2. Page 137, by striking lines 27 and 28.

A non-record roll call was requested.

The ayes were 47, nays 25.

Amendment H—5528 was adopted.

Speaker Cochran in the chair at 11:58 a.m.

Oakley of Clinton offered the following amendment H—5475 filed by the subcommittee on the criminal code revision:

H—5475

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 137, by striking lines 29 through 35.

2. Page 138, by striking lines 1 through 3.
3. Page 138, line 4, by striking the letter "c" and inserting in lieu thereof the figure "4".
4. Page 138, line 8, by striking the letter "d" and inserting in lieu thereof the figure "5".

Oakley of Clinton asked and received unanimous consent that action on amendment H—5475 be deferred.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

HOUSE RESOLUTION 112
By Hargrave

Whereas, the Regina High School Basketball Team of Iowa City has won the Iowa Boys High School Class A Basketball Championship; and

Whereas, the Regina High School Basketball Team has exemplified the utmost spirit, teamwork, and sportsmanship; *Now, Therefore,*

Be It Resolved by the House of Representatives, That the Sixty-sixth General Assembly, 1976 Session, extends its heartiest congratulations to the Regina High School Running Regals Basketball Team, their coaches, cheerleaders, faculty and administration, families and loyal fans who encouraged and supported the Running Regals through the regular season and during the tournament; and

Be It Further Resolved, That the members of the Sixty-sixth General Assembly commend the Running Regals for their splendid example of fair play, and athletic prowess which qualities aided them in obtaining the highest place in the Iowa boys basketball, winning the championship and becoming Iowa's number one Class A boys basketball team; and

Be It Further Resolved, That a copy of this resolution be sent to Coach Bob Norton and the Regina High School basketball team.

Laid over under Rule 25.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post convic-

tion procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Oakley of Clinton offered the following amendment H—5529 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5529

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 138, line 9, by striking the words "without adequate excuse".

2. Page 138, line 12, by striking the word "attachment" and inserting in lieu thereof the word "warrant".

Amendment H—5529 was adopted.

Branstad of Winnebago offered the following amendment H—5858 filed by him and moved its adoption:

H—5858

Amend Senate File 85 as follows:

1. Page 139, line 4, by inserting before the period the following: "and there is no objection from either prosecuting attorney or presiding judge".

Roll call was requested by Branstad of Winnebago and Nealson of Muscatine.

Rule 70 was invoked.

On the question "Shall amendment H—5858 be adopted?"

The ayes were, 44:

Bennett	Den Herder	Krause	Nealson
Binneboese	Dunton	Kreamer	Norland
Bittle	Evans	Lageschulte	Pellett
Bortell	Halvorson	Lindeen	Perkins
Branstad	Hansen	Lonergan	Readinger
Brockett	Harvey	McElroy	Scheelhaase
Brunow	Hines	Menke	Stromer
Crabb	Hullinger	Middleswart	Tofte
Crawford	Hutchins	Millen	Woods
Daggett	Junker	Miller, K. D.	Wulff
Danker	Koogler	Miller, O. L.	Wyckoff

The nays were, 48:

Anderson	Byerly	Doyle	Gentleman
Avenson	Caffrey	Drake	Gilloon
Baker	Clark	Dyrland	Griffee
Bina	Cusack	Egenes	Hargrave
Brandt	Dieleman	Fitzgerald	Harper

Hennessey	Jordan	Oakley	Spradling
Higgins	Lipsky	O'Halloran	Svoboda
Hinkhouse	Middleton	Patchett	Tauke
Horn	Miller, A. V.	Pavich	Varley
Howell	Monroe	Rinas	Walter
Husak	Newhard	Small	Wells
Jochum	Nielsen	Spear	Mr. Speaker

Absent or not voting, 8:

Connors	Mennenga	Schroeder	Welden
Jesse	Poncy	Spencer	West

Amendment H—5858 lost.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed seventy-six members present, twenty-four absent.

The House resumed consideration of **Senate File 85.**

Kreamer of Polk offered the following amendment H—5982 filed by him and moved its adoption:

H—5982

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 143, by striking lines 33, 34, and 35 and inserting in lieu thereof the words: "waive the making of such statement."

Roll call was requested by Kreamer of Polk and Tauke of Dubuque.

Rule 69 was invoked.

On the question "Shall amendment H—5982 be adopted?"

The ayes were, 73:

Anderson	Clark	Drake	Hansen
Bennett	Connors	Dunton	Harper
Bina	Crabb	Dyrland	Harvey
Binneboese	Crawford	Egenes	Hines
Bortell	Cusack	Evans	Horn
Branstad	Daggett	Fitzgerald	Howell
Brockett	Danker	Gilloon	Husak
Brunow	Den Herder	Griffee	Hutchins
Caffrey	Dieleman	Halvorson	Jochum

Junker	Millen	Pellett	Varley
Krause	Miller, A. V.	Perkins	Walter
Kreamer	Miller, K. D.	Readinger	Welden
Lageschulte	Miller, O. L.	Spear	Wells
Lindeen	Nealson	Spencer	West
Lipsky	Nielsen	Stromer	Woods
Lonergan	Norland	Svoboda	Wulff
McElroy	Patchett	Tauke	Wyckoff
Menke	Pavich	Tofte	Mr. Speaker
Middleswart			

The nays were, 21:

Baker	Hennessey	Koogler	Rinas
Brandt	Hinkhouse	Middleton	Scheelhaase
Byerly	Hullinger	Monroe	Schroeder
Doyle	Jesse	Oakley	Small
Gentleman	Jordan	O'Halloran	Spradling
Hargrave			

Absent or not voting, 6:

Avenson	Higgins	Newhard	Poncy
Bittle	Mennenga		

Amendment H—5982 was adopted.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5889 filed by him on March 19, 1976, and found on page 1328 of the House Journal.

Branstad of Winnebago offered the following amendment H—5983 filed by him and moved its adoption:

H—5983

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 144, by striking lines 19, 20, and 21.

Amendment H—5983 lost.

(Senate File 85 pending at adjournment and placed under unfinished business.)

MOTIONS TO RECONSIDER

(Amendment H—5510 to Senate File 85)

I move to reconsider the vote by which amendment H—5510 to Senate File 85 was adopted by the House on March 30, 1976.

OAKLEY of Clinton

(Amendment H—5510 to Senate File 85)

I move to reconsider the vote by which amendment H—5510 to Senate File 85 was adopted by the House on March 30, 1976.

WYCKOFF of Benton

(Amendment H—5474 to Senate File 85)

I move to reconsider the vote by which amendment H—5474 to page 137 of Senate File 85 was adopted by the House on March 30, 1976.

KREAMER of Polk

(Amendment H—5982 to Senate File 85)

I move to reconsider the vote by which amendment H—5982 to Senate File 85 passed the House.

NIELSEN of Polk
FITZGERALD of Webster

(Amendment H—5982 to Senate File 85)

I move to reconsider the vote by which amendment H—5982 to page 143 of Senate File 85 was adopted by the House on March 30, 1976.

KREAMER of Polk

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of March, 1976: House File 1367.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 130 **Ways and means**
Relating to the amount of indebtedness which may be contracted for by a school corporation without a petition for an election.

S. B. 131 **Ways and means**
Relating to the township tax levy for fire protection purposes.

AMENDMENTS FILED

H—6037

Amend Senate amendment H—6033 to House File 1063 as follows:

1. By striking lines 2 and 3 and inserting in lieu thereof the following:

"Page 1, by adding before line 1, the following:"

BRANDT of Black Hawk

H—6046

Amend House File 1454 as follows:

1. Page 3 by striking lines 24 through 35 and inserting in lieu thereof the following:

"328.15 CONTRACTS—LAW GOVERNING. All contracts for the *planning,* acquisition, construction, improvement, maintenance, and operation of airports, or other air navigation facilities made by the [commission] *department,* either as the agent of this state or of any *governmental subdivision* [municipality or made by any such] *or made by any* [municipality itself] *governmental subdivision,* shall be made pursuant to the laws of this state governing the making of like contracts; provided, however, that where such undertaking is financed wholly or partially with federal moneys, the [commission] *department,* as such agent, [or the municipality acting for itself,] may let contracts in the manner prescribed by the federal authorities, acting under the laws of the".

WELDEN of Hardin

H—6047

Amend amendment H—6021 to House File 1454 by adding after the period in line 6 the following:

"All costs of such consulting services shall be reimbursed to the department by the political subdivision and deposited to the credit of the fund from which the costs were paid."

WELDEN of Hardin

H—6045

Amend House File 1489 as follows:

1. Page 1, line 7, by inserting after "tist," the words "dental hygienist,".

2. Page 2, by inserting after line 4 the following new section:

"Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), sections sixteen (16), twenty-five (25), twenty-six (26) and twenty-seven (27), are amended by striking the word "dentist" wherever the word appears in those sections and inserting in lieu thereof the words "dentist, dental hygienist".

3. By renumbering sections and correcting internal references as necessary.

BYERLY of Polk

H—6043

Amend House File 1538, page 3, line 4, by inserting after the word "meetings." the words "Any pipeline company proposing to construct a pipeline or underground storage facility which will serve a public use may enter upon the land, which it proposes to use, for the purpose of examining or surveying the

same, after having given twenty days' written notice by certified mail with return receipt requested addressed to the owner and also to the occupant of the land, or by service in the manner of an original notice. Such entry, after such notice, shall not be deemed a trespass, and the company may be aided by injunction to insure peaceful entry. The company shall pay for actual damages sustained in connection with such entry, and shall promptly estimate and tender the amount of such damages to the proper party. If the parties interested cannot agree upon the amount to be paid for such damages, however, either of them may petition the district court in the county in which the land is situated, which court shall appoint a time for a hearing as soon as may be, and order at least twenty days' notice to be given to all parties interested, and, with or without a view of the premises, as the court may determine, hear the parties and their witnesses and assess damages."

COMMITTEE ON COMMERCE
SMALL of Johnson, Chair

H—6044

Amend House File 1545 as follows:

1. Page 1, lines 28, 29 and 30, by striking the words "the meeting of the board the first secular day after the seventh day in July" and inserting in lieu thereof the words "a regular or special meeting of the board held in July prior to or on July fifteenth,".

2. Page 1, by striking line 35 and inserting in lieu thereof the words "the date of appointment, and the".

BITTLE of Polk

H—6038

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 218, by striking lines 10 through 26 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* MAXIMUM TERMS OF IMPRISONMENT. The maximum sentence for any person convicted of a felony shall be that prescribed in the Code or, if not so prescribed, if other than a class A felony shall be determined as follows:

1. A class B felon shall be confined for a term not to exceed fifty years.

2. A class C felon shall be confined for a term not to exceed fifteen years and may be sentenced to a fine of not more than five thousand dollars.

3. A class D felon shall be confined for a period not to exceed five years and may be sentenced to a fine of not more than one thousand dollars."

BRANSTAD of Winnebago

H—6039

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 231, by striking lines 28 through 35.

2. Page 232, by striking lines 1 through 13 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* LENGTH OF PROBATION. The length of the probation shall be for such term as the court may determine, but not to exceed five years if the offense is a felony or not to exceed two years if the offense is a misdemeanor. However, if the person is ordered placed under the custody, care and supervision of the probation and parole service, the term of probation, subject to the preceding maximum term of years, shall be determined by the board of parole, and the probation of the defendant shall be supervised by the probation and parole service.

The length of the probation shall not be less than one year and shall not be less than two years if the offense is a felony. However, the court or board of parole may subsequently reduce the length of the probation if it determines that the purposes of probation have been fulfilled, as provided in section seven hundred eight (708) of this division.

In determining the length of the probation, the court shall first determine what period is most likely to provide maximum opportunity for the rehabilitation of the defendant, to allow enough time to determine whether or not rehabilitation has been successful, and to protect the community from further offenses by the defendant and others."

BRANSTAD of Winnebago

H—6040

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 237, by inserting after line 35 the following:

"Sec. ..... *NEW SECTION.* JAIL SENTENCE DISCRETIONARY. Notwithstanding the other sections in this division, if a person is granted a deferred judgment, suspended sentence or probation, the court may, in its discretion, commit such person to the county jail for a period not to exceed thirty days."

2. Renumber the bill sections accordingly.

BRANSTAD of Winnebago

H—6041

Amend Senate File 85 as passed and reprinted by the Senate as follows:

1. Page 218, by striking lines 3 through 9.

2. Page 221, by inserting after line 21 the following:

"DIVISION.....
HABITUAL CRIMINALS

Section 1. *NEW SECTION.* THIRD CONVICTION OF A CLASS B FELONY. Whenever any person has been twice convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least twenty-five years each, he shall, upon conviction of a class B felony committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than fifty years.

Sec. 2. *NEW SECTION.* THIRD CONVICTION OF A CLASS C FELONY. Whenever any person has been twice convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, by the United States, for terms with a possible maximum of at least ten years each, he shall, upon conviction of a class C felony committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than thirty-five years.

Sec. 3. *NEW SECTION.* THIRD CONVICTION OF A CLASS D FELONY. Whenever any person has been twice convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least five years each, he shall, upon conviction of a class D felony committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than twenty-five years.

Sec. 4. *NEW SECTION.* FOURTH CONVICTION OF AN INDICTABLE MISDEMEANOR. Whenever any person has been three times convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least two years each, he shall, upon conviction of an indictable misdemeanor committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than six years.

Sec. 5. *NEW SECTION.* FOURTH CONVICTION OF A NON-INDICTABLE MISDEMEANOR. Whenever any person has been three times convicted of a crime in this or any other state, or by the United States, or once in this state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least thirty

days each, he shall, upon conviction of an indictable misdemeanor committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than three years.

Sec. 6. *NEW SECTION.* MANDATORY MINIMUM SENTENCE. A person sentenced pursuant to any of the preceding sections in this division shall not be eligible for parole until he has served one-third of his sentence.

Sec. 7. *NEW SECTION.* EVIDENCE. On the trial of any of said offenses named in sections one (1), two (2), three (3), four (4) and five (5) of this division, a duly authenticated copy of the record of the former judgment in any court wherein said conviction was had, for any of said crimes against the party indicted, shall be prima facie evidence of such former conviction and may be used in evidence against said party.

Sec. 8. *NEW SECTION.* DUTIES OF JURY AND JUDGE. Upon any trial when the indictment refers to former convictions of the defendant, the jury, if it finds the defendant guilty, and the court, if the defendant is convicted on a plea of guilty, must also find and determine specially whether the defendant had previously been convicted of either of the crimes referred to in the indictment, and the number of times so convicted.

Sec. 9. *NEW SECTION.* PARDON FOR FORMER CRIME. If the person convicted shall show, to the satisfaction of the court before whom such conviction was had, that he was released from imprisonment, upon any of said sentences, upon a pardon granted for the reason that he was innocent, such conviction shall not be considered as such under any of the previous sections in this division.

HALVORSON of Clayton

H—6049

Amend amendment H—5971 to page 337 of Senate File 85 as follows:

1. Page 3, line 24, by inserting after the word "*conviction*" the words "*under the provisions*".

2. Page 3, line 27, by inserting after the word "*conviction*" the words "*under the provisions*".

3. Page 3, line 30, by inserting after the word "*convictions*" the words "*under the provisions*".

JUNKER of Woodbury

H—6050

Amend amendment H—5476 to page 144 of Senate File 85 as follows:

1. Page 1, line 4, by striking the word "fourteen" and inserting in lieu thereof the word "seven".

2. Page 1, line 6, by striking the word "fourteen" and inserting in lieu thereof the word "seven".

3. Page 1, line 8, by striking the word "fourteen" and inserting in lieu thereof the word "seven".

OAKLEY of Clinton

H—6048

Amend Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 3, insert after the period (.) in line 25 the following: "The teacher shall furnish the board, at least five days prior to the conference, all of the material to be introduced at the conference by the teacher."

WYCKOFF of Benton

Note: **For explanation of brackets and italics see page 91 of the House Journal.**

On motion by Fitzgerald of Webster, the House adjourned at 5:43 p.m. until 9:00 a.m., Wednesday, March 31, 1976.

JOURNAL OF THE HOUSE

Eightieth Calendar Day—Fifty-second Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, MARCH 31, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend George Carlson, pastor of the First Lutheran Church, Cedar Rapids, Iowa.

The Journal of Tuesday, March 30, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. T. E. Shea, Storm Lake, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Higgins of Scott on request of Gilloon of Dubuque; Millen of Van Buren on request of Schroeder of Pottawattamie.

SPECIAL PRESENTATION

Small of Johnson escorted to the Speaker's station and presented to the House Coach Gary Kurdelmeier of the University of Iowa Hawkeye wrestling team; Mr. Dan Gable, assistant coach, and Chuck Yagla and Brad Smith, national wrestling champions.

The House rose and expressed their welcome.

Coach Kurdelmeier thanked the members for their support of wrestling.

Speaker Cochran expressed congratulations and thanks to the team for representing the state so excellently.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

One hundred forty eighth grade students from Winterset Junior High School, Winterset, Iowa, accompanied by William A. Wilson, principal, Dan Jones and Carolyn Fellows. By Bortell of Madison.

Forty-seven seniors from Midland Community School, Wyoming, Iowa, accompanied by Gary Higher and Kirk Park. By Newhard of Jones.

Fifty seniors from Central Lee Community High School, Argyle, Iowa, accompanied by Howard Carter. By Clark of Lee.

Thirty-four members of the junior class from Swea City Community School, Swea City, Iowa, accompanied by John Larson and Chuck Miller. By Branstad of Winnebago.

Forty junior and senior students from Lakota High School, Lakota, Iowa, accompanied by Fred Meeker and Julie McClure. By Branstad of Winnebago.

Sixty eighth grade students from Westview Junior High School, Lake City, Iowa, accompanied by Bob Core and Mark Johnson. By Miller of Calhoun.

Forty senior government students from Beeman-Conrad-Liscomb Consolidated School, accompanied by Lyle Opheim and Mr. and Mrs. Cliff Wilson. By Brockett of Marshall, West of Marshall and Evans of Grundy.

Forty fifth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Mrs. Ogelsby. By Brunow of Appanoose.

Seventy-six junior and senior North High School students, Sioux City, Iowa, accompanied by Larry Twait and Roger Morris. By Junker, Doyle, Scheelhaase and Binneboese of Woodbury.

PETITION FILED

The following petition was received and placed on file.

By Norland of Worth from sixteen constitutents favoring the private distribution of wine.

INTRODUCTION OF BILL

House File 1551, by committee on judiciary and law enforcement, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 7, a bill for an act relating to the use of reflectorized materials on bicycles, and providing a penalty.

Read first time and **passed on file.**

Senate File 534, a bill for an act relating to rules of the board of directors of an area school.

Read first time and **passed on file.**

Senate File 1244, a bill for an act authorizing the board of supervisors to establish and govern certain service districts.

Read first time and **passed on file.**

Senate File 1253, a bill for an act relating to the use of probation by the court.

Read first time and **passed on file.**

Senate File 1263, a bill for an act relating to fees which certain municipal corporations charge milk plants and receiving stations.

Read first time and **passed on file.**

Senate File 1265, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code.

Read first time and **passed on file.**

Senate File 1269, a bill for an act to legalize and validate an election upon the proposition to authorize the board of directors of the Saydel Consolidated School District to sell and convey, or lease, or otherwise dispose of certain real estate.

Read first time and **passed on file.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 29, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1243, a bill for an act appropriating funds to the state board of regents for aujeszky's disease research to be conducted by the Iowa state university of science and technology.

Also: That the Senate has on March 29, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1275, a bill for an act appropriating and allocating funds to the board of regents to supplement funds appropriated for the 1975-1976 fiscal year.

Also: That the Senate has on March 29, 1976, adopted and agreed to the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 1008, establishing an interim study committee to study the feasibility of establishing a separate retirement system for peace officers and correction officers and to make an appropriation.

STEVEN C. CROSS, Secretary

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Oakley of Clinton offered the following amendment H—5476 filed by the subcommittee on the criminal code revision:

H—5476

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 144, line 34, by striking the word "four" and inserting in lieu thereof the word "fourteen".
2. Page 145, line 2, by striking the word "four" and inserting in lieu thereof the word "fourteen".
3. Page 145, line 13, by striking the word "four" and inserting in lieu thereof the word "fourteen".

Oakley of Clinton offered the following amendment H—6050, to amendment H—5476, filed by him and moved its adoption:

H—6050

Amend amendment H—5476 to page 144 of Senate File 85 as follows:

1. Page 1, line 4, by striking the word "fourteen" and inserting in lieu thereof the word "seven".
2. Page 1, line 6, by striking the word "fourteen" and inserting in lieu thereof the word "seven".
3. Page 1, line 8, by striking the word "fourteen" and inserting in lieu thereof the word "seven".

A non-record roll call was requested.

The ayes were 49, nays 23.

Amendment H—6050 was adopted.

Oakley of Clinton moved the adoption of amendment H—5476, as amended.

Roll call was requested by Branstad of Winnebago and Lageschulte of Bremer.

Rule 69 was invoked.

On the question "Shall amendment H—5476, as amended, be adopted?"

The ayes were, 29:

Anderson	Fitzgerald	Jesse	Nealson
Baker	Gentleman	Jordan	Newhard
Bina	Hargrave	Koogler	Oakley
Brandt	Hennessey	Lipsky	Rinas
Caffrey	Hinkhouse	Middleswart	Spear
Cusack	Horn	Middleton	Spradling
Dieleman	Howell	Miller, A. V.	Mr. Speaker
Doyle			

The nays were, 56:

Avenson	Dunton	Jochum	Readinger
Bennett	Dyrland	Junker	Scheelhaase
Bittle	Egenes	Krause	Spencer
Bortell	Evans	Kreamer	Stromer
Branstad	Gilloon	Lageschulte	Svoboda
Brockett	Griffee	Lindeen	Tauke
Brunow	Halvorson	Lonergan	Tofte
Clark	Hansen	McElroy	Varley
Crabb	Harper	Menke	Walter
Crawford	Harvey	Miller, K. D.	Welden
Daggett	Hines	Patchett	West
Danker	Hullinger	Pavich	Woods
Den Herder	Husak	Pellett	Wulff
Drake	Hutchins	Perkins	Wyckoff

Absent or not voting, 15:

Binneboese	Mennenga	Nielsen	Schroeder
Byerly	Millen	Norland	Small
Connors	Miller, O. L.	O'Halloran	Wells
Higgins	Monroe	Poncy	

Amendment H—5476, as amended, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Calhoun for a portion of the day on request of Middleswart of Warren.

Oakley of Clinton offered the following amendment H—5477 filed by the committee on the criminal code revision:

H—5477

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 146, by striking lines 34 and 35 and inserting in lieu thereof the following:

"DURING DELIBERATIONS. Notes may be taken by

jurors during the testimony of witnesses. All jurors shall have an equal opportunity to take notes. The court shall instruct the jury to mutilate and destroy any notes taken during the trial at the completion of the jury's deliberation. Upon retiring".

By unanimous consent the following corrective amendment H—6057, to amendment H—5477, filed by Oakley of Clinton from the floor was adopted:

H—6057

Amend amendment H—5477 to page 146 of Senate File 85 as follows:

1. Page 1, line 3, by striking "34 and 35" and inserting in lieu thereof "31 and 32".

Oakley of Clinton moved the adoption of amendment H—5477, as amended.

Amendment H—5477, as amended, was adopted.

Oakley of Clinton offered the following amendment H—5478 filed by the committee on the criminal code revision and moved its adoption:

H—5478

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 151, line 20, by striking the words "under the fifth amendment to the Constitution".

2. Page 151, line 21, by striking the words "of the United States".

Amendment H—5478 was adopted.

Branstad of Winnebago offered the following amendment H—5661 filed by him and moved its adoption:

H—5661

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 152, by striking lines 8 through 19 and inserting in lieu thereof the following:

"(3) Upon consideration of such application, the judge shall enter an order that testimony or other information compelled under the order, any information directly or indirectly derived from such testimony or other information may not be used against the witness in any criminal case, except a prosecution for perjury, contempt of court, or otherwise failing to comply with the order."

Amendment H—5661 lost.

Brunow of Appanoose in the chair at 10:36 a.m.

Oakley of Clinton offered the following amendment H—5949 filed by the subcommittee on the criminal code revision:

H—5949

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 153, by striking lines 18 through 23.

Bennett of Ida asked and received unanimous consent that action on amendment H—5949 be deferred.

Branstad of Winnebago offered the following amendment H—5859 filed by him and moved its adoption:

H—5859

Amend Senate File 85 as follows:

1. Page 153, by striking lines 24 through 30.

Amendment H—5859 lost.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—5687 (to page 153) filed on March 9, 1976, and found on page 1055 of the House Journal.

Wyckoff of Benton offered the following amendment H—5577 filed by him and moved its adoption:

H—5577

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 153, line 30, by inserting after the word "thereof." the following:

"It shall not be a requirement of this section that corroboration be necessary to obtain a conviction where the solicited person is a law enforcement agent, employee, official, or person working on behalf of a law enforcement agency within the scope of his employment."

Roll call was requested by Kreamer of Polk and Branstad of Winnebago.

Rule 69 was invoked.

On the question "Shall amendment H—5577 be adopted?"

The ayes were, 60:

Avenson	Bortell	Clark	Den Herder
Baker	Branstad	Crabb	Dieleman
Bennett	Brockett	Crawford	Drake
Binneboese	Byerly	Daggett	Dunton
Bittle	Caffrey	Danker	Evans

Gilloon	Hutchins	Middleswart	Spencer
Griffee	Jordan	Miller, K. D.	Stromer
Halvorson	Junker	Nealson	Tauke
Hansen	Krause	Newhard	Tofte
Harper	Kreamer	Patchett	Varley
Harvey	Lageschulte	Pellett	Welden
Hines	Lindeen	Perkins	West
Hinkhouse	McElroy	Readinger	Woods
Hullinger	Menke	Rinas	Wulff
Husak	Mennenga	Spear	Wyckoff

The nays were, 25:

Anderson	Gentleman	Koogler	Small
Bina	Hargrave	Lipsky	Svoboda
Brandt	Hennessey	Lonergan	Walter
Cusack	Horn	Miller, A. V.	Wells
Doyle	Howell	Oakley	Mr. Speaker
Dyrland	Jesse	Pavich	(Brunow)
Fitzgerald	Jochum		

Absent or not voting, 15:

Cochran	Middleton	Nielsen	Scheelhaase
Connors	Millen	Norland	Schroeder
Egenes	Miller, O. L.	O'Halloran	Spradling
Higgins	Monroe	Poncy	

Amendment H—5577 was adopted.

Oakley of Clinton offered the following amendment H—5947 filed by the subcommittee on the criminal code revision:

H—5947

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 154, line 2, by inserting after the word "admissible" the words "to impeach the witness".

2. Page 154, line 3, by striking the words "or hearing".

Jesse of Polk asked and received unanimous consent to withdraw amendment H—5947.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed fifty-nine members present, forty-one absent.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Oakley of Clinton offered the following amendment H—5530 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5530

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 154, by striking lines 5 through 8.

2. By renumbering the remaining subsections and internal references to accord with this amendment.

A non-record roll call was requested.

The ayes were 40, nays 25.

Amendment H—5530 was adopted.

Oakley of Clinton offered the following amendment H—5531 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5531

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 155, line 27, by inserting after the words "a verdict" the word "unanimously" and by striking the words "with not more than".

2. Page 155, line 28, by striking the words "one dissenting vote".

3. Page 155, line 31, by striking the words "more than one" and inserting in lieu thereof the word "any".

Amendment H—5531 was adopted.

Branstad of Winnebago offered the following amendment H—5660 filed by him:

H—5660

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 157, line 11, by striking the word "thereto" and inserting in lieu thereof the words "to a longer time".

Branstad of Winnebago offered the following amendment H—6058, to amendment H—5660, filed by him from the floor and moved its adoption:

H—6058

Amend amendment H—5660 to Senate File 85, as amended, passed and reprinted by the Senate, page 157, line 11, as follows:

1. Line 4, by striking the word "longer" and inserting in lieu thereof the word "shorter".

Amendment H—6058 was adopted.

Branstad of Winnebago moved the adoption of amendment H—5660, as amended.

Amendment H—5660, as amended, was adopted.

Oakley of Clinton offered the following amendment H—5479 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5479

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 158, by striking lines 32 through 35.

2. Page 159, by striking lines 1 through 9 and inserting in lieu thereof the following:

"The application for a new trial can be made only by the defendant and shall be made before judgment, but where based upon newly discovered evidence may be made after judgment as well. After giving the parties notice and an opportunity to be heard on the matter, the court may grant a motion for a new trial, timely served, for a reason not stated in the motion. In any case the court shall specify in the order the grounds therefor."

Amendment H—5479 was adopted.

Oakley of Clinton offered the following amendment H—5532 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5532

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 160, line 35, by striking the words "and determined".

Amendment H—5532 was adopted.

Monroe of Des Moines in the chair at 2:05 p.m.

Oakley of Clinton offered the following amendment H—5480 filed by the subcommittee on the criminal code revision:

H—5480

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 161, by striking lines 3 through 5 and inserting in lieu thereof the following:

"c. ON MOTION OF COURT. The court may also, at any time before judgment is pronounced, enter an order in arrest of judgment upon a finding, plea, or verdict of guilty on its own motion."

Oakley of Clinton asked and received unanimous consent that action on amendment H—5480 be deferred.

Branstad of Winnebago offered the following amendment H—5984 filed by him and moved its adoption:

H—5984

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 162, line 23, by striking the words ", or reduce".

2. Page 162, by striking line 24.

3. Page 162, line 25, by striking the words "is imposed, or".

Amendment H—5984 was adopted.

Oakley of Clinton offered the following amendment H—5533 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5533

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 165A, line 26, by striking the words "or a judge".

2. Page 165A, by striking lines 30 through 35 and inserting in lieu thereof the following:

"d. The magistrate may cause to have removed from the courtroom any person whose exclusion is necessary to preserve the integrity or order of the proceedings."

Amendment H—5533 was adopted.

Kreamer of Polk offered the following amendment H—5985 filed by him:

H—5985

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 166A, by striking line 1 and inserting in lieu thereof the word "appeal".

Oakley of Clinton asked and received unanimous consent that action on amendment H—5985 be deferred.

Kreamer of Polk offered the following amendment H—6059 filed by him from the floor and moved its adoption:

H—6059

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 166A, line 24, by inserting after the word "shown" the words "or the defendant waives his right thereto".

2. Page 166A, lines 33 and 34, by striking the words "whose trial has not been postponed on his own application" and inserting in lieu thereof the words "has not waived his right to a speedy trial".

Amendment H—6059 was adopted.

Oakley of Clinton offered the following amendment H—5481 filed by the subcommittee on the criminal code revision. Division was requested as follows:

H—5481

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5481B

1. Page 166A, line 24, by striking the words "not admitted to".

2. Page 166A, line 25, by striking the words "bail and unrepresented by legal counsel".

H—5481A

3. Page 166A, line 31, by striking the words "*If a*" and inserting in lieu thereof the word "A".

H—5481B

4. Page 166A, by striking line 32.

5. Page 166A, line 33, by striking the word "counsel".

H—5481A

6. Page 166A, line 34, by striking the word "he".

H—5481B

7. Page 166B, by striking lines 38 through 44.

8. By renumbering the remaining subsections to accord with this amendment.

Oakley of Clinton asked and received unanimous consent to withdraw amendment H—5481A.

On motion by Oakley of Clinton, amendment H—5481B was adopted.

Oakley of Clinton offered the following amendment filed by the subcommittee on the criminal code revision and moved its adoption:

H—5482

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 166B, line 46, by striking the words *"one year"* and inserting in lieu thereof the words *"one hundred eighty days"*.

Roll call was requested by Branstad of Winnebago and Kreamer of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5482 be adopted?"

The ayes were, 47:

Anderson	Doyle	Jochum	O'Halloran
Bina	Dunton	Jordan	Patchett
Binneboese	Egenes	Lipsky	Pavich
Brandt	Fitzgerald	Lonergan	Readinger
Brunow	Gentleman	Mennenga	Rinas
Byerly	Hargrave	Middleton	Scheelhaase
Caffrey	Harvey	Miller, A. V.	Small
Cochran	Hennessey	Miller, K. D.	Spradling
Connors	Hines	Newhard	Walter
Crawford	Horn	Nielsen	Wells
Cusack	Howell	Norland	Mr. Speaker (Monroe)
Dieleman	Jesse	Oakley	

The nays were, 48:

Baker	Evans	Krause	Spear
Bennett	Gilloon	Kreamer	Spencer
Bortell	Griffee	Lageschulte	Stromer
Branstad	Halvorson	Lindeen	Svoboda
Brockett	Hansen	McElroy	Tauke
Clark	Harper	Menke	Tofte
Crabb	Hinkhouse	Middleswart	Varley
Daggett	Hullinger	Miller, O. L.	Welden
Danker	Husak	Nealson	West
Den Herder	Hutchins	Pellett	Woods
Drake	Junker	Perkins	Wulff
Dyrland	Koogler	Schroeder	Wyckoff

Absent or not voting, 5:

Avenson	Higgins	Millen	Poncy
Bittle			

Amendment H—5482 lost.

Oakley of Clinton offered the following amendment H—5534 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5534

Amend Senate File 85, as amended, passed, and re-

printed by the Senate, as follows:
1. Page 170, by striking lines 17 through 26.

Amendment H—5534 was adopted.

Oakley of Clinton offered the following amendment H—5535 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5535

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 170, by striking lines 27 through 30.
2. Page 191, by inserting after line 33 the following new section:
"Sec. ..... *NEW SECTION.* ADDITIONS TO AND AMENDMENT OF RULES. The rules of criminal procedure may be amended, provisions deleted, and new rules added, in the manner prescribed for civil rules under chapter six hundred eighty-four (684) of the Code."

Amendment H—5535 was adopted.

Oakley of Clinton offered the following amendment H—5536 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5536

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 184, by striking lines 12 through 15 and inserting in lieu thereof the words "prosecuting attorney of the trial date and shall advise the defendant that the trial will be without a jury unless demand for jury trial is made at least ten days prior to the date set for trial. Failure to make a jury demand in the manner".

Amendment H—5536 was adopted.

Oakley of Clinton offered the following amendment H—5483 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5483

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 185, line 27, by striking the word "order" and inserting in lieu thereof the word "manner".

Amendment H—5483 was adopted.

Oakley of Clinton offered the following amendment H—5484 filed by the subcommittee on the criminal code revision:

H—5484

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 187, line 10, by striking the word "its" and inserting in lieu thereof the words "the district court".

By unanimous consent the following corrective amendment H—6066 to amendment H—5484, filed by Oakley of Clinton from the floor, was adopted:

H—6066

Amend amendment H—5484 to page 187 of Senate File 85 as follows:

1. Page 1, line 4 by striking the word "district" and inserting in lieu thereof the word "district."

2. Page 1 by striking line 5.

Amendment H—5484, as amended, was adopted.

Oakley of Clinton offered the following amendment H—5537 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5537

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 189, lines 5 and 6, by striking the words "to him if required in the interest of justice" and inserting in lieu thereof the words "pursuant to the grounds set forth in Rule 23, except that a motion for a new trial based on newly discovered evidence must be made within six months after the final judgment".

Amendment H—5537 was adopted.

Spear of Lee offered the following amendment H—5027 filed by him and moved its adoption:

H—5027

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 198, line 28, by inserting after the word "court" the words "with the approval of the county board of supervisors".

Amendment H—5027 was adopted.

Kreamer of Polk offered the following amendment H—6051 filed by him from the floor and moved its adoption:

H—6051

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 200, by striking lines 12 through 35 and inserting in lieu thereof the following:
"Sec. ..... *NEW SECTION.* CONVICTION OR ACQUITTAL—WHEN A BAR. A conviction or acquittal by a judgment upon a verdict shall bar another prosecution for the same offense, notwithstanding a defect in form or substance in the indictment on which the conviction or acquittal took place.
Sec. ..... *NEW SECTION.* PROSECUTIONS BARRED. When a defendant has been convicted or acquitted upon an indictment for an offense consisting of different degrees, the conviction or acquittal shall be a bar to another indictment for the same offense charged in the former or for any lower degree of that offense, or for an offense necessarily included therein."
2. Page 201, by striking lines 1 through 35.
3. Page 202, by striking lines 1 through 7.

A non-record roll call was requested.

The ayes were 28, nays 45.

Amendment H—6051 lost.

The House resumed consideration of amendment H—5480 filed by the subcommittee on the criminal code revision as follows:

H—5480
Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:
1. Page 161, by striking lines 3 through 5 and inserting in lieu thereof the following:
"c. ON MOTION OF COURT. The court may also, at any time before judgment is pronounced, enter an order in arrest of judgment upon a finding, plea, or verdict of guilty on its own motion."

Junker of Woodbury asked for unanimous consent to substitute Section 788.3, Code 1975, for lines 5, 6, 7 and 8 of amendment H—5480.

Objection was raised.

Junker of Woodbury moved that the rules be suspended for the consideration of a corrective amendment to amendment H—5480.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 55, nays 14.

The motion prevailed and the rules were suspended.

Junker of Woodbury moved the adoption of the following corrective amendment H—6079, to amendment H—5480, filed by him from the floor:

H—6079

Amend amendment H—5480, to page 161 of Senate File 85, as follows:

1. By striking lines 5 through 8 and inserting in lieu thereof the following:

"c. ON MOTION OF COURT. The court may also, upon its own observation of any of these grounds, arrest the judgment on its own motion."

Amendment H—6079 was adopted.

Junker of Woodbury moved the adoption of amendment H—5480, as amended.

Amendment H—5480, as amended, was adopted.

(Senate File 85 pending at adjournment and placed under unfinished business.)

MOTIONS TO RECONSIDER

(Amendment H—5482 to Senate File 85)

I move to reconsider the vote by which amendment H—5482 to page 166B of Senate File 85 failed to be adopted by the House on March 31, 1976.

KREAMER of Polk

(Amendment H—5983 to Senate File 85)

I move to reconsider the vote by which amendment H—5983 (to page 144) to Senate File 85 failed to be adopted by the House on March 30, 1976.

BRANSTAD of Winnebago

(Amendment H—6051 to Senate File 85)

I move to reconsider the vote by which amendment H—6051 (to page 200) to Senate File 85 failed to be adopted by the House on March 31, 1976.

HARVEY of Scott

REPORT OF COMMITTEE

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 769**, a bill for an act relating to the private sale, control, distribution and taxation of wine containing not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and prescribing penalties therefor, begs leave to report it has had the same under consideration and has instructed me to report the same back to the

House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6065

Amend House File 769 as follows:

1. Page 6, by inserting after line 11 the following:

"Sec. ..... Section one hundred twenty-three point twenty (123.20), subsections one (1), seven (7) and eight (8), Code 1975, are amended to read as follows:

1. To purchase alcoholic liquors *and wines* for resale by the department *and to sell alcoholic liquors and wines* in the manner set forth in this chapter. *Nothing contained in this chapter shall be construed to require the state or the department or any of its officers or employees to obtain a permit or license for the purchase or sale of alcoholic liquors or wines pursuant to this subsection.*

7. To license, inspect, and control the manufacture of beer, *wine* and alcoholic liquors and regulate the entire beer, *wine* and liquor industry in the state.

8. To accept *wines and* intoxicating liquors ordered delivered to the Iowa beer and liquor control department pursuant to section 751.31, subsections 1 and 2, and offer such *wines and* intoxicating liquors for sale through the state liquor stores, unless the director determines that such *wines and* intoxicating liquors may be adulterated or contaminated. If the director determines that such *wines and* intoxicating liquors may be adulterated or contaminated he shall order their destruction."

2. Page 6, line 17, by striking the words "liquor kept for sale" and inserting in lieu thereof the words "[liquor kept for sale] *liquor and wine kept for sale by the department*".

3. Page 7, line 12, by inserting after the word "vendor" the words "*of all wine and*".

4. Page 17, by inserting after line 15 the following:

"Sec. ..... Section one hundred twenty-three point forty-eight (123.48), subsection one (1), Code 1975, is amended to read as follows:

1. Upon attempt to purchase alcoholic liquor *or wine* in any state liquor store by any person who appears to the vendor to be under legal age, such vendor shall demand and the prospective purchaser upon such demand shall display satisfactory evidence that he is of legal age."

5. Page 27, line 4, by inserting after the word "chapter." the words "*A class "A" wine permittee also shall be authorized to sell wine to the department.*"

6. Page 30, line 11, by inserting after the word "state" the words "for sale to the department, or".

7. Page 33, line 13, by striking the words "state

Page 2

at wholesale" and inserting in lieu thereof the words "state at wholesale to a class "A" permittee".

8. Page 33, line 14, by striking the word "forty" and inserting in lieu thereof the word "seventy".

9. Page 33, line 31, by striking the numerals "1972" and inserting in lieu thereof the numerals "1976".

10. Page 34, line 4, by striking the numerals "1972" and inserting in lieu thereof the numerals "1976".

11. By renumbering sections and correcting internal references as necessary.

NORLAND of Worth, Chair

AMENDMENTS FILED

H—6063

Amend the temporary rules of the House as follows:

1. By striking Rule 22 and inserting in lieu thereof the following:

"Rule 22

DISTRIBUTION OF PRINTED MATERIAL

No general distribution of printed material in the house shall be allowed unless authorized by the Chief Clerk of the House or by a Representative."

SCHROEDER of Pottawattamie
MENKE of O'Brien
BYERLY of Polk
HARGRAVE of Johnson

H—6070

Amend House File 769 as follows:

1. Page 16, line 9, by inserting after the word "beer" the words ", *except to the holder of a class "B" or class "C" beer permit and for a period not to exceed forty-five days,*".

2. Page 18, line 6, by inserting after the word "person" the words ", *except to a person holding a class "B" or class "C" beer permit,*".

SCHROEDER of Pottawattamie

H—6055

Amend amendment H—5554 to House File 1069 as follows:

1. By striking lines 4 through 30 and inserting in lieu thereof the following:

"Section 1. Section five hundred thirty-five point two (535.2), Code 1975, is amended to read as follows:

2. Any domestic or foreign corporation or real estate investment trust as defined in section

856 of the Internal Revenue Code, *and any person borrowing money in the principal amount of thirty-five thousand dollars or more secured by a real estate mortgage on agricultural land,* may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof, and no such corporation or real estate investment trust *or person* so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding."

HENNESSEY of Delaware
PELLETT of Cass

H—6072

Amend House File 1332 as follows:

1. Page 4, by inserting after line 11 the following new section:

"Sec. ..... Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179), section one (1), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The provisions of this subsection shall not be applicable to the transfer of a motor vehicle to the insurer of such vehicle who obtains ownership of such vehicle as a result of a settlement with the owner thereof arising out of damage to such vehicle and written proof thereof is submitted to the county treasurer on forms prescribed by the department."

DRAKE of Muscatine
DOYLE of Woodbury
KOOGLER of Mahaska

H—6054

Amend House File 1477 as follows:

1. Page 4, line 32, by inserting before the word "*Notwithstanding*" the following: "***Except as required by federal law or regulation, the commission shall not adopt an effluent standard more stringent with respect to any pollutant than is necessary to reduce the concentration of that pollutant in the effluent to the level due to natural causes, including the mineral and chemical characteristics of the land, existing in the water of the state to which the effluent is discharged.***"

EVANS of Grundy

H—6068

Amend House File 1477 as follows:

1. Page 8, line 29, by striking the word "consider" and inserting in lieu thereof the

following: "[consider] *base its decision upon data gathered from sources within the state regarding the following*".

BROCKETT of Marshall

H—6064

Amend House File 1514 as follows:

Page 2 by inserting after line 28 the following:

"c. For use by the director, with the approval of the commission, to pay in whole, or in part on a pro rata basis, outstanding obligations of area detoxification centers incurred during the fiscal year beginning July 1, 1974, upon receipt of documentation as required by the commission, that would have qualified for reimbursement if the contract later negotiated had been in effect the sum of not to exceed.....$150,000.00."

WELDEN of Hardin
BROCKETT of Marshall
WEST of Marshall
HUSAK of Tama
SPRADLING of Sioux
EVANS of Grundy

H—6052

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 216A, line 12, by inserting after the words "to a term of years" the following: "to be not less than ten years. If a person's sentence is so commuted, the person sentenced pursuant to this section shall not be eligible for parole until the person has served a minimum of ten years of the sentence imposed by law".

KREAMER of Polk

H—6053

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 230, by inserting after line 3 the following new subparagraph:

"..... The offense is a felony other than a class D felony."

JUNKER of Woodbury
WYCKOFF of Benton

H—6060

Amend Senate File 85 as follows:

1. Page 166A, by striking line 1 and inserting in lieu thereof the word "appeal".

2. Page 238A, lines 17 through 19, by striking the words ", shall be advised of his right to appointed counsel under rule twenty-six (26) of the rules of criminal procedure,".

KREAMER of Polk

H—6061

Amend amendment H—5965 to page 221 of Senate File 85 as follows:

1. Page 1, line 21, by striking the numerals "1976" and inserting in lieu thereof the numerals "1978".

2. Page 1, line 31, by striking the numerals "1978" and inserting in lieu thereof the numerals "1980".

3. Page 1, line 33, by striking the numerals "1981" and inserting in lieu thereof the numerals "1983".

LIPSKY of Linn

H—6062

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 221, by inserting after line 21 the following:

"DIVISION.....

HABITUAL CRIMINAL INMATE

Section 1. *NEW SECTION.* HABITUAL CRIMINAL INMATE DEFINED. Whoever has been convicted of a crime, sentenced to serve a term of imprisonment in this state, any other state, or the United States and who is confined in a penal institution of this state shall be, upon conviction of a new offense, deemed to be a habitual criminal inmate. This section shall not apply to:

1. An inmate serving less than a life sentence if the new crime is that of escape; or,

2. Any inmate who at the time of commission of the new offense is on parole under chapter two hundred forty-seven (247) of the Code, is engaging in a work release program under chapter two hundred forty-seven A (247A) of the Code, or is participating in a furlough program under section two hundred seventeen point fourteen (217.14) of the Code.

Sec. 2. *NEW SECTION.* INCARCERATION. Upon conviction of a new offense under section one (1) of this division, any incarceration ordered by the sentencing court shall commence immediately upon judgment being rendered as though service of time on any previous sentence was suspended. Any incarceration ordered by the sentencing court shall be within the maximum security unit of the penitentiary or reformatory. Reduction of sentence provisions shall not be calculated as provided in section two hundred forty-six point forty-two (246.42) of the Code, but shall be calculated separately and the provisions of section two hundred forty-six point forty-three (246.43) of the Code shall not apply. Provisions for work release, parole, and furlough shall not apply to a person convicted under section one (1) of this division.

Sec. 3. *NEW SECTION.* EVIDENCE. A duly authenticated copy of the former judgment and commitment from any court in which such judgment and commitment was had or a copy of either this former judgment or a mittimus from the records of the institution in which the individual is confined shall be competent and prima facie evidence of the former judgment and commitment and may be used in evidence against this individual."

KREAMER of Polk
HANSEN of O'Brien

H—6073

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 241, line 15, by striking the words "reasonable grounds" and inserting in lieu thereof the words "probable cause".

2. Page 241, line 25, by striking the words "initial appearance and".

3. Page 241, line 27, by striking the word "initial".

4. Page 241, line 28, by striking the word "appearance,".

5. Page 241, line 28, by striking the word "hearing," and inserting in lieu thereof the word "hearing".

KREAMER of Polk

H—6074

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 239, by striking lines 20 through 23 and inserting in lieu thereof the following: "services. Where necessary the district court of the county in which the probable cause hearing occurred shall, at the request of the liaison office, make such order as is appropriate for the temporary custody of the alleged parole violator pending his transfer to the custody of the department of social services. The liaison officer".

KREAMER of Polk

H—6075

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 238A, by striking lines 29 through 34 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* TIME AND PLACE OF PROBABLE CAUSE HEARING. The probable cause hearing shall be held in the county in which the alleged parole violation or arrest occurred and as promptly as convenient after the arrest. The clerk of court shall provide a room suitable for the probable cause hearing."

KREAMER of Polk

H—6076

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 238A, by striking lines 12 through 28.

KREAMER of Polk

H—6077

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 227A, lines 22 and 23 by striking the words ", and the terms and conditions of the person's parole" and inserting in lieu thereof the words "and of the length of that person's parole".

KREAMER of Polk

H—6078

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 230, by striking lines 7 through 22 and inserting in lieu thereof the following:

"b. The defendant attempted to kill anyone during the commission of the offense which was not otherwise a forcible felony.

c. The defendant purposefully inflicted or attempted to inflict a serious injury upon anyone during the commission of the offense. "Serious injury" means death, permanent disability or disfigurement, protracted loss or impairment of the function of any body member or organ, an injury requiring extended treatment or a prolonged healing period, a disabling mental illness requiring extended treatment or prolonged care, or an injury which at the time of deferment of judgment appears likely to result in any of the foregoing.

d. The defendant used, threatened to use or displayed in a threatening manner a dangerous weapon, as defined in section two hundred eight (208) of division I of this Act during the commission of the offense.

e. The defendant committed kidnapping in the first or second degree during the commission of the offense.

f. During the commission of the offense the defendant committed sexual abuse in the first, second or third degree or committed a violation of section two thousand eight hundred two (2802) of division I of this Act with respect to a child twelve years of age or under and which included any of the following:

(1) Force or threat of force;

(2) Fondling or touching the child for the purpose of arousing the offender's prurient interests; or,

(3) Soliciting a sexual act with the child.

g. The defendant previously has been convicted of a felony. An offense is a felony if, by the law under which the defendant is convicted, the maximum punish-

ment of the time of his conviction is at least greater than one year of confinement.

h. Prior to the commission of the offense the defendant had been granted a deferred judgment or similar relief two or more times anywhere in the United States.

i. Prior to the commission of the offense the defendant had been granted a deferred judgment or similar relief in a felony prosecution anywhere in the United States within the preceding five years, measured from the date of granting of deferment of

Page 2

judgment to the date of commission of the offense."

KREAMER of Polk

H—6080

Amend amendment H—5658, to page 225A, Senate File 85 as follows:

1. Page 1, by inserting after line 2, the following:

"1. Page 216A, by striking lines 13 through 20.

2. Page 1, line 6, by inserting after the word "thereafter." the words "If, in the opinion of the board, he should be considered for release on parole, the board shall recommend to the governor that his sentence be commuted to a term of years. If his sentence is so commuted, he shall be eligible for parole as provided in division six (VI) of this chapter."

3. By renumbering the remaining sections of the amendment.

GENTLEMAN of Polk

H—6069

Amend Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, line 12, strike the words "February fifteenth" and insert the words "March thirty-first".

2. Page 4, line 15, strike the words "March twentieth" and insert in lieu thereof the words "May first".

MIDDLESWART of Warren

H—6071

Amend the committee on education amendment, H—5285, to Senate File 205, as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by striking lines 23 and 24 and inserting in lieu thereof the following amendment:

"..... Page 1, line 25, by striking the word "two" and inserting in lieu thereof the words "three consecutive"."

2. Page 2, by inserting after line 35 the following amendment:

"..... Page 4, line 17, by striking the word "two" and inserting in lieu thereof the word "three"."
3. Page 3, line 24, by striking the word "two" and inserting in lieu thereof the word "three".

MENKE of O'Brien

H—6067

Amend Senate File 1141, as amended, passed, and reprinted by the Senate as follows:
1. Page 4, line 3, by inserting after the word "cosmetology" the words ", or from any school in another state which is recognized by the board,".

WOODS of Polk

H—6056

Amend Senate File 1244 as follows:
1. By striking line 1, on page 1 and inserting in lieu thereof the following:
"Section 1. Section three hundred thirty-two point three".

HUTCHINS of Guthrie

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 4:36 p.m. until 9:00 a.m., Thursday, April 1, 1976.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day—Fifty-third Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, APRIL 1, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Dr. Merrill D. Summerbell, pastor of the First United Methodist Church, Chariton, Iowa.

The Journal of Wednesday, March 31, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. F. Frech, Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tauke of Dubuque on request of Crawford of Story; Poncy of Wapello on request of Harper of Davis for March 31 and April 1.

PRESENTATION OF VISITORS

Stromer of Hancock presented to the House Stephen Karlson, an AFS student from Alengsoos, Sweden, attending Senior High School at Klemme, Iowa.

The Speaker announced the following visitors were present in the House chamber:

One hundred thirty seventh grade students from Norwalk Middle School, Norwalk, Iowa, accompanied by Gaylen Bedwell. By Bortell of Madison.

Twenty seniors from Thompson High School, Thompson, Iowa, accompanied by Mike Hall. By Branstad of Winnebago.

Thirty-seven seniors from Clear Creek High School, Clear Creek, Iowa, accompanied by Mrs. Rose Allman. By Patchett of Johnson.

Eighty-five students from Prairie Junior High School, Gowrie, Iowa, accompanied by Richard Phillips, principal, Richard Meyer and Don Raymer. By Fitzgerald of Webster.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on House File 769, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 30, 1976, receded from its amendment to and passed the following bill in which the concurrence of the Senate was asked:

House File 812, a bill for an act to allow the governor to appoint the directors of certain commissions.

Also: That the Senate has on March 30, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1458, a bill for an act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973.

Also: That the Senate has on March 30, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1272, a bill for an act relating to security interests regulated by the Uniform Commercial Code.

STEVEN C. CROSS, Secretary

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Avenson of Fayette in the chair at 9:20 a.m.

Gentleman of Polk offered the following amendment H—5946 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5946

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 213A, by striking lines 5 through 11.

Amendment H—5946 was adopted.

Gentleman of Polk offered the following amendment H—5945 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5945

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 215, line 19, by inserting after the word "sentenced" the words "and a statement of the days credited pursuant to section two hundred forty-six point thirty-eight (246.38) of the Code shall be incorporated into the sentence".

2. Page 215, by striking lines 29 through 34.

Amendment H—5945 was adopted.

Middleton of Black Hawk offered the following amendment H—5928 filed by him:

H—5928

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 215, line 21, by striking the words "of confinement for more than ninety days,".

2. Page 215, line 23, by inserting after the word "corrections" the words "or to a local agency established under chapter two hundred seventeen (217) of the Code".

3. Page 215, line 28, by inserting after the word "director" the words "or the local corrections agency".

4. Page 223, by striking lines 14 through 19 and inserting in lieu thereof the following:

"Section 501. *NEW SECTION.* PROBATION AND PAROLE SERVICE. Pursuant to designation by the court, parole and probation services shall be provided by the department of social services or by a local agency established under chapter two hundred seventeen (217) of the Code. Parole and probation officers shall perform the duties assigned to them by law and by the director of the agency by which they are employed."

5. Page 223, line 20, by inserting after the word "PAROLE" the words "AND PROBATION".

6. Page 223, line 20, by inserting after the word "Parole" the words "and probation".

7. Page 223, line 23, by inserting after the word "Parole" the words "and probation".

8. Page 223, line 27, by striking the word "the".

9. Page 223, line 28, by striking the word "his" and inserting in lieu thereof the words "each person's".

10. Page 223, line 29, by striking the word "him" and inserting in lieu thereof the words "that person".

11. Page 223, line 29, by inserting after the word "his" the words "or her".

12. Page 223, line 30, by striking the word "and" and inserting in lieu thereof the word "or".

13. Page 223, line 30, by inserting after the word "Parole" the words "and probation".

14. Page 223, line 35, by inserting after the

word "agencies" the words "which offer services of a corrective nature".

15. Page 224, by striking lines 19 through 27 and inserting in lieu thereof the following:

"Section 504. *NEW SECTION.* COOPERATION BY STATE AND LOCAL PAROLE AND PROBATION SERVICES.

1. Any district court which designates persons or agencies established under chapter two hundred seventeen (217) of the Code to provide probation and parole services to any person shall receive and distribute a proportionate share of the moneys

Page 2

appropriated for community-based corrections by the legislature. Moneys received by a court shall be determined by the workload assumed by community-based persons and agencies pursuant to the court's designation. Workloads shall be determined as follows:

a. Each parolee or probationer assigned to the person or agency represents one unit.

b. Each person receiving pre-trial supervision represents three units.

c. Each pre-sentence investigation represents one unit.

2. State and local parole and probation agencies shall cooperate in the use of facilities established within the community for local correctional treatment and shall cooperatively share the benefits received from the establishment of contracts for services funded by legislative appropriations and provided by private agencies."

16. Page 229, line 12, by striking the words "by the probation" and inserting in lieu thereof the words "by probation".

17. Page 229, line 13, by striking the word "service" and inserting in lieu thereof the word "services".

18. Page 232, by inserting after line 24 the following:

"2. Of any local agency established under chapter two hundred seventeen (217); or".

19. Page 232, line 25, by striking the figure "2" and inserting in lieu thereof the figure "3".

20. Page 234, by striking lines 3 through 6.

21. Page 234, line 7, by striking the words "prescribe. The".

22. Page 234, line 7, by striking the word "such" and inserting in lieu thereof the word "any".

23. Page 234, line 8, by inserting after the word "person" the words "assigned to a local correctional agency".

24. Page 234, line 8, by striking the word "he" and inserting in lieu thereof the words "that person".

25. Page 234, line 13, by striking the word "him"

and inserting in lieu thereof the words "the person".
26. Page 241, line 14, by striking the words and figures "section five hundred four (504)" and inserting in lieu thereof the words and figures "sections one hundred eight (108) and five hundred one (501)".
27. By correcting internal references.

Middleton of Black Hawk asked and received unanimous consent that action on amendment H—5928 be deferred.

Gentleman of Polk offered the following amendment H—5944 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5944

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 215, line 21, by striking the words "ninety days" and inserting in lieu thereof the words "one year".
2. Page 220B, line 40, by striking the words "ninety days" and inserting in lieu thereof the words "one year".
3. Page 221, line 3, by striking the words "ninety days" and inserting in lieu thereof the words "one year".

Amendment H—5944 was adopted.

With the adoption of amendment H—5944, amendment H—5028 filed by Spear of Lee (to page 220B) on January 22, 1976, and found on page 106 of the House Journal was out of order.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—5580 (to page 215) filed by him on March 5, 1976, and found on page 989 of the House Journal.

Kreamer of Polk offered the following amendment H—6052 filed by him and moved its adoption:

H—6052

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 216A, line 12, by inserting after the words "to a term of years" the following: "to be not less than ten years. If a person's sentence is so commuted, the person sentenced pursuant to this section shall not be eligible for parole until the person has served a minimum of ten years of the sentence imposed by law".

Roll call was requested by Kreamer of Polk and Junker of Woodbury.

Rule 69 was invoked.

On the question "Shall amendment H—6052 be adopted?"

The ayes were, 69:

Anderson	Dunton	Junker	Pavich
Baker	Dyrland	Koogler	Pellett
Bennett	Evans	Kreamer	Perkins
Bina	Gentleman	Lageschulte	Rinas
Bortell	Gilloon	Lindeen	Schroeder
Branstad	Griffee	McElroy	Small
Brunow	Halvorson	Menke	Spencer
Byerly	Hansen	Mennenga	Stromer
Caffrey	Harper	Millen	Svoboda
Clark	Harvey	Miller, K. D.	Tofte
Connors	Hines	Miller, O. L.	Varley
Crabb	Horn	Nealson	Walter
Crawford	Howell	Newhard	Welden
Cusack	Hullinger	Norland	West
Daggett	Husak	Oakley	Woods
Danker	Hutchins	O'Halloran	Wulff
Dieleman	Jordan	Patchett	Wyckoff
Drake			

The nays were, 17:

Binneboese	Hennessey	Lonergan	Spear
Brandt	Hinkhouse	Miller, A. V.	Spradling
Doyle	Jesse	Readinger	Mr. Speaker
Egenes	Jochum	Scheelhaase	(Avenson)
Hargrave	Lipsky		

Absent or not voting, 14:

Bittle	Fitzgerald	Middleton	Poncy
Brockett	Higgins	Monroe	Tauke
Cochran	Krause	Nielsen	Wells
Den Herder	Middleswart		

Amendment H—6052 was adopted.

Branstad of Winnebago offered the following amendment H—5743 filed by him and moved its adoption:

H—5743

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 216A, by striking lines 13 through 20.

2. Renumber the bill sections accordingly.

Amendment H—5743 was adopted.

(Senate File 85 temporarily deferred.)

ADOPTION OF HOUSE CONCURRENT RESOLUTION 120

McElroy of Fremont called up for consideration **House Concurrent Resolution 120**, filed on March 25, 1976, and found on page 1406 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 120)

McElroy of Fremont asked and received unanimous consent that House Concurrent Resolution 120 be immediately messaged to the Senate.

RULE 32 INVOKED
(House File 1450)

Monroe of Des Moines invoked Rule 32 on **House File 1450.**

House File 1450, presently on the regular calendar, was referred to the committee on **appropriations.**

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85.**

With the adoption of amendment H—5743, the following amendments filed by Spear of Lee are out of order:

H—5024 filed on January 21, 1976, and found on page 91 of the House Journal.

H—5343 filed on February 25, 1976, and found on page 679 of the House Journal.

H—5562 filed on March 5, 1976, and found on page 985 of the House Journal.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—5563 (to page 216A) filed by him on March 5, 1976, and found on page 986 of the House Journal.

Bennett of Ida offered the following amendment H—6082 filed by him from the floor:

H—6082

Amend Senate File 85 as amended, passed and reprinted by the Senate, as follows:

1. Page 216A, by inserting after the period in line 30 the following: "The court may in its discretion order the director of adult corrections to hold the offender in custody for a minimum period up to but not to exceed one-half of the maximum indeterminate sentence provided for by section two hundred eleven (211) of this division."

Fitzgerald of Webster moved the previous question on Senate File 85, with respect to the filing of amendments only.

Roll call was requested by Kreamer of Polk and Branstad of Winnebago.

On the question "Shall the previous question motion prevail?"

The ayes were, 55:

Anderson	Fitzgerald	Hutchins	O'Halloran
Bina	Gentleman	Jesse	Patchett
Binneboese	Gilloon	Jochum	Pavich
Brandt	Griffee	Jordan	Perkins
Brunow	Hargrave	Krause	Rinas
Caffrey	Harper	Lonergan	Scheelhaase
Cochran	Hennessey	Mennenga	Small
Connors	Higgins	Middleswart	Spencer
Cusack	Hines	Miller, A. V.	Spradling
Dieleman	Hinkhouse	Miller, K. D.	Svoboda
Doyle	Horn	Miller, O. L.	Walter
Drake	Howell	Newhard	Wells
Dunton	Hullinger	Norland	Mr. Speaker (Avenson)
Dyrland	Husak	Oakley	

The nays were, 34:

Bennett	Den Herder	Lageschulte	Schroeder
Bortell	Egenes	Lindeen	Spear
Branstad	Evans	Lipsky	Stromer
Byerly	Halvorson	McElroy	Varley
Clark	Hansen	Menke	Welden
Crabb	Harvey	Nealson	Woods
Crawford	Junker	Pellett	Wulff
Daggett	Koogler	Readinger	Wyckoff
Danker	Kreamer		

Absent or not voting, 11:

Baker	Middleton	Nielsen	Tofte
Bittle	Millen	Poncy	West
Brockett	Monroe	Tauke	

The motion prevailed.

Speaker Cochran in the chair at 11:35 a.m.

Bennett of Ida moved the adoption of amendment H—6082.

Roll call was requested by Bennett of Ida and Nealson of Muscatine.

On the question "Shall amendment H—6082 be adopted?"

The ayes were, 58:

Anderson	Danker	Hutchins	Newhard
Avenson	Den Herder	Jordan	O'Halloran
Baker	Dieleman	Junker	Pellett
Bennett	Drake	Kreamer	Perkins
Bina	Dunton	Lageschulte	Rinas
Bortell	Dyrland	Lindeen	Schroeder
Branstad	Egenes	Lipsky	Spencer
Brockett	Evans	McElroy	Stromer
Brunow	Gilloon	Menke	Varley
Caffrey	Griffee	Mennenga	Welden
Clark	Halvorson	Millen	West
Connors	Hansen	Miller, K. D.	Woods
Crabb	Harper	Miller, O. L.	Wulff
Cusack	Harvey	Nealson	Wyckoff
Daggett	Husak		

The nays were, 30:

Binneboese	Hennessey	Krause	Scheelhaase
Brandt	Higgins	Lonergan	Spear
Byerly	Hinkhouse	Middleswart	Spradling
Crawford	Horn	Miller, A. V.	Svoboda
Doyle	Howell	Monroe	Walter
Fitzgerald	Jesse	Oakley	Wells
Gentleman	Jochum	Pavich	Mr. Speaker
Hargrave	Koogler		

Absent or not voting, 12:

Bittle	Middleton	Patchett	Small
Hines	Nielsen	Poncy	Tauke
Hullinger	Norland	Readinger	Tofte

Amendment H—6082 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for the remainder of the day on request of Dyrland of Clayton.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Avenson of Fayette in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk for a portion of the afternoon session on request of Krause of Palo Alto.

SENATE MESSAGES CONSIDERED

Senate File 1243, a bill for an act appropriating funds to the state board of regents for aujeszky's disease research to be conducted by the Iowa state university of science and technology.

Read first time and referred to committee on **appropriations.**

Senate File 1275, a bill for an act appropriating and allocating funds to the state board of regents to supplement funds appropriated for the 1975-1976 fiscal year.

Read first time and referred to committee on **appropriations.**

Senate Joint Resolution 1008, a joint resolution to establish

an interim study committee to study the feasibility of establishing a separate retirement system for peace officers and correction officers and to make an appropriation.

Read first time and referred to committee on **appropriations.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 30, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1277

H—6095

Amend House File 1277 as amended and passed by the House by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred twenty-five point two (125.2), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Residence" means the place where a person resides. For the purpose of determining which Iowa county, if any, is liable pursuant to this chapter for payment of costs attributable to its residents, the following rules shall apply:

a. If a person claims an Iowa homestead, then the person's residence shall be in the county where that homestead is claimed, irrespective of any other factors.

b. If paragraph a does not apply, and the person is provided or has obtained living quarters within this state in a house, apartment, or room other than one owned or operated as a transient facility, including but not limited to a hotel or motel, then the person's residence shall be in the county where those living quarters are located, irrespective of any other factors: However, this paragraph shall not apply to unemancipated persons under eighteen years of age who are wards of this state.

c. If paragraphs a and b do not apply, or, if the person is under eighteen years of age, is unemancipated, and is a ward of this state, then the person shall be unclassified with respect to county of residence, and payment of all costs shall be made by the division as provided in this chapter.

d. An unemancipated person under eighteen years of age who is not a ward of the state shall be deemed to reside where the parent having legal custody, or

the legal guardan, or legal custodian of that person has residence as determined according to this subsection.

e. The provisions of this subsection shall not be used in any case to which section one hundred twenty-five point twenty-six (125.26) of the Code is applicable.

Sec. 2. Section one hundred twenty-five point thirteen (125.13), subsection four (4), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director may adopt, amend and repeal rules pursuant to chapter seventeen A (17A) of the Code prescribing record-keeping requirements and accounting procedures to be used by facilities. The director shall not approve any

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facility, and shall not contract with any facility pursuant to section one hundred twenty-five point twenty-seven (125.27) of the Code, unless that facility agrees as a condition of such approval or such contract to comply with rules issued pursuant to this paragraph. However, rules issued pursuant to this paragraph shall not apply to any facility referred to in sections one hundred twenty-five point fourteen (125.14) or one hundred twenty-five point twenty-six (125.26) of the Code.

Sec. 3. Section one hundred twenty-five point twenty-seven (125.27), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The contract may be in such form and contain provisions as agreed upon by the parties. Such contract shall provide that the facility shall admit and treat alcoholics [whose legal settlement is in counties other than the contracting county] *regardless of where they have residence.* If one payment for care, maintenance, and treatment is not made by the patient or those legally liable therefor within thirty days after discharge the payment shall be made by the division directly to the facility. Payments shall be made each month and shall be based upon the facility's average daily per patient charge. Provisions of this section shall not pertain to patients treated at the mental health institutes.

Sec. 4. Section one hundred twenty-five point twenty-seven (125.27), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Contracting facilities shall deliver to each patient upon discharge a statement of the costs of the care, maintenance and treatment for which that patient is liable, and shall retain a carbon copy or other similar copy of that statement for a period of not less than one year after the date of discharge of the patient to whom the

statement refers. Every payment received by a contracting facility from or on behalf of a patient, whether received before or after costs have been billed to the division or to a county, shall be identified by the facility as to patient and invoice or statement, and shall be reported to the division. A contracting facility shall allow as a credit against a future billing to the division or to a county, payments received during each month from or on behalf of a patient whose care, maintenance and treatment theretofore has been billed to and paid by the division or a county. Failure by a contracting facility to comply with this paragraph, or with rules promulgated

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pursuant to subsection four (4) of section one hundred twenty-five point thirteen (125.13) of the Code shall constitute grounds for nonrenewal of the contract.

Sec. 5. Section one hundred twenty-five point twenty-eight (125.28), Code 1975, is amended to read as follows:

125.28 COUNTIES TO SHARE COST. Except as provided in section 125.26, [counties] *each county* shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment *under this chapter* of [an alcoholic] *residents of that county* from the county mental health and institutions fund as provided in section 444.12. The commission shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the county of [the alcoholic's legal settlement] *residence* once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of an alcoholic. Such county shall pay the cost so certified to the facility from its county mental health and institutions fund. However, the approval of the board of supervisors shall be required before payment is made by a county for costs incurred which exceed a total of five hundred dollars for one year for treatment provided to any one alcoholic or intoxicated person, except that such approval is not required for the cost of treatment provided to an alcoholic or intoxicated person who is committed pursuant to sections 125.18 and 125.19. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of alcoholics *who are residents of that county* for each month. The board of supervisors may demand an itemization of such billings at any time or may audit the same.

Sec. 6. Section one hundred twenty-five point twenty-nine (125.29), Code 1975, is amended to read as follows:

125.29 [LEGAL SETTLEMENT] *COUNTY OF RESIDENCE*

DETERMINED. The facility shall, when an alcoholic is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records [whether] the [legal settlement] *Iowa county of residence* of such alcoholic [is in the county where the facility is located, or in some other county, state, or country, or is unknown], *or that the person resides in some other state or country, or that the person is unclassified with respect to residence.*

Sec. 7. Section one hundred twenty-five point thirty (125.30), Code 1975, is amended to read as follows:

125.30 [DISPUTED SETTLEMENT] *DISPUTES OVER PAYMENT.*

In the event any county to which certification of the cost of care, maintenance, and treatment of an alcoholic is made, disputes that such alcoholic has his [legal settlement] *residence* in that county, it shall immediately notify the facility that such dispute exists. The director shall immediately investigate the facts and determine in which county the patient has [legal settlement] *residence.* The director shall certify his determination to the county, *if any,* wherein it is found the patient has [legal settlement] *residence* and to the facility. [The] *A county certified by the director to be the* county of [legal settlement] *residence* shall reimburse the facility as provided in this chapter. If the director finds that the [legal settlement] *residence* of an alcoholic at the time of admission was in another state or county or [was unknown] *that the person is unclassified with respect to residence,* then the division shall pay for that portion of his care, maintenance, and treatment that his county of [legal settlement] *residence* would have been liable to pay. For purposes of this section, a "facility" does not include a mental health institute under the control of the department of social services.

Sec. 8. Section one hundred twenty-five point thirty-one (125.31), Code 1975, is amended to read as follows:

125.31 LEGAL LIABILITY FOR CARE. The alcoholic and any person, firm, corporation, or insurance company bound by contract to provide support, hospitalization, or medical services for the alcoholic shall be legally liable to the county of the alcoholic's [legal settlement] *residence* for twenty-five percent of the total amount and to the division for seventy-five percent of the total amount of the cost of providing care, maintenance, and treatment for the alcoholic while a voluntary or committed patient in a facility, except when the state pays the total cost of care in which case liability of one hundred percent shall be to the state. Nothing in this section shall

prohibit any individual from paying any portion of the cost of treatment.

Sec. 9. Section one hundred twenty-five point thirty-three (125.33), Code 1975, is amended to read as follows:

125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of each county shall keep an accurate account of the total cost *to the county* of the care,

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maintenance, and treatment of any alcoholic and *shall* keep an index of the names of the alcoholics [admitted from such county] *for whose benefit county funds are expended pursuant to section one hundred twenty-five point twenty-eight (125.28) of the Code for those services.*"

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed fifty-three members present, forty-seven absent.

BUSINESS PENDING
SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Gentleman of Polk asked and received unanimous consent to defer action on amendments H—5019 and H—5072.

Kreamer of Polk offered the following amendment H—5579 filed by him:

H—5579

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 217A, by striking lines 21 through 34 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* USE OF A FIREARM IN THE COMMISSION OF A FELONY. In addition to any other penalty imposed by law, a person convicted of a felony and who used, threatened to use, or displayed in a threatening manner a firearm while participating in the felony shall be imprisoned in the state penitentiary for five years. A sentence imposed

pursuant to this section shall not run concurrently with the sentence imposed for the commission of the felony. A person sentenced pursuant to this section shall not be eligible for parole until he or she has served five years of his or her sentence."

2. Page 229, line 20, by inserting after the word "felony" the words ", a public offense for which a minimum sentence is imposed".

By unanimous consent the following corrective amendment H—6097, to amendment H—5579, filed by Kreamer of Polk from the floor was adopted:

H—6097

Amend amendment H—5579, to page 217A, of Senate File 85, as follows:

1. By striking from line 10 the words "in the state".

2. Line 11, by striking the word "penitentiary".

Kreamer of Polk moved the adoption of amendment H—5579, as amended.

Roll call was requested by Kreamer of Polk and Nealson of Muscatine.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5579, as amended, be adopted?"

The ayes were, 38:

Bennett	Dieleman	Lageschulte	Spencer
Bortell	Drake	Lindeen	Stromer
Branstad	Dyrland	McElroy	Tofte
Brockett	Evans	Menke	Varley
Clark	Halvorson	Miller, K. D.	Welden
Crabb	Hansen	Monroe	West
Cusack	Harper	Nealson	Woods
Daggett	Harvey	Pellett	Wulff
Danker	Junker	Schroeder	Wyckoff
Den Herder	Kreamer		

The nays were, 53:

Anderson	Gentleman	Jochum	Pavich
Baker	Gilloon	Jordan	Perkins
Bina	Griffee	Koogler	Readinger
Binneboese	Hargrave	Krause	Rinas
Brandt	Hennessey	Lipsky	Scheelhaase
Brunow	Higgins	Lonergan	Small
Byerly	Hines	Mennenga	Spear
Caffrey	Hinkhouse	Middleswart	Spradling
Cochran	Horn	Miller, A. V.	Svoboda
Crawford	Howell	Miller, O. L.	Walter
Doyle	Hullinger	Norland	Wells
Dunton	Husak	Oakley	Mr. Speaker (Avenson)
Egenes	Hutchins	O'Halloran	
Fitzgerald	Jesse		

Absent or not voting, 9:

Bittle	Millen	Nielsen	Poncy
Connors	Newhard	Patchett	Tauke
Middleton			

Amendment H—5579, as amended, lost.

Spear of Lee offered the following amendment H—5019 filed by him and moved its adoption:

H—5019

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 216A, line 32, by striking the word "fifty" and inserting in lieu thereof the word "ninety".

Amendment H—5019 was adopted.

Spear of Lee offered the following amendment H—5702 filed by him and moved its adoption:

H—5702

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 217A, by striking lines 21 through 34.

Amendment H—5702 lost.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5133 filed by him and Nealson of Muscatine on February 4, 1976, and found on page 266 of the House Journal.

Spear of Lee offered the following amendment H—5703 filed by him and moved its adoption:

H—5703

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

1. Page 217A, line 30, by striking the word "five" and inserting in lieu thereof the word "three".

A non-record roll call was requested.

The ayes were 30, nays 49.

Amendment H—5703 lost.

Nealson of Muscatine asked and received unanimous consent to withdraw amendment H—5849 filed by him on March 17, 1976, and found on page 1247 of the House Journal.

Lipsky of Linn offered the following amendment H—5670 filed by her and moved its adoption:

H—5670

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 217A, line 31, by striking everything after the period.

2. Page 217A, by striking all of lines 32, 33 and 34.

Roll call was requested by Lipsky of Linn and Lageschulte of Bremer.

Rule 70 was invoked.

On the question "Shall amendment H—5670 be adopted?"

The ayes were, 22:

Binneboese	Gentleman	Hines	Lonergan
Brandt	Gilloon	Jesse	Middleton
Byerly	Hargrave	Jochum	Rinas
Crawford	Harvey	Jordan	Spear
Doyle	Hennessey	Lipsky	Spradling
Fitzgerald	Higgins		

The nays were, 63:

Anderson	Drake	Koogler	Perkins
Baker	Dunton	Krause	Scheelhaase
Bennett	Dyrland	Kreamer	Schroeder
Bina	Egenes	Lageschulte	Small
Bortell	Evans	Lindeen	Stromer
Branstad	Griffee	McElroy	Svoboda
Brockett	Halvorson	Menke	Tofte
Brunow	Hansen	Mennenga	Varley
Caffrey	Harper	Miller, A. V.	Walter
Clark	Hinkhouse	Miller, K. D.	Welden
Crabb	Horn	Miller, O. L.	West
Cusack	Howell	Monroe	Woods
Daggett	Hullinger	Nealson	Wulff
Danker	Husak	Oakley	Wyckoff
Den Herder	Hutchins	O'Halloran	Mr. Speaker (Avenson)
Dieleman	Junker	Pellett	

Absent or not voting, 15:

Bittle	Millen	Patchett	Spencer
Cochran	Newhard	Pavich	Tauke
Connors	Nielsen	Poncy	Wells
Middleswart	Norland	Readinger	

Amendment H—5670 lost.

Wyckoff of Benton offered the following amendment H—5679 filed by him:

H—5679

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 217A, by inserting after line 34 the following:

"Sec. ..... *NEW SECTION.* MINIMUM SENTENCE—USE OF FIREARM IN CLASS B OR C FELONY. At the trial of a person charged with participating in a class B or

C felony, if the trier of the fact finds beyond a reasonable doubt that the person represented that he or she was in the immediate possession and control of a firearm, displayed a firearm in a threatening manner, or was armed with a firearm while participating in the class B or C felony, the convicted person shall serve a minimum of ten years of the sentence imposed by law, section two hundred seven (207) notwithstanding. A person sentenced pursuant to this section shall not be eligible for parole until he or she has served the minimum sentence of confinement imposed by this section."

Wyckoff of Benton asked for unanimous consent to strike "or C" in amendment H—5679.

Objection was raised.

Wyckoff of Benton moved to suspend the rules to consider the following corrective amendment H—6113, to amendment H—5679 filed by him from the floor:

H—6113

Amend H—5679 to page 217A of Senate File 85 as follows:

1. Line 5, by striking "OR C".

2. Lines 6 and 7, by striking "or C".

3. Line 12, by striking "or C".

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 54, nays 15.

The motion prevailed.

Wyckoff of Benton moved the adoption of amendment H—6113 to amendment H—5679.

Amendment H—6113, to amendment H—5679, was adopted.

Wyckoff of Benton moved the adoption of amendment H—5679, as amended.

A non-record roll call was requested.

The ayes were 35, nays 42.

Amendment H—5679, as amended, lost.

Gentleman of Polk offered the following amendment H—5671 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5671

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 217A, by striking line 35 through page 218, line 2, and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* DANGEROUS OFFENDER. A dangerous offender is a person convicted of a class B felony who has previously been convicted of a felony involving death or serious injury or has previously been convicted of a felony involving the threat of death or serious injury."

2. Page 218, line 16, by striking the words "twenty-five" and inserting in lieu thereof the word "forty".

3. Page 218, by inserting after line 16 the following:

"..... A Class B felon shall be confined for no more than twenty-five years."

4. By renumbering the remaining sections, subsections, and internal references to accord with this amendment.

A non-record roll call was requested.

The ayes were 47, nays 21.

Amendment H—5671 was adopted.

Halvorson of Clayton offered the following amendment H—6041 filed by him:

H—6041

Amend Senate File 85 as passed and reprinted by the Senate as follows:

1. Page 218, by striking lines 3 through 9.

2. Page 221, by inserting after line 21 the following:

"DIVISION .....
HABITUAL CRIMINALS

Section 1. *NEW SECTION.* THIRD CONVICTION OF A CLASS B FELONY. Whenever any person has been twice convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least twenty-five years each, he shall, upon conviction of a class B felony committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than fifty years.

Sec. 2. *NEW SECTION.* THIRD CONVICTION OF A CLASS C FELONY. Whenever any person has been twice convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any

other state, by the United States, for terms with a possible maximum of at least ten years each, he shall, upon conviction of a class C felony committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than thirty-five years.

Sec. 3. *NEW SECTION.* THIRD CONVICTION OF A CLASS D FELONY. Whenever any person has been twice convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least five years each, he shall upon conviction of a class D felony committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than twenty-five years.

Sec. 4. *NEW SECTION.* FOURTH CONVICTION OF AN INDICTABLE MISDEMEANOR. Whenever any person has been three times convicted of a crime in this or any other state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least two years each, he shall, upon conviction of an indictable misdemeanor committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the peniten-

Page 2

tiary for a term of not more than six years.

Sec. 5. *NEW SECTION.* FOURTH CONVICTION OF A NON-INDICTABLE MISDEMEANOR. Whenever any person has been three times convicted of a crime in this or any other state, or by the United States, or once in this state, or by the United States, or once in this state and at least once in any other state, or by the United States, for terms with a possible maximum of at least thirty days each, he shall, upon conviction of an indictable misdemeanor committed in this state after the taking effect of this section, be deemed a habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not more than three years.

Sec. 6. *NEW SECTION.* MANDATORY MINIMUM SENTENCE. A person sentenced pursuant to any of the preceding sections in this division shall not be eligible for parole until he has served one-third of his sentence.

Sec. 7. *NEW SECTION.* EVIDENCE. On the trial of any of said offenses named in sections one (1), two (2), three (3), four (4) and five (5) of this division, a duly authenticated copy of the record of the former judgment in any court wherein said conviction was had, for any of said crimes against the party indicted, shall be prima facie evidence of such former conviction and may be used in evidence against said party.

Sec. 8. *NEW SECTION.* DUTIES OF JURY AND JUDGE. Upon any trial when the indictment refers to former convictions of the defendant, the jury, if it finds the defendant guilty, and the court, if the defendant is convicted on a plea of guilty, must also find and determine specially whether the defendant had previously been convicted of either of the crimes referred to in the indictment, and the number of times so convicted.

Sec. 9. *NEW SECTION.* PARDON FOR FORMER CRIME. If the person convicted shall show, to the satisfaction of the court before whom such conviction was had, that he was released from imprisonment, upon any of said sentences, upon a pardon granted for the reason that he was innocent, such conviction shall not be considered as such under any of the previous sections in this division.

Menke of O'Brien in the chair at 4:37 p.m.

Avenson of Fayette in the chair at 4:41 p.m.

Speaker Cochran in the chair at 4:55 p.m.

Halvorson of Clayton moved the adoption of amendment H—6041.

Roll call was requested by Halvorson of Clayton and Brunow of Appanoose.

On the question "Shall amendment H—6041 be adopted?"

The ayes were, 38:

Baker	Dyrland	Lageschulte	Schroeder
Bennett	Halvorson	Lindeen	Stromer
Bortell	Hansen	McElroy	Tofte
Branstad	Harper	Menke	Welden
Brockett	Harvey	Millen	Wells
Crabb	Hines	Miller, K. D.	West
Daggett	Jordan	Miller, O. L.	Woods
Danker	Junker	Nealson	Wulff
Den Herder	Koogler	Pellett	Wyckoff
Dieleman	Kreamer		

The nays were, 54:

Anderson	Dunton	Jesse	Pavich
Avenson	Egenes	Jochum	Perkins
Bina	Fitzgerald	Krause	Readinger
Binneboese	Gentleman	Lipsky	Rinas
Brandt	Gilloon	Lonergan	Scheelhaase
Brunow	Hargrave	Mennenga	Small
Byerly	Hennessey	Middleswart	Spear
Caffrey	Higgins	Miller, A. V.	Spencer
Clark	Hinkhouse	Monroe	Spradling
Connors	Horn	Newhard	Svoboda
Crawford	Howell	Nielsen	Varley
Cusack	Hullinger	Oakley	Walter
Doyle	Husak	O'Halloran	Mr. Speaker
Drake	Hutchins		

Absent or not voting, 8:

Bittle	Griffee	Norland	Poncy
Evans	Middleton	Patchett	Tauke

Amendment H—6041 lost.

(Senate File 85 pending and placed under unfinished business.)

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION
(House File 1217)

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House File 1217.

SENATE AMENDMENT CONSIDERED

Dunton of Keokuk called up for consideration **House File 1217,** a bill for an act appropriating funds to the general services department for a central energy plant, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6036

Amend House File 1217 as amended, passed and reprinted by the House as follows:

1. Page 2, by striking lines 8 and 9.

Roll call was requested by Brockett of Marshall and Egenes of Story.

Rule 69 was invoked.

On the question "Shall the House concur in the Senate amendment H—6036?"

The ayes were, 34:

Bennett	Den Herder	Kreamer	Readinger
Bortell	Dieleman	Lageschulte	Schroeder
Branstad	Drake	Lindeen	Stromer
Brockett	Egenes	Lipsky	Tofte
Clark	Gentleman	McElroy	Varley
Crabb	Halvorson	Millen	Welden
Crawford	Harvey	Oakley	West
Daggett	Jordan	Pellett	Wulff
Danker	Junker		

The nays were, 55:

Baker	Doyle	Hennessey	Hutchins
Bina	Dunton	Higgins	Jesse
Binneboese	Dyrland	Hines	Jochum
Brandt	Fitzgerald	Hinkhouse	Koogler
Byerly	Gilloon	Horn	Krause
Caffrey	Hansen	Howell	Lonergan
Connors	Hargrave	Hullinger	Menke
Cusack	Harper	Husak	Mennenga

Middleswart	Nielsen	Scheelhaase	Walter
Miller, A. V.	Norland	Small	Wells
Miller, K. D.	O'Halloran	Spear	Woods
Miller, O. L.	Pavich	Spencer	Wyckoff
Monroe	Perkins	Spradling	Mr. Speaker
Nealson	Rinas	Svoboda	

Absent or not voting, 11:

Anderson	Brunow	Middleton	Poncy
Avenson	Evans	Newhard	Tauke
Bittle	Griffee	Patchett	

The motion lost and the House refused to concur in the Senate amendment H—6036.

IMMEDIATE MESSAGE
(House File 1217)

Dunton of Keokuk asked and received unanimous consent that House File 1217 be immediately messaged to the Senate.

HOUSE CONCURRENT RESOLUTION 123
By Committee on Energy

Whereas, Iowa's needs for electrical energy will continue to increase as the state's economic growth continues and as the supply of primary sources of energy become less reliable; and,

Whereas, the costs of constructing electrical generation facilities have increased dramatically because of both rising capital costs and systems improvements designed to prevent the unreasonable depletion and degradation of our natural resources and to increase systems reliability; and,

Whereas, these increased costs of power plant construction do and will continue to impact significantly on the level of rates charged to consumers of electrical energy; and,

Whereas, although certain limitations have been imposed on the state's authority over the construction, operation and maintenance of nuclear powered generating plants by the federal government, the Iowa state commerce commission does have the authority, pursuant to chapter four hundred ninety A (490A) of the Code, to investigate the prudence of any expenditure by an Iowa utility, including expenditures relating to nuclear plants, to determine what expenditures should be allowed to be recovered through the utility's rate structure; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Iowa state commerce commission is commended for its policy of investigating prior to actual construction certain capital expenditures proposed by a utility to insure the feasibility and economic validity of the project and to determine whether subsequent capital costs may be recovered through a reasonable rate schedule.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 124

By O'Halloran, Hullinger and Doyle

Whereas, the regulation of hazardous materials includes regulating the transportation, use, storage and disposal of materials which may pose an unreasonable risk to health, safety and property; and

Whereas, Iowa is one of only a few states which has not developed a comprehensive program for regulating hazardous materials; and

Whereas, a 1975 joint interim subcommittee on energy facilities and hazardous substances devoted most of its time to considering legislation requiring state certification for the siting of electric generating facilities and therefore did not have the opportunity to thoroughly discuss testimony and recommendations received concerning the limits of federal responsibilities and capabilities in hazardous material regulation and the possibilities for a more active state role particularly in the areas of transportion inspections and supervision, marking requirements for hazardous shipments and emergency response preparedness; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is requested to authorize the appointment of a joint interim subcommittee consisting of members of the standing committees on energy to conduct a study of the regulation of hazardous materials which shall include:

1. An analysis of the problems faced by state agencies, political subdivisions and private industry

in dealing with hazardous materials and of efforts designed to meet such problems, including safety and emergency response educational programs.

2. An analysis of proposals to enhance the efficacy and uniformity of present hazardous material regulations.

3. An investigation of the status of rules to be promulgated by the department of environmental quality pursuant to chapter four hundred fifty-five B (455B) of the Code regarding the transportation, use and disposal of radioactive materials.

4. A study of the need to expand the state's role in the regulation of hazardous materials within limits established by the federal government;

Be It Further Resolved, That the joint subcommittee shall submit a report of its findings and recommendations to the Legislative Council, the standing committees on energy and the members of the Sixty-seventh General Assembly meeting in the year 1977.

Laid over under Rule 25.

MOTIONS TO RECONSIDER

(Amendment H—6052 to Senate File 85)

I move to reconsider the vote by which amendment H—6052, to page 216A, of Senate File 85 was adopted by the House on April 1, 1976.

GENTLEMAN of Polk

(Amendment H—6052 to Senate File 85)

I move to reconsider the vote by which H—6052 to page 216A of Senate File 85 was adopted by the House on April 1, 1976.

KREAMER of Polk

(Amendment H—6041 to Senate File 85)

I move to reconsider the vote by which H—6041 to page 218 of Senate File 85 failed to be adopted by the House on April 1, 1976.

DRAKE of Muscatine

AMENDMENTS FILED

H—6096

Amend Senate amendment H—6095 to House File 1277 as follows:

1. Page 3, line 5 by inserting after the numerals "1975," the following: "as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ten (10), section four (4),".

HUTCHINS of Guthrie

H—6105

Amend House File 1332 as follows:

1. Page 12, by inserting after line 5 the following section:

"Sec. ..... Section three hundred twenty-five point thirty-seven (325.37), Code 1975, is amended to read as follows:

325.37 SAFETY EQUIPMENT AND REGULATIONS FOR ALL TRUCK OPERATORS. "Motor carrier" when used in this section and sections 352.38 and 325.39 means carriers holding a certificate under this chapter, truck operators and contract carriers holding permits under chapter 327, *and* liquid transport carriers holding a certificate under chapter 327A [, and private carriers].

WELDEN of Hardin

H—6098

Amend House File 1477 as follows:

1. Page 2, line 11, by inserting after the word "*state*" the following: "*to the extent that they are not subject to section four hundred two (402) of the Federal Water Pollution Control Act as amended*".

KOOGLER of Mahaska

H—6099

Amend House File 1477 as follows:

1. Page 11, line 21, by striking the words "sewage or wastes" and inserting in lieu thereof the words "[sewage or wastes] *pollutants*".

KOOGLER of Mahaska

H—6106

Amend House File 1477 as follows:

1. Page 12, by striking lines 10 through 13, and inserting in lieu thereof "*of any water quality standard or effluent standard* or, with respect"

WELDEN of Hardin
KOOGLER of Mahaska

H—6107

Amend House File 1477 as follows:

1. Page 5, line 35 by inserting after the word "any" the words "public water supply or any" and page 6, by striking all of line 2 after the word "system" and all of lines 3 and 4 and inserting in lieu thereof a period.

2. Page 6 by striking lines 30 through 33 and inserting in lieu thereof the following:

"2. Conduct periodic surveys and inspection of the construction, operation, self monitoring, record keeping and reporting of all public water supply systems and all disposal systems except as provided in section four hundred fifty-five B point forty-five (455B.45), of the Code."

3. Page 11, line 10 by striking the word "disposal" and inserting in lieu thereof the word "[disposal]".

WELDEN of Hardin
KOOGLER of Mahaska

H—6114

Amend House File 1551 as follows:

1. Page 4, line 16, by inserting after the word "*of*" the words "*the department of*"

2. Page 6, line 14, by inserting before the word "*of*" the words "*of the department*"

KRAUSE of Palo Alto

H—6083

Amend Senate File 85 as follows:

1. Page 218, by striking all of lines 17 and 18.

2. Page 218, line 19, by striking the words "or incorrigible".

3. Page 218, line 23, by striking the words "or incorrigible".

HALVORSON of Clayton

H—6084

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 214, by striking lines 22 through 31 and inserting in lieu thereof the following: "After receiving and examining all pertinent information, including the pre-sentence investigation report, if any, the court shall consider the sentencing options authorized by this chapter for the offense, and of the authorized sentences, which of them or which combination of them, in the discretion of the court, will provide maximum opportunity for the rehabilitation of the defendant, and for the protection of the community."

2. Page 214, by striking lines 34 and 35.

3. Page 215, by striking lines 1 through 12.

BRANSTAD of Winnebago

H—6085

Amend Senate File 85 as follows:

1. Page 218, by inserting after line 26 the following:

"Sec. ..... Section one hundred six (106) of this division notwithstanding, when a judgment of conviction of a felony other than a class "A" felony is entered against any offender, the court in imposing a sentence of confinement shall sentence the offender to a term of not less than one-fourth of the maximum sentence."

2. Page 225A, by striking lines 31 through 35 and inserting in lieu thereof the following: "A person who is under consideration for parole shall be denied such parole unless that person has served at least one-half of the sentence imposed under section one (1) of this amendment."

3. Page 225B, by striking lines 36 and 37.

JORDAN of Linn

H—6086

Amend Senate File 85 as follows:

1. Page 415, by inserting after line 15 the following new section:

"Sec. ..... Any person who willfully violates sections six hundred one A point six (601A.6), subsection one (1), six hundred one A point seven (601A.7), subsection one (1), or six hundred A point eight (601A.8), of the Code, shall, upon conviction be guilty of a class "D" felony."

HARGRAVE of Johnson

H—6087

Amend Senate File 85 as follows:

1. Page 12, by inserting after line 15 the

following new section:
"Sec. ..... *NEW SECTION.* TERMINATION OF LIFE SUPPORT SERVICES. It shall be justifiable for a guardian to order the termination of use of life-assisting apparatus for one, who in the opinion of the treating physician, based on ordinary standards of medical practice, is in a persistent vegetative state, suffers irreversible brain damage, enjoys no cognitive or cerebral functioning and whose chances of useful sapient life or return of discriminate functioning are remote."

CONNORS of Polk

H—6088

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 230, line 15, by striking the word "two" and inserting in lieu thereof the word "one".

BRANSTAD of Winnebago

H—6089

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 230, line 19, by striking the word "within".
2. Page 230, by striking lines 20 and 21.
3. Page 230, line 22, by striking the word "offense".

BRANSTAD of Winnebago

H—6090

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 240, by striking lines 8 and 9 and inserting in lieu thereof the following: "shall notify in writing the alleged violator, his attorney of record, if any, and the department of social services of such hearing and the claimed violation of parole. The alleged violator".

BRANSTAD of Winnebago

H—6091

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 238A, line 4, by striking the words "reasonable grounds" and inserting in lieu thereof the words "probable cause".

BRANSTAD of Winnebago

H—6092

Amend the Nielsen amendment, H—5665, to Senate File 85, as amended, passed and reprinted by the Senate, page 1, by striking lines 5 and 6 and inserting in lieu thereof the following:
"Sec. ..... The provisions of this Act, except the section amending Acts of the Sixty-sixth Gen-

eral Assembly, 1975 Session, chapter one hundred eighty-three (183), shall take effect January 1, 1978."

HORN of Linn

H—6093

Amend amendment H—6086, to page 415 of Senate File 85, as follows:

1. Page 1, line 3, by striking the words "new section".

2. Page 1, by inserting after line 9 the following:

"Sec. ..... Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

DYRLAND of Clayton

H—6094

Amend Senate File 85 as amended, passed and reprinted by the Senate, as follows:

1. Page 425, by inserting after line 29 the following:

"Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-three (183), is amended by adding the following:

Sec. ..... *NEW SECTION.* The provisions of sections one (1) and three (3) of this Act shall not be applicable to persons eighteen years of age or older subsequent to the date that the federal law and regulations no longer mandate that a state's law require motorcyclists eighteen years of age and older when operating or riding a motorcycle to wear a motorcycle helmet as a prerequisite to approval of the state's highway safety program as provided in the Highway Safety Act of 1966, 23 U.S.C. 402."

2. Renumber the sections and correct internal references in conformance with this amendment.

HORN of Linn
BRUNOW of Appanoose
DAGGETT of Adams
MONROE of Des Moines
SCHROEDER of Pottawattamie
DOYLE of Woodbury
HARGRAVE of Johnson
HANSEN of O'Brien
NEWHARD of Jones
JUNKER of Woodbury

BINNEBOESE of Plymouth
JORDAN of Linn
DYRLAND of Clayton
HUSAK of Tama
DEN HERDER of Sioux
BORTELL of Madison
BYERLY of Polk
KOOGLER of Mahaska
EVANS of Grundy
WOODS of Polk
BINA of Scott
PAVICH of Pottawattamie
LINDEEN of Henry
MENKE of O'Brien
DANKER of Pottawattamie
WYCKOFF of Benton
McELROY of Fremont
MILLER of Cerro Gordo
WELLS of Linn
SPRADLING of Sioux
MILLER of Buchanan
RINAS of Linn
MIDDLESWART of Warren
O'HALLORAN of Black Hawk
DUNTON of Keokuk
WULFF of Black Hawk
MIDDLETON of Black Hawk
PERKINS of Greene
BRANSTAD of Winnebago
KREAMER of Polk
WELDEN of Hardin
EGENES of Story
HALVORSON of Clayton
CAFFREY of Polk
HINKHOUSE of Cedar
GILLOON of Dubuque
HARVEY of Scott
CONNORS of Polk
BRANDT of Black Hawk
HINES of Story
GENTLEMAN of Polk
CRABB of Crawford
LONERGAN of Boone
JESSE of Polk
CUSACK of Scott
TOFTE of Winneshiek
WEST of Marshall
WALTER of Pottawattamie
CLARK of Lee
NIELSEN of Polk
MILLEN of Van Buren

H—6100

Amend H—5285, filed by the committee on education, to Senate File 205, as amended, passed, and reprinted

by the Senate, page 2, by inserting after line 46 the following:

"..... Page 6, line 13, by striking the word "judgment" and inserting in lieu thereof the word "decision"."

PATCHETT of Johnson

H—6101

Amend Senate File 205, as amended, passed, and reprinted by the Senate, page 7, by striking lines 17 and 18 and inserting in lieu thereof the words "following the procedure stated in chapter two hundred ninety (290) of the Code."

DAGGETT of Adams

H—6102

Amend Senate File 205 as amended, passed and reprinted by the Senate, as follows:

1. Page 6, by inserting after line 27 the following subsection:

"..... The hearings, meetings and conferences pertaining to the dismissal of a teacher shall be closed meetings except that final action to terminate a teacher's contract shall be by roll call vote in open meeting and entered in the minutes of the meeting."

2. Page 6, by inserting after line 27 the following subsection:

"..... The provisions of this section shall not affect the power of the board of directors to discharge a teacher for cause under the provisions of section two hundred seventy-nine point twenty-four (279.24) of the Code."

EGENES of Story

H—6108

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

Page 18 by striking lines 19 through 29 and inserting in lieu thereof the following:

"135D.15 SEASONAL OPERATION. If any applicant for a mobile home park license desires to operate such mobile home park only during the months from May 1 to October 1, they should pay only one-half of the above-mentioned annual license fee, but should pay the full monthly fees hereinbefore required for each month of operation. If in the opinion of the state department of health the sanitary [and facility] requirements herein contained are too rigid for the mobile home park, it may in writing or by regulation, *with the concurrence of the building code council,* modify such requirements as circumstances may permit and require."

WELDEN of Hardin

H—6109

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

Page 18 by striking lines 7 through 16 and inserting in lieu thereof the following:

"When the application is received by the state department of health, it shall promptly cause the mobile home park and appurtenances thereto to be inspected. When such inspection and report has been made and the state department of health finds that all requirements of this chapter, [and] such conditions of health [and safety] as the state department of health may require, *and the requirements of the state building code* have been met by the applicant, the state department of health shall forthwith issue such annual primary license in the name of the state."

WELDEN of Hardin

H—6110

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

Page 18, line 34 by striking the period and inserting in lieu thereof the following:

"effective on the date that the state building code developed under the provisions of this Act becomes effective."

WELDEN of Hardin

H—6111

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

1. Page 6 by striking line 35.
2. Page 7 by striking lines 1 and 2.

WELDEN of Hardin

H—6112

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

1. Page 1 by striking lines 21 and 22 and inserting in lieu thereof the following:

"a. All public buildings constructed by any political subdivision of the state."

2. Page 1 by striking in line 27 the word "and" and inserting in lieu thereof the word "of".
3. Page 1 by striking lines 34 and 35.

WELDEN of Hardin

H—6103

Amend Senate File 1250, as amended and passed by the Senate and reprinted, page 5, by inserting after line 13 the following:

"Sec. ..... Section one hundred seventy-three point twelve (173.12), Code 1975, is amended by striking the

section and inserting in lieu thereof the following:
173.12 COMPENSATION OF TREASURER. The treasurer shall receive the same compensation and reimbursement for expenses as a member of the state fair board pursuant to section one hundred seventy-three point eight (173.8) of the Code."

HARPER of Davis

H—6104

Amend Senate File 1261, as passed by the Senate and reprinted, as follows:
1. Page 11, by striking lines 19 through 24.

DAGGETT of Adams

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:38 p.m. until 9:30 a.m., Friday, April 2, 1976.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day—Fifty-fourth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, APRIL 2, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Royce Wolden, pastor of the Grace Baptist Church, Waverly, Iowa.

The Journal of Thursday, April 1, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Carney, Grinnell, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello on request of Harper of Davis; Patchett of Johnson on request of Dyrland of Clayton; Millen of Van Buren on request of Kreamer of Polk; Griffee of Chickasaw on request of Howell of Floyd; Pavich of Pottawattamie on request of Walter of Pottawattamie.

PRESENTATION OF VISITORS

Husak of Tama presented to the House Bonnie Schallau, former House Page who served during the 1975 Session of the Sixty-sixth General Assembly. Bonnie is a student at St. Luke's Hospital, Cedar Rapids, Iowa.

The Speaker announced the following visitors were present in the House chamber:

Sixteen sixth to ninth grade students from Long Middle School, Algona, Iowa, accompanied by Walter Reemstra. By Krause of Palo Alto.

Twenty-two ninth grade students from Woodside Junior High School, Des Moines, Iowa, accompanied by Norma Selland. By Byerly of Polk and Nielsen of Polk.

Seventeen Junior High science students from Clay Central Community School at Royal, Iowa, accompanied by Jim Nelson and Mrs. Alice Schar. By Baker of Buena Vista.

Eight eighth grade students from the Kanawha Christian School, Kanawha, Iowa, accompanied by Virgil W. Baker, principal. By Stromer of Hancock.

PETITION FILED

The following petition was received and placed on file:

By Brunow of Appanoose from forty constituents favoring House File 797, relating to the regulation of the use of nonreturnable bottles and cans.

HOUSE RESOLUTION 113

By Hutchins of Guthrie

Whereas, the economy in the state of Iowa and this nation is closely related to the agricultural industry; and

Whereas, the beef industry is a major factor in the agricultural industry; and

Whereas, citizens of Audubon County have fully recognized the need to promote a cause that is in the best interest of the citizens of Audubon County, the state of Iowa, and the nation, *Now, Therefore,*

Be It Resolved by the House of Representatives, that the membership of the House of Represntatives of the Sixty-sixth General Assembly of the State of Iowa extends its heartiest congratulations to those persons for their initiative in holding the first Audubon County Beef Lift.

Be It Further Resolved, that a copy of this resolution be forwarded to the citizens of Audubon County who are in charge of making preparations for the first Audubon County Beef Lift.

Laid over under Rule 25.

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR

(15-Minute)

House File 1226, a bill for an act relating to loans made by a credit union to its director, with report of committee recommending passage, was taken up for consideration.

Wells of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1226)

The ayes were, 85:

Anderson	Drake	Jordan	Pellett
Avenson	Dunton	Junker	Perkins
Baker	Dyrland	Koogler	Readinger
Bennett	Egenes	Krause	Rinas
Bina	Evans	Kreamer	Scheelhaase
Binneboese	Fitzgerald	Lageschulte	Schroeder
Bittle	Gentleman	Lindeen	Small
Bortell	Gilloon	Lipsky	Spear
Brandt	Halvorson	Lonergan	Spencer
Branstad	Hansen	McElroy	Spradling
Brunow	Hargrave	Menke	Stromer
Byerly	Harper	Mennenga	Svoboda
Caffrey	Harvey	Middleswart	Tauke
Clark	Hennessey	Middleton	Tofte
Crabb	Higgins	Miller, A. V.	Varley
Crawford	Hinkhouse	Miller, K. D.	Wells
Cusack	Horn	Miller, O. L.	West
Daggett	Howell	Monroe	Woods
Danker	Husak	Nealson	Wulff
Den Herder	Hutchins	Norland	Wyckoff
Dieleman	Jochum	Oakley	Mr. Speaker
Doyle			

The nays were, none.

Absent or not voting, 15:

Brockett	Hullinger	Nielsen	Poncy
Connors	Jesse	O'Halloran	Walter
Griffee	Millen	Patchett	Welden
Hines	Newhard	Pavich	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1483, a bill for an act relating to the Uniform Guaranty Association Act, was taken up for consideration.

Kreamer of Polk offered the following amendment H—5939 filed by him and moved its adoption:

H—5939

Amend House File 1483 as follows:

1. Page 1, by inserting after line 14 the following new section:

"Sec. ..... Section five hundred fifteen B point two (515B.2), subsection four (4), Code 1975, is amended to read as follows:

4. "Insurer" means an insurer licensed to transact insurance business in this state under either chapter 515 or chapter 520, either at the time the policy was issued or when the insured event occurred. It shall not include county or state mutual assessment associations licensed under chapter 518

or chapter 518A, or fraternal beneficiary societies, orders or associations licensed under chapter 512, or corporations operating nonprofit service plans under chapter 514, or life insurance companies or life, accident or health associations licensed under chapter 508 or chapter 510, *or those professions under chapter 519.*"

Amendment H—5939 was adopted.

Kreamer of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1483)

The ayes were, 90:

Anderson	Doyle	Jochum	Pellett
Avenson	Drake	Jordan	Perkins
Baker	Dunton	Junker	Readinger
Bennett	Dyrland	Koogler	Rinas
Bina	Egenes	Krause	Scheelhaase
Binneboese	Evans	Kreamer	Schroeder
Bittle	Fitzgerald	Lageschulte	Small
Bortell	Gentleman	Lindeen	Spear
Brandt	Gilloon	Lipsky	Spencer
Branstad	Halvorson	Lonergan	Spradling
Brockett	Hansen	McElroy	Stromer
Brunow	Hargrave	Menke	Svoboda
Byerly	Harper	Mennenga	Tauke
Caffrey	Harvey	Middleswart	Tofte
Clark	Hennessey	Middleton	Varley
Connors	Higgins	Miller, A. V.	Welden
Crabb	Hinkhouse	Miller, K. D.	Wells
Crawford	Horn	Miller, O. L.	West
Cusack	Howell	Monroe	Woods
Daggett	Hullinger	Nealson	Wulff
Danker	Husak	Norland	Wyckoff
Den Herder	Hutchins	Oakley	Mr. Speaker
Dieleman	Jesse		

The nays were, none.

Absent or not voting, 10:

Griffee	Newhard	Patchett	Poncy
Hines	Nielsen	Pavich	Walter
Millen	O'Halloran		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File** 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-convic-

tion procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Woods of Polk offered the following amendment H—5716 filed by him and moved its adoption:

H—5716
Amend Senate File 85 as follows:
1. Section 210, page 218 by inserting after the period on line 9 the following words: "A person sentenced as an incorrigible offender shall not be eligible for parole until he or she has served the minimum sentence of confinement of three years and the Court shall have the additional discretion and power of ordering an incorrigible offender to be held in custody for a minimum period up to, but not to exceed, four-tenths of the maximum indeterminate sentence for incorrigible offenders."

A non-record roll call was requested.

The ayes were 66, nays 21.

Amendment H—5716 was adopted.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—6038 (to page 218) filed by him on March 30, 1976, and found on page 1488 of the House Journal.

(Senate File 85 temporarily deferred.)

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

House File 1161, a bill for an act to define certain additional substances as controlled substances, and to amend the Iowa uniform controlled substances act to permit the board of pharmacy examiners to add to, delete from or alter the classification of the list of controlled substances established by that act, with report of committee recommending amendment and passage, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5967 filed by Schroeder, et al., and moved its adoption:

H—5967
Amend House File 1161 as follows:
1. Page 2, by inserting after line 16, the following new section:

"Sec. ..... Section two hundred-four point two hundred one (204.201), Code 1975, is amended by adding the following new subsection:

5. The board shall exclude any nonnarcotic substance from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C., 301-392, as amended to December 31, 1972, and the law of this state, be lawfully sold over-the-counter without a prescription."

Amendment H—5967 was adopted.

Lipsky of Linn offered the following amendment H—5940 filed by her and requested division as follows:

H—5940

Amend House File 1161 as follows:

H—5940A

1. Page 4, by inserting after line 16 the following section:

"Sec. ..... Section two hundred four point three hundred eight (204.308), subsections three (3) and four (4), Code 1975, are amended to read as follows:

3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III [or], IV[,] *or V*, which is a prescription drug as determined under section 155.3, subsections 9 and 10, shall not be dispensed without a written or oral prescription of a practitioner. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

H—5940B

[4. A controlled substance included in schedule V shall not be distributed or dispensed other than for a medical purpose.]"

Lipsky of Linn asked and received unanimous consent to withdraw amendment H—5940B.

Lipsky of Linn moved the adoption of amendment H—5940A.

Amendment H—5940A lost.

Newhard of Jones offered the following amendment H—5301 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5301

Amend House File 1161 as follows:

1. Page 4, by striking lines 17 through 21.

Amendment H—5301 was adopted.

Newhard of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1161)

The ayes were, 83:

Anderson	Doyle	Jesse	Oakley
Baker	Drake	Jochum	O'Halloran
Bennett	Dunton	Jordan	Pellett
Bina	Dyrland	Junker	Perkins
Binneboese	Egenes	Koogler	Readinger
Bittle	Fitzgerald	Krause	Rinas
Bortell	Gentleman	Kreamer	Scheelhaase
Brandt	Gilloon	Lageschulte	Schroeder
Branstad	Hansen	Lindeen	Small
Brockett	Hargrave	Lipsky	Spear
Brunow	Harper	Lonergan	Spradling
Byerly	Harvey	McElroy	Svoboda
Caffrey	Hennessey	Menke	Tauke
Clark	Higgins	Mennenga	Walter
Connors	Hines	Middleton	Welden
Crabb	Hinkhouse	Miller, A. V.	West
Crawford	Horn	Miller, K. D.	Woods
Cusack	Howell	Miller, O. L.	Wulff
Daggett	Hullinger	Monroe	Wyckoff
Den Herder	Husak	Nealson	Mr. Speaker
Dieleman	Hutchins	Newhard	

The nays were, 5:

Danker	Halvorson	Middleswart	Tofte
Evans			

Absent or not voting, 12:

Avenson	Nielsen	Pavich	Stromer
Griffee	Norland	Poncy	Varley
Millen	Patchett	Spencer	Wells

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85.**

Kreamer of Polk offered amendment H—5612 filed by him and requested division as follows:

H—5612

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

H—5612A

1. Page 218, line 15, by inserting after the

word "for" the words "not less than fifteen years and".

H—5612B

2. Page 218, line 17, by inserting after the word "for" the words "not less than ten years and".

3. Page 218, line 20, by inserting after the word "for" the words "not less than five years and".

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5612B.

Kreamer of Polk moved the adoption of amendment H—5612A.

Roll call was requested by Kreamer of Polk and Nealson of Muscatine.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5612A be adopted?"

The ayes were, 43:

Bennett	Danker	Junker	Nealson
Bittle	Den Herder	Kreamer	Nielsen
Bortell	Dieleman	Lageschulte	Pellett
Branstad	Drake	Lindeen	Stromer
Brockett	Dyrland	Lipsky	Tofte
Byerly	Evans	McElroy	Welden
Clark	Halvorson	Menke	West
Connors	Hansen	Mennenga	Woods
Crabb	Harper	Middleswart	Wulff
Cusack	Harvey	Miller, K. D.	Wyckoff
Daggett	Jesse	Miller, O. L.	

The nays were, 48:

Anderson	Gentleman	Jochum	Rinas
Avenson	Gilloon	Jordan	Scheelhaase
Baker	Hargrave	Koogler	Small
Bina	Hennessey	Krause	Spear
Binneboese	Higgins	Lonergan	Spencer
Brandt	Hines	Middleton	Spradling
Caffrey	Hinkhouse	Miller, A. V.	Svoboda
Crawford	Horn	Norland	Tauke
Doyle	Howell	Oakley	Varley
Dunton	Hullinger	O'Halloran	Walter
Egenes	Husak	Perkins	Wells
Fitzgerald	Hutchins	Readinger	Mr. Speaker

Absent or not voting, 9:

Brunow	Monroe	Patchett	Poncy
Griffee	Newhard	Pavich	Schroeder
Millen			

Amendment H—5612A lost.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 2, 1976, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 120, providing for a joint convention of the two houses on Tuesday, April 6, 1976, at 2:00 p.m. in observance of the Iowa Bicentennial Festival.

Also: That the Senate has on April 1, 1976, amended the second conference committee report as adopted by the House of Representatives, adopted the second conference committee report as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state.

Also: That the Senate has on March 30, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1267, a bill for an act to establish a census liaison commission and authorizing certain cities to draw proposed precinct boundaries for submission to the commission.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO THE SECOND CONFERENCE COMMITTEE REPORT ON SENATE FILE 1062

H—6130

Amend the report of the second conference committee on Senate File 1062, as passed by the House, as follows:

1. Page 1, line 2, by striking the dates "1976-77 and 1977-78" and inserting in lieu thereof the dates "1976-77, 1977-78, and 1978-79".

2. Page 1, line 6, by striking the words "five hundred" and inserting in lieu thereof the words "seven hundred fifty".

3. Page 1, line 24, by striking the words "five hundred" and inserting in lieu thereof the words "seven hundred fifty".

4. Page 1, by striking line 27 and inserting in lieu thereof the words "seven percent for the fiscal years beginning July 1, 1977 and July 1, 1978 for".

5. Page 3, line 7, by striking the word "year" and inserting in lieu thereof the words "years".

6. Page 3, line 8, by inserting after the date "1977" the words "and July 1, 1978,".

7. Page 4, by striking lines 3 through 6.

8. Page 5, line 25, by striking the words "year beginning July 1, 1977" and inserting in lieu thereof

the words "years beginning July 1, 1977 and July 1, 1978".

9. Page 6, line 28, by striking the words "year beginning July 1, 1977" and inserting in lieu thereof the words "years beginning July 1, 1977 and July 1, 1978".

10. By striking page 6, line 30 through page 8, line 1, and inserting in lieu thereof the following:

"Sec. 6. DUTIES OF STATE COMPTROLLER.

1. As soon as practicable after the effective date of this division, the state comptroller shall give notice of the requirements of this division and distribute such forms as required to the governing bodies of the political subdivisions of this state.

2. The state comptroller shall review the certified total budget of each political subdivision and calculate the dollar amount and percentage increase of the property tax budget for the fiscal years beginning July 1, 1976, July 1, 1977 and July 1, 1978 over the property tax budget for the base year.

3. If the property tax budget of a political subdivision for the fiscal year beginning July 1, 1976, July 1, 1977, or July 1, 1978 exceeds the property tax budget of such political subdivision for the base year by more than nine percent, the state comptroller shall reduce the certified total budget to provide a property tax budget increase of nine percent and return the certified total budget to the governing

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body with notification that, following a public hearing as provided in section eight (8) of this division, the total budget shall be recertified with a property tax budget increase not exceeding nine percent or that, without a public hearing, the certified total budget shall be submitted to the state appeal board for approval as provided in section seven (7) of this division if the increase of more than nine percent is needed.

4. If the property tax budget of a political subdivision for the fiscal year beginning July 1, 1977 or July 1, 1978 exceeds the property tax budget of such political subdivision for the base year by more than seven percent but not more than nine percent, the state comptroller shall reduce the certified total budget to provide a property tax budget increase of seven percent and return the certified total budget to the governing body with notification that a public hearing must be held as provided in section eight (8) of this division.

Sec. 7. APPROVAL OF STATE APPEAL BOARD.

1. Upon receipt of the notification from the state comptroller as provided in section six (6), subsection three (3) of this division, the governing body of such political subdivision shall petition the state

appeal board to approve the total budget of the political subdivision not later than seven days following receipt of notification if the increase of more than nine percent is needed. However, if the governing body, upon receipt of such notification, finds that an increase in the property tax budget above nine percent is not justified, the governing body shall publish notice of and conduct a public hearing for the purpose of approving a total budget which includes a property tax budget increase of nine percent or less. The public hearing shall be carried out according to the provisions of section eight (8) of this division except that, for the total budget for the fiscal year beginning July 1, 1976, the public hearing shall be held within twenty days after the receipt of notification.

2. A petition to the state appeal board under this division shall be submitted in writing on forms furnished by the state comptroller citing the unusual circumstances as outlined in subsection three (3) of this section, which create the need for property tax budget expenditures in excess of nine percent of the base year's property tax budget expenditures and accompanied by such supporting documents as required by the state appeal board. The state appeal

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board shall conduct a public hearing on the petition in the county or in one of the counties in which the political subdivision is located and may request additional information. The state appeal board shall hear and consider any appeal made by persons affected by the total budget of a political subdivision at the same time the petition of the governing board of such political subdivision is heard and considered."

11. Page 8, line 2, by striking the number "4" and inserting in lieu thereof the number "3".

12. Page 8, line 25, by striking the number "5" and inserting in lieu thereof the number "4".

13. Page 8, by striking line 28, and inserting in lieu thereof the following:

"5. The state appeal board shall approve the total".

14. Page 9, line 2, by striking the number "7" and inserting in lieu thereof the number "6".

15. By striking page 9, line 7 through page 10, line 4 and inserting in lieu thereof the following:

"Sec. 8. ADDITIONAL PUBLIC HEARING—FISCAL YEARS 1977-78 AND 1978-79.

Upon receipt of the notification from the state comptroller that the property tax budget of the certified total budget of a political subdivision for the fiscal year beginning July 1, 1977 or July 1, 1978 exceeds seven percent but not more than nine percent of the property tax budget of such political subdivi-

sion for the base year, the governing body of such political subdivision shall publish notice of and conduct a public hearing not later than April fifteenth. The date, time and location of the public hearing and the information required to be published under section nine (9) of this division, shall be published in a newspaper having general circulation throughout the political subdivision not less than five days before the date of hearing. Thereafter, the total budget shall be recertified, with or without changes that may be made after the hearing, to the county auditor and the state comptroller not later than April fifteenth. If, after such hearing, the property tax budget for the fiscal year beginning July 1, 1977 or July 1, 1978 exceeds the property tax budget of the base year by more than nine percent, such budget shall be subject to the approval of the state appeal board as provided in section seven (7) of this division."

16. Page 10, line 5, by striking the number "8" and inserting in lieu thereof the number "9".

17. Page 10, line 18, by striking the word "guide-

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line" and inserting in lieu thereof the word "percentages".

18. Page 10, line 20, by striking the word "guideline" and inserting in lieu thereof the word "percentages".

19. Page 11, by striking line 10 and inserting in lieu thereof the words "beginning July 1, 1976, July 1, 1977, and July 1, 1978."

20. Page 11, line 11, by striking the number "9" and inserting in lieu thereof the number "10".

21. Page 11, line 17, by striking the word and number "seven (7)" and inserting in lieu thereof the word and number "eight (8)".

22. Page 11, line 18, by striking the word "certification" and inserting in lieu thereof the word "recertification".

23. Page 11, by striking lines 19 through 24, and inserting in lieu thereof the words "to protest to the state appeal board. All other time".

24. By striking page 11, line 35 through page 12, line 18, and inserting in lieu thereof the following:

"Sec. 11. PROPERTY TAX CARRYOVER. If a political subdivision adopts a total budget for the fiscal year beginning July 1, 1976, which does not include an increase in the amount of property tax levy for the property tax budget computed in dollars which exceeds or is equal to nine percent, the political subdivision may levy property taxes for the succeeding fiscal year in excess of a seven percent increase and be exempt from the provisions of sections seven (7) and

eight (8) of this division. Also, if a political subdivision adopts a total budget for the fiscal year beginning July 1, 1977, which does not include an increase in the amount of property tax levy for the property tax budget computed in dollars which exceeds or is equal to seven percent, the political subdivision may levy property taxes for the succeeding fiscal year in excess of a seven percent increase and be exempt from the provisions of sections seven (7) and eight (8) of this division. However, the exemption from the provisions of sections seven (7) and eight (8) of this division shall be applicable only if the additional property tax levy for the property tax budget does not raise in dollars an amount which exceeds the seven percent increase for the fiscal year beginning July 1, 1977 or July 1, 1978 and the difference between the amount in dollars which the political subdivision levied during the base year and the amount in dollars which the political

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subdivision could have levied during the base year under this division."

25. Page 12, line 19, by striking the number "11" and inserting in lieu thereof the number "12".

26. Page 12, line 23, by striking the word "However," and by striking all of lines 24 through 33.

27. Page 12, line 34, by striking the number "12" and inserting in lieu thereof the number "13".

28. Page 13, by striking lines 1 through 4 and inserting in lieu thereof the words "a protest filed with the state appeal board by persons affected by the total budget of a political subdivision."

29. Page 13, line 5, by striking the number "13" and inserting in lieu thereof the number "14".

30. Page 13, by striking lines 12 through 16.

31. Page 13, by striking line 24 and inserting in lieu thereof the words "[in no event] *the number shall not be* less than ten *and the number need not be more than one hundred persons,* who are".

32. Page 14, line 25, by striking the word "not" and inserting in lieu thereof the words "[not] *the number shall not be*".

33. Page 14, line 28, by striking the word *"or"* and inserting in lieu thereof the words *"and the number need not be"*.

34. Page 14, line 34, by striking the word "assessed" and inserting in lieu thereof the word "actual".

35. Page 15, by inserting after line 20 the following new section:

"Sec. ..... Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1977, in assessing and determining the actual value of ag-

ricultural land, except structures located thereon, the value shall be computed on the basis of the productivity and net earning capacity of the land determined on the basis of the use for agricultural purposes capitalized at a rate representing a fair return on the investment, such rate to be established by the state board of tax review and applied uniformly among counties and among classes of property. The actual value of a structure located on agricultural land shall be the fair and reasonable market value of the structure. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1977."

36. Page 16, line 1, by striking the words "and approved".

37. Page 16, line 2, by inserting after the word

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and figure "July 1, 1975" the words "and approved".

38. Page 16, line 3, by striking the word "The" and inserting in lieu thereof the words "Not later than August 1, 1976, the".

39. Page 16, line 5, by striking the words "under the provisions of this Act" and inserting in lieu thereof the words "claimed between January 1, 1975 and July 1, 1975, and approved".

40. Page 16, lines 5 and 6, by striking the words "not later than August 1, 1976".

41. Page 16, line 7, by inserting before the word "department" the words "county treasurer and the".

42. Page 16, line 12, by inserting after the word "approved" the word and figure "in 1975".

43. Page 16, line 15, by striking the word and figure "June 1" and inserting in lieu thereof the word and figure "July 1".

44. Page 16, by inserting after line 17 the following new sections:

"Sec. 22. Notwithstanding the provisions of section four hundred twenty-five point one (425.1), subsections two (2), three (3), and four (4) of the Code, the homestead tax credit shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first five thousand dollars of actual value for each homestead. The provisions of this section shall only be applicable for each homestead tax credit claimed between January 1, 1976 and July 1, 1976 and approved and for each homestead tax credit claimed between January 1, 1977 and July 1, 1977 and approved except as provided in sections thirty-nine (39) and forty (40) of this Act.

Sec. 23. EFFECTIVE DATE. The provisions of section twenty-two (22) of this Act are effective to January 1, 1976 for credits claimed on or after January 1, 1976 and approved under chapter four hundred twenty-

five (425) of the Code for a homestead tax credit on an eligible homestead and to this extent the provisions of section twenty-two (22) of this Act are retroactive."

45. Page 16, by striking lines 18 through 26.

46. Page 17, by striking lines 8 through 19.

47. Page 20, by striking lines 29 through 35 and page 21, by striking lines 1 through 10 and inserting in lieu thereof the following:

"Sec. 33. TASK FORCE CREATED. There is established a local government task force composed of sixteen members. Of the sixteen members, two shall be members of the senate and two shall be members of the house

of representatives who shall be nonvoting members, and twelve members who are interested and knowledgeable in affairs of local government. All members of the task force shall be appointed by the governor. Of the members appointed from the senate, the governor shall appoint one member from the majority party and one member from the minority party each of whom are members of the senate committee on ways and means. Of the members appointed from the house of representatives, the governor shall appoint one member from the majority party and one member from the minority party each of whom are members of the house committee on ways and means. Of the remaining twelve members, the governor shall appoint two members from each congressional district, who shall not be members of the same political party. The members appointed by the governor shall serve at the pleasure of the governor. Any vacancy in the membership of the task force shall be filled by appointment in the same manner as the original appointments.

The nonlegislative members of the task force shall receive their actual and necessary expenses to be audited by the state comptroller. Members of the task force who are members of the general assembly shall receive a per diem of forty dollars and their actual and necessary expenses."

48. Page 22, line 31, by inserting after the word "including" the words "per diem and".

49. Page 22, by inserting after line 32 the following new sections:

"DIVISION VIII

Sec. 39. If the unencumbered balance of the general fund of the state on June 30, 1976 does not exceed fifty million dollars, the homestead tax credit computed in the manner provided in section twenty-two (22) of this Act shall not apply and the homestead tax credit for claims filed in 1976 shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred

dollars of actual value for each homestead. The county auditor shall compute the homestead tax credit in the manner provided in section twenty-two (22) of this Act and if the general fund balance does not exceed fifty million dollars, the department of revenue shall reduce the amount of each homestead tax credit claim certified to the department by ten percent and recertify the amount of the credit to be allowed on each eligible homestead to the county treasurers of the respective counties.

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If the unencumbered balance of the general fund of the state on June 30, 1976, does not exceed fifty million dollars, there is appropriated for the fiscal year beginning July 1, 1977 and ending June 30, 1978 an amount equal to thirteen million (13,000,000) dollars, or so much thereof as may be necessary, to the agricultural land credit fund and the provisions of section four hundred twenty-six point one (426.1) of the Code shall not apply for the fiscal year beginning July 1, 1977 and ending June 30, 1978.

If the provisions of this section become effective and the amount of funds appropriated to the agricultural land credit fund is the amount specified in this section, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller.

Sec. 40. If the unencumbered balance of the general fund of the state on June 30, 1977 does not exceed fifty million dollars, the homestead tax credit computed in the manner provided in section twenty-two (22) of this Act shall not apply and the homestead tax credit for claims filed in 1977 shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The county auditor shall compute the homestead tax credit in the manner provided in section twenty-two (22) of this Act and if the general fund balance does not exceed fifty million dollars, the department of revenue shall reduce the amount of each homestead tax credit claim certified to the department by ten percent and recertify the amount of the credit to be allowed on each eligible homestead to the county treasurers of the respective counties.

If the unencumbered balance of the general fund of the state on June 30, 1977, does not exceed fifty million dollars, there is appropriated for the fiscal year beginning July 1, 1978 and ending June 30, 1979 an amount equal to thirteen million (13,000,000) dollars, or so much thereof as may be necessary, to

the agricultural land credit fund and the provisions of section four hundred twenty-six point one (426.1) of the Code shall not apply for the fiscal year beginning July 1, 1978 and ending June 30, 1979.

If the provisions of this section become effective and the amount of funds appropriated to the agricultural land credit fund is the amount specified in

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this section, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller."

50. Page 23, line 7, by striking the words "and exemptions".

51. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed seventy-eight members present, twenty-two absent.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Halvorson of Clayton asked and received unanimous consent that action on amendment H—6083 be deferred.

Jordan of Linn offered the following **amendment H—6085** filed by him:

H—6085

Amend Senate File 85 as follows:

1. Page 218, by inserting after line 26 the following:

"Sec. ..... Section one hundred six (106) of this division notwithstanding, when a judgment of conviction of a felony other than a class "A"

felony is entered against any offender, the court in imposing a sentence of confinement shall sentence the offender to a term of not less than one-fourth of the maximum sentence."

2. Page 225A, by striking lines 31 through 35 and inserting in lieu thereof the following: "A person who is under consideration for parole shall be denied such parole unless that person has served at least one-half of the sentence imposed under section one (1) of this amendment."

3. Page 225B, by striking lines 36 and 37.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn for the remainder of the day on request of Crawford of Story.

By unanimous consent the following corrective amendment H—6117, to amendment H—6085, filed by Kreamer of Polk from the floor was adopted:

H—6117

Amend amendment H—6085 to page 218 of Senate File 85 as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the following:

"Sec. ..... Except as provided in Division VII of this chapter, when a judgment of".

Higgins of Scott in the chair at 2:25 p.m.

Jordan of Linn moved the adoption of amendment H—6085, as amended.

Roll call was requested by Rinas of Linn and Jordan of Linn.

On the question "Shall amendment H—6085, as amended, be adopted?"

The ayes were, 63:

Anderson	Danker	Husak	Norland
Avenson	Den Herder	Hutchins	O'Halloran
Baker	Dieleman	Jesse	Pellett
Bennett	Drake	Jordan	Perkins
Bina	Dunton	Junker	Rinas
Binneboese	Dyrland	Koogler	Spencer
Bortell	Egenes	Kreamer	Stromer
Branstad	Evans	Lageschulte	Svoboda
Brockett	Halvorson	Lindeen	Tofte
Brunow	Hansen	McElroy	Varley
Byerly	Harper	Menke	Walter
Clark	Harvey	Mennenga	Welden
Connors	Hennessey	Middleswart	Woods
Crabb	Hines	Miller, A. V.	Wulff
Cusack	Hinkhouse	Miller, K. D.	Wyckoff
Daggett	Horn	Miller, O. L.	

The nays were, 19:

Brandt	Hargrave	Nielsen	Spradling
Crawford	Howell	Oakley	Tauke
Doyle	Jochum	Readinger	Wells
Gentlemen	Lonergan	Scheelhaase	Mr. Speaker
Gilloon	Newhard	Spear	(Higgins)

Absent or not voting, 18:

Bittle	Hullinger	Monroe	Poncy
Caffrey	Krause	Nealson	Schroeder
Cochran	Lipsky	Patchett	Small
Fitzgerald	Middleton	Pavich	West
Griffee	Millen		

Amendment H—6085 was adopted.

Branstad of Winnebago offered the following amendment H—5758 filed by him:

H—5758

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 218, by striking lines 27 through 35.

2. Page 219, by striking lines 1 through 12 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* APPLICATION FOR COMMITMENT. For the purposes of Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-nine (139), section six (6), the commissioner of social services shall be considered an interested person and all applicable provisions of Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-nine (139), relating to involuntary hospitalization, shall apply to any persons who have been committed to the custody of the department of social services as a result of a conviction of a public offense."

By unanimous consent the following corrective amendment H—6129, to amendment H—5758, filed by Branstad of Winnebago from the floor was adopted:

H—6129

Amend amendment H—5758, to page 218 of Senate File 85, as follows:

1. Page 1, line 10, by striking the words "commissioner of social services" and inserting in lieu thereof the words "director of the division of corrections".

2. Page 1, lines 17 and 18, by striking the words "department of social services" and inserting in lieu thereof the words "division of corrections".

Branstad of Winnebago moved the adoption of amendment H—5758, as amended.

Amendment H—5758, as amended, was adopted.

With the adoption of amendment H—5758, as amended, the following amendments filed by the subcommittee on the criminal code revision are out of order:

H—5669 (to page 218) filed March 9, 1976, and found on page 1052 of the House Journal.

H—5935, to amendment H—5669, filed on March 23, 1976, and found on page 1376 of the House Journal.

Branstad of Winnebago offered the following amendment H—5742 filed by him and moved its adoption:

H—5742

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 219, by striking lines 13 through 33.

Amendment H—5742 was adopted.

With the adoption of amendment H—5742, amendment H—5668 (to page 219) filed by the subcommittee on the criminal code revision on March 9, 1976, and found on pages 1051 and 1052 of the House Journal was out of order.

Kreamer of Polk offered amendment H—5590 filed by him and requested division as follows:

H—5590

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

H—5590A

1. Page 220A, line 8, by striking the word "two" and inserting in lieu thereof the word "five".

H—5590B

2. Page 220A, line 14, by striking the words "thirty days" and inserting in lieu thereof the words "six months".

H—5590C

3. Page 220A, line 14, by striking the word "one" and inserting in lieu thereof the word "five".

Kreamer of Polk asked and received unanimous consent to withdraw amendments H—5590A, H—5590B and H—5590C.

Nielsen of Polk in the chair at 2:54 p.m.

Gentleman of Polk offered the following amendment H—5667 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5667

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 220A, line 14, by striking the word "dollars;" and inserting in lieu thereof the word "dollars."

2. Page 220A, by striking lines 15 through 19.

Amendment H—5667 was adopted.

With the adoption of amendment H—5667, amendment H—5587 (to page 220A) filed by Kreamer of Polk on March 5, 1976, and found on page 990 of the House Journal was out of order.

Gentleman of Polk offered the following amendment H—5666 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5666

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 220A, by striking lines 33 through page 220B, line 38.

2. By renumbering the remaining sections and internal references to accord with this amendment.

Amendment H—5666 was adopted.

With the consideration of amendment H—6041 (to pages 218 and 221), amendment H—5715 filed by Halvorson of Clayton and Kreamer of Polk on March 10, 1976, and found on pages 1093 through 1095 of the House Journal was out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott for the remainder of the day on request of Dyrland of Clayton.

Speaker Cochran in the chair at 3:20 p.m.

Kreamer of Polk offered the following amendment H—6062 filed by him and Hansen of O'Brien:

H—6062

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 221, by inserting after line 21 the following:

"DIVISION .....

HABITUAL CRIMINAL INMATE

Section 1. *NEW SECTION.* HABITUAL CRIMINAL INMATE DEFINED. Whoever has been convicted of a crime, sentenced to serve a term of imprisonment in this state, any other state, or the United States and who is confined in a penal institution of this state shall be, upon conviction of a new offense, deemed to be a habitual criminal inmate. This section shall not apply to:

1. An inmate serving less than a life sentence if the new crime is that of escape; or,

2. Any inmate who at the time of commission of the new offense is on parole under chapter two hundred forty-seven (247) of the Code, is engaging in a work release program under chapter two hundred forty-seven A (247A) of the Code, or is participating in a furlough program under section two hundred seventeen point fourteen (217.14) of the Code.

Sec. 2. *NEW SECTION.* INCARCERATION. Upon conviction of a new offense under section one (1) of this division, any incarceration ordered by the sentencing court shall commence immediately upon judgment being rendered as though service of time on any previous sentence was suspended. Any incarceration ordered by the sentencing court shall be within the maximum security unit of the penitentiary or reformatory. Reduction of sentence provisions shall not be calculated as provided in section two hundred forty-six point forty-two (246.42) of the Code, but shall be calculated separately and the provisions of section two hundred forty-six point forty-three (246.43) of the Code shall not apply. Provisions for work release, parole, and furlough shall not apply to a person convicted under section one (1) of this division.

Sec. 3. *NEW SECTION.* EVIDENCE. A duly authenticated copy of the former judgment and commitment from any court in which such judgment and commitment was had or a copy of either this former judgment or a mittimus from the records of the institution in which the individual is confined shall be competent and prima facie evidence of the former judgment and commitment and may be used in evidence against this individual."

Kreamer of Polk asked and received unanimous consent to defer action on amendment H—6062.

(Senate File 85 pending at adjournment and placed under unfinished business.)

COMMUNICATION

The following communication was received and placed on file:

OFFICE OF THE VICE PRESIDENT
WASHINGTON

March 26, 1976

Mr. David Wray
Chief Clerk
House of Representatives
State House
Des Moines, Iowa

Dear Mr. Wray:

The transmittal of House Concurrent Resolution No. 26 has been received in this office and will be referred to the appropriate Committee of the Senate.

Please do not hesitate to contact this office if we may be of further assistance.

Sincerely,
H. SPOFFORD CANFIELD
Administrative Assistant to
The President of the Senate

COMMUNICATION FROM THE COMMONWEALTH OF KENTUCKY

There is on file in the office of the Speaker a copy of Senate Resolution No. 23 adopted by the House and Senate of the Commonwealth of Kentucky during the 1976 General Assembly proposing an amendment to the Constitution of the United States to require that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 2, 1976, he approved and transmitted to the Secretary of State the following bill:

House File 1367, an act relating to loans by a state bank to its officers.

SUBCOMMITTEE ASSIGNMENTS

House File 1541
Ways and Means
Mennenga, Chair
Jochum
Svoboda
Egenes

House File 1547
Ways and Means
Wyckoff, Chair
Bittle
Danker

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S. B. 129
Ways and Means
Hines, Chair
Mennenga
Walter
Branstad
West

S. B. 130
Ways and Means
Bittle, Chair
Middleton
Jochum

S. B. 131
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

REPORT OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1192**, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6116

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, page 10, by striking lines 30 through 50, and page 11, by striking lines 1 through 3.

DRAKE of Muscatine
MONROE of Des Moines

H—6126

Amend House File 1319 as follows:

1. Page 1, line 6, by inserting after the word "sale" the words "or lease".
2. Page 1, line 9, by inserting after the word "sale" the words "or lease".
3. Page 1, line 22, by inserting after the word "retailer" the words "or lessor".
4. Page 1, line 24, by inserting after the word "sale" the words "or lease".
5. Page 1, line 24, by inserting after the word "retailer" the words "or lessor".
6. Page 1, line 26, by inserting after the word "purchase" the words "or lease".
7. Page 1, line 27, by inserting after the word "sold" the words "or leased,".

HALVORSON of Clayton

H—6115

Amend House File 1534 as follows:

1. Page 1, line 7, by striking the words

"most recent" and inserting in lieu thereof the following: "[most recent] *1970*".

2. Page 1, by inserting after line 8 the following:

"Unnumbered paragraph one (1) of this section notwithstanding, Merged Area I shall provide an area vocational school attendance center within Dubuque county."

DYRLAND of Clayton

H—6118

Amend Senate File 204, as amended, passed and reprinted by the Senate, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point forty (321.40), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-one (171), sections five (5) and six (6), is amended to read as follows:

321.40 APPLICATION FOR RENEWAL—*RENEWAL REFUSED.*

1. Application for renewal of a vehicle registration shall be made on or after December 1 of the year for which it is registered by the owner upon proper application and by payment of the registration fee for such vehicle, as provided by law.

2. Registration receipts issued for renewals shall have the word "renewal" imprinted thereon and, if the owner making a renewal application has been issued a certificate of title, the title number shall appear on the registration receipt. All registration receipts for renewals shall be typewritten or printed by other mechanical means. The applicant shall receive a registration receipt.

3. Not more than thirty days nor less than twenty days prior to December first the county treasurer shall cause to be published in a newspaper of general circulation in the county, a notice to vehicle owners. The notice shall contain a list of pertinent information which is required to register a vehicle. The notice shall also include a statement that application for renewal of a vehicle registration shall be made on or after December first of the year for which it is registered and that such renewal may be made by mail on or after November first. The county treasurer may deliver registration plates and other registration documents on which application for renewal has been made in November, to the owner thereof, after the last day of November.

4. The county treasurer shall refuse to renew a motor vehicle registration if all of the following circumstances exist:

a. The board of supervisors of the county in which application for renewal of registration is being made

has adopted a resolution stating that in such county a lack of response of the citizens of the county to citations for violations of motor vehicle laws and ordinances has become a significant problem and directing the implementation of the provisions of subsections four (4) through nine (9) of this section; and

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b. A warrant is outstanding for the arrest of the owner of such motor vehicle or a delinquent citation or notice of violation is outstanding against such owner for an alleged violation of an ordinance enacted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code, which violation allegedly occurred within the county in which the application for renewal is being made.

The resolution adopted under paragraph a of this subsection may be rescinded by another resolution of the board of supervisors finding that the problem has significantly abated and directing termination of the provisions of subsections four (4) through nine (9) of this section. Upon adoption of a resolution to implement or rescind the implementation of the provisions of subsections four (4) through nine (9) of this section, the county auditor shall notify the clerk of the district court of such action and the effective date of such implementation or rescission.

5. After the effective date of a resolution adopted under paragraph a of subsection four (4) of this section, the clerk of the district court shall give written notice by mail to each person against whom a warrant or delinquent citation or notice of violation is outstanding for the alleged violation of an ordinance adopted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code. The notice shall state that the registration of any motor vehicle owned by such person in that county will not be renewed until all outstanding warrants have been recalled and there are no delinquent citations or notices of violation outstanding against such person. The clerk of the district court shall also submit, on or before the fifth day of each month, to the county treasurer an alphabetized list of the names of all persons, including their respective addresses, against whom a warrant has been issued or a delinquent citation or notice of violation is outstanding. The clerk of the district court shall not include on such list the name of any person unless notice as required by this subsection is mailed to such person before the fifteenth day of the preceding month.

6. Upon application by a person or agent of a person whose name is on the list prepared under

subsection five (5) of this section, the clerk of the district court shall issue a receipt to the person or agent of such person if all warrants or delinquent citations or notices of violations specified under

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paragraph b of subsection four (4) of this section have been recalled or are no longer outstanding. The receipt shall state that all outstanding warrants have been recalled and that there are no outstanding delinquent citations or notices of violation against the named person. Upon presentation of such receipt, the county treasurer need no longer refuse renewal of a registration because of an outstanding warrant or delinquent citation or notice of violation as specified in subsection four (4) of this section.

7. For each person whose name is listed as provided in subsection five (5) of this section, the local authority alleging violation of an ordinance enacted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code, shall pay to the county treasurer the sum of two dollars, which sum shall be credited to the general fund of the county. In addition to any other court cost provided by law, the district court shall assess, at the request of the local authority, the sum of two dollars against any person whose name has been placed on the list prepared as provided in subsection five (5) of this section and who is convicted of a violation of an ordinance enacted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code if such violation was the basis for placing such person's name on the list. The clerk of the district court shall collect the two dollar assessment and remit it to the local authority.

8. For the purposes of this section, a citation or notice of violation of an ordinance adopted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code shall be deemed delinquent if it is not paid or adjudicated by the district court within fourteen days after the date of court appearance.

9. The implementation and enforcement of the provisions of subsections four (4) through nine (9) of this section shall not be a defense to the imposition of any penalties provided for in this chapter."

RINAS of Linn
DRAKE of Muscatine
KRAUSE of Palo Alto
WOODS of Polk

H—6121

Amend H—5285, by the committee on education, to Senate File 205, as amended, passed and re-

printed by the Senate, as follows:

1. Page 3, by inserting after the period in line 26 the following:

"The board may, by notifying the teacher in writing on or before March thirty-first, extend the probationary period one additional year for a beginning teacher with no previous teaching experience."

EGENES of Story

H—6122

Amend Senate File 205 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking from lines 24 and 25, the words "been employed at least two years as a teacher" and inserting in lieu thereof the words "completed the probationary period".

2. Page 4, by striking from lines 16 and 17 the words "been employed at least two years as a teacher" and inserting in lieu thereof the words "completed the probationary period".

EGENES of Story

H—6123

Amend the committee on education amendment, H—5285, to Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 47, by striking the words "affecting performance of duties".

BENNETT of Ida

H—6124

Amend Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, line 26 by striking the words "require a reduction of staff" and inserting in lieu thereof the words "require a realignment or reduction of staff".

BENNETT of Ida

H—6125

Amend H—5285, the committee on education amendment, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, by inserting after line 41 the following amendments:

"..... Page 5, line 4, by striking the words "an arbitrator" and inserting in lieu thereof the words "a panel of arbitrators".

..... Page 5, line 10, by striking the words "may select" and inserting in lieu thereof the words "shall each select and notify".

..... Page 5, line 10, by inserting after the word "arbitrator" the words "and the two arbitrators shall

select and notify a third arbitrator".

..... Page 5, line 11, by striking the word "resides" and inserting in lieu thereof the words "all reside".

..... Page 5, line 12, by striking the word "an" and inserting in lieu thereof the words "the third".

..... Page 5, by striking lines 14 through 32 and inserting in lieu thereof the words: "five-day period, the secretary of the board shall notify the chief judge of the judicial district in which the school district is located and the chief judge shall select the third arbitrator who shall reside within the boundaries of the merged area in which the school district is located. Within ten days following the selection,".

..... Page 5, line 33, by striking the word "arbitrator" and inserting in lieu thereof the word "arbitrators".

..... Page 6, line 3, by striking the word "arbitrator" and inserting in lieu thereof the word "arbitrators".

..... Page 6, line 4, by striking the word "arbitrator" and inserting in lieu thereof the word "arbitrators".

..... Page 6, line 7, by striking the word "arbitrator" and inserting in lieu thereof the word "arbitrators".

..... Page 6, line 9, by striking the word "arbitrator" and inserting in lieu thereof the word "arbitrators"."

2. Page 2, by striking lines 44, 45, and 46 and inserting in lieu thereof the following:

"..... Page 6, by striking lines 10 and 11 and inserting in lieu thereof the words "following selection of the arbitrators. The arbitrators".

..... Page 6, line 14, by inserting after the period the following: "Judgment on the appeal requires

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the approval of two of the three arbitrators."

..... Page 6, line 14, by striking the word "arbitrator" and inserting in lieu thereof the word "arbitrators".

..... Page 6, line 22, by striking the word "arbitrator's" and inserting in lieu thereof the word "arbitrators' "."

3. Page 3, by striking lines 3 and 4 and inserting in lieu thereof the following:

"..... Page 6, by striking lines 25, 26, and 27, and inserting in lieu thereof the words "teacher and school board secretary. The fees of the arbitrator selected by the teacher shall be paid by the teacher, and the fees of the arbitrator selected by the board shall be paid by the board. The fees of the third arbitrator are limited to one hundred dollars. All

costs of the appeal, except fees of the arbitrators selected by the teacher and the board, shall be paid by the teacher if the appeal is unsuccessful and by the board if the appeal is successful." "

4. Page 3, line 8, by striking the word "arbitrator's" and inserting in lieu thereof the word "arbitrators' ".

5. Page 3, line 12, by striking the word "arbitrator's" and inserting in lieu thereof the word "arbitrators' ".

6. Page 3, line 14, by striking the word "arbitrator" and inserting in lieu thereof the word "arbitrators".

7. Page 3, line 15, by striking the word "arbitrator's" and inserting in lieu thereof the word "arbitrators' ".

8. Page 3, line 16, by striking the word "arbitrator's" and inserting in lieu thereof the word "arbitrators' ".

9. Page 3, line 18, by striking the word "arbitrator's" and inserting in lieu thereof the word "arbitrators' ".

10. By numbering and renumbering amendments as necessary.

MENKE of O'Brien
HANSEN of OBrien

H—6127

Amend H—5285, filed by the committee on education, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 2 the following amendment:

"..... Page 1, by inserting before line 1 the following sections:

"Sec. ..... Section twenty point seven (20.7), subsection three (3), Code 1975, is amended to read as follows:

3. Suspend or discharge public employees for proper cause *except as otherwise provided by law.*

Sec. ..... Section twenty point nine (20.9), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training and other matters mutually agreed upon. Negotiations shall also include terms authorizing dues checkoff for members of the

employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days' written notice. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession. *However, if the public employer is subject to the provisions of sections two hundred seventy-nine point thirteen (279.13) and two hundred seventy-nine point twenty-four (279.24) of the Code, the subject matter contained in those sections shall not be included in the scope of negotiations.*

Sec. ..... Chapter two hundred seventy-two A (272A), Code 1975, is amended by adding the following new section:

NEW SECTION. LISTS OF FACT FINDERS. The commission shall prepare a list of persons available to serve as fact finders in contract termination disputes under section two hundred seventy-nine point thirteen

Page 2

(279.13) of the Code. The persons on the lists shall possess current valid teachers' or administrators' certificates with a minimum of two years experience as a teacher or administrator." "

2. Page 1, by striking lines 7 through 14 and inserting in lieu thereof the following:

"..... Page 1, by striking lines 11 through 14 and inserting in lieu thereof the following: "the annual compensation to be paid and all specific conditions for termination of a contract as agreed upon by each teacher and the employing board or its authorized representative pursuant to the provisions of this section. Terms such as "just cause", "good cause", "for cause", and "other just cause" shall not be used in determining specific conditions for termination of a contract. Matters such as educational leave, reimbursement for courses approved by the board of directors, and other benefits shall be determined by policy of the board of directors and shall not be included in any contract issued under this section.

..... Page 1, line 15, by striking the words "for approved courses." "

3. Page 1, by striking lines 45 through 50.

4. Page 2, by striking line 1 and inserting in lieu thereof the following:

"..... Page 2, line 19, by striking the words ": Incompetency, persistent or".

..... Page 2, by striking lines 20 through 25 and inserting in lieu thereof the words: "clearly and specifically stated in the contract of each teacher

including physical or mental disability or sickness which interferes with performance of duty as shown by competent medical evidence and following one year's leave of absence or factors which"."

5. Page 2, by inserting after line 7 the following amendment:

"..... Page 3, line 9, by inserting after the word "board" the following: "and may request the appointment of a fact finder to serve as an impartial examiner to appraise the facts underlying the intent to terminate the contract of the teacher and to make recommendations to the board. The secretary shall send notice by certified mail to the professional teaching practices commission established in chapter two hundred seventy-two A (272A) of the Code. Within ten days following receipt of the notice, the chairperson of the professional teaching practices commission shall submit to the school board and the teacher a list of three names of available fact finders from lists maintained by the professional teaching

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practices commission. The fact finders on the list shall be residents of the merged area in which the school district is located, but shall not be employed by or a member of the board involved in the contract dispute. The school board and the teacher shall remove names from the list until only one name remains and that person shall serve as the fact finder. The party entitled to remove the first name shall be determined by lot. The party having the right to remove the first name shall do so within two days of receipt of the list and the second party shall have one additional day to remove one of the two remaining names. The secretary of the board shall inform the chairperson of the professional teaching practices commission of the name of the fact finder selected. Within ten days following the selection, the fact finder shall request in writing from the secretary of the board of the school district all records and transcripts of the proceedings relating to the termination of the teacher's contract. The records and transcripts shall be delivered to the fact finder prior to the date of the private conference"."

6. Page 2, line 15, by inserting after the word "five," the words "the fact finder,".

7. Page 2, line 25, by inserting after the word "board" the words "and to the fact finder".

8. Page 2, by inserting after line 27 the following amendment:

"..... Page 4, by striking lines 4 through 7 and inserting in lieu thereof the following: "board members and the fact finder.

The fact finder shall review all records and trans-

cripts and evidence presented by both parties and within fourteen days following the date on which the private conference is held, the fact finder shall make a written recommendation to the board concerning the specific conditions which have been stated in the notice of consideration for termination. A copy of the fact finder's recommendation shall be sent by certified mail to the teacher. Within five days following receipt of the recommendation by the board, the board shall meet to determine the continuance or"."

9. Page 2, line 33, by inserting after the word "submitted" the words "and the written recommendation of the fact finder if a fact finder was used".

10. Page 2, by striking lines 36 and 37.

11. Page 2, line 38, by striking the figure "20" and inserting in lieu thereof the figure "16".

Page 4

12. Page 2, line 39, by striking the figure "34" and inserting in lieu thereof the figure "35".

13. Page 2, by striking lines 40 through 50 and inserting in lieu thereof the following amendments:

"..... Page 5, by striking lines 1 through 35.

..... Page 6, by striking lines 1 through 27."

14. Page 3, by striking lines 1 through 4.

15. Page 3, line 8, by striking the word "arbitrator's" and inserting in lieu thereof the word "board's".

16. Page 3, by striking lines 12 through 19 and inserting in lieu thereof the words "appeal is filed."

17. Page 4, by striking lines 6 through 12 and inserting in lieu thereof the following:

"..... Page 7, by striking lines 4, 5, and 6 and inserting in lieu thereof the words: "any teacher only for reasons clearly and specifically stated in the contract of each teacher including physical or mental disability or sickness which interferes with performance of duty as shown by competent medical evidence and following one year's leave of absence or factors which require a reduction of staff. Prior to the discharge,"."

18. By renumbering sections and subsections as necessary.

KOOGLER of Mahaska

H—6119

Amend Senate File 1123, as amended, passed and reprinted by the Senate, as follows:

1. Page 17, by inserting after line 30 the following:

"Sec. ..... Section ninety-six point nineteen (96.19), subsection seven (7), paragraph d, Code 1975, as created by Acts of the Sixty-sixth General Assembly, 1975 session, chapter ninety-two (92), section twenty-

nine (29), is amended to read as follows:

(d) Benefits based on services in employment as provided in this subparagraph seven (7) shall be payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service in this chapter, except that benefits based on service in [an instructional, research or principal administrative capacity in] a school operated by a political subdivision or an instrumentality thereof shall not be paid to an individual for any week of unemployment which begins during the period between two successive years or during similar periods between two regular terms whether or not successive, or during the period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in this capacity for any school or schools for both such academic years or for both such terms. For the purpose of this provision "school" means an educational institution operated by a political subdivision or an instrumentality thereof which is not an institution of higher education as defined in subsection twenty-four (24) of section ninety-six point nineteen (96.19) of the Code."

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

BAKER of Buena Vista
KOOGLER of Mahaska
DAGGETT of Adams
HANSEN of O'Brien
MILLER of Calhoun
SCHROEDER of Pottawattamie
PERKINS of Greene
STROMER of Hancock
BRANDT of Black Hawk
WELDEN of Hardin
O'HALLORAN of Black Hawk
WYCKOFF of Benton

H—6120

Amend the Baker amendment, H—6119, to Senate File 1123 as amended, passed and reprinted by the Senate, page 1, by striking line 23 and inserting in lieu thereof the following: "[paid] sabbatical *or* *educational* leave provided for in the individual's".

BAKER of Buena Vista
KOOGLER of Mahaska
DAGGETT of Adams
HANSEN of O'Brien
MILLER of Calhoun
SCHROEDER of Pottawattamie
PERKINS of Greene
BRANDT of Black Hawk
WYCKOFF of Benton

Note: **For explanation of brackets and italics see page 91 of the House Journal.**

On motion by Fitzgerald of Webster, the House adjourned at 3:27 p.m. until 10:00 a.m., Monday, April 5, 1976.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day—Fifth-fifth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, APRIL 5, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Monsignor Leander Reicks, pastor of the Assumption Catholic Church, Cresco, Iowa.

The Journal of Friday, April 2, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rinas of Linn on request of Jordan of Linn; Griffee of Chickasaw on request of Howell of Floyd; Krause of Palo Alto on request of Connors of Polk; Drake of Muscatine on request of Varley of Adair; Anderson of Jasper on request of Dyrland of Clayton; Schroeder of Pottawattamie on request of Millen of Van Buren; Mennenga of Clinton on request of Miller of Buchanan; Oakley of Clinton on request of Tauke of Dubuque.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Sixty seniors from Sigourney High School, Sigourney, Iowa, accompanied by Fred Gilliland and Wayne Yohn. By Dunton of Keokuk.

Forty-four fifth and sixth grade students from East Union Elementary School, Lorimor, Iowa, accompanied by Betty Patterson and Marjorie Kerrigan. By Hullinger of Decatur.

PETITIONS FILED

The following petitions were received and placed on file:

By Howell of Floyd from eleven constituents opposed to passage of House File 198, relating to parimutuel betting.

By Brunow of Appanoose from fourteen constituents favoring

the passage of Senate File 205, relating to the issuance, continuation and termination of teachers' contracts.

By Wyckoff of Benton from one hundred ninety-two constituents objecting to the proposed "Railroad Alternate Route" of Federal Highway I-380 through Linn, Benton, Buchanan and Black Hawk Counties, Iowa.

By Harper of Davis from thirty-six constituents favoring legislation to ban construction of nuclear plants in Iowa until all safety problems have been resolved.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 1192, under Rule 36.

HOUSE CONCURRENT RESOLUTION 125

By Committee on Appropriations

Whereas, there is general agreement that the overall capacity of Iowa's correctional system is currently inadequate, and will remain so for some years to come; and

Whereas, the Department of Social Services has recommended that a new prison facility be constructed, and it appears that there is some support for this recommendation from other quarters; and

Whereas, other parties, including many members of the General Assembly, believe that the current problems can be overcome through more extensive and effective use of the community-based corrections concept; and

Whereas, any effective, long-term answer to this problem must be one which is credible to and can be supported by members of both political parties and by persons in the legislative and executive branches of state government as well as by other concerned Iowans; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That there be established to function during the 1976 legislative interim a task force on penal facilities, which shall proceed in accordance with this resolution and shall submit a report and recommendations to the Sixty-seventh General Assembly not later than January 10, 1977. The task force shall also make such interim progress reports to the Legislative Council as the Council may request.

1. The task force shall consist of the members of the joint appropriations subcommittee on human resources, two other members of the senate designated

by the majority leader, two other members of the

house of representatives designated by the speaker of the house, and five citizens of the state appointed by the governor.

2. The task force in discharging its duties under this resolution shall consider and shall respond in its report to the following questions:

a. Is a new prison facility necessary to house those persons whom the courts have sentenced to incarceration and who, it is anticipated, will be so sentenced in the next several years, or can some alternative kind of restrictive living arrangement adequately meet this need without committing the state to a large outlay for a major new institution?

b. If a new prison is necessary, where should it be located?

c. How may plans to meet the need for increased capacity to house persons sentenced to incarceration, however this need may be met, best be meshed with the need to plan for replacement of existing prison facilities, particularly the penitentiary at Fort Madison?

3. The task force may hold no more than four meetings during the 1976 legislative interim, unless the legislative council authorizes additional meetings.

Laid over under Rule 25.

REGULAR STEERING COMMITTEE CALENDAR

REPORT OF STEERING COMMITTEE

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

H. F. 1513 COMMITTEE BILL—An Act relating to the compensation of employees of the general assembly and making an appropriation. By committee on state government; Monroe, chair.

H. F. 1528 COMMITTEE BILL—An Act relating to the establishment of electric utility service areas and to the regulation of rural electric cooperative rates by the state commerce commission. By committee on commerce; Small, chair.

H. F. 1488 COMMITTEE BILL—An Act relating to the bonding of governmental employees. By committee on commerce; Small, chair.

H. F. 1478 COMMITTEE BILL—An Act regulating the establishment and use of electronic fund transfer systems. By committee on commerce; Small, chair.

H. F. 1407 COMMITTEE BILL—An Act relating to a vehicle antitheft law and providing penalties. By committee on transportation; Krause, chair.

H. F. 1371 COMMITTEE BILL—An Act relating to the status and duties of the energy policy council . . . and by providing for the abolition of the energy policy council effective June 30, 1979. By committee on energy; O'Halloran, chair.

H. F. 1510 COMMITTEE BILL—An Act providing for executive and legislative overview and approval of administrative rules and relating to the Iowa administrative code. By committee on state government; Monroe, chair.

H. F. 1432 COMMITTEE BILL—An Act relating to vehicle transportation, . . . and providing penalties for violations. By committee on transportation; Krause, chair.

H. F. 1374 COMMITTEE BILL—An Act relating to treatment of alcoholics and to the division of alcoholism of the department of health. By committee on human resources; Higgins, chair.

H. F. 1332 COMMITTEE BILL—An Act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, vehicle lighting and miscellaneous equipment, ... By committee on transportation; Krause, chair.

H. F. 1535 COMMITTEE BILL—An Act establishing an Iowa building code, including a housing code, establishing a separate department of building code, and providing penalties for violations. By committee on cities; Rinas, chair.

H. F. 1493 COMMITTEE BILL—An Act relating to credit transactions, amending the Iowa consumer credit code to permit changing the terms of an open-end account after a thirty-day notification to each customer. By committee on commerce; Small, chair.

H. F. 1494 COMMITTEE BILL—An Act exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions. By committee on commerce; Small, chair.

H. F. 1069 An Act relating to the maximum interest rate which may be paid by persons borrowing for a business purpose, including certain agricultural loans. By Hennessey, Evans, Daggett, et al.

JESSE of Polk, Chair

5-MINUTE NONCONTROVERSIAL REPORT OF STEERING COMMITTEE

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

S. F. 547 COMMITTEE BILL—An Act relating to the financing of levees and drainage districts. By Senate committee on cities; Willits, chair.

H. F. 1299 An Act to legalize proceedings taken by the county board of supervisors of Sac County relating to the purchase of certain land. By Bennett.

JESSE of Polk, Chair

15-MINUTE NONCONTROVERSIAL

REPORT OF STEERING COMMITTEE

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

H. F. 1445 COMMITTEE BILL—An Act relating to vehicles used by sheriffs and deputies. By committee on county government; Hutchins, chair.

H. F. 1492 COMMITTEE BILL—An Act relating to liability insurance for hospitals. By committee on commerce; Small, chair.

S. F. 1067 COMMITTEE BILL—An Act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty. By Senate committee on human resources; Gluba, chair.

H. F. 1481 COMMITTEE BILL—An Act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and providing a penalty. By committee on agriculture; Husak, chair.

H. F. 1164 COMMITTEE BILL—An Act relating to affirmative action programs of political subdivisions. By discriminatory employment practices study committee; Middleton, chair.

S. F. 1055 COMMITTEE BILL—An Act to legalize and validate the proceedings of the Board of Supervisors of Jasper County, Iowa, in their appointment of Kenneth L. Whitehead, Jasper County Attorney, ... By Senate committee on judiciary; Glenn, chair.

H. F. 1465 COMMITTEE BILL—An Act to establish district court administrators and to provide the funds therefor. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1497 COMMITTEE BILL—An Act making amendments to the probate laws, ... By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1544 COMMITTEE BILL—An Act relating to the establishment of policies and procedures for legislative employees under the jurisdiction of the legislative council. By committee on state government; Monroe, chair.

JESSE of Polk, Chair

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 1, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1111, a bill for an act relating to who may form a professional corporation.

STEVEN L. CROSS, Secretary

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(5-Minute)

SENATE FILE 1263 SUBSTITUTED FOR HOUSE FILE 1505

Hinkhouse of Cedar asked and received unanimous consent to substitute Senate File 1263 for House File 1505.

Senate File 1263, a bill for an act relating to fees which certain municipal corporations charge milk plants and receiving stations, was taken up for consideration.

West of Marshall offered the following amendment H—5997 filed by him and Brockett of Marshall and moved its adoption:

H—5997

Amend Senate File 1263 as follows:

1. Page 1, by inserting after line 9 the following:

"Nothing in this section shall prohibit a municipal corporation having an agreement with the secretary of agriculture to continue agreements with other municipal corporations for inspection of their milk plants, receiving stations, and for milk and milk products, and allowing municipal corporations to charge a fee for that inspection provided the service is rendered."

Amendment H—5997 was adopted.

Hinkhouse of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1263)

The ayes were, 80:

Baker	Brandt	Caffrey	Daggett
Bina	Brockett	Connors	Danker
Binneboese	Brunow	Crabb	Den Herder
Bortell	Byerly	Cusack	Dieleman

Doyle	Horn	Middleswart	Small
Dunton	Howell	Middleton	Spear
Dyrland	Hullinger	Millen	Spencer
Evans	Husak	Miller, A. V.	Spradling
Fitzgerald	Hutchins	Miller, K. D.	Stromer
Gentleman	Jesse	Miller, O. L.	Svoboda
Gilloon	Jochum	Monroe	Tauke
Halvorson	Jordan	Nealson	Tofte
Hansen	Junker	Newhard	Varley
Hargrave	Koogler	Patchett	Walter
Harper	Kreamer	Pavich	Welden
Harvey	Lageschulte	Pellett	Wells
Hennessey	Lindeen	Perkins	West
Higgins	Lipsky	Poncy	Woods
Hines	McElroy	Readinger	Wyckoff
Hinkhouse	Menke	Scheelhaase	Mr. Speaker

The nays were, 1:

Wulff

Absent or not voting, 19:

Anderson	Clark	Krause	Oakley
Avenson	Crawford	Lonergan	O'Halloran
Bennett	Drake	Mennenga	Rinas
Bittle	Egenes	Nielsen	Schroeder
Branstad	Griffee	Norland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1505 WITHDRAWN

Husak of Tama asked and received unanimous consent to withdraw **House File 1505** from further consideration by the House.

Senate File 1139, a bill for an act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation, with report of committee recommending passage, was taken up for consideration.

Spear of Lee offered the following amendment H—5994 filed by him:

H—5994

Amend Senate File 1139, as amended and passed by the Senate, as follows:

1. Page 1, by striking lines 18 and 19 and inserting in lieu thereof the following: "3. Upon going from an educational work release to parole or discharge, one hundred dollars minus any funds received under subsection two (2)."

2. Page 2, by striking lines 7 and 8 and inserting in lieu thereof the following: "3. Upon going from an educational work release to parole or discharge, one hundred dollars minus any funds received under subsection two (2)."

Spear of Lee offered the following amendment H—6003, to amendment H—5994, filed by him:

H—6003

Amend amendment H—5994, to Senate File 1139 as amended and passed by the Senate, as follows:

1. Page 1, by striking lines 3 through 12 and inserting in lieu thereof the following:

"1. Page 1, by striking lines 7 through 19 and inserting in lieu thereof the following: "inmate is discharged, paroled, or placed on work release, the warden or superintendent shall furnish her, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan. When an inmate is discharged, paroled or placed on work release, the warden or superintendent shall provide her, at state expense, money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.

2. Upon being placed on work release, fifty dollars.

3. Upon going from an educational work release to parole or discharge, fifty dollars."

2. Page 1, by striking lines 31 through 35 and page 2, by striking lines 1 through 8 and inserting in lieu thereof the following: "is discharged, paroled, or placed on work release, the warden or superintendent shall furnish him, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan. When an inmate is discharged, paroled or placed on work release, the warden or superintendent shall provide him, at state expense, money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.

2. Upon being placed on work release, fifty dollars.

3. Upon going from an educational work release to parole or discharge, fifty dollars."

Debate having exceeded the allowed time, Higgins of Scott asked for unanimous consent to suspend the rules for its further consideration.

Objection was raised.

Higgins of Scott moved that the rules be suspended for the further consideration of Senate File 1139.

A non-record roll call was requested.

The ayes were 55, nays 16.

The motion prevailed and the rules were suspended for continued debate.

Spear of Lee moved the adoption of amendment H—6003, to amendment H—5994.

Amendment H—6003 was adopted.

Spear of Lee moved the adoption of amendment H—5994, as amended.

Amendment H—5994, as amended, was adopted.

Den Herder of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1139)

The ayes were, 78:

Avenson	Fitzgerald	Junker	Perkins
Baker	Gentleman	Koogler	Poncy
Bina	Gilloon	Kreamer	Readinger
Binneboese	Halvorson	Lageschulte	Scheelhaase
Bortell	Hansen	Lindeen	Spear
Brandt	Hargrave	Lipsky	Spencer
Brockett	Harper	McElroy	Spradling
Brunow	Harvey	Menke	Stromer
Byerly	Hennessey	Middleswart	Svoboda
Caffrey	Higgins	Middleton	Tauke
Crabb	Hines	Miller, A. V.	Tofte
Cusack	Hinkhouse	Miller, K. D.	Varley
Daggett	Horn	Miller, O. L.	Walter
Den Herder	Howell	Nealson	Wells
Dieleman	Hullinger	Newhard	West
Doyle	Husak	Norland	Woods
Dunton	Hutchins	Patchett	Wulff
Dyrland	Jesse	Pavich	Wyckoff
Egenes	Jochum	Pellett	Mr. Speaker
Evans	Jordan		

The nays were, 2:

Danker	Welden

Absent or not voting, 20:

Anderson	Connors	Lonergan	Oakley
Bennett	Crawford	Mennenga	O'Halloran
Bittle	Drake	Millen	Rinas
Branstad	Griffee	Monroe	Schroeder
Clark	Krause	Nielsen	Small

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 1509**, a bill for an act relating to certification for applicators of restricted use of pesticides.

Miller of Cerro Gordo offered the following amendment H—5909 filed by Miller of Cerro Gordo, et al.:

H—5909

Amend House File 1509 as follows:

1. Page 1, line 6, by striking "*1978*" and inserting in lieu thereof "*1977*".

2. Page 1, by striking lines 7 through 14, and inserting in lieu thereof the following:

"[Notwithstanding any of the provisions of chapter two hundred and six (206) of the Code, all licenses and product registrations that expire after June 30, 1974, and before December 31, 1974, shall remain in full force and effect and be deemed a current license or product registration during the period between July 1, 1974 and December 31, 1974. All licenses and product registrations so extended shall expire on December 31, 1974."]

3. Page 1, by adding after line 14 the following sections:

"Sec. ..... Section two hundred six point five (206.5), Code 1975, is amended to read as follows:

206.5 CERTIFICATION REQUIREMENTS. No person shall apply any restricted use pesticide without first complying with the certification requirements of this chapter and such other restrictions as determined by the secretary or being under the direct supervision of a certified applicator.

The secretary shall adopt, by rule, requirements for the examination, [re-examination] and certification of applicants and set a fee of not more than ten dollars for the certification program of commercial applicators and not more than five dollars for the certification program of private applicators.

The secretary may adopt rules for the training of applicators in co-operation with the co-operative extension service at Iowa State University of science and technology.

The secreteary shall not require applicants for certification as private applicators to take and pass a written test, if the applicant instead shows proof that he has attended an informational course of instruction approved by the secretary. The secretary shall provide for temporary certification for emergency purchases of restricted use product's by requiring the purchaser to sign an affidavit, at the point of purchase, that he has read and understands the information on the label of the restricted use product being purchased.

Sec. ..... Section two hundred six point six (206.6), subsection four (4), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

Page 2

4. Renewal of applicant's license. **The** secretary shall renew any applicant's license under the classifications for which such applicant is licensed, provided that a program of training of all personnel who apply pesticides has been established and maintained by the licensee. Such a program may include attending training sessions such as Cooperative Extension Short Courses or Industry trade association training seminars.

Sec. ..... Section two hundred six point eight (206.8), subsection three (3), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

3. Provisions of this section shall not apply to a pesticide applicator who sells pesticides as an integral part of his pesticide application service, or any federal, state, county or municipal agency which provides pesticides only for its own programs."

Spradling of Sioux offered the following amendment H—5913, to amendment H—5909, filed by him and moved its adoption:

H—5913

Amend amendment H—5909 to House File 1509 as follows:

1. Page 2, by inserting after line 19 the following:

"Sec. ..... Section two hundred six point eighteen (206.18), subsection four (4), Code 1975, is amended to read as follows:

4. The licensing requirements of section 206.6 shall not apply to [any person] *persons* using hand-powered *or self-propelled* equipment *not exceeding seven and one-half horsepower as determined by rules promulgated by the department* to [applying] *apply* pesticides to lawns, or to ornamental shrubs and trees not in excess of twelve feet high, as an incidental part of taking care of household lawns and yards provided, that such [person] *persons* shall not publicly hold [himself] *themselves* out as being in the business of applying pesticides, and that such [person does] *persons do* not apply restricted use pesticides or state restricted use pesticides, restricted to use only by certified applicators."

Amendment H—5913 was adopted.

Miller of Cerro Gordo moved the adoption of amendment H—5909, as amended.

Amendment H—5909, as amended, was adopted.

Miller of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1509)

The ayes were, 82:

Avenson	Egenes	Jordan	Pellett
Baker	Evans	Koogler	Perkins
Bina	Fitzgerald	Kreamer	Poncy
Binneboese	Gentleman	Lageschulte	Readinger
Bortell	Gilloon	Lindeen	Scheelhaase
Brandt	Halvorson	Lipsky	Small
Brockett	Hansen	McElroy	Spear
Brunow	Hargrave	Menke	Spradling
Byerly	Harper	Middleswart	Stromer
Caffrey	Harvey	Middleton	Svoboda
Clark	Hennessey	Millen	Tauke
Connors	Higgins	Miller, A. V.	Varley
Crabb	Hines	Miller, K. D.	Walter
Cusack	Hinkhouse	Miller, O. L.	Welden
Daggett	Horn	Monroe	Wells
Danker	Howell	Nealson	West
Den Herder	Hullinger	Newhard	Woods
Dieleman	Husak	Norland	Wulff
Doyle	Hutchins	Patchett	Wyckoff
Dunton	Jesse	Pavich	Mr. Speaker
Dyrland	Jochum		

The nays were, 1:

Tofte

Absent or not voting, 17:

Anderson	Drake	Lonergan	O'Halloran
Bennett	Griffee	Mennenga	Rinas
Bittle	Junker	Nielsen	Schroeder
Branstad	Krause	Oakley	Spencer
Crawford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1122, a bill for an act relating to the employment rights of second deputy sheriffs, with report of committee recommending passage, was taken up for consideration.

Baker of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1122)

The ayes were, 83:

Avenson	Brandt	Clark	Danker
Baker	Brockett	Connors	Den Herder
Bina	Brunow	Crabb	Dieleman
Binneboese	Byerly	Cusack	Doyle
Bortell	Caffrey	Daggett	Dunton

Dyrland	Howell	Miller, K. D.	Spencer
Egenes	Hullinger	Miller, A. V.	Spradling
Evans	Husak	Miller, O. L.	Stromer
Fitzgerald	Hutchins	Monroe	Svoboda
Gentleman	Jesse	Nealson	Tauke
Gilloon	Jochum	Newhard	Tofte
Halvorson	Jordan	Norland	Varley
Hansen	Koogler	Patchett	Walter
Hargrave	Kreamer	Pavich	Welden
Harper	Lageschulte	Pellett	Wells
Harvey	Lindeen	Perkins	West
Hennessey	Lipsky	Poncy	Woods
Higgins	McElroy	Readinger	Wulff
Hines	Menke	Scheelhaase	Wyckoff
Hinkhouse	Middleswart	Small	Mr. Speaker
Horn	Millen	Spear	

The nays were, none.

Absent or not voting, 17:

Anderson	Drake	Lonergan	Oakley
Bennett	Griffee	Mennenga	O'Halloran
Bittle	Junker	Middleton	Rinas
Branstad	Krause	Nielsen	Schroeder
Crawford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1495, a bill for an act relating to bedding sanitation in hotels, motels, and motor inns, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—5906 filed by Monroe, et al.:

H—5906

Amend House File 1495 by striking everything after the enacting clause and inserting in lieu thereof the following:

Section 1. Section one hundred seventy point two (170.2), Code 1975, is amended to read as follows:

170.2 LICENSE REQUIRED. No person shall maintain a food establishment, tavern, [motor inn, hotel,] or restaurant until he *or she* has obtained a license from the department of agriculture. *No person shall maintain a hotel until he or she has obtained a license from the state department of health.* However, cigar stores, drug stores, egg, cream, or poultry buying stations, or any other establishment selling or offering for sale only candy or gum, schools selling or offering for sale refreshments at athletic contests, band festivals, or similar events, and children selling or offering for sale lemonade or other soft drinks and candy or gum on lawns, curbings, sidewalks, or any other property shall not be required to obtain a license. Each license shall expire September [1]

first following the date of issue except a hotel license which shall expire on the last day of December following the date of issue and a restaurant license which shall expire one year from date of issue. This section shall not be construed to require the licensing of establishments or persons involved in a hot-lunch program in any public or parochial school of the state of Iowa or to those persons or establishments exclusively engaged in the processing of meat and poultry licensed as required under section 189A.3.

Sec. 2. Section one hundred seventy point three (170.3), Code 1975, is amended to read as follows:

170.3 APPLICATION FOR LICENSE. Every application for a license under this chapter shall be made upon a blank furnished by the *appropriate* department and shall contain the items required by it as to ownership, management, location, buildings, equipment, rates, and other data concerning the business for which a license is desired. An application for a license to operate an existing business shall be made at least thirty days before the expiration of the existing license.

Sec. 3. Section one hundred seventy point four (170.4), Code 1975, is amended to read as follows:

170.4 OPERATION WITHOUT INSPECTION OR LICENSE. No person shall open or operate a [hotel, motor inn,] tavern, restaurant, or food establishments until inspection has been made by the department of agriculture [or proper application for license has

Page 2

been made at least fourteen days in advance of opening]. *No person shall open or operate a hotel until inspection has been made by the state department of health.*

Sec. 4. Section one hundred seventy point five (170.5), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The *appropriate* department shall collect the following fees for licenses:

Sec. 5. Section one hundred seventy point seven (170.7), Code 1975, is amended to read as follows:

170.7 [HOTEL AND RESTAURANT] *RESTAURANT* FUND. All restaurant[, hotel, motor inn,] and tavern license fees shall upon receipt thereof by the department *of agriculture* be paid to and receipted for by the treasurer of state and shall be kept by him in a separate fund to be known as the "[hotel and] restaurant fund". Such [hotel and] restaurant fund shall be continued from year to year and the treasurer shall keep a separate account thereof showing receipts and disbursements as authorized by law. No part of such fund shall be used for any other purpose than the administration and enforcement of the laws relating

to [hotels,] restaurants, vending machines and commissaries and for conducting educational programs and sanitary training courses and for providing literature and suitable promotional work for the industries licensed under this chapter *by the department of agriculture.* If on July [1] *first* of any year there is a balance remaining in said [hotel and] restaurant fund which, in the opinion of the secretary of agriculture, is greater than is necessary for the proper administration of such laws and for conducting and providing the services authorized under this section, the treasurer of state is hereby authorized, on the recommendation and with the approval of the secretary of agriculture, to transfer to the general fund of the state such portion of said [hotel and] restaurant fund as the secretary of agriculture shall deem advisable to so transfer. *All hotel license fees shall upon receipt thereof by the state department of health be paid into the general fund of the state.*

Sec. 6. Section one hundred seventy point eight (170.8), Code 1975, is amended to read as follows:

170.8 REVOCATION. Any license issued under this chapter may be revoked by the *appropriate* department for violation by the licensee of any provision of this chapter or any rules of the *appropriate* department.

Sec. 7. Section one hundred seventy point twelve

Page 3

(170.12), Code 1975, is amended to read as follows:

170.12 FLOORS. The floors in every food establishment shall be made of some suitable nonabsorbent and impermeable material, approved by the department *of agriculture,* which can be flushed and washed clean with water. All new slaughterhouses shall be constructed with cement, vitrified brick, tile, or other impervious material floors and killing beds.

Sec. 8. Section one hundred seventy point thirteen (170.13), Code 1975, is amended to read as follows:

170.13 INTERIOR FINISH. The [side walls] *sidewalls* and ceilings of every bakery, confectionery, creamery, cheese factory, slaughterhouse, and restaurant or hotel kitchen, shall be made of some suitable material approved by the *appropriate* department, and shall be either oil painted so that they can be washed clean, or they shall be kept well limewashed.

Sec. 9. Section one hundred seventy point twenty-five (170.25), Code 1975, is amended to read as follows:

170.25 USE AS LIVING ROOM. No person shall be allowed to use as a dwelling, or sleep in, any workroom of any bakeshop, kitchen, or dining room where food is prepared for commercial purposes, confectionery, creamery, ice cream factory, cheese factory, cream station, meat market, or any other place where, in

the opinion of the department *of agriculture*, food will be contaminated thereby.

Sec. 10. Section one hundred seventy point twenty-nine (170.29), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

170.29 BEDDING. Every bed, bunk, cot, or other sleeping place in a hotel shall be supplied with under sheets, top sheets, and pillow slips. The sheets shall be of sufficient width and length to completely cover the mattress. The pillow slips and sheets after being used by any guest shall be washed and sanitized, or disposed of, and a clean set furnished each succeeding guest. The other bedding shall be thoroughly aired and kept clean at all times. All mattresses, quilts, blankets, pillows, sheets, comforters, and other bedding which have become worn or insanitary so as to be unfit for use as bedding shall be condemned by an inspector and shall not be used again.

Sec. 11. Section one hundred seventy point thirty-seven (170.37), Code 1975, is amended to read as follows:

170.37 INCREASE OF RATES. The rate posted under section 170.36 shall not be increased until sixty

days' notice of the proposed increase has been given to the *state* department *of health*.

Sec. 12. Section one hundred seventy point forty-six (170.46), Code 1975, is amended to read as follows:

170.46 ANNUAL INSPECTION. The department *of agriculture* shall cause to be inspected *every restaurant and food establishment in the state* at least once each calendar year[, every hotel, restaurant, and food establishment in the state], and any inspector of said department may enter such place at any reasonable hour to make such inspection. *The state department of health shall cause to be inspected every hotel in the state at least once each calendar year, and any inspector of said department may enter any such place at any reasonable hour to make such inspection.* The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete examination.

Sec. 13. Section one hundred seventy point forty-seven (170.47), Code 1975, is amended to read as follows:

170.47 INSPECTION UPON COMPLAINT. Upon receipt of a verified complaint, signed by any patron of any hotel, restaurant ,or food establishment, stating facts showing such place to be in an insanitary condition, the *appropriate* department shall cause an examination to be made. If the complaint is found to be justifiable, the actual expenses necessarily

incurred in making such inspection shall be charged and collected from the person conducting such place; but if such complaint is found to be without reasonable grounds, the actual expense necessarily incurred in making such inspection shall be collected from the person or persons making the complaint.

Sec. 14. Section one hundred ninety-one A point five (191A.5), Code 1975, is amended to read as follows:

191A.5 APPLICATION OF MONEYS. All fees collected by the department under the requirements of this chapter shall be paid into the [hotel and] restaurant fund established in section 170.7, and shall be expended as authorized in such section."

Hinkhouse of Cedar rose on a point of order that amendment H—5906 was not germane.

The Speaker ruled the point well taken and amendment H—5906 not germane.

Hinkhouse of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1495)

The ayes were, 82:

Avenson	Egenes	Jordan	Perkins
Baker	Evans	Koogler	Poncy
Bina	Fitzgerald	Lageschulte	Readinger
Binneboese	Gentleman	Lindeen	Scheelhaase
Bortell	Gilloon	Lipsky	Small
Brandt	Halvorson	McElroy	Spear
Brockett	Hansen	Menke	Spencer
Brunow	Hargrave	Middleswart	Spradling
Byerly	Harper	Middleton	Stromer
Caffrey	Harvey	Millen	Svoboda
Clark	Hennessey	Miller, A. V.	Tauke
Connors	Higgins	Miller, K. D.	Tofte
Crabb	Hines	Miller, O. L.	Varley
Cusack	Hinkhouse	Monroe	Welden
Daggett	Horn	Nealson	Wells
Danker	Howell	Newhard	West
Den Herder	Hullinger	Norland	Woods
Dieleman	Husak	Patchett	Wulff
Doyle	Hutchins	Pavich	Wyckoff
Dunton	Jesse	Pellett	Mr. Speaker
Dyrland	Jochum		

The nays were, 1:

Walter

Absent or not voting, 17:

Anderson	Drake	Kreamer	Oakley
Bennett	Griffee	Lonergan	O'Halloran
Bittle	Junker	Mennenga	Rinas
Branstad	Krause	Nielsen	Schroeder
Crawford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1447, a bill for an act relating to compliance of certain commercial buildings with certain fire protection requirements, was taken up for consideration.

Connors of Polk offered the following amendment H—5853 filed by him and moved its adoption:

H—5853

Amend House File 1447 as follows:

1. Page 1, line 4, by striking "[1957] *1976*" and inserting in lieu thereof "1957".

Amendment H—5853 was adopted.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1447)

The ayes were, 82:

Avenson	Egenes	Koogler	Poncy
Baker	Evans	Lageschulte	Readinger
Bina	Fitzgerald	Lindeen	Scheelhaase
Binneboese	Gentleman	Lipsky	Small
Bortell	Gilloon	McElroy	Spear
Brandt	Halvorson	Menke	Spencer
Brockett	Hansen	Middleswart	Spradling
Brunow	Hargrave	Middleton	Stromer
Byerly	Harper	Millen	Svoboda
Caffrey	Hennessey	Miller, A. V.	Tauke
Clark	Higgins	Miller, K. D.	Tofte
Connors	Hines	Miller, O. L.	Varley
Crabb	Hinkhouse	Monroe	Walter
Cusack	Horn	Nealson	Welden
Daggett	Howell	Newhard	Wells
Danker	Hullinger	Norland	West
Den Herder	Husak	Patchett	Woods
Dieleman	Hutchins	Pavich	Wulff
Doyle	Jesse	Pellett	Wyckoff
Dunton	Jochum	Perkins	Mr. Speaker
Dyrland	Jordan		

The nays were, none.

Absent or not voting, 18:

Anderson	Drake	Kreamer	Oakley
Bennett	Griffee	Lonergan	O'Halloran
Bittle	Harvey	Mennenga	Rinas
Branstad	Junker	Nielsen	Schroeder
Crawford	Krause		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

House File 1052, a bill for an act to require certain information to be included in the notice of public hearing on annual city budgets, with report of committee recommending passage, was taken up for consideration.

Bina of Scott offered the following amendment H—5931 filed by Mennenga, et al., and moved its adoption:

H—5931

Amend House File 1052 by inserting after the word *"year." in line 14 the following: "The summary shall also include two pie graphs for each fiscal year. For the most recently completed fiscal year one pie graph shall show the sources of the revenue and one shall show the budget expenditures by category of service. For the current fiscal year and the next succeeding fiscal year, one pie graph each year shall show the sources of anticipated revenue and one graph each year shall show the proposed budget expenditures by category of service."*

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 31, nays 40.

Amendment H—5931 lost.

Perkins of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1052)

The ayes were, 76:

Avenson	Dunton	Husak	Monroe
Baker	Dyrland	Hutchins	Nealson
Bina	Egenes	Jochum	Newhard
Binneboese	Evans	Jordan	Nielsen
Bortell	Gentleman	Koogler	Norland
Brandt	Gilloon	Lageschulte	Patchett
Brockett	Halvorson	Lindeen	Pavich
Brunow	Hansen	Lipsky	Pellett
Byerly	Hargrave	McElroy	Perkins
Clark	Harper	Menke	Poncy
Crabb	Harvey	Middleswart	Readinger
Cusack	Hennessey	Middleton	Scheelhaase
Daggett	Higgins	Millen	Spear
Danker	Hines	Miller, A. V.	Spencer
Den Herder	Hinkhouse	Miller, K. D.	Spradling
Dieleman	Hullinger	Miller, O. L.	Stromer

Svoboda	Varley	Wells	Wulff
Tauke	Walter	West	Wyckoff
Tofte	Welden	Woods	Mr. Speaker

The nays were, 3:

Connors	Doyle	Horn

Absent or not voting, 21:

Anderson	Drake	Junker	Oakley
Bennett	Fitzgerald	Krause	O'Halloran
Bittle	Griffee	Kreamer	Rinas
Branstad	Howell	Lonergan	Schroeder
Caffrey	Jesse	Mennenga	Small
Crawford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1496, a bill for an act relating to the sale or acquisition of real property by an area education agency, was taken up for consideration.

Miller of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1496)

The ayes were, 78:

Avenson	Dyrland	Lindeen	Readinger
Baker	Egenes	Lipsky	Scheelhaase
Bina	Evans	McElroy	Small
Binneboese	Gentleman	Menke	Spear
Bortell	Halvorson	Middleswart	Spencer
Brandt	Hansen	Middleton	Spradling
Brockett	Hargrave	Millen	Stromer
Brunow	Harper	Miller, A. V.	Svoboda
Byerly	Harvey	Miller, K. D.	Tauke
Caffrey	Hennessey	Miller, O. L.	Tofte
Clark	Higgins	Monroe	Varley
Connors	Hines	Newhard	Walter
Crabb	Hinkhouse	Nielsen	Welden
Cusack	Horn	Norland	Wells
Daggett	Husak	Patchett	West
Danker	Hutchins	Pavich	Woods
Den Herder	Jochum	Pellett	Wulff
Dieleman	Jordan	Perkins	Wyckoff
Doyle	Koogler	Poncy	Mr. Speaker
Dunton	Lageschulte		

The nays were, 2:

Hullinger	Nealson

Absent or not voting, 20:

Anderson	Drake	Jesse	Mennenga
Bennett	Fitzgerald	Junker	Oakley
Bittle	Gilloon	Krause	O'Halloran
Branstad	Griffee	Kreamer	Rinas
Crawford	Howell	Lonergan	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1534, a bill for an act relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population, was taken up for consideration.

Dyrland of Clayton offered the following amendment H—6115 filed by him and moved its adoption:

H—6115

Amend House File 1534 as follows:

1. Page 1, line 7, by striking the words "most recent" and inserting in lieu thereof the following: "[most recent] *1970*".

2. Page 1, by inserting after line 8 the following:

"Unnumbered paragraph one (1) of this section notwithstanding, Merged Area I shall provide an area vocational school attendance center within Dubuque county."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 44, nays 41.

Amendment H—6115 was adopted.

Daggett of Adams moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1534)

The ayes were, 75:

Avenson	Egenes	Junker	Poncy
Baker	Evans	Koogler	Readinger
Bina	Fitzgerald	Lageschulte	Scheelhaase
Binneboese	Gentleman	Lindeen	Spear
Bortell	Gilloon	Lipsky	Spencer
Brandt	Halvorson	McElroy	Spradling
Brunow	Hansen	Menke	Stromer
Caffrey	Hargrave	Middleswart	Svoboda
Clark	Harper	Middleton	Tauke
Connors	Harvey	Millen	Tofte
Crabb	Hennessey	Miller, K. D.	Varley
Crawford	Higgins	Miller, O. L.	Walter
Cusack	Hines	Monroe	Welden
Daggett	Hinkhouse	Nealson	Wells
Den Herder	Husak	Newhard	West
Dieleman	Hutchins	Norland	Woods
Doyle	Jesse	Patchett	Wulff
Dunton	Jochum	Pavich	**Mr. Speaker**
Dyrland	Jordan	Pellett	

The nays were, 6:

Byerly	Hullinger	Perkins	Wyckoff
Horn	Nielsen		

Absent or not voting, 19:

Anderson	Danker	Kreamer	O'Halloran
Bennett	Drake	Lonergan	Rinas
Bittle	Griffee	Mennenga	Schroeder
Brandstad	Howell	Miller, A. V.	Small
Brockett	Krause	Oakley	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REREFERRED TO COMMITTEE ON WAYS AND MEANS
(House File 1442)

Jesse of Polk asked and received unanimous consent that **House File 1442,** previously referred to the committee on judiciary and law enforcement, be rereferred to the committee on **ways and means.**

RULE 32 INVOKED
(House File 1441)

Hutchins of Guthrie invoked Rule 32 on **House File 1441.** House File 1441, presently on the regular calendar, was referred to the committee on **appropriations.**

REFERRED TO COMMITTEE ON WAYS AND MEANS
(Senate File 1269)

The Speaker announced that **Senate File 1269,** previously passed on file, was referred to the committee on **ways and means.**

On motion by Fitzgerald of Webster, the House was recessed until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

HOUSE FILE 1271 WITHDRAWN

Spradling of Sioux asked and received unanimous consent to withdraw **House File 1271** from further consideration by the House.

IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of the following bills: House Files 1513, 1371, 1510, 1493, 1494, and 1470.

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

Senate File 488, a bill for an act relating to the political affiliation of persons serving on state boards, commissions, and councils, with report of committee recommending passage, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—5903 filed by him and moved its adoption:

H—5903

Amend Senate File 488 as amended and passed by the Senate, as follows:

1. Page 1, line 12, by inserting after the word "law" the words "or for which the membership is appointed by more than one person".

Amendment H—5903 was adopted.

Lipsky of Linn offered the following amendment H—6019 filed by her and moved its adoption:

H—6019

Amend Senate File 488 as amended and passed by the Senate as follows:

1. Page 1, by inserting after line 12 the following:

"Sec. 2. *NEW SECTION.* If an employee of an appointive board, commission, or council is a member of the board, commission, or council, that employee shall not be a voting member. Payment of per diem and expenses shall not cause a member to be considered an employee of that board, commission or council.

Sec. 3. Section one hundred seventy-three point one (173.1), subsection four (4), Code 1975, is amended to read as follows:

4. A secretary and a treasurer to be elected by the state fair board *who shall be nonvoting members.*

Sec. 4. Section five hundred twenty-four point two hundred five (524.205), subsection one (1), Code 1975, is amended to read as follows:

524.205 STATE BANKING BOARD.

1. The state banking board shall be composed of the superintendent, who shall be *an* ex officio *nonvoting* [a] member and chairman [and who shall have the right to vote], and six other members, appointed by the governor, who shall be chosen from various sections of the state. Provided, however, that in no event shall more than five members of such board be engaged in the business of banking in any executive capacity. In case of a vacancy in the state banking

board, other than one resulting from a vacancy in the office of the superintendent, the governor shall appoint a new member to fill such vacancy for the unexpired term."

2. Amend the title, line 1, by striking the words "the political affiliation of".

Amendment H—6019 was adopted.

Woods of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 488)

The ayes were, 85:

Avenson	Dunton	Jochum	Pavich
Baker	Dyrland	Jordan	Pellett
Bennett	Egenes	Junker	Perkins
Bina	Evans	Koogler	Poncy
Binneboese	Fitzgerald	Lageschulte	Readinger
Bittle	Gentleman	Lindeen	Scheelhaase
Bortell	Gilloon	Lipsky	Small
Brandt	Halvorson	Lonergan	Spear
Brockett	Hansen	McElroy	Spencer
Brunow	Hargrave	Menke	Spradling
Byerly	Harper	Middleton	Stromer
Caffrey	Harvey	Millen	Svoboda
Clark	Hennessey	Miller, A. V.	Tauke
Connors	Higgins	Miller, K. D.	Varley
Crabb	Hines	Miller, O. L.	Walter
Crawford	Hinkhouse	Monroe	Wells
Cusack	Horn	Nealson	West
Daggett	Howell	Newhard	Woods
Danker	Husak	Nielsen	Wulff
Den Herder	Hutchins	Norland	Wyckoff
Dieleman	Jesse	Patchett	Mr. Speaker
Doyle			

The nays were, none.

Absent or not voting, 15:

Anderson	Hullinger	Middleswart	Schroeder
Branstad	Krause	Oakley	Tofte
Drake	Kreamer	O'Halloran	Welden
Griffee	Mennenga	Rinas	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 2, 1976, insisted on its amendment to the following bill:

House File 1217, a bill for an act appropriating funds to the capitol planning commission for a central energy plant.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT RECONSIDERED

House File 1217, a bill for an act appropriating funds to the general services department for a central energy plant, amended by the Senate as follows:

H—6036

1 Amend House File 1217 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by striking lines 8 and 9.

Dunton of Keokuk asked and received unanimous consent to suspend the rules to consider amendment H—6036 to House File 1217.

Dunton of Keokuk moved to reconsider the vote by which the House refused to concur in the Senate amendment H—6036 on April 1, 1976.

The motion prevailed.

Dunton of Keokuk moved that the House concur in the Senate amendment H—6036.

The motion prevailed and the House concurred in the Senate amendment H—6036.

Dunton of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1217)

The ayes were, 82:

Avenson	Evans	Lageschulte	Poncy
Baker	Fitzgerald	Lindeen	Readinger
Bennett	Gentleman	Lipsky	Scheelhaase
Bina	Halvorson	Lonergan	Small
Bittle	Hansen	McElroy	Spear
Bortell	Hargrave	Menke	Spencer
Brandt	Harper	Middleswart	Spradling
Brockett	Harvey	Middleton	Stromer
Brunow	Higgins	Millen	Svoboda
Byerly	Hines	Miller, A. V.	Tauke
Caffrey	Hinkhouse	Miller, K. D.	Tofte
Clark	Horn	Miller, O. L.	Varley
Crawford	Howell	Monroe	Walter
Cusack	Hullinger	Nealson	Welden
Danker	Husak	Newhard	Wells
Den Herder	Hutchins	Nielsen	West
Dieleman	Jesse	Norland	Woods
Doyle	Jochum	Patchett	Wulff
Dunton	Jordan	Pavich	Wyckoff
Dyrland	Junker	Pellett	Mr. Speaker
Egenes	Koogler		

The nays were, 1:

Gilloon

Absent or not voting, 17:

Anderson	Daggett	Krause	O'Halloran
Binneboese	Drake	Kreamer	Perkins
Branstad	Griffee	Mennenga	Rinas
Connors	Hennessey	Oakley	Schroeder
Crabb			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE REGULAR CALENDAR

House File 1513, a bill for an act relating to the compensation of employees of the general assembly and making an appropriation, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—5724 filed by him and moved its adoption:

H—5724

Amend House File 1513 as follows:

1. Page 1, by striking lines 18 and 19 and inserting in lieu thereof the following:

"Sec. 2. Section two point thirteen (2.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:".

2. Page 1, line 20, by striking the words *"NEW SECTION."* and inserting in lieu thereof the words "2.13 ISSUANCE OF WARRANTS."

Amendment H—5724 was adopted.

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1513)

The ayes were, 79:

Avenson	Dieleman	Horn	Millen
Baker	Doyle	Howell	Miller, A. V.
Bennett	Dunton	Hullinger	Miller, K. D.
Bina	Dyrland	Husak	Miller, O. L.
Binneboese	Egenes	Hutchins	Monroe
Bittle	Evans	Jesse	Newhard
Bortell	Fitzgerald	Jochum	Nielsen
Brandt	Gilloon	Jordan	Patchett
Brockett	Halvorson	Junker	Pavich
Brunow	Hansen	Koogler	Pellett
Byerly	Hargrave	Lindeen	Perkins
Caffrey	Harper	Lipsky	Poncy
Clark	Harvey	Lonergan	Readinger
Connors	Hennessey	McElroy	Scheelhaase
Crabb	Higgins	Menke	Spear
Crawford	Hines	Middleswart	Spencer
Den Herder	Hinkhouse	Middleton	Spradling

Stromer	Varley	Wells	Wyckoff
Svoboda	Walter	Woods	Mr. Speaker
Tofte	Welden	Wulff	

The nays were, 5:

Danker	Lageschulte	Nealson	Tauke
Gentleman			

Absent or not voting, 16:

Anderson	Drake	Mennenga	Rinas
Branstad	Griffee	Norland	Schroeder
Cusack	Krause	Oakley	Small
Daggett	Kreamer	O'Halloran	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1371, a bill for an act relating to the status and duties of the energy policy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council effective June 30, 1979, was taken up for consideration.

Welden of Hardin offered the following amendment H—5297 filed by him and Cusack of Scott and moved its adoption:

H—5297

Amend House File 1371 as follows:

1. Page 3, by striking everything after the period in line 6 and all of lines 7 through 35.

2. Page 4, by striking all of lines 1 through 18.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 71, nays 4.

Amendment H—5297 was adopted.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1371)

The ayes were, 81:

Baker	Brunow	Danker	Gentleman
Bennett	Byerly	Den Herder	Gilloon
Bina	Caffrey	Dieleman	Halvorson
Binneboese	Connors	Doyle	Hansen
Bittle	Crabb	Dunton	Hargrave
Bortell	Crawford	Dyrland	Harper
Brandt	Cusack	Egenes	Harvey
Brockett	Daggett	Evans	Hennessey

Higgins	Lindeen	Newhard	Spradling
Hines	Lipsky	Nielsen	Stromer
Hinkhouse	Lonergan	O'Halloran	Svoboda
Horn	McElroy	Patchett	Tauke
Hullinger	Menke	Pavich	Tofte
Husak	Middleswart	Pellett	Varley
Hutchins	Middleton	Perkins	Walter
Jesse	Millen	Poncy	Wells
Jochum	Miller, A. V.	Readinger	Woods
Jordan	Miller, O. L.	Scheelhaase	Wulff
Junker	Monroe	Spear	Wyckoff
Koogler	Nealson	Spencer	Mr. Speaker
Lageschulte			

The nays were, 4:

Avenson	Clark	Miller, K. D.	Welden

Absent or not voting, 15:

Anderson	Griffee	Mennenga	Schroeder
Branstad	Howell	Norland	Small
Drake	Krause	Oakley	West
Fitzgerald	Kreamer	Rinas	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

AMENDMENT H—5400 WITHDRAWN
(House File 769)

Newhard of Jones asked and received unanimous consent to withdraw amendment H—5400 to House File 769.

HOUSE FILE 1510 DEFERRED

Bittle of Polk asked and received unanimous consent that House File 1510 be deferred and that the bill retain its place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren for the remainder of the day on request of Miller of Calhoun.

House File 1493, a bill for an act relating to credit transactions, amending the Iowa consumer credit code to permit changing the terms of an open-end account after a thirty-day notification to each customer, was taken up for consideration.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1493)

The ayes were, 85:

Avenson	Dunton	Jesse	Pellett
Baker	Dyrland	Jochum	Perkins
Bennett	Egenes	Jordan	Poncy
Bina	Evans	Junker	Readinger
Binneboese	Fitzgerald	Koogler	Scheelhaase
Bittle	Gentleman	Lageschulte	Small
Bortell	Gilloon	Lindeen	Spear
Brandt	Halvorson	Lipsky	Spencer
Brockett	Hansen	Lonergan	Spradling
Brunow	Hargrave	McElroy	Stromer
Byerly	Harper	Menke	Svoboda
Caffrey	Harvey	Middleton	Tauke
Clark	Hennessey	Millen	Tofte
Connors	Higgins	Miller, A. V.	Varley
Crabb	Hines	Miller, K. D.	Walter
Crawford	Hinkhouse	Miller, O. L.	Welden
Cusack	Horn	Monroe	Wells
Daggett	Howell	Nealson	Woods
Danker	Hullinger	Norland	Wulff
Den Herder	Husak	Patchett	Wyckoff
Dieleman	Hutchins	Pavich	Mr. Speaker
Doyle			

The nays were, none.

Absent or not voting, 15:

Anderson	Krause	Newhard	Rinas
Branstad	Kreamer	Nielsen	Schroeder
Drake	Mennenga	Oakley	West
Griffee	Middleswart	O'Halloran	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1494, a bill for an act exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions, was taken up for consideration.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1494)

The ayes were, 84:

Avenson	Crabb	Fitzgerald	Horn
Baker	Crawford	Gentleman	Howell
Bennett	Cusack	Gilloon	Hullinger
Bina	Daggett	Halvorson	Husak
Binneboese	Danker	Hansen	Hutchins
Bortell	Den Herder	Hargrave	Jesse
Brandt	Dieleman	Harper	Jochum
Brockett	Doyle	Harvey	Jordan
Brunow	Dunton	Hennessey	Junker
Byerly	Dyrland	Higgins	Koogler
Caffrey	Egenes	Hines	Lageschulte
Clark	Evans	Hinkhouse	Lindeen

Lipsky	Nealson	Poncy	Tauke
Lonergan	Newhard	Readinger	Tofte
McElroy	Nielsen	Scheelhaase	Varley
Menke	Norland	Small	Welden
Middleton	O'Halloran	Spear	Wells
Millen	Patchett	Spencer	Woods
Miller, A. V.	Pavich	Spradling	Wulff
Miller, K. D.	Pellett	Stromer	Wyckoff
Miller, O. L.	Perkins	Svoboda	Mr Speaker

The nays were, 2:

Bittle	Walter

Absent or not voting, 14:

Anderson	Griffee	Middleswart	Rinas
Branstad	Krause	Monroe	Schroeder
Connors	Kreamer	Oakley	West
Drake	Mennenga		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1470 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that **House File 1470** be deferred and that the bill **retain its place on the calendar.**

IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of the following bills: House Files 1445 and 1492 and Senate File 1067.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

SENATE FILE 1249 SUBSTITUED FOR HOUSE FILE 1445

Hutchins of Guthrie asked and received unanimous consent to substitute Senate File 1249 for House File 1445.

Senate File 1249, a bill for an act relating to vehicles used by sheriffs and deputies, was taken up for consideration.

Hutchins of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1249)

The ayes were, 87:

Avenson	Egenes	Junker	Pellett
Baker	Evans	Koogler	Perkins
Bennett	Fitzgerald	Krause	Poncy
Bina	Gentleman	Lageschulte	Readinger
Binneboese	Gilloon	Lindeen	Scheelhaase
Bittle	Halvorson	Lipsky	Small
Bortell	Hansen	Lonergan	Spear
Brandt	Hargrave	McElroy	Spencer
Brockett	Harper	Menke	Spradling
Brunow	Harvey	Middleton	Stromer
Byerly	Hennessey	Millen	Svoboda
Caffrey	Higgins	Miller, A. V.	Tauke
Crabb	Hines	Miller, K. D.	Tofte
Crawford	Hinkhouse	Miller, O. L.	Varley
Cusack	Horn	Monroe	Walter
Daggett	Howell	Nealson	Welden
Danker	Hullinger	Newhard	West
Den Herder	Husak	Nielsen	Woods
Dieleman	Hutchins	Norland	Wulff
Doyle	Jesse	O'Halloran	Wyckoff
Dunton	Jochum	Patchett	Mr. Speaker
Dyrland	Jordan	Pavich	

The nays were, 1:

Clark

Absent or not voting, 12:

Anderson	Drake	Mennenga	Rinas
Branstad	Griffee	Middleswart	Schroeder
Connors	Kreamer	Oakley	Wells

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1492, a bill for an act relating to liability insurance for hospitals, was taken up for consideration.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1492)

The ayes were, 87:

Avenson	Clark	Evans	Horn
Baker	Crabb	Fitzgerald	Howell
Bennett	Crawford	Gentleman	Hullinger
Bina	Cusack	Halvorson	Husak
Binneboese	Daggett	Hansen	Hutchins
Bittle	Danker	Hargrave	Jesse
Bortell	Den Herder	Harper	Jochum
Brandt	Dieleman	Harvey	Jordan
Brockett	Doyle	Hennessey	Junker
Brunow	Dunton	Higgins	Koogler
Byerly	Dyrland	Hines	Krause
Caffrey	Egenes	Hinkhouse	Lageschulte

Lindeen	Monroe	Poncy	Tofte
Lipsky	Nealson	Readinger	Varley
Lonergan	Newhard	Scheelhaase	Walter
McElroy	Nielsen	Small	Welden
Menke	Norland	Spear	West
Middleton	O'Halloran	Spencer	Woods
Millen	Patchett	Spradling	Wulff
Miller, A. V.	Pavich	Stromer	Wyckoff
Miller, K. D.	Pellett	Svoboda	Mr. Speaker
Miller, O. L.	Perkins	Tauke	

The nays were, 1:

Gilloon

Absent or not voting, 12:

Anderson	Drake	Mennenga	Rinas
Branstad	Griffee	Middleswart	Schroeder
Connors	Kreamer	Oakley	Wells

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 1004, 1171 AND 1373 WITHDRAWN

Small of Johnson asked and received unanimous consent to withdraw **House Files 1004, 1171 and 1373** from further consideration by the House.

HOUSE FILE 1445 WITHDRAWN

Hutchins of Guthrie asked and received unanimous consent to withdraw **House File 1445** from further consideration by the House.

Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Readinger of Polk offered the following amendment H—5548 filed by the committee on human resources and requested division as follows:

H—5548

Amend Senate File 1067 as amended and passed by the Senate as follows:

H—5548A

1. Page 1, line 23, by striking the word "may" and inserting in lieu thereof the word "shall".

H—5548B

2. Page 2, by striking lines 4 through 15 and inserting in lieu thereof the following:

"3. The department shall promulgate rules:

a. Establishing procedure for applying to the department for issuance of a special identification device under this section.

b. Requiring persons issued special identification devices to furnish evidence at appropriate intervals that they remain physically handicapped to the extent described by subsection one (1) of this section.

c. Establishing standards for dimensions and general location of parking spaces, which must be followed by cities and other political subdivisions in complying with subsection two (2) of this section.

d. Governing the manner in which special identification devices are to be displayed in motor vehicles parked in spaces designated under subsection two (2) of this section."

Readinger of Polk moved the adoption of amendment H—5548A.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 45, nays 38.

Amendment H—5548A was adopted.

Debate having exceeded the allowed time, Higgins of Scott asked and received unanimous consent to suspend the rules for further consideration of Senate File 1067.

Krause of Palo Alto in the chair at 4:36 p.m.

Readinger of Polk moved the adoption of amendment H—5548B.

A non-record roll call was requested.

The ayes were 42, nays 38.

Amendment H—5548B was adopted.

Hutchins of Guthrie moved to reconsider the vote by which amendment H—5548A was adopted by the House.

A non-record roll call was requested.

Roll call was requested by Hutchins of Guthrie and Higgins of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H—5548A was adopted be reconsidered?"

The ayes were, 47:

Baker	Den Herder	Koogler	Spear
Bennett	Dieleman	Lageschulte	Spradling
Binneboese	Evans	Lindeen	Tauke
Bittle	Gilloon	McElroy	Tofte
Bortell	Halvorson	Menke	Varley
Branstad	Hansen	Miller, A. V.	Welden
Brockett	Harper	Miller, K. D.	Wells
Brunow	Hinkhouse	Nealson	West
Byerly	Howell	Norland	Woods
Crabb	Husak	Pellett	Wyckoff
Daggett	Hutchins	Perkins	Mr. Speaker (Krause)
Danker	Jordan	Scheelhaase	

The nays were, 41:

Avenson	Egenes	Junker	Patchett
Bina	Gentleman	Lipsky	Pavich
Brandt	Hargrave	Lonergan	Poncy
Caffrey	Harvey	Middleton	Readinger
Clark	Hennessey	Millen	Small
Connors	Higgins	Miller, O. L.	Spencer
Crawford	Hines	Monroe	Stromer
Cusack	Horn	Newhard	Svoboda
Doyle	Jesse	Nielsen	Walter
Dunton	Jochum	O'Halloran	Wulff
Dyrland			

Absent or not voting, 12:

Anderson	Fitzgerald	Kreamer	Oakley
Cochran	Griffee	Mennenga	Rinas
Drake	Hullinger	Middleswart	Schroeder

The motion prevailed and the House reconsidered amendment H—5548A.

(Amendment H—5548A temporarily deferred.)

Higgins of Scott asked for unanimous consent to exclude communities with less than 2,500 population from Senate File 1067.

Objection was raised.

Higgins of Scott moved to suspend the rules to amend Senate File 1067 to exclude communities with less than 2,500 population.

A non-record roll call was requested.

The ayes were 30, nays 50.

The motion lost.

The House resumed consideration of amendment H—5548A.

Readinger of Polk moved the adoption of amendment H—5548A.

A non-record roll call was requested.

The ayes were 55, nays 26.

Amendment H—5548A was adopted.

Junker of Woodbury offered the following amendment H—6141 filed by him from the floor and moved its adoption:

H—6141

Amend Senate File 1067 as follows:

1. By striking lines 26 through 28 on page 1 and inserting in lieu thereof the following:

"issued under this section. The use of parking spaces".

Amendment H—6141 was adopted.

Readinger of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1067)

The ayes were, 80:

Avenson	Fitzgerald	Lageschulte	Poncy
Bina	Gentleman	Lindeen	Readinger
Binneboese	Gilloon	Lipsky	Scheelhaase
Brandt	Halvorson	Lonergan	Small
Branstad	Hansen	McElroy	Spear
Brockett	Hargrave	Menke	Spencer
Brunow	Harper	Middleton	Spradling
Byerly	Harvey	Millen	Stromer
Caffrey	Hennessey	Miller, A. V.	Svoboda
Clark	Higgins	Miller, K. D.	Tauke
Connors	Hines	Miller, O. L.	Tofte
Crabb	Hinkhouse	Monroe	Varley
Crawford	Horn	Nealson	Walter
Cusack	Howell	Newhard	Wells
Danker	Husak	Nielsen	West
Den Herder	Hutchins	Norland	Woods
Dieleman	Jesse	Patchett	Wulff
Doyle	Jochum	Pavich	Wyckoff
Dunton	Jordan	Pellett	Mr. Speaker (Krause)
Dyrland	Junker	Perkins	
Egenes			

The nays were, 8:

Baker	Bittle	Daggett	Koogler
Bennett	Bortell	Evans	Welden

Absent or not voting, 12:

Anderson	Griffee	Mennenga	O'Halloran
Cochran	Hullinger	Middleswart	Rinas
Drake	Kreamer	Oakley	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 1067)

Higgins of Scott moved to reconsider the vote by which Senate File 1067 passed the House.

A non-record roll call was requested.

The ayes were 19, nays 59.

The motion lost.

HOUSE FILE 1345 WITHDRAWN

Connors of Polk asked and received unanimous consent to withdraw **House File 1345** from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 1, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1162, a bill for an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committeed to the state training school for boys or the state training school for girls.

Also: That the Senate has on April 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1279, a bill for an act to legalize and validate the proceedings of the Polk County Commissioner of Elections in connection with an election in and for the City of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1162

H—6131

Amend House File 1162, as passed by the House, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred ninety-nine point eleven (299.11), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The truancy officer shall promptly institute criminal proceedings against any person violating any of the provisions of [the truancy law] *sections two hundred ninety-nine point one (299.1) through two hundred ninety-nine point five (299.5) of the Code.*

Sec. 2. Section two hundred ninety-nine point

thirteen (299.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

299.13. If the child is placed in a school other than a public school and does not maintain proper conduct, the board may cause the child's removal to an appropriate school or class. If a child placed in a public school fails to attend or to maintain proper conduct, the board may place that child in an appropriate school or class."

COMMUNICATION FROM THE STATE OF IDAHO

There is on file in the office of the Speaker a copy of House Concurrent Resolution No. 62 adopted by the Idaho Legislature proposing that Congress submit to the states an amendment to the United States Constitution which would prohibit federal appropriations from exceeding estimated federal revenues for that fiscal year except in the case of national emergency.

PROOF OF PUBLICATION

Published copy of Senate File 1291 and verified proof of publication of said bill in the Guthrie County Vedette, Panora, Iowa, on March 18, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the votes were taken on House Files 1052, 1447, 1495, 1496, 1509, 1534 and Senate Files 1122, 1139 and 1263. Had I been present, I would have voted "aye" on all of these.

BENNETT of Ida

MOTION TO RECONSIDER
(House File 1371)

I move to reconsider the vote by which House File 1371 passed the House on April 5, 1976.

O'HALLORAN of Black Hawk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 5th day of April, 1976: House Files 749, 812, 1009 and 1458.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 5, 1976, he approved and transmitted to the Secretary of State the following bill:

Senate File 1242, an act making technical amendments to the Iowa Housing Finance Authority.

REPORT OF COMMITTEE

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 1107,** a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

NORLAND of Worth, Chair

AMENDMENTS FILED

H—6140

Amend House File 1164 as follows:

1. Page 1, by striking lines 18 through 22 and inserting in lieu thereof the following:

"The governing body of each political subdivision annually shall submit a report to the state agency from which it receives state funds concerning its compliance with the provisions of this section. Any political subdivision not complying with the provisions of this section during any fiscal year shall not be eligible to receive state funds for the next succeeding fiscal year."

MIDDLETON of Black Hawk
BRANDT of Black Hawk
LIPSKY of Linn

H—6142

Amend amendment H—6140 to House File 1164 as follows:

1. Page 1, by inserting after line 22 the following new paragraph:

"Any governing board of a county employing more than one hundred (100) persons, and any other governing board of a political subdivision employing more than ten (10) persons shall maintain central employment and personnel records in furtherance of this Act. For the purposes of this paragraph, all employees of a political subdivision of this state shall be deemed to be under the control of the governing board of the political subdivision."

GILLOON of Dubuque

H—6132

Amend the committee on natural resources amendment H—5215, to House File 1198 as follows:

1. Line 16, by striking the word "outlet" and inserting in lieu thereof the following: "[outlet] *point source*".

2. Lines 17 and 18, by striking the words "sewage or wastes directly into the" and inserting in lieu thereof the following: "[sewage or wastes directly into the] *pollutant into any*".

WYCKOFF of Benton
KOOGLER of Mahaska

H—6137

Amend House File 1465 as follows:

1. Page 1, line 7, by inserting after the word "judge." the following: "A person appointed as a district court administrator shall have such qualifications as the chief judge may prescribe, but a person who is licensed to practice law in this state shall not be appointed as a district court administrator."

NIELSEN of Polk

H—6135

Amend House File 1477 as follows:

Page 2, line 11, by striking the word "*Ditches*" and inserting in lieu thereof the following: "*To the extent that they are not subject to section four hundred two (402) of the Federal Water Pollution Control Act as amended ditches*".

KOOGLER of Mahaska

H—6138

Amend House File 1477 as follows:

1. Page 5, line 22, by inserting after the word "operations." the following: "No rules shall be adopted which regulate the hiring or firing of operators of disposal systems or public water supply systems except rules which regulate the certification of operators as to their technical competence."

EVANS of Grundy
BROCKETT of Marshall
WELDEN of Hardin

H—6139

Amend House File 1481 as follows:

1. Page 1, by striking line 35.

2. Page 2, by striking lines 1 through 14 and inserting in lieu thereof the following:

"Sec. 5. *NEW SECTION.* VACCINATION CERTIFICATE. A licensee shall not lease or rent a breeding bull within this state unless the licensee shall have a vaccination certificate for such bull, and at least

fourteen days have expired from the time of departure from the previous location at which services were provided to the new location at which services will be provided.

A vaccination certificate shall be issued to a licensee for a period of six months from the date of vaccination for vibriosis. The certificate shall contain the name and address of the licensee, the identification number of the breeding bull, the date of the vaccination and the date the certificate shall expire. A copy of the vaccination certificate shall be filed with the department of agriculture. A licensee shall show the vaccination certificate of any breeding bull upon the request of any person renting or leasing such bull or any person designated by the department of agriculture to enforce the provisions of this Act."

SCHEELHAASE of Woodbury
HINKHOUSE of Cedar
DANKER of Pottawattamie

H—6133

Amend House File 1510 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Sec. ..... Section seventeen A point two (17A.2), subsection seven (7), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

7. "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure or practice requirements of any agency. The term includes the amendment or [repeal] *rescission* of an existing rule, but does not include:

Sec. ..... Section seventeen A point two (17A.2), subsection eight (8), Code 1975, is amended to read as follows:

8. "Rule-making" means the process for adopting, amending, or [repealing] *rescinding* a rule.

Sec. ..... Section seventeen A point four (17A.4), subsections one (1) and two (2), Code 1975, are amended to read as follows:

1. Prior to the adoption, amendment, or [repeal] *rescission* of any rule an agency shall:

a. Give notice of its intended action by [causing a notice] *submitting two copies of the notice to the Code editor* to be published in the "Iowa Administrative Code" *created pursuant to section seventeen A point six (17A.6) of the Code.* Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where,

and the manner in which interested persons may present their views thereon.

b. Afford all interested persons [reasonable opportunity] *not less than twenty days* to submit data, views or arguments in writing. If timely requested in writing by twenty-five interested persons, by a governmental subdivision, by the administrative rules review committee, by an agency, or by an association having not less than twenty-five members, the agency must give interested persons an opportunity to make oral presentation according to agency rules which give the public [adequate] *not less than twenty days* notice of the time when and the place where oral presentation may be made, and which provide for the presentation prior to agency action on the rule which is the subject of the proceeding. The agency shall consider fully all written and oral submissions

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respecting the proposed rule. Within one hundred eighty days following either the notice published according to the provisions of subsection 1, paragraph "a" or *within one hundred eighty days after* the last date of the oral presentations on the proposed rule, whichever is later, the agency shall adopt a rule pursuant to the rule-making proceeding or shall terminate the proceeding *by publishing notice of termination in the Iowa administrative code. Each adopted rule shall indicate the above dates and shall be filed with the secretary of state within thirty days after adoption.* If requested to do so by an interested person, either prior to adoption or within thirty days thereafter, the agency shall issue a concise statement of the principal reasons for and against the rule it adopted, incorporating therein the reasons for overruling considerations urged against the rule.

c. Upon the request of at least two members of the administrative rules review committee, publish in the "Iowa Administrative Code" an estimate of the economic impact of the proposed rule adoption, amendment, or rescission upon all persons affected by it and upon the agency itself. If the agency determines that such an estimate cannot be formulated, the reasons for impossibility of formulation shall be published instead of the estimate. An estimate shall be published at least fifteen days in advance of the action.

2. When an agency for good cause finds that notice and public participation would be impracticable, unnecessary, or contrary to the public interest, the provisions of subsection 1 shall be inapplicable *if:*

a. The rule which is so adopted without notice and public participation provides by its own terms that it is not effective for a specified time of more

than one hundred eighty days; and
b. Two-thirds of the members of the administrative rules review committee approve the inapplicability of subsection one (1) of this section.
The agency shall incorporate in each rule issued in reliance upon this provision either the finding and a brief statement of the reasons therefor, or a statement that the rule is within a very narrowly tailored category of rules whose issuance has previously been exempted from subsection 1 by a special rule relying on this provision and including such a finding and statement of reasons for the entire category. In any action contesting a rule adopted pursuant to this subsection, the burden of proof shall

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be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest and that, if a category of rules was involved, the category was very narrowly tailored.

Sec. ..... Section seventeen A point four (17A.4), subsection four (4), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. Upon the vote of two-thirds of its members, the administrative rules review committee may prohibit the adoption, amendment, or rescission of a rule for which a notice of intended action has been published. The vote of prohibition must be taken prior to the effective date of the rule. Notice of the prohibited rule shall be published in the next supplement of the Iowa administrative code.

b. Any rule prohibited under paragraph a of this subsection and the notice of intended action to which it was related shall be forwarded to the speaker of the house and the president of the senate. The speaker and the president shall refer this rule and notice to the appropriate standing committee. A standing committee may recommend that the prohibition be overcome by joint resolution or the rule implemented as law.

c. The governor may, by executive order, rescind a rule within ninety days of its effective date. Notice of rescission shall be published in the next supplement of the Iowa administrative code.

Sec. ..... Section seventeen A point five (17A.5), Code 1975, is amended to read as follows:

17A.5 FILING AND TAKING EFFECT OF RULES.

1. Each agency shall file in the office of the secretary of state [a] *three* certified[copy] *copies* of each rule adopted by it[, including all rules as defined in this chapter existing on July 1, 1975]. *Each adopted rule shall, before filing, be endorsed by the Code editor that it is in proper form and style. Two*

copies of it shall be forwarded to the Code editor. The secretary of state shall keep a permanent register of the rules open to public inspection. Rules [presently] on file in the office of the secretary of state need not be refiled.

2. Each rule hereafter adopted is effective thirty-five days after filing, as required in this section, and indexing and publication as required by section 17A.6, except that:

a. If a later date is required by statute or specified in the rule, the later date is the effective

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date.

b. Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the secretary of state, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing and publication, if *the rule provides, by its own terms, that it is not effective for a specified time of more than one hundred eighty days, if the rule has been approved by two-thirds of the members of the administrative rules review committee, and if* the agency finds:

(1) That a statute so provides;

(2) That the rule confers a benefit or removes a restriction on the public or some segment thereof; or

(3) That this effective date is necessary because of imminent peril to the public health, safety or welfare. In any subsequent action contesting the effective date of a rule promulgated under this paragraph, the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to make known to the persons who may be affected by it a rule made effective under the terms of this paragraph.

Sec. ..... Section seventeen A point six (17A.6), subsections one (1) and three (3), Code 1975, are amended to read as follows:

1. The Code editor shall cause to be compiled, indexed and published in loose leaf form all rules adopted by each agency and notice of all proposed rule-making by each agency. The Code editor further shall cause to be distributed supplements to this publication at least [every other week] *once monthly,* which supplements shall contain, in such a form that they may be filed in the appropriate places in the compilation, all rules and notice of proposed rules filed for publication in the prior [two weeks] *month.* The Code editor shall devise a uniform numbering

system for rules and may renumber rules before publication to conform with the system.

3. This publication, which shall be known as the "Iowa Administrative Code", shall be made available upon request to all persons who subscribe [thereto] *to it through the state printing division.*

Sec. ..... Section seventeen A point seven (17A.7), Code 1975, is amended to read as follows:

Page 5

17A.7 PETITION FOR ADOPTION OF RULES. An interested person may petition an agency requesting the promulgation, amendment or [repeal] *rescission* of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration and disposition. Within sixty days after submission of a petition, the agency either shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rule-making proceedings in accordance with section 17A.4, or issue a rule if it is not required to be issued according to the procedures of section 17A.4, subsection 1.

Sec. ..... Section seventeen A point eight (17A.8), subsections one (1), four (4), and eight (8), Code 1975, are amended to read as follows:

1. There is created the "Administrative Rules Review Committee." The committee shall be bipartisan and shall be composed of the following members:

a. [Three] *Five* senators appointed by the president of the senate.

b. [Three] *Five* representatives appointed by the speaker of the house.

4. The committee shall choose a chairperson from its membership and prescribe its rules of procedure. The committee may employ a secretary or may appoint the Code editor or a designee to act as secretary. *It may also employ necessary legal and technical staff.*

8. If the committee finds objection to a rule, it may [utilize the procedure provided in section 17A.4, subsection 4. In addition or in the alternative, the committee may] include in the referral[,] *made* under subsection 7[,] *of this section* a recommendation that this rule be overcome by statute *or joint resolution.* If the committee of the general assembly to which a rule is referred finds objection to the referred rule, it may recommend to the general assembly that this rule be overcome by statute *or joint resolution.* This section shall not be construed to prevent a committee of the general assembly from reviewing a rule on its own motion.

Sec. ..... Notwithstanding subsection two (2) of section seventeen A point eight (17A.8) of the Code, the two representatives and two senators which are

added to the committee by this Act shall be appointed to one-year terms beginning May 1, 1976. On May 1, 1977, these terms shall again be four-year terms, as specified in section seventeen A point eight (17A.8) of the Code."

HARVEY of Scott
MONROE of Des Moines

H—6134

Amend amendment H—6133 to House File 1510, page 5, by inserting after line 42 the following:

"Sec. ..... Chapter one hundred forty-seven (147), Code 1975, is amended by adding the following new section:

NEW SECTION. The examining boards for the various professions shall promulgate all necessary and proper rules to implement and interpret the provisions of this chapter and chapters one hundred forty-eight (148), one hundred forty-eight A (148A), one hundred forty-eight B (148B), one hundred forty-nine (149), one hundred fifty (150), one hundred fifty A (150A), one hundred fifty-one (151), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-four (154), one hundred fifty-four A (154A), one hundred fifty-four B (154B), one hundred fifty-five (155), and one hundred fifty-six (156) of the Code."

MONROE of Des Moines

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House **adjourned at** 5:58 p.m. until 9:00 a.m., Tuesday, April 6, 1976.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day—Fifty-sixth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, APRIL 6, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Norris Hanson, pastor of the St. Paul American Lutheran Church, Ringsted, Iowa.

The Journal of Monday, April 5, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald Shirk, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Griffee of Chickasaw on request of Monroe of Des Moines.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Fifty eighth grade students from West Central School, Maynard, Iowa, accompanied by Pat Grennan and Ron Miller. By Avenson of Fayette.

One hundred thirty sixth grade students from Lincoln School, Osage, Iowa, accompanied by Mrs. Schreiber, Mrs. Cochran, Mrs. Loney, Mr. Knutsen and Mrs. Wenger. By Howell of Floyd.

Thirty sixth grade students from St. Pius School, Cedar Rapids, Iowa, accompanied by Mrs. Linda Teague. By Jordan of Linn and Rinas of Linn.

Forty-six students from Hempstead High School, Dubuque, Iowa, accompanied by Tom Rawson. By Jochum of Dubuque and Tauke of Dubuque.

Fifty fifth grade students from Lincoln Community Elementary School, Mechanicsville, Iowa, accompanied by Mrs. John Kuehnle. By Hinkhouse of Cedar and Newhard of Jones.

Thirty-five fifth grade students from Lake View Middle School, Centerville, Iowa, accompanied by Mrs. Wehrle. By Brunow of Appanoose.

PETITION

The following petition was received and placed on file:

By Stromer of Hancock from fifty-seven constituents in favor of Senate File 1261 relating to appropriations for education programs.

INTRODUCTION OF BILLS

House File 1552, by Small, a bill for an act relating to joint exercise of governmental powers for the financing of electric power generation and transmission facilities.

Read first time and referred to committee on **commerce.**

House File 1553, by Wells, a bill for an act to establish a group special deer hunting license for residents of the state.

Read first time and referred to committee on **natural resources.**

SENATE MESSAGES CONSIDERED

Senate File 1111, a bill for an act relating to who may form a professional corporation.

Read first time and **passed on file.**

Senate File 1267, a bill for an act to establish a census liaison commission, prescribing its duties, and authorizing certain cities to draw proposed precinct boundaries for submission to the commission.

Read first time and **passed on file.**

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on House File 1107, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 2, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1439, a bill for an act relating to birds of prey.

Also: That the Senate has on April 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1215, a bill for an act relating to the number of district court judges per judicial election district.

Also: That the Senate has on April 2, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1238, a bill for an act providing for the issuance of a warning ticket for defective light equipment.

STEVEN C. CROSS, Secretary

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of the following bills: House Files 1481, 1488, 1407, 1299 and 1465 and Senate File 1055.

ADOPTION OF HOUSE RESOLUTION 113

Hutchins of Guthrie called up for consideration **House Resolution 113**, filed on April 2, 1976, and found on page 1553 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

House File 1481, a bill for an act relating to the prevention and eradication of diseases communicated by breeding bulls and bull semen, and providing a penalty, was taken up for consideration.

Scheelhaase of Woodbury offered the following amendment H—6139 filed by Scheelhaase, et al., and moved its adoption:

H—6139

Amend House File 1481 as follows:

1. Page 1, by striking line 35.

2. Page 2, by striking lines 1 through 14 and inserting in lieu thereof the following:

"Sec. 5. *NEW SECTION.* VACCINATION CERTIFICATE. A licensee shall not lease or rent a breeding bull within this state unless the licensee shall have a vaccination certificate for such bull, and at least fourteen days have expired from the time of departure

from the previous location at which services were provided to the new location at which services will be provided.

A vaccination certificate shall be issued to a licensee for a period of six months from the date of vaccination for vibriosis. The certificate shall contain the name and address of the licensee, the identification number of the breeding bull, the date of the vaccination and the date the certificate shall expire. A copy of the vaccination certificate shall be filed with the department of agriculture. A licensee shall show the vaccination certificate of any breeding bull upon the request of any person renting or leasing such bull or any person designated by the department of agriculture to enforce the provisions of this Act."

Amendment H—6139 was adopted.

Hinkhouse of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1481)

The ayes were, 96:

Anderson	Drake	Jordan	Pavich
Avenson	Dunton	Junker	Pellett
Baker	Dyrland	Koogler	Perkins
Bennett	Egenes	Krause	Poncy
Bina	Evans	Lageschulte	Readinger
Binneboese	Fitzgerald	Lindeen	Rinas
Bittle	Gentleman	Lipsky	Scheelhaase
Bortell	Gilloon	Lonergan	Schroeder
Brandt	Halvorson	McElroy	Small
Branstad	Hansen	Menke	Spear
Brockett	Hargrave	Mennenga	Spencer
Brunow	Harper	Middleswart	Spradling
Byerly	Harvey	Middleton	Stromer
Caffrey	Hennessey	Millen	Tauke
Clark	Higgins	Miller, A. V.	Tofte
Connors	Hines	Miller, K. D.	Varley
Crabb	Hinkhouse	Miller, O. L.	Walter
Crawford	Horn	Nealson	Welden
Cusack	Howell	Newhard	Wells
Daggett	Hullinger	Nielsen	West
Danker	Husak	Norland	Woods
Den Herder	Hutchins	Oakley	Wulff
Dieleman	Jesse	O'Halloran	Wyckoff
Doyle	Jochum	Patchett	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Griffee	Kreamer	Monroe	Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE CALENDAR

House File 1488, a bill for an act relating to the bonding of governmental employees, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—6148 filed by him from the floor and moved its adoption:

H—6148

Amend House File 1488 as follows:

1. Page 4, line 30 by striking the words "sixty days" and inserting in lieu thereof the words "one year".

2. Page 5, line 6 by striking the words "sixty days" and inserting in lieu thereof the words "one year".

Amendment H—6148 was adopted.

Krause of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 1488)

The ayes were, 67:

Anderson	Evans	Junker	Pavich
Avenson	Fitzgerald	Krause	Perkins
Baker	Gentleman	Lageschulte	Poncy
Bina	Gilloon	Lindeen	Readinger
Binneboese	Hargrave	Lonergan	Rinas
Brandt	Harper	McElroy	Scheelhaase
Brockett	Hennessey	Mennenga	Small
Byerly	Higgins	Middleswart	Spear
Caffrey	Hines	Middleton	Spencer
Connors	Hinkhouse	Miller, O. L.	Spradling
Crawford	Horn	Monroe	Svoboda
Cusack	Hullinger	Newhard	Walter
Den Herder	Husak	Nielsen	Wells
Doyle	Hutchins	Norland	West
Drake	Jesse	Oakley	Woods
Dunton	Jochum	O'Halloran	Mr. Speaker
Dyrland	Jordan	Patchett	

The nays were, 29:

Bennett	Danker	Menke	Stromer
Bittle	Dieleman	Millen	Tauke
Bortell	Halvorson	Miller, A. V.	Tofte
Branstad	Hansen	Miller, K. D.	Varley
Brunow	Harvey	Nealson	Welden
Clark	Koogler	Pellett	Wulff
Crabb	Lipsky	Schroeder	Wyckoff
Daggett			

Absent or not voting, 4:

Egenes	Griffee	Howell	Kreamer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 1488)

Krause of Palo Alto moved to reconsider the vote by which House File 1488 passed the House.

A non-record roll call was requested.

The ayes were 26, nays 46.

The motion lost.

House File 1407, a bill for an act relating to a vehicle anti-theft law and providing penalties, was taken up for consideration.

Drake of Muscatine offered the following amendment H—6144 filed by him from the floor and moved its adoption:

H—6144

Amend House File 1407 as follows:

1. Page 1, line 11, by inserting after the word "department" the words "or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department".

Amendment H—6144 was adopted.

Drake of Muscatine offered the following amendment H—5815 filed by Drake, et al., and moved its adoption:

H—5815

Amend House File 1407, page 6, by striking lines 7 through 14 and inserting in lieu thereof the following:

"garage or enclosure. *Every person doing business as a demolisher or having used engines or transmissions which are component parts for sale shall keep an accurate and complete record of all vehicles demolished and of such component parts purchased or received in the course of business. These records shall contain the name and address of the person from whom each such vehicle or component part was purchased or received and the date when the purchase or receipt occurred. These records*".

Amendment H—5815 was adopted.

Drake of Muscatine offered the following amendment H—5803 filed by Drake, et al.:

H—5803

Amend House File 1407 as follows:

1. Page 7, by inserting after line 10 the following section:

"Sec. ..... Chapter three hundred twenty-one (321), Code 1975, is amended by adding the following new section:

NEW SECTION. Every person selling new implements of husbandry at retail with a retail list price in excess of five thousand (5,000) dollars upon which the manufacturer has affixed a vehicle identification number shall maintain a record of such number, the name and address of the purchaser and the date of sale."

By unanimous consent, the following corrective amendment H—6158, to amendment H—5803, filed by Drake of Muscatine from the floor was adopted:

H—6158

Amend amendment H—5803 to House File 1407 as follows:

1. Page 1, line 13 by inserting after the word "sale" the words "for a period of ten years".

Drake of Muscatine moved the adoption of amendment H—5803, as amended.

Amendment H—5803, as amended, was adopted.

(House File 1407 temporarily deferred.)

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)
(House File 1164 Deferred)

House File 1164, a bill for an act relating to affirmative action programs of political subdivisions, was taken up for consideration.

Middleton of Black Hawk offered the following amendment H—6140 filed by Middleton, et al.:

H—6140

Amend House File 1164 as follows:

1. Page 1, by striking lines 18 through 22 and inserting in lieu thereof the following:

"The governing body of each political subdivision annually shall submit a report to the state agency from which it receives state funds concerning its compliance with the provisions of this section. Any political subdivision not complying with the provisions of this section during any fiscal year

shall not be eligible to receive state funds for the next succeeding fiscal year."

Gilloon of Dubuque asked and received unanimous consent to withdraw amendment H—6142, to amendment H—6140, filed by him on April 5, 1976, and found on page 1624 of the House Journal.

Debate having exceeded the allowed time, Middleton of Black Hawk asked for unanimous consent to suspend the rules for the further consideration of House File 1164.

Objection was raised.

Middleton of Black Hawk moved to suspend the rules for the further consideration of House File 1164.

Roll call was requested by Middleton of Black Hawk and Hines of Story.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended?"

The ayes were, 62:

Anderson	Gentleman	Koogler	Pavich
Bina	Gilloon	Krause	Perkins
Binneboese	Hargrave	Lindeen	Poncy
Brandt	Harper	Lonergan	Readinger
Byerly	Harvey	McElroy	Rinas
Caffrey	Hennessey	Mennenga	Scheelhaase
Clark	Higgins	Middleton	Schroeder
Connors	Hines	Miller, A. V.	Small
Crawford	Hinkhouse	Miller, K. D.	Spear
Cusack	Horn	Monroe	Spencer
Doyle	Howell	Newhard	Spradling
Drake	Hullinger	Norland	Svoboda
Dunton	Husak	Oakley	Walter
Dyrland	Hutchins	O'Halloran	Wells
Egenes	Jesse	Patchett	Mr. Speaker
Evans	Jochum		

The nays were, 31:

Avenson	Crabb	Junker	Tauke
Baker	Daggett	Lageschulte	Varley
Bennett	Danker	Middleswart	Welden
Bittle	Dieleman	Miller, O. L.	West
Bortell	Fitzgerald	Nealson	Woods
Branstad	Halvorson	Nielsen	Wulff
Brockett	Hansen	Pellett	Wyckoff
Brunow	Jordan	Stromer	

Absent or not voting, 7:

Den Herder	Kreamer	Menke	Tofte
Griffee	Lipsky	Millen	

The motion prevailed.

Tauke of Dubuque moved that the House File 1164 be deferred and that the bill retain its place on the calendar.

The motion prevailed and House File 1164 was deferred and retained.

(Amendment H—6140 pending.)

STEERING COMMITTEE REGULAR CALENDAR

The House resumed consideration of House File 1407, a bill for an act relating to a vehicle anti-theft law and providing penalties.

Monroe of Des Moines offered amendment H—6153 filed by him from the floor and requested division as follows:

H—6153

Amend House File 1407 as follows:

H—6153A

1. Page 3, by striking line 13 and inserting in lieu thereof the following: "it, [either with or without] *pursuant to a* warrant *issued for such seizure,* and deliver [the same] *it*".

H—6153B

2. By striking page 5, line 33 through page 6 line 18.

3. Renumber the sections and correct internal references as necessary in conformance with this amendment.

Monroe of Des Moines moved the adoption of amendment H—6153A.

A non-record roll call was requested.

The ayes were 18, nays 55.

Amendment H—6153A lost.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H—6153B.

Krause of Palo Alto offered the following amendment H—6156 filed by him from the floor:

H—6156

Amend House File 1407, page 6, line 18, by inserting after the period the following:

The record keeping provisions of this section shall not apply to casual sales of used engines

and transmissions by a person not engaged in the day-to-day business of selling motor vehicle parts.

Small of Johnson in the chair at 11:37 a.m.

Krause of Palo Alto moved the adoption of amendment H—6156.

Amendment H—6156 lost.

Drake of Muscatine offered the following amendment H—6157 filed by him from the floor and moved its adoption:

H—6157

Amend House File 1407 as follows:

1. Page 1, line 16, by inserting after the word "department" the words "or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department".

Amendment H—6157 was adopted.

Drake of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1407)

The ayes were, 84:

Anderson	Den Herder	Jordan	Poncy
Avenson	Doyle	Krause	Readinger
Baker	Drake	Lageschulte	Rinas
Bennett	Dunton	Lindeen	Scheelhaase
Bina	Dyrland	Lipsky	Schroeder
Binneboese	Egenes	McElroy	Spear
Bittle	Fitzgerald	Menke	Spencer
Bortell	Gentleman	Mennenga	Spradling
Brandt	Gilloon	Middleswart	Stromer
Branstad	Hansen	Middleton	Svoboda
Brockett	Hargrave	Millen	Tauke
Brunow	Harper	Miller, A. V.	Tofte
Byerly	Harvey	Miller, K. D.	Varley
Caffrey	Hennessey	Miller, O. L.	Walter
Clark	Higgins	Nealson	Wells
Cochran	Hines	Newhard	West
Connors	Hinkhouse	O'Halloran	Woods
Crabb	Howell	Patchett	Wulff
Crawford	Husak	Pavich	Wyckoff
Cusack	Hutchins	Pellett	Mr. Speaker (Small)
Daggett	Jochum	Perkins	
Danker			

The nays were, 7:

Dieleman	Halvorson	Lonergan	Welden
Evans	Junker	Monroe	

Absent or not voting, 9:

Griffee	Jesse	Kreamer	Norland
Horn	Koogler	Nielsen	Oakley
Hullinger			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 1407)

Drake of Muscatine asked and received unanimous consent that **House File 1407** be **imediately messaged** to the Senate.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(5-Minute Calendar)

House File 1299, a bill for an act to legalize proceedings taken by the county board of supervisors of Sac county relating to the purchase of certain land, with report of committee recommending passage, was taken up for consideration.

Nielsen of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1299)

The ayes were, 81:

Anderson	Dieleman	Hutchins	Pellett
Avenson	Drake	Jochum	Perkins
Baker	Dunton	Jordan	Poncy
Bennett	Dyrland	Junker	Readinger
Bina	Egenes	Krause	Rinas
Binneboese	Evans	Lageschulte	Schroeder
Bittle	Fitzgerald	Lindeen	Spear
Bortell	Gentleman	Lonergan	Spencer
Brandt	Gilloon	McElroy	Spradling
Branstad	Halvorson	Menke	Stromer
Brockett	Hansen	Mennenga	Svoboda
Brunow	Hargrave	Middleswart	Tauke
Byerly	Harper	Middleton	Varley
Caffrey	Harvey	Miller, A. V.	Walter
Clark	Hennessey	Miller, K. D.	Welden
Cochran	Higgins	Miller, O. L.	Woods
Connors	Hines	Nielsen	Wulff
Crabb	Hinkhouse	O'Halloran	Wyckoff
Crawford	Horn	Patchett	Mr. Speaker
Danker	Howell	Pavich	(Small)
Den Herder	Husak		

The nays were, 6:

Cusack	Lipsky	Nealson	Scheelhaase
Doyle	Millen		

Absent or not voting, 13:

Daggett	Koogler	Newhard	Tofte
Griffee	Kreamer	Norland	Wells
Hullinger	Monroe	Oakley	West
Jesse			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

(15-Minute Calendar)

Senate File 1055, a bill for an act to legalize and validate the proceedings of the Board of Supervisors of Jasper County, Iowa, in their appointment of Kenneth L. Whitehead, Jasper County Attorney, as full-time Jasper County Attorney from part-time status, on the 15th day of July, 1975, and raising his annual salary from $12,500.00 to $22,500.00 effective the 1st day of August, 1975, and declaring the validity of said actions and authorizing the issuance and payment of said annual salary of $22,500.00 to said Jasper County Attorney commencing on the 1st day of August, 1975, and declaring that said contractual appointment of Kenneth L. Whitehead as full-time Jasper County Attorney and the $22,500.00 salary commensurate with said change in status of the Jasper County Attorney shall constitute a valid and binding obligation upon Jasper County, Iowa, with report of committee recommending passage, was taken up for consideration.

Nielsen of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1055)

The ayes were, 79:

Anderson	Dieleman	Husak	Pellett
Avenson	Doyle	Hutchins	Perkins
Baker	Drake	Jochum	Poncy
Bennett	Dyrland	Jordan	Readinger
Bina	Egenes	Junker	Rinas
Binneboese	Evans	Krause	Scheelhaase
Bortell	Fitzgerald	Lageschulte	Schroeder
Brandt	Gentleman	Lindeen	Spear
Branstad	Gilloon	Lonergan	Spencer
Brockett	Halvorson	McElroy	Spradling
Brunow	Hansen	Menke	Svoboda
Byerly	Hargrave	Mennenga	Varley
Caffrey	Harper	Middleswart	Walter
Clark	Harvey	Miller, A. V.	Welden
Cochran	Hennessey	Miller, K. D.	Wells
Connors	Higgins	Miller, O. L.	Woods
Crabb	Hines	Nealson	Wulff
Cusack	Hinkhouse	Nielsen	Wyckoff
Daggett	Horn	O'Halloran	Mr. Speaker
Danker	Howell	Pavich	(Small)

The nays were, 3:

Bittle	Crawford	Tauke

Absent or not voting, 18:

Den Herder	Koogler	Monroe	Patchett
Dunton	Kreamer	Newhard	Stromer
Griffee	Lipsky	Norland	Tofte
Hullinger	Middleton	Oakley	West
Jesse	Millen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1465, a bill for an act to establish district court administrators and to provide the funds therefor, was taken up for consideration.

Nielsen of Polk offered the following amendment H—6137 filed by him and moved its adoption:

H—6137

Amend House File 1465 as follows:

1. Page 1, line 7, by inserting after the word "judge." the following: "A person appointed as a district court administrator shall have such qualifications as the chief judge may prescribe, but a person who is licensed to practice law in this state shall not be appointed as a district court administrator."

A non-record roll call was requested.

The ayes were 57, nays 19.

Amendment H—6137 was adopted.

Debate having exceeded the allowed time, Nielsen of Polk asked for unanimous consent to suspend the rules for the further consideration of House File 1465.

Objection was raised.

Nielsen of Polk moved that the rules be suspended for the further consideration of House File 1465.

A non-record roll call was requested.

The ayes were 64, nays 6.

The motion prevailed and the House continued debate.

Nielsen of Polk moved the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1465)

The ayes were, 85:

Anderson	Doyle	Jochum	Pavich
Avenson	Drake	Junker	Pellett
Baker	Dunton	Krause	Perkins
Bennett	Dyrland	Lageschulte	Poncy
Bina	Egenes	Lindeen	Rinas
Binneboese	Evans	Lipsky	Scheelhaase
Bittle	Fitzgerald	Lonergan	Schroeder
Bortell	Gentleman	McElroy	Spear
Brandt	Gilloon	Menke	Spencer
Branstad	Halvorson	Mennenga	Spradling
Brockett	Hansen	Middleswart	Stromer
Byerly	Hargrave	Middleton	Svoboda
Caffrey	Harper	Millen	Tauke
Clark	Harvey	Miller, A. V.	Varley
Cochran	Hennessey	Miller, K. D.	Walter
Connors	Higgins	Miller, O. L.	Welden
Crabb	Hines	Nealson	Wells
Crawford	Horn	Nielsen	West
Cusack	Howell	Norland	Woods
Daggett	Husak	O'Halloran	Wulff
Danker	Hutchins	Patchett	Wyckoff
Dieleman			

The nays were, 3:

Hinkhouse	Jordan	Mr. Speaker (Small)

Absent or not voting, 12:

Brunow	Hullinger	Kreamer	Oakley
Den Herder	Jesse	Monroe	Readinger
Griffee	Koogler	Newhard	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Fitzgerald of Webster, the House was recessed until 1:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

COMMITTEE TO NOTIFY THE SENATE

Middleswart of Warren moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee the following: Middleswart of Warren, chair; Doyle of Woodbury and Crabb of Crawford.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Middleswart of Warren, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with House Concurrent Resolution 120, duly adopted, the joint convention was called to order, President Neu presiding.

Senator Kinley of Polk moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Neu announced a quorum present and the joint convention duly organized.

Senator Kinley of Polk moved that a committee of five, consisting of three members from the Senate and two members from the House of Representatives, be appointed to notify Governor Robert D. Ray, John W. Warner, Administrator of the American Revolution Bicentennial Administration, and Robert W. Dillon, Chairman of the Iowa American Revolution Bicentennial Commission, that the joint convention was ready to receive them.

The motion prevailed and the President appointed as such committee Senators Coleman of Webster, Rodgers of Dallas and Schwengels of Jefferson, on the part of the Senate, and Representatives Byerly of Polk and McElroy of Fremont, on the part of the House.

The Justices of the Supreme Court, Elected Officials and Bicentennial Commission and Guests were escorted into the House chamber.

The committee waited upon Governor Robert D. Ray, John

Warner and Robert Dillon and escorted them to the Speaker's station.

The colors were advanced by the Dubuque Detachment Marine Corps League, 1776 Color Guard.

The joint convention pledged allegiance to the flag.

The invocation was delivered by the Reverend Mr. Marvin Arnpriester, United Methodist Church, Lime Springs, Iowa.

President Neu introduced the Van Buren County Bicentennial Singers who presented a medley of songs.

Senator Coleman of Webster introduced the following members of the Iowa American Revolution Bicentennial Commission: Dr. William G. Murray, Mrs. Evelyn Birkby, Dick Ranney, Herman Schweiker, Lyle Bruere, Dave Palmer, Carl Hamilton, Max Hawkins, Edward Voldseth, Peter T. Harstad, Bob Stone, Del Van Horn, Kenneth Fulk, Don Kersten, Bob Dillon, Melvin Synhorst, Representatives Lillian McElroy and Richard Byerly and Senators Norman Rodgers, Forrest Schwengels and Joseph Coleman.

President Neu introduced Governor Robert D. Ray, who offered the following remarks in presenting John W. Warner, Administrator of the American Revolution Bicentennial Administration:

Thank you very much. Mr. President, Mr. Speaker, Mr. Chief Justice, Members of the Senate and House of Representatives, Members of the Supreme Court, Fellow Elected Officials, and Ladies and Gentlemen:

The last time that I spoke before a joint session such as this was when I delivered the state of the state message on January 13—I know it seems like 200 years ago.

Today we have a very special occasion for which we gather and for which we have a very distinguished person to deliver some very timely remarks to all of us.

One other thing that is going to happen today is that we are going to send off some covered wagons that will go all the way to Valley Forge, Pennsylvania, and will arrive there just before July 4. I want you to know that I have inspected them and not one of them is sixty-five feet in length and not one of them is double bottom.

These covered wagons are replicas of covered wagons that carried our country's pioneer settlers across our state to the west in the very early years of America's history.

Abraham Lincoln once said "I am in favor of cutting up the wild lands into parcels so that every poor man can have a home." Even then they had property taxes. Those settlers found new homes—they didn't, however, find conveniences. They found little else except, as they looked ahead, a future of uncertainty. But there was an exception—they found

a form of government that gave them hope, gave them freedom and gave them opportunity to succeed. That is a form of government that has its roots in the Declaration of Independence, that document that was signed 200 years ago July 4, 1776. I think what is really significant about that document is that in it it says "that to secure the rights of life, liberty and pursuit of happiness, those who govern derive their powers from the consent of the governed." I think it is significant for each and every one of us elected to public office to never forget that and this is the best time for us to revive our memories about what that really means.

Many of you, if you have not already, will be asked to sign scrolls. The Executive Council members and I signed a scroll yesterday that dedicated ourselves to the precepts and the principles of the Declaration of Independence. Those scrolls will be carried along with thousands of others in these covered wagons to Valley Forge, Pennsylvania. This is just one indication that the bicentennial year is going to be a significant year so that when it is all over, we will not look back and say merely that it was a time for festivals and parades and a lot of hoopla, but instead we can look back and say, "Yes, it did have meaning."

Thanks to the leadership of Bob Dillon, Murray Goodman and the Iowa Bicentennial Commission, our citizens have joined together and will take part in over 2300 bicentennial activities. That is more than any other state. Five hundred fifty-six Iowa communities have officially been recognized. That is the second largest number—second only to Pennsylvania—in the entire country. So, I think our Iowa Bicentennial Commission deserves a lot of credit, a lot of recognition for a job that they have done very, very well and I compliment you, Bob Dillon, for the job you have done in leading these bicentennial efforts.

Another person that has led the efforts clear across the country is the Administrator of the American Revolution Bicentennial Administration, Mr. John W. Warner. Mr. Warner has been an Assistant United States Attorney, Under Secretary of the Navy, Secretary of the Navy, a member of the presidential party at the Moscow meeting and the recipient of the distinguished medal award issued by the Department of Defense. Mr. Warner was appointed to his present position in March of 1974 and has spearheaded the bicentennial heritage, festivals and horizon programs with an emphasis on local involvement and local direction in the efforts of all of these programs. Under John Warner's leadership the bicentennial will be a very meaningful and memorable experience for literally millions of Americans.

It is my pleasure to introduce to you the Administrator of the American Bicentennial Administration, the Honorable John Warner.

Mr. Warner delivered the following address:

Thank you, Governor Ray. President Neu, Speaker Cochran, Mr. Chief Justice, Members of the Senate and House of Representatives, Members of the Supreme Court, Members of the fine Bicentennial Commission of this Great State, and Ladies and Gentlemen:

As I walked down the aisle a lady looked at this and said, "Oh, gracious, is that his speech?" No, it is not. I brought this from Washington with me—part of my responsibility under the law is to compile a record for the National Archives for future generations to look back and examine what

was done during our nation's bicentennial, and this is what I call the interim copy of the National Record of the nation's bicentennial.

As of today, there are over 50,000 programs and events now cataloged for the bicentennial and it is growing at the rate of several thousand each month. I brought this rather weighty volume—perhaps a portion of four telephone directories—because in it Iowa stands number one. Congratulations.

It is surprising to think the nation's bicentennial is being celebrated back where all the revolutionary history took place in the original thirteen colonies, but I split it using the Mississippi River, divided east and west, and there is just as much activity west of the Mississippi as there is east of the Mississippi. You may ask, why is that? There is a very simple reason, for me at least to answer because I have had the privilege in the past two years of traveling across these United States, having now completed visits to some 47 states. Most recently a swing through the Pacific to visit Honolulu, Hawaii, Samoa and Guam, where again there is just as much bicentennial activity as to be found in Baltimore, Boston or Philadelphia, or the nation's capital.

The reason is America is honoring its past, honoring its present and looking toward the future. Of course I don't have time to go into this volume but you will find a range of programs which covers all possible imaginations and initiatives that our citizens can put together. And again, put together by and large with their own funds.

When the Congress of the United States rewrote the law for the bicentennial two years ago, and I had the privilege of being appointed the first and I suppose the only administrator of this small agency, the people said we want the bicentennial to be celebrated equally in every town, village, Indian reservation, cities large and small in America, and that is precisely what is taking place.

On the cover of this volume is the national symbol of the bicentennial—the two stars, the white star and the red, white and blue star. It is the national symbol representing 200 years of our country. That is now flying from your state capitol as it is from every other state capitol in the United States and over 11,000 communities proudly fly that flag. But in Iowa every single county is organized for the nation's bicentennial.

I was walking up with your state chairman, Mr. Dillon, and he was telling me the tremendous support he has received from the Governor, the Legislature, and most particularly from his commission. He said remember the adage, "Give me ten stout hearted men, I'll give you 10,000 more." Well we have them—we don't have 10,000—there are over 100,000 people in the state of Iowa actively involved in the nation's bicentennial. You are not merely having what you might call just parades, fireworks, rhetoric—all of those things will take place and should take place—no, your state program is laying down permanent cornerstones again for the future generations to look back and say that the citizens of this state and the citizens of the community cared enough about their nation to put down a cornerstone. What comes to mind, of course, is the world food conference, that will be internationally recognized, solving hopefully some of the problems and laying down the cornerstones for the solution of some of the most needed problems for the future.

Again, the fifth grade history project where you are not just teaching any history, the emphasis is totally upon the history of Iowa.

Then, of course, I being a farmer at heart—and as soon as the bicentennial is over I hope to return to my farm—the Living History Farm, which I have visited, is another program which is more than just speech making, parades; it shows that this state has come together to put down some permanent reminders of the nation's bicentennial.

Additionally, we have another interesting chapter. Last night I was privileged in Washington, D. C. to join the vice president to honor the King of Sweden who has come over on the occasion of our bicentennial. There are over seventy foreign nations who are now actively participating in the bicentennial. Their gifts range all the way from small ones such as stamp collections and medals to the giving of permanent scholarships at our universities, and the bringing of cultural events such as opera and ballet. Then, Great Britain, not surprisingly, is sending over on loan for one year that document, Mr. Chief Justice, which you know so well and which lays the foundation for all western law—the exact document to which King John affixed his seal in the year 1215—the Magna Carta. It will be brought to the United States in May of this year for a period of twelve months and placed in the rotunda of the capitol building in Washington, D. C. Just another example of the tremendous enthusiasm to be found not only in our United States but all over the world for the bicentennial.

The bicentennial is not without controversy, nor should it be, after all we are celebrating a revolution. Many times I have been asked, because it falls in a political year, will it be used by politicians for their benefit? I have been privileged the past two years to appear on a number of occasions with our President, who totally supports and participates in the bicentennial, as well as Senators, Congressmen, Governors, state legislators, councilmen and mayors all over this nation and I have yet to see one single individual try to use the bicentennial for his or her personal benefit.

Then the question of commercialism—will this bicentennial go down as one gigantic "ripoff." My answer clearly is no. What better example could I use than this state bicentennial commission, which has not indulged in manufacturing knickknacks to be sold. They sold one item— the same item that the Congress of the United States directed me to prepare and sell to the people—a medallion—and from it they have gained proceeds which have helped finance a part of the bicentennial program in this state. As a matter of fact, Chairman Dillon has explained to me that the bicentennial Commission has granted approximately $500,000 and together with the help of the private sector and the citizens of this state that sum has been multiplied ten-fold into the millions of dollars to pay for your bicentennial. It is truly representative of a grass roots effort and this state, in my judgment, is the model state of the nation's bicentennial. As a matter of fact, since we are all attuned to politics, I remember so well the adage back east, "As goes Maine in the presidential election, so goes the nation." Well the confidence I have in your bicentennial program I am willing to predict, "As goes the success of the bicentennial program in Iowa, so goes the success of the entire nation's bicentennial program."

I would like to close with a short personal story. Again, I have been privileged to address many state legislatures but I can't remember ever walking into a capitol building and being more struck with emotion than I was about an hour ago upon entering the lower lobby and coming up to the Governor's office. For there were two things that are very dear to my heart. Having joined the navy at seventeen and having risen to being

its boss at the age of forty-two, only in America could that sort of story take place. I saw the old battleship Iowa, 61. I was aboard that ship briefly, during the Korean war, as a young marine officer. Then passing on I saw the tattered flags of the regiments and states.

So, you might expect an old sailor to tell one sea story here in mid-America. And this is a true story that comes from the history of my state, Virginia. Let's go back to the turn of the century, and the United States, being a great naval power, then as it is now, invited from all over the world the finest ships and each head of state was to come with their ship. Picture yourself seated on the balcony of the U. S. battleship—I don't remember the name, perhaps it was the Iowa. Behind each head of state, seated in a neat row, was posted a United States sailor. The sailor's function was to lean down very respectfully as each of the foreign ships passed in review and give the history of the ship and most particularly describe the flag. As they came by, one by one, the sailor would lean down and say, "That, sir, is the ship which flies the flag of the Queen of England. She has the following guns, etc." One by one, the ships came by. "That, sir, is the ship which flies the flag of the Czar of Russia. That ship flies the flag of the Emperor of Japan." And so on. Finally, over the horizon, came the last ship flying Old Glory. The sailor leaned down and said, "That, sir, is the United States ship, the length is such and such, etc." This particular monarch leaned back and said, "Lad, which monarch's flag does that ship fly?" The sailor replied, "No monarch's, sir, that ship flies my flag."

Thank you very much.

A medley of songs was offered by the Van Buren County Bicentennial Singers.

President Neu invited all guests to join in the flag presentation and the charge of the Wagon Master of the Bicentennial Wagon Train Pilgrimage to Pennsylvania, immediately following the joint session.

Governor Robert D. Ray, John W. Warner, Administrator of the American Revolution Bicentennial Administration, and Robert W. Dillon, Chairman of the Iowa American Revolution Bicentennial Commission, were escorted from the House chamber by the committee previously appointed.

The Colors were retired by the Color Guard.

Fitzgerald of Webster moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Cochran in the chair.

The House stood at ease until 3:30 p.m.

The House resumed session, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bittle of Polk for the remainder of the day on request of Halvorson of Clayton; Spradling of Sioux for the remainder of the day on request of Baker of Buena Vista.

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of the following bills: House Files 1432, 1544 and 1332.

CONSIDERATION OF BILLS

STEERING COMMITTEE CALENDAR

House File 1432, a bill for an act relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certified carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations, was taken up for consideration.

Cusack of Scott in the chair at 3:42 p.m.

Drake of Muscatine offered the following amendment H—5820 filed by Drake, et al., and moved its adoption:

H—5820

Amend House File 1432 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section three hundred twenty-one point one hundred thirty-four (321.134), Code 1975, is amended by adding the following new unnumbered paragraph after unnumbered paragraph one:

NEW UNNUMBERED PARAGRAPH. However, commercial vehicles may not pay semiannual installments if such vehicles are subject to proportional registration with a base state other than the state of Iowa as defined in section three hundred twenty-six point two (326.2), subsection six (6), of the Code."

Amendment H—5820 was adopted.

Drake of Muscatine asked and received unanimous consent to withdraw amendment H—5545 filed by Drake, et al., on March 4, 1976, and found on page 94 of the House Journal.

Drake of Muscatine offered the following amendment H—5990 filed by Drake, et al., and moved its adoption:

H—5990

Amend House File 1432 as follows:

1. Page 4, line 24, by striking the word ***"board"*** **and inserting in lieu thereof the word** *"department"*.

Amendment H—5990 was adopted.

Drake of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1432)

The ayes were, 87:

Anderson	Drake	Jochum	Pellett
Avenson	Dunton	Jordan	Perkins
Baker	Dyrland	Junker	Poncy
Bennett	Egenes	Krause	Readinger
Bina	Evans	Lageschulte	Rinas
Binneboese	Fitzgerald	Lindeen	Scheelhaase
Bortell	Gentleman	Lipsky	Spear
Brandt	Gilloon	McElroy	Spencer
Branstad	Halvorson	Menke	Stromer
Brunow	Hansen	Mennenga	Svoboda
Byerly	Hargrave	Middleswart	Tauke
Caffrey	Harper	Middleton	Tofte
Clark	Harvey	Millen	Varley
Cochran	Hennessey	Miller, A. V.	Walter
Connors	Higgins	Miller, K.D.	Welden
Crabb	Hines	Miller, O. L.	Wells
Crawford	Hinkhouse	Monroe	West
Daggett	Horn	Nealson	Woods
Danker	Howell	Norland	Wulff
Den Herder	Husak	O'Halloran	Wyckoff
Dieleman	Hutchins	Patchett	Mr. Speaker
Doyle	Jesse	Pavich	(Cusack)

The nays were, none.

Absent or not voting, 13:

Bittle	Koogler	Newhard	Schroeder
Brockett	Kreamer	Nielsen	Small
Griffee	Lonergan	Oakley	Spradling
Hullinger			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Higgins of Scott for the remainder of the day on request of Jochum of Dubuque.

IMMEDIATE MESSAGE

(House File 1432)

Drake of Muscatine asked and received unanimous consent that **House File 1432** be **immediately messaged** to the Senate.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR

(15-Minute)

House File 1544, a bill for an act relating to the establishment of policies and procedures for legislative employees under the jurisdiction of the legislative council, was taken up for consideration.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1544)

The ayes were, 79:

Anderson	Drake	Lageschulte	Readinger
Baker	Egenes	Lindeen	Rinas
Bina	Evans	Lipsky	Scheelhaase
Binneboese	Fitzgerald	Lonergan	Schroeder
Bortell	Gentleman	McElroy	Spear
Brandt	Gilloon	Menke	Spencer
Branstad	Halvorson	Mennenga	Stromer
Brockett	Hansen	Middleswart	Svoboda
Brunow	Harvey	Middleton	Tauke
Byerly	Hennessey	Millen	Tofte
Caffrey	Hines	Miller, A. V.	Varley
Clark	Hinkhouse	Miller, K. D.	Walter
Connors	Howell	Miller, O. L.	Welden
Crabb	Husak	Monroe	Wells
Crawford	Hutchins	Nealson	West
Daggett	Jesse	Norland	Woods
Danker	Jochum	Pavich	Wulff
Den Herder	Jordan	Pellett	Wyckoff
Dieleman	Junker	Perkins	Mr. Speaker (Cusack)
Doyle	Krause	Poncy	

The nays were, 1:

Dyrland

Absent or not voting, 20:

Avenson	Griffee	Hullinger	Oakley
Bennett	Hargrave	Koogler	O'Halloran
Bittle	Harper	Kreamer	Patchett
Cochran	Higgins	Newhard	Small
Dunton	Horn	Nielsen	Spradling

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE CALENDAR

House File 1332, a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation, was taken up for consideration.

Miller of Buchanan offered the following amendment **H—6161** filed by him from the floor and moved its adoption:

H—6161

Amend House File 1332 as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. ..... Chapter one hundred thirty-five D (135D), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new section:

NEW SECTION. MOBILE HOME FEE CREDIT.

1. For the purposes of this section:

a. "Semiannual mobile home tax" means the semiannual tax computed under the provisions of section one hundred thirty-five D point twenty-two (135D.22) of the Code, without inclusion of any penalty assessed under the provisions of section one hundred thirty-five D point twenty-four (135D.24) of the Code.

b. "Fee credit" means the amount allowed as a deduction from the semiannual mobile home tax provided by this section.

2. A fee credit shall be allowed a mobile home owner who uses the mobile home as a permanent residence and who has not moved the mobile home any time within the twelve-month period prior to the delinquent date for the semiannual mobile home tax and who has not converted the mobile home to real property. The fee credit shall be a deduction from the semiannual mobile home tax.

3. The amount of deduction allowed the owner for a mobile home shall be equal to twenty percent of the semiannual mobile home tax not to exceed thirty-one dollars and twenty-five cents.

4. Application for the fee credit shall be made on forms provided by the county treasurer as standardized by the director of the state department of revenue. The forms shall require the applicant to furnish such information as necessary to determine eligibility for a fee credit. Forms shall be submitted with the payment of the semiannual mobile home tax

as reduced by the claimed fee credit.
5. If an applicant deducts from the semiannual mobile home tax a fee credit in excess of that amount the applicant is eligible to receive the county treasurer shall increase the next following semiannual mobile home tax by the excess so deducted by the applicant. The excess fee credit deducted shall become a lien on the mobile home from the date of payment of the semiannual mobile home tax equal in priority to the semiannual mobile home tax lien.
6. There is appropriated annually from the general fund of the state to the department of revenue to be credited to a county in an amount equal to the

Page 2

fee credits granted in each county."
2. Amend the title, line 1, by striking all after the word "vehicles", all of lines 2 through 9 and inserting in lieu thereof a period.

Krause of Palo Alto rose on a point of order that amendment H—6161 was not germane.

The Speaker ruled the point well taken and amendment H—6161 not germane.

Miller of Buchanan asked for unanimous consent that the rules governing germaneness be suspended for the consideration of amendment H—6161.

Objection was raised.

Miller of Buchanan moved that the rules governing germaneness be suspended for the consideration of amendment H—6161.

Roll call was requested by Stromer of Hancock and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H—6161?"

The ayes were, 61:

Anderson	Den Herder	Hinkhouse	Menke
Baker	Dieleman	Howell	Middleswart
Bina	Doyle	Hullinger	Middleton
Binneboese	Dyrland	Husak	Miller, K. D.
Bortell	Egenes	Hutchins	Miller, O. L.
Branstad	Evans	Jochum	Nealson
Byerly	Gentleman	Jordan	Newhard
Caffrey	Gilloon	Junker	Pavich
Clark	Halvorson	Lageschulte	Pellett
Crawford	Hansen	Lipsky	Perkins
Daggett	Hennessey	Lonergan	Poncy
Danker	Hines	McElroy	Readinger

Schroeder	Svoboda	Varley	West
Spear	Tauke	Walter	Woods
Spencer	Tofte	Welden	Wyckoff
Stromer			

The nays were, 15:

Brandt	Crabb	Mennenga	Rinas
Brockett	Drake	Millen	Scheelhaase
Brunow	Krause	Miller, A. V.	Mr. Speaker (Cusack)
Connors	Lindeen	Norland	

Absent or not voting, 24:

Avenson	Griffee	Jesse	O'Halloran
Bennett	Hargrave	Koogler	Patchett
Bittle	Harper	Kreamer	Small
Cochran	Harvey	Monroe	Spradling
Dunton	Higgins	Nielsen	Wells
Fitzgerald	Horn	Oakley	Wulff

The motion prevailed and the rules were suspended.

Miller of Buchanan moved the adoption of amendment H—6161.

Roll call was requested by Drake of Muscatine and Egenes of Story.

On the question "Shall amendment H—6161 be adopted?"

The ayes were, 44:

Bennett	Evans	Lipsky	Poncy
Bortell	Gilloon	McElroy	Spear
Branstad	Halvorson	Middleton	Spencer
Brockett	Harper	Millen	Stromer
Byerly	Harvey	Miller, K. D.	Tauke
Clark	Hennessey	Nealson	Tofte
Crabb	Hines	Newhard	Walter
Crawford	Hinkhouse	Nielsen	West
Danker	Husak	Pavich	Woods
Dieleman	Jordan	Pellett	Wulff
Doyle	Lageschulte	Perkins	Wyckoff

The nays were, 47:

Anderson	Drake	Jesse	O'Halloran
Avenson	Dunton	Jochum	Patchett
Baker	Dyrland	Junker	Readinger
Bina	Egenes	Koogler	Rinas
Binneboese	Fitzgerald	Krause	Scheelhaase
Brandt	Gentleman	Lindeen	Schroeder
Brunow	Hansen	Menke	Svoboda
Caffrey	Hargrave	Mennenga	Varley
Cochran	Horn	Middleswart	Welden
Connors	Howell	Miller, A. V.	Wells
Daggett	Hullinger	Miller, O. L.	Mr. Speaker (Cusack)
Den Herder	Hutchins	Norland	

Absent or not voting, 9:

Bittle	Kreamer	Monroe	Small
Griffee	Lonergan	Oakley	Spradling
Higgins			

Amendment H—6161 lost.

Miller of Buchanan offered the following amendment H—5345 filed by Miller, et al.:

H—5345

Amend House File 1332 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new section:

NEW SECTION. ENFORCEMENT OF MOTOR VEHICLE TRAFFIC CONTROL AND SAFETY LAWS. The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with "on duty" members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws."

2. Amend the title, line 9, by inserting after the word "transportation" the words ", the department of public safety and the Iowa national guard".

3. Renumber the sections and correct internal references as necessary in conformance with this amendment.

Drake of Muscatine rose on a point of order that amendment H—5345 was not germane.

The Speaker ruled the point well taken and amendment H—5345 not germane.

Tauke of Dubuque offered the following amendment H—6169 filed by Tauke, Crawford, Newhard, Walter, Lipsky, Gentleman and Jochum from the floor:

H—6169

Amend House File 1332 as follows by adding the following new section:

1. Page 1, by inserting before line 1 the following new section:

"Section 1. Section three hundred seven point ten (307.10), subsection five (5), Code 1975, is amended to read as follows:

5. Adopt rules in accordance with the provisions of chapter 17A as it may deem necessary to transact its business and for the administration and exercise of its powers and duties. The transportation commission shall also adopt rules, which rules shall be exempt from the provisions of chapter 17A, governing the length of vehicles and combinations of vehicles which are subject to the limitations imposed under section 321.457. [The commission may adopt such rules which permit vehicles and combinations of vehicles in excess of the length limitations imposed under section 321.457, but not exceeding sixty-five feet in length, which may be moved on the highways of this state.] Any [such] proposed rules shall be submitted to the general assembly within five days following the convening of a regular session of the general assembly. The general assembly may approve or disapprove the rules submitted by the commission not later than sixty days from the date such rules are submitted and, if approved or no action is taken by the general assembly on the proposed rules, such rules shall become effective May [1] *first* and thereafter all laws in conflict therewith shall be of no further force and effect."

2. Page 12, after line 5, by inserting the following:

"Sec. ..... Section 1 of this amendment shall become effective and be in force and retroactive to January 1, 1976, after its publication in the Telegraph-Herald, a newspaper published in Dubuque, Iowa, and in the Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa."

Koogler of Mahaska rose on a point of order that amendment H—6169 was not germane.

The Speaker ruled the point well taken and amendment H—6169 not germane.

Tauke of Dubuque moved that the rules governing germaneness be suspended for the consideration of amendment H—6169.

Roll call was requested by Tauke of Dubuque and Dyrland of Clayton.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H—6169?"

The ayes were, 30:

Anderson	Dyrland	Jochum	Poncy
Bina	Egenes	Lageschulte	Svoboda
Brandt	Gentleman	Lindeen	Tauke
Branstad	Gilloon	Millen	Tofte
Brunow	Halvorson	Newhard	Varley
Clark	Harvey	O'Halloran	Walter
Crawford	Hines	Patchett	West
Den Herder	Horn		

The nays were, 55:

Baker	Dunton	Junker	Readinger
Bennett	Evans	Koogler	Rinas
Binneboese	Fitzgerald	Krause	Scheelhaase
Bortell	Hansen	Lonergan	Schroeder
Byerly	Hargrave	Menke	Spear
Caffrey	Harper	Mennenga	Spencer
Cochran	Hennessey	Middleswart	Stromer
Connors	Hinkhouse	Miller, A. V.	Welden
Crabb	Howell	Miller, K. D.	Wells
Daggett	Hullinger	Miller, O. L.	Woods
Danker	Husak	Nielsen	Wulff
Dieleman	Hutchins	Pavich	Wyckoff
Doyle	Jesse	Pellett	Mr. Speaker (Cusack)
Drake	Jordan	Perkins	

Absent or not voting, 15:

Avenson	Higgins	Middleton	Oakley
Bittle	Kreamer	Monroe	Small
Brockett	Lipsky	Nealson	Spradling
Griffee	McElroy	Norland	

The motion lost.

Koogler of Mahaska offered the following amendment H—5289 filed by the committee on transportation:

H—5289

Amend House File 1332 as follows:

1. Page 1, by striking lines 3 through 5 and inserting in lieu thereof the following:

"321.4 RULES. The [director] *commission* is [hereby] authorized to adopt and [enforce such departmental] *promulgate administrative* rules governing [procedure] *procedures*".

2. Page 1, line 14, by striking the word "*transportation*".

3. Page 2, by striking lines 6 through 12 and inserting in lieu thereof the word "fee without [said] penalty. Provided, however,".

4. Page 2, line 21, by inserting after the words "operating a" the word "*military*".

5. Page 4, line 8, by striking the word "*transportation*".

6. Page 6, by striking lines 6 through 22.

7. Page 7, line 23, by striking the word "yellow" and inserting in lieu thereof the words "[yellow] *amber*".

8. Page 9, by inserting after line 10 the

following:

"d. The use of a blue light in or on a private motor vehicle shall be for identification purposes only."

9. Renumber sections and correct internal references as necessary in conformance with this amendment.

Drake of Muscatine offered the following amendment H—5352, to amendment H—5289, filed by Drake, et al., and moved its adoption:

H—5352

Amend the committee on transportation amendment H—5289 to House File 1332 as follows:

1. By striking line 17 and inserting in lieu thereof the following:

"6. Page 6, by striking lines 6 through 22 and inserting in lieu thereof the following:

Sec. 16. Section three hundred twenty-one point three hundred twenty-four (321.324), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red [light or flashing red] light *or an authorized emergency vehicle of a fire department displaying a blue light* [from directly in front thereof], or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. *For the purposes of this section, "red light" or "blue light" means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red or blue light.*"

2. By inserting after line 19 the following:

"8. Page 8, by inserting after line 16 the following:

"e. A flashing blue light on a vehicle upon which a blue light is permitted pursuant to subsection three (3) of this section."

Amendment H—5352 was adopted.

Koogler of Mahaska moved the adoption of amendment H—5289, as amended.

Amendment H—5289, as amended, was adopted.

Drake of Muscatine offered the following amendment H—5765 filed by Drake, et al., and moved its adoption:

H—5765

Amend House File 1332, page 2, line 17, by inserting after the word "installments" the words *"except that semiannual installments shall not apply to commercial vehicles subject to proportional registration with a base state other than the state of Iowa as defined in section three hundred twenty-six point two (326.2), subsection six (6), of the Code"*.

Amendment H—5765 was adopted.

Hutchins of Guthrie offered the following amendment H—6152 filed by him from the floor:

H—6152

Amend House File 1332 as follows:

1. Page 2, by inserting after line 17 the following section:

"Sec. ..... Section three hundred twenty-one point one hundred fifty-two (321.152), Code 1975, is amended to read as follows:

321.152 FEE FOR COUNTY. Each county treasurer shall be allowed to retain for deposit in the county general fund, [seventy-five cents] *one (1) dollar* for each annual or semiannual vehicle registration and each duplicate registration card or plate issued; sixty-five percent of all fees collected for certificates of title, notations of lien or encumbrance and a certified copy of a certificate of title. The moneys retained shall be deducted, and reported to the department, when the county treasurer transfers the money collected under the provisions of this chapter; provided, however, that no such deduction shall be lawful unless the county treasurer has complied with the provisions of section 321.24 and 321.153."

Krause of Palo Alto rose on a point of order that amendment H—6152 was not germane.

The Speaker ruled the point well taken and amendment H—6152 not germane.

Krause of Palo Alto offered the following amendment H—5526 filed by him and moved its adoption:

H—5526

Amend House File 1332 as follows:

1. Page 2, line 33, by inserting after the word

"[parent]" the words "*or the applicant's spouse if the spouse is the age of eighteen years or older*".

2. Page 2, line 34, by inserting after the word "if" the words "*the applicant's spouse is under the age of eighteen years and*".

Amendment H—5526 was adopted.

Drake of Muscatine offered the following amendment H—6072 filed by Drake, et al., and moved its adoption:

H—6072

Amend House File 1332 as follows:

1. Page 4, by inserting after line 11 the following new section:

"Sec. ..... Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179), section one (1), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The provisions of this subsection shall not be applicable to the transfer of a motor vehicle to the insurer of such vehicle who obtains ownership of such vehicle as a result of a settlement with the owner thereof arising out of damage to such vehicle and written proof thereof is submitted to the county treasurer on forms prescribed by the department."

Amendment H—6072 was adopted.

Dyrland of Clayton offered the following amendment H—5555 filed by Patchett of Johnson:

H—5555

Amend House File 1332 as follows:

1. Page 8, by inserting after line 16 the following:

"e. On a motor vehicle operated by a member of an organized ambulance service."

2. Page 8, line 19, by inserting after the word "department" the words "or ambulance service".

3. Page 8, line 22, by inserting after the word "department" the words "or ambulance service".

4. Page 8, line 27, by inserting after the word "department" the words "or the director of the ambulance service".

5. Renumber sections and correct internal references in conformance with this amendment.

Drake of Muscatine rose on a point of order that amendment H—5555 was not in order.

The Speaker propounded the question to the House.

Roll call was requested by Dyrland of Clayton and Hennessey of Delaware.

On the question "Is amendment H—5555 in order?"

The ayes were, 25:

Binneboese	Gilloon	Mennenga	Perkins
Clark	Harper	Miller, K. D.	Spear
Crawford	Harvey	Newhard	Svoboda
Danker	Hennessey	Patchett	Tauke
Doyle	Jochum	Pavich	Walter
Dyrland	Jordan	Pellett	West
Evans			

The nays were, 53:

Anderson	Daggett	Husak	Poncy
Avenson	Dieleman	Hutchins	Scheelhaase
Baker	Drake	Jesse	Schroeder
Bennett	Dunton	Junker	Spencer
Bina	Egenes	Koogler	Stromer
Bortell	Fitzgerald	Krause	Tofte
Brandt	Gentleman	Lageschulte	Varley
Branstad	Halvorson	Lindeen	Wells
Brunow	Hansen	Lonergan	Woods
Byerly	Hines	Menke	Wulff
Caffrey	Hinkhouse	Middleswart	Wyckoff
Cochran	Horn	Miller, A. V.	Mr. Speaker
Connors	Howell	Miller, O. L.	(Cusack)
Crabb	Hullinger		

Absent or not voting, 22:

Bittle	Kreamer	Nealson	Readinger
Brockett	Lipsky	Nielsen	Rinas
Den Herder	McElroy	Norland	Small
Griffee	Middleton	Oakley	Spradling
Hargrave	Millen	O'Halloran	Welden
Higgins	Monroe		

Amendment H—5555 was ruled out of order.

(House File 1332 pending at adjournment and placed under unfinished business.)

COMMUNICATIONS FROM THE SECRETARY OF STATE

April 5, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1362, was published in The Sioux City Journal, Sioux City, Iowa on March 18, 1976, and in The Anthon Herald, Anthon, Iowa on March 24, 1976.

I further certify that Senate File 1151, was published in the West Des

Moines Express, West Des Moines, Iowa on March 18, 1976, and in the Clinton Herald, Clinton, Iowa on March 17, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

April 6, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 392, was published in the Dallas County News, Adel, Iowa on March 24, 1976, and in the Cherokee Daily Times, Cherokee, Iowa on March 25, 1976.

I further certify that House File 1218, was published in the Ames Daily Tribune, Ames, Iowa on March 30, 1976, and in The Boone News-Republican, Boone, Iowa on March 30, 1976.

I further certify that House File 1245, was published in the Ames Daily Tribune, Ames, Iowa on March 26, 1976, and in The Nevada Evening Journal, Nevada, Iowa on March 29, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the votes were taken on Senate Files 1263, 1139, 1122, 488 and 1067, and House Files 1217, 1509, 1495, 1447, 1052, 1496, 1534, 1493 and 1513. Had I been present, I would have voted "aye" on all of these.

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber on April 2. Had I been present, I would have voted in the following manner: "Aye" on House Files 1226, 1483, 1161, and amendment H—6085 to Senate File 85. I would have voted "nay" on amendment H—5612A to Senate File 85.

PAVICH of Pottawattamie

I was necessarily absent from the House chamber when the votes were taken on House Files 1407, 1299, 1465, 1432, 1544 and Senate File 1055. Had I been present I would have voted "aye" on all of these.

KOOGLER of Mahaska

MOTION TO RECONSIDER
(House File 1481)

I move to reconsider the vote by which House File 1481 passed the House on April 6, 1976.

STROMER of Hancock

AMENDMENTS FILED

H—6151

Amend House File 1052 as follows:

1. Page 1, by inserting after line 15 the following section:

"Sec. ..... Section three hundred eighty-four point forty-nine (384.49), subsection two (2), paragraph a, Code 1975, is amended to read as follows:

a. Any number of streets or sewer lines for improvement *if the streets or sewer lines are contiguous.*"

2. Amend the title, line 2, by inserting after the word "budgets" the words "and relating to certain other financial matters of cities".

3. By numbering sections as necessary.

JUNKER of Woodbury

H—6145

Amend House File 1164 as follows:

1. Page 1, by inserting after line 22 the following new paragraph:

"Any governing board of a county employing more than one hundred (100) persons, and any other governing board of a political subdivision employing more than ten (10) persons shall maintain central employment and personnel records in furtherance of this Act. For the purposes of this paragraph, all employees of a political subdivision of this state shall be deemed to be under the control of the governing board of the political subdivision."

GILLOON of Dubuque

H—6171

Amend House File 1164 as follows:

1. Page 1, by inserting after line 22 the following:

Sec. 3. Section six hundred one A point six (601A.6), subsection one (1), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. State or political subdivision employer to not employ a person solely because that person has been convicted of a crime. However, except as provided in section four (4) of this Act, these employers may consider as a possible justification for refusing employment:

(1) Whether a person convicted of a crime has been sufficiently rehabilitated to warrant employment in a position involving the public trust. A person shall be rebuttably presumed to be sufficiently rehabilitated two years after discharge from probation or parole supervision or from a term of imprisonment, whichever occurs last, if the person is not criminally

convicted during the two-year period; or

(2) Whether a person convicted of a crime related to a sexual offense, the sale or distribution of obscene material to minors, the sale or distribution of controlled substances, or an assault or homicide offense involving minors should be employed in a position involving substantial contact with minors.

Sec. 4. Section six hundred one A point six (601A.6), Code 1975, is amended by adding the following new section:

NEW SECTION. The state and its political subdivisions shall not use, distribute, or disseminate the following records in connection with an application for employment:

1. A record of arrest which is not followed by a valid conviction.

2. A record of conviction which has been ordered annulled or expunged.

SPEAR of Lee

H—6174

Amend House File 1332 as follows:

1. Page 12, by inserting after line 5 the following section:

"Sec. ..... Section three hundred twenty-five point thirty-seven (325.37), Code 1975, is amended to read as follows:

325.37 SAFETY EQUIPMENT AND REGULATIONS FOR ALL TRUCK OPERATORS. "Motor carrier" when used in this section and sections 325.38 and 325.39 means carriers holding a certificate under this chapter, truck operators and contract carriers holding permits under chapter 327, liquid transport carriers holding a certificate under chapter 327A, and private carriers. *However, private carriers operating intrastate are not subject to federal drivers compliance and qualification requirements.*"

WELDEN of Hardin
SCHROEDER of Pottawattamie

H—6175

Amend House File 1332 as follows:

1. Page 7, by striking all of lines 16 through 30.

BENNETT of Ida

H—6146

Amend House File 1374 as follows:

1. Page 4, by striking lines 28 through 35.

2. Page 5, by striking lines 1 through 13.

3. Renumber the remaining sections.

CUSACK of Scott
HIGGINS of Scott
CAFFREY of Polk
HANSEN of O'Brien

H—6172

Amend House File 1468 as follows:

1. Page 2, line 15, by striking the word "unless" and inserting in lieu thereof the words ", provided that the company issuing such policy or contract shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless before such payment the company shall have written notice, by or on behalf of the insured or the estate of the insured or one of the heirs of the insured, or any other person having an interest in such policy or contract of a claim thereunder and the aforesaid divorce, or".

HALVORSON of Clayton

H—6173

House File 1482 is amended as follows:

1. Page 1, line 1, by inserting after the numeral "1." the words *"NEW SECTION."*

2. Page 1, by inserting after line 11 the following:

"Sec. 2. *NEW SECTION.* TELEVISION INSTANT ENERGIZERS—PENALTIES.

1. Television receivers manufactured after December 31, 1979 which are designed to maintain a continuous flow of electricity to certain components when not in use in order to provide immediate reception when turned to the "on" position shall not be sold at retail in this state on or after January 1, 1980.

2. Persons who sell television receivers in violation of the provisions of subsection one (1) of this section shall be subject to a civil penalty not to exceed five hundred dollars. Civil penalties collected pursuant to this subsection shall be forwarded by the clerk of court to the treasurer of state for deposit in the general fund of the state.

Sec. 3. *NEW SECTION.* DEFINITIONS. As used in section four (4) of this Act, unless the context otherwise requires:

1. "Energy efficiency ratio" means the ratio of the useful output of services from an air conditioner to the energy consumption of the air conditioner calculated by dividing the cooling capacity of the air conditioner in British thermal units per hour by the power input in watts at a uniform set of rating conditions in accordance with such test procedures as the energy policy council may develop or select and expressed in British thermal units per watt-hour.

2. "Air conditioner" means an electrically powered air cooling device which employs a condensing unit and which has a capacity of less than one hundred thousand British thermal units per hour.

Sec. 4. *NEW SECTION.* MINIMUM RATIO—PENALTY.

1. Air conditioners manufactured after December

31, 1978 which have an energy efficiency ratio of less than eight shall not be sold at retail in this state on or after January 1, 1979.

2. Persons who sell air conditioners at retail which are not in compliance with the provisions of subsection one (1) of this section shall be subject to a civil penalty not to exceed five hundred dollars. Civil penalties collected pursuant to this section shall be forwarded by the clerk of court to the treasurer of state for deposit in the general fund of the state.

Sec. 5. *NEW SECTION.* As used in sections six

Page 2

(6) through eight (8) of this Act, "building" means a combination of any materials which forms a structure of twenty-five thousand or more gross square feet of floor space which affords facilities or shelter to persons, animals or property and which includes a system designed for heating the structure.

Sec. 6. *NEW SECTION.* Effective July 1, 1976, contracts shall not be let for the construction, major alteration or renovation of a building which is owned by the state, an agency of the state or a political subdivision of the state unless the agency or local governing unit responsible for the project has considered:

1. The present and future use of energy sources other than fossil fuels for the heating and air-conditioning of the building.

2. The life cycle cost of energy related architectural structures including, but not limited to, the following:

a. The physical site, if the building is a new structure.

b. The number, locations, and design of windows and doors included in the construction plan.

c. The thermal characteristics of materials and the amount of insulation incorporated into the facility design.

d. The range of occupancy and operating conditions of the building including illumination levels.

e. Other architectural features which affect energy consumption.

Sec. 7. *NEW SECTION.* The agency or local governing unit responsible for the construction, major alteration or renovation shall file a written statement with the state building code commissioner presenting evidence of compliance with the provisions of section six (6) of this Act. The statement shall include a justification in terms of energy conservation for the final design selected for the building. The statement shall be filed before any contracts for the construction, major alteration or renovation of the building are executed.

Sec. 8. *NEW SECTION.* The state building code commissioner may promulgate rules necessary to implement the provisions of sections five (5) through seven (7) of this Act including defining what constitutes a "major alteration" to a building.

Sec. 9. *NEW SECTION.* DEFINITIONS. As used in section ten (10) of this Act, unless the context otherwise requires:

1. "Beverage" means mineral water, soda water

Page 3

and similar carbonated soft drinks in liquid form and intended for human consumption and beer and alcoholic beverages as defined in chapter one hundred twenty-three (123) of the Code, except alcoholic beverages in glass beverage containers.

2. "Beverage container" means any glass, plastic, or metal bottle, can, jar or carton containing a beverage.

3. "Returnable beverage container" means a beverage container which has a refund value of at least five cents.

Sec. 10. *NEW SECTION.* ENCOURAGE USE OF RETURNABLES. The directors of the department of general services, the state department of transportation, and the Iowa state conservation commission and the executive secretary of the state board of regents shall through public education programs encourage the use of returnable beverage containers and discourage the use of beverage containers which are not returnable on real property owned by the state or an agency of the state which is under the control of the director or the executive secretary.

Sec. 11. Section eighteen point three (18.3), subsection one (1), Code 1975, is amended to read as follows:

1. Establishing and developing, in co-operation with the various state agencies, a system of uniform standards and specifications for purchasing. When the system is developed, all items of general use shall be purchased through the department, except items used by the [highway commission] *state department of transportation,* institutions under the control of the *state* board of regents, the commission for the blind, and any other agencies exempted by law.

a. The director may purchase items through the [highway commission] *state department of transportation,* institutions under the control of the *state* board of regents and any other agency exempted by law from centralized purchasing. These state agencies shall upon request furnish the director with a list of and specifications for all items of office equipment, furniture, fixtures, motor vehicles, heavy equipment and other related items to be purchased during the next quarter and the date by which the director must

file with the agency the quantity of items to be purchased by the state agency for the department of general services. The department of general services shall be liable to the state agency for the proportionate costs the items purchased for it bear to the total purchase price. When items purchased

Page 4

have been delivered, the state agency shall notify the director and after receipt of the purchase price shall release the items to the director or upon [his] *the* order *of the director.*

b. The director shall make recycled paper products available for purchase by state agencies through centralized purchasing as necessary to meet the demand for such products. State agencies shall use recycled paper products to meet their paper needs if such products are available and if their use is economical and practical. The director shall establish programs to recycle the waste paper of the various agencies under centralized purchasing and of those agencies which are exempt from centralized purchasing which request such recycling services.

c. Persons in charge of purchasing for those agencies which are exempt from centralized purchasing, including the state department of transportation, institutions under the state board of regents and the commission for the blind shall purchase recycled paper products to meet their paper needs whenever such products are available and their use is economical and practical. Such purchasing agents shall either establish programs to recycle the waste paper of their respective agencies or shall request that the department of general services provide such recycling services to the agency through programs established pursuant to paragraph b of this section.

Sec. 12. Section eighteen point one hundred fifteen (18.115), subsection four (4), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-four (74), section one (1), is amended to read as follows:

4. *a.* The state vehicle dispatcher shall purchase all new motor vehicles for all branches of the state government, except the state department of transportation, institutions under the control of the state board of regents, the commission for the blind, and any other agencies exempted by law. Before purchasing any motor vehicle [he] *the state vehicle dispatcher* shall make requests for public bids by advertisement and [he] shall purchase the vehicles from the lowest responsible bidder for the type and make of motor vehicle designated at a purchase price approved by the executive council.

b. The state vehicle dispatcher and persons responsible for purchasing motor vehicles for agencies

which are exempt from the provisions of this subsection shall in purchasing motor vehicles give preference when practical to motor vehicles which offer maximum

Page 5

fuel efficiency as compared to alternative models suitable for the use intended. The provisions of this paragraph shall not apply to the purchase of vehicles which will be used to perform military, law enforcement or rescue work functions.

Sec. 13. Section four hundred twenty-seven point one (427.1), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Solar and wind energy devices and methane gas production systems.

a. Improvements to real property which constitute a solar or wind energy device or which are used to produce methane gas from organic wastes, not to exceed the actual value of the improvements, shall be exempt from taxation for the periods and to the extent provided in this subsection upon compliance with the provisions of this subsection.

b. This exemption shall apply to new installations of the property for a period of five years beginning on January first after the construction or installation of the property is completed. The exemption under this subsection shall apply for a period of five years beginning on January 1, 1977 to property existing on the effective date of this Act if its construction or installation was completed after January 1, 1976. The exemption for existing property shall begin with respect to the assessment as of January 1, 1977, and the taxes payable on the basis of this assessment during the fiscal year beginning July 1, 1978.

c. Application for the exemption under this subsection shall be filed with the assessing authority not later than the first of February of the year in which the assessment is made, on forms provided by the department of revenue. The applications shall describe and locate the specific property to be exempt. The first annual application for exemption of property to be used for commercial and industrial purposes shall be accompanied by a certificate of the director of revenue certifying that the primary use of the property for which the exemption is requested is as a solar or wind energy device pursuant to paragraph d of this subsection or as a system or producing methane gas from organic wastes. Application for exemption of property to be used for noncommercial or nonindustrial purposes, including home and farm use shall not require a certificate from the director and the determination of eligibility for tax exemption shall be made by the assessing authority. Judicial review of a determination of the director of revenue under this subsection may be sought in accordance

Page 6

with chapter seventeen A (17A) of the Code. Review of a determination by an assessing authority may be sought from the board of review as provided in chapter four hundred forty-one (441) of the Code.

d. The department of revenue shall adopt any rules necessary to implement this subsection, including rules on identification and valuation of the property. All rules adopted shall be subject to the provisions of chapter seventeen A (17A) of the Code.

e. As used in this subsection "solar or wind energy device" means a man-made system for converting or upgrading the natural energy of the sun or wind into mechanical, electrical or heat energy which is more useful to humans than the natural solar or wind energy, and includes equipment used to store such natural energy so converted or upgraded."

3. Page 1, line 13, by striking the word "or" and inserting in lieu thereof the word "for".

4. Page 2, line 8, by striking the word "the" and inserting in lieu thereof the word "this".

5. By renumbering the remaining sections and correcting internal references in accordance with this amendment.

6. Amend the title, line 1, by inserting after the word "conservation" the words "and providing penalties".

O'HALLORAN of Black Hawk
HULLINGER of Decatur
HOWELL of Floyd
VARLEY of Adair
CUSACK of Scott
EVANS of Grundy
WELDEN of Hardin
GENTLEMAN of Polk
JOCHUM of Dubuque
AVENSON of Fayette
WELLS of Linn
DEN HERDER of Sioux
READINGER of Polk
BINNEBOESE of Woodbury
DOYLE of Woodbury

H—6154

Amend House File 1510 as follows:

1. Page 4, by striking lines 21 through 27 and inserting in lieu thereof the following:

"Sec. ..... This act shall become effective on May 1, 1977."

WOODS of Polk

H—6155

Amend amendment H—6133 to House File 1510, page 3, line 10, by inserting after the word "members" the words "finding that the proposed rule is

arbitrary, capricious, unreasonable, or beyond the scope of authority delegated to the promulgating agency".

SCHROEDER of Pottawattamie

H—6159

Amend amendment H—6133 to House File 1510 as follows:

1. Page 2, by inserting after line 37, the following: *"If an agency for good cause finds that notice and public participation would be unnecessary, subsection 1 shall be inapplicable if two-thirds of the members of the administrative review committee approve the inapplicability of subsection one (1) of this section."*

BITTLE of Polk

H—6162

Amend amendment H—6133 to House File 1510 as follows:

1. Page 1, by striking lines 4 through 13.
2. Page 1, by striking lines 14 through 18.
3. Page 1, line 22, by striking the word "[repeal]" and inserting in lieu thereof the word "repeal".
4. Page 1, line 23, by striking the word *"rescission"*.
5. Page 2, line 9, by striking the word *"Each"*.
6. Page 2, by striking lines 10 through 12 and inserting in lieu thereof the following: "If requested to do so by an".
7. Page 2, lines 23, by striking the word *"rescission"* and inserting in lieu thereof the word *"repeal"*.
8. Page 2, line 33 by striking the word *"if:"* and inserting in lieu thereof the word *"if"*.
9. Page 2, line 34, by striking *"a. The"* and inserting in lieu thereof the word *"the"*.
10. Page 2, line 37, by striking the words *"days; and"* and inserting in lieu thereof the word *"days."*
11. Page 2, by striking lines 38 through 40.
12. Page 3, by striking lines 6 through 30.
13. Page 3, by striking lines 31 through 50.
14. Page 4, by striking lines 1 through 28.
15. Page 4, by striking lines 29 through 48.
16. Page 4, by striking lines 49 and 50.
17. Page 5, by striking lines 1 through 13.
18. Page 5, by striking lines 30 through 42.

BITTLE of Polk
NIELSEN of Polk
SMALL of Johnson
VARLEY of Adair

H—6160

Amend House File 1523 as follows:

1. Page 3, line 16, by inserting after the word "conventional" the words "two-wheel drive".

2. Page 3, by striking lines 17 and 18 and inserting in lieu thereof the following:

"Sec. 6. Section three hundred twenty-one G point nine (321G.9), subsection six (6), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. Any person twelve through fifteen years of age and possessing a valid safety certificate must be accompanied by and under the direct supervision of a responsible person of at least eighteen years of age who is experienced in snowmobile operation."

3. Page 3, by striking lines 29 through 35 and inserting in lieu thereof the following:

"Sec. 9. Section three hundred twenty-one G point twenty-four (321G.24), subsection one (1), Code 1975, is amended to read as follows:

1. Effective July 1, [1975] *1976*, no person who is twelve years of age or more and less than [sixteen] *seventeen* years of age shall operate a snowmobile in this state without obtaining a valid safety certificate issued by the commission and having such certificate in his possession, or unless he is accompanied on the same machine by a responsible person of at least eighteen years of age [who is experienced in snowmobile operation] *having in possession a valid license, permit, or certificate as required in section one (1) of this Act.*"

BRANSTAD of Winnebago
VARLEY of Adair
MIDDLESWART of Warren

H—6149

Amend Senate File 547 as passed by the Senate as follows:

1. Page 1, line 4, by striking the words "fifty thousand" and inserting in lieu thereof the words "two hundred thousand".

BYERLY of Polk

H—6170

Amend Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 29, by striking after the word "with" the words "all written and documented evidence of" and inserting in lieu thereof the following: "a written statement of alleged deficiencies".

2. Page 2, by striking all of line 30.

3. Page 2, line 31, by striking the word "duties".

KREAMER of Polk

H—6150

Amend Senate File 547, as passed by the Senate, page 1, by inserting after line 29 the following new section:

"Sec. ..... Section four hundred sixty-one point twenty-six (461.26), Code 1975, is repealed."

MONROE of Des Moines

H—6167

Amend the Senate amendment, H—6130, to the Report of the Second Conference Committee on Senate File 1062 as follows:

1. Page 6, by striking line 43 and inserting in lieu thereof the following:

"..... Page 17, by striking lines 8 through 19 and inserting in lieu thereof the following:

Sec. ..... Section four hundred forty-two point two (442.2), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred five (205), section six (6), is amended to read as follows:

Each school district shall cause to be levied each year, for the school general fund, a foundation property tax of [five] *four* dollars and [forty] *fifty-nine* cents per thousand dollars of assessed valuation on all taxable property in the district. For the purpose of this chapter, a school district is defined as a school corporation organized under chapter 274. Each county auditor shall certify to each school district within the county and to the state comptroller, not later than January first each year, the assessed valuation of taxable property for the current year in each school district within the county.

Sec. ..... Section four hundred forty-two point three (442.3), Code 1975, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base for the school year beginning July 1, [1972] *1977*, is [seventy] *eighty* percent of the state cost per pupil. [For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil.] The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid."

2. Page 9, by inserting after line 5 the following:

"DIVISION IX

Sec. 41. Section four hundred twenty-two point forty-three (422.43), unnumbered paragraphs one (1), two (2), seven (7), and eight (8), Code 1975, are amended to read as follows:

422.43 TAX IMPOSED. There is hereby imposed a tax of [three] *four* percent upon the gross receipts from all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this division, sold at retail

Page 2

in the state to consumers or users; a like rate of tax upon the gross receipts from the sales, furnishing or service of gas, electricity, water, heat, and communication service, including the gross receipts from such sales by any municipal corporation furnishing gas, electricity, water, heat, and communication service to the public in its proprietary capacity, except as otherwise provided in this division, when sold at retail in the state to consumers or users; and a like rate of tax upon the gross receipts from all sales of tickets or admissions to places of amusement, athletic events including those of educational institutions, fairs; and a like rate of tax upon that part of private club membership fees or charges paid for the privilege of participating in any athletic sports provided club members.

There is hereby imposed a tax of [three] *four* percent upon the gross receipts derived from the operation of all forms of amusement devices and games of skill, games of chance, raffles and bingo games as defined in chapter 99B, and commercial amusement enterprises operated or conducted within the state of Iowa, such tax to be collected from the operator in the same manner as is provided for the collection of taxes upon the gross receipts of tickets or admission as provided in this section.

The tax herein levied shall be computed and collected as hereinafter provided. The tax herein imposed shall be at the rate of [three] *four* percent.

There is hereby imposed, a tax of [three] *four* percent upon the gross receipts from the rendering, furnishing, or performing of services as defined in section 422.42.

Sec. 42. Section four hundred twenty-three point two (423.2), Code 1975, is amended to read as follows:

423.2 IMPOSITION OF TAX. An excise tax is hereby imposed on the use in this state of tangible personal property purchased for use in this state, at the rate of [three] *four* percent of the purchase price of such property. Said tax is hereby imposed upon every person using such property within this state until such tax has been paid directly to the county treasurer or department of public safety to a retailer, or to the department as hereinafter provided. An excise tax is hereby imposed on the use in this state of services enumerated in section 422.43 at the rate of [three] *four* percent. Said tax shall be applicable where services are rendered, furnished, or performed

in this state or where the product or result of such service is used in this state. Such tax is imposed

Page 3

on every person using such services or the product of such services in this state until such user has paid such tax either to an Iowa use tax permit holder or has paid such tax to the department of revenue.

Sec. ..... The provisions of sections forty-one (41) and forty-two (42) of this Act are effective January 1, 1977.

Sec. ..... It is the intent of the general assembly that the revenues derived from one-fourth of the revenues from the sales and use tax be used to reduce the foundation property tax from five dollars and forty cents per thousand dollars of assessed valuation on all taxable property in the district to four dollars and fifty-nine cents per thousand dollars of assessed value on all taxable property in the district and to increase the state foundation base to eighty percent of the state cost per pupil."

3. Page 9, by inserting after line 7 the following:

"..... Page 23, line 10, by inserting after the word "law," the words "increasing the rate of the state sales and use tax,".

HALVORSON of Clayton
KOOGLER of Mahaska
JUNKER of Woodbury
MILLER of Buchanan
SCHROEDER of Pottawattamie
WYCKOFF of Benton

H—6163

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

Page 2 by striking lines 23 and 24 and inserting in lieu thereof the following:

"comprises a structure affording facilities or shelter for human use or occupancy. The word".

WELDEN of Hardin
EVANS of Grundy
WYCKOFF of Benton

H—6164

Amend Senate File 1207, as passed by the Senate and reprinted, as follows:

1. Page 18, by inserting after line 34 the following new section:

"Sec. ..... Section six hundred fourteen point one (614.1), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. IMPROVEMENTS TO REAL PROPERTY. In no event shall any action arising out of the unsafe or defective condition of an improvement

to real property, whether in contract or tort, and founded on injury to property, real or personal, or injuries to the person or wrongful death, be brought more than ten years after the date on which occurred the act or omission of the defendant alleged in the action to have been the cause of the injury or death complained of."

HARPER of Davis
TAUKE of Dubuque
GENTLEMAN of Polk
NIELSEN of Polk
EVANS of Grundy
BROCKETT of Marshall

H—6165

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

Page 6 by striking lines 30 through 32.

WELDEN of Hardin
SCHROEDER of Pottawattamie
EVANS of Grundy
DEN HERDER of Sioux
WYCKOFF of Benton
MIDDLESWART of Warren
MILLEN of Van Buren
TOFTE of Winneshiek
KOOGLER of Mahaska

H—6166

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

1. Page 6, line 12 by striking "publish, administer, and enforce the rules" and inserting in lieu thereof the following:

"publish and administer the rules and enforce the rules for all factory built structures, all mobile homes in mobile home parks located in political subdivisions which have not adopted a building code, and buildings constructed on state land when requested by the state agency having jurisdiction."

2. Page 6 by striking line 16.

3. Page 6, lines 19 and 20 by striking the words "noise insulation and abatement,".

WELDEN of Hardin
EVANS of Grundy
WYCKOFF of Benton
MILLEN of Van Buren
TOFTE of Winneshiek
KOOGLER of Mahaska

H—6168

Amend Senate File 1207, as passed by the Senate and reprinted as follows:

1. Page 1, by striking all of lines 9 through

17 and inserting in lieu thereof the following:
"The cost of conventional housing has risen to a height that effectively prevents many families from purchasing homes. This is a serious social and economic problem. A goal of this Act is to minimize the cost of acceptable housing, consistent with the need to maintain the public health and welfare. Therefore, administration of this Act will include a continuing imaginative program to seek out, evaluate and promote new concepts, new materials and new techniques which show promise of reducing costs and providing better housing to the citizens of this state."

2. Page 8, line 19, by adding the following new subparagraph:

"f. Make a continual study to seek out, evaluate and promote new concepts, new materials and new techniques which show promise of reducing costs and providing better housing to the citizens of this state."

EVANS of Grundy

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:47 p.m. until 9:00 a.m., Wednesday, April 7, 1976.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day—Fifty-seventh Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, APRIL 7, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Gary Allen Henecke, pastor of the Church of the Nazarene, Oskaloosa, Iowa.

The Journal of Tuesday, April 6, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James P. Jensen, Carroll, Iowa.

PRESENTATION OF VISITORS

Husak of Tama presented to the House Miss Nancy Grden, Special Assistant to the Intergovernmental Relations Committee and Special Assistant to the Food Supply and Agricultural Task Force, headquartered in Washington, D. C.

The Speaker announced the following visitors were present in the House chamber:

Forty-four twelfth grade government class students from Clarinda Community High School, Clarinda, Iowa, accompanied by Mrs. Cassett. By Daggett of Adams.

Fifty-three senior class students from Audubon High School, Audubon, Iowa, accompanied by Mrs. Feddersen, Doug Scholdt and Nick Bertram. By Hutchins of Guthrie.

Forty-four fifth grade students from St. Matthew's School, Cedar Rapids, Iowa, accompanied by Mrs. Gerard Glaza and Miss Kathy Drilling. By Lipsky of Linn, Jordan of Linn, Rinas of Linn and Wells of Linn.

Fifty ninth grade students from Jefferson Junior High School, Jefferson, Iowa, accompanied by Mary Keendrat and Lynn Menz. By Perkins of Greene.

Forty-two sixth grade students from Jensen Elementary School, Urbandale, Iowa, accompanied by Muriel Nicholson, Ann Patrick, Judy Roberts, Maizie Janssen and Adrianne Starks. By Readinger of Polk.

Seventy-eight eighth grade students from St. Edwards School, Waterloo, Iowa, accompanied by Sr. Judy Sinnwell, Sr. Mona, Sr. Judy Green, Mrs. Robert Fulton and Ed Fritz. By Wulff of Black Hawk.

Eighty ninth grade students from Oelwein Junior High School, Oelwein, Iowa, accompanied by Alberta Werdel. By Avenson of Fayette.

Fifty eighth grade students from Lisbon Junior High School, Lisbon, Iowa, accompanied by George Karan and Jim West. By Patchett of Johnson.

Fifty-eight fifth grade students from Clive School, Clive, Iowa, accompanied by Mrs. Daubenberger and Mr. Gift. By Readinger of Polk.

PETITIONS

The following petitions were received and placed on file:

By Branstad of Winnebago from four employees of the County Recorder's office in Algona, Iowa, in opposition to House File 1164, relating to the affirmative action program.

By Brandt of Black Hawk from one hundred eighty-nine residents of Ottumwa requesting assistance in securing funds for mass transportation for all of Iowa.

By Branstad of Winnebago, from thirteen employees of the Winnebago County courthouse in opposition to House File 1147, relating to voting on unions to represent public employees.

By Rinas of Linn from two hundred nineteen constituents favoring state funding for mass transportation.

By Readinger of Polk from ten members of the Highland Park Church of the Nazarene favoring raising the drinking age to nineteen, in opposition to pari-mutuel betting in Iowa, and requesting favorable action on the bill to keep the license fee for Sunday School buses at five dollars.

By Poncy of Wapello, Harper of Davis and Menke of O'Brien from one hundred seventy constituents of Wapello County that want and need your help in securing funds for mass transportation for all of Iowa.

HOUSE RESOLUTION 114

By Baker, Cochran, Millen, Fitzgerald and Koogler

Whereas, the membership of the House of Representatives of the Sixty-sixth General Assembly has learned with great sorrow of the passing of Mr. Elver C. Perkins of Jefferson, Iowa, father of Representative Carroll Perkins, *Now, Therefore,*

Be It Resolved, that the members of the House of Representatives hereby wish to express to Representative Perkins, Mrs. Eileen M. Perkins and members of the Perkins Family their personal sympathy in the loss of their beloved.

Be It Further Resolved, that a copy of this resolution be forwarded to Representative Perkins and members of the family.

Laid over under Rule 25.

STEERING COMMITTEE CALENDAR

House File 1478, a bill for an act regulating the establishment and use of electronic fund transfer systems, was taken up for consideration.

Bina of Scott asked and received unanimous consent to withdraw amendment H—5901 filed by him on March 19, 1976, and found on page 1320 of the House Journal.

(House File 1478 temporarily deferred.)

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR

(15-Minute)

House File 1497, a bill for an act making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending, was taken up for consideration.

Oakley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1497)

The ayes were, 91:

Anderson	Drake	Jordan	Pavich
Avenson	Dunton	Junker	Pellett
Baker	Dvrland	Koogler	Perkins
Bennett	Egenes	Krause	Poncy
Bina	Evans	Kreamer	Readinger
Binneboese	Fitzgerald	Lageschulte	Rinas
Bittle	Gentleman	Lindeen	Scheelhaase
Bortell	Gilloon	Lonergan	Schroeder
Brandt	Griffee	McElroy	Spear
Branstad	Halvorson	Menke	Spencer
Brockett	Hansen	Mennenga	Spradling
Brunow	Hargrave	Middleswart	Stromer
Byerly	Harper	Middleton	Tauke
Caffrey	Harvey	Millen	Tofte
Clark	Hennessey	Miller, A. V.	Varley
Connors	Higgins	Miller, K. D.	Walter
Crabb	Hinkhouse	Miller, O. L.	Welden
Crawford	Horn	Monroe	Wells
Cusack	Howell	Newhard	Woods
Daggett	Hullinger	Nielsen	Wulff
Danker	Husak	Oakley	Wyckoff
Dieleman	Hutchins	O'Halloran	Mr. Speaker
Doyle	Jochum	Patchett	

The nays were, none.

Absent or not voting, 9:

Den Herder	Lipsky	Norland	Svoboda
Hines	Nealson	Small	West
Jesse			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

APPROPRIATIONS CALENDAR

House File 1216, a bill for an act apppropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department, was taken up for consideration.

(House File 1216 deferred and retained.)

UNFINISHED BUSINESS

The House resumed consideration of **House File 1332,** a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation.

Bennett of Ida offered the following amendment H—6176 filed by him from the floor and moved its adoption:

H—6176

Amend House File 1332 as follows:
1. Page 7, by striking all of lines 16 through 26.

Amendment H—6176 was adopted.

With the adoption of amendment H—6176, amendment H—6175 (to page 7), filed by Bennett of Ida on April 6, 1976, and found on page 1667 of the House Journal, was out of order.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—6105 filed by him on April 1, 1976, and found on page 1543 of the House Journal.

Welden of Hardin offered the following amendment H—6174 filed by him and Schroeder of Pottawattamie and moved its adoption:

H—6174

Amend House File 1332 as follows:
1. Page 12, by inserting after line 5 the following section:
"Sec. ..... Section three hundred twenty-five point thirty-seven (325.37), Code 1975, is amended to read as follows:
325.37 SAFETY EQUIPMENT AND REGULATIONS FOR ALL TRUCK OPERATORS. "Motor carrier" when used in this section and sections 325.38 and 325.39 means carriers holding a certificate under this chapter, truck operators and contract carriers holding pemits under chapter 327, liquid transport carriers holding a certificate under chapter 327A, and private carriers. *However, private carriers operating intrastate are not subject to federal drivers compliance and qualification requirements.*"

Amendment H—6174 was adopted.

Miller of Buchanan offered the following amendment H—5288 filed by him:

H—5288

Amend House File 1332, page 12, by inserting after line 5 the following new section:
"Sec. ..... Section three hundred twenty-one point fifty-two (321.52), Code 1975, is amended by adding the following new subsection:
NEW SUBSECTION. Where in the course of operation, a motor vehicle is destroyed to the extent that the insurer makes a cash settlement with an insured, the

insurer shall apply for registration and title with the county treasurer. The treasurer shall issue a restricted title for the vehicle to the insurer. The insurer may transfer the damaged vehicle using the registration and restricted title to any purchaser. Upon repair of the vehicle, the purchaser may present the restricted title and a vehicle inspection certificate and acquire a valid title to the vehicle."

Drake of Muscatine rose on a point of order that amendment H—5288 was not in order inasmuch as it was subject matter previously disposed of with the consideration of amendment H—6072.

The Speaker ruled the point well taken and amendment **H—5288 out of order.**

Wyckoff of Benton moved to suspend the rules for the consideration of amendment H—5288.

A non-record roll call was requested.

The ayes were **58, nays 11.**

The motion prevailed and the rules were suspended.

Miller of Buchanan moved the adoption of amendment **H—5288.**

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 53, nays 39.

Amendment H—5288 was adopted.

Doyle of Woodbury offered the following amendment H—6186 filed by him from the floor and moved its adoption:

H—6186

Amend House File 1332 as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. ..... Section three hundred twenty-one point one (321.1), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. **"Fifth-wheel travel trailer" means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed forty feet."**

2. Page 1, by inserting after line 17 the following:

"Sec. ..... Section three hundred twenty-one point one hundred twenty-three (321.123), subsection three (3), unlettered paragraph two (2), Code 1975, is amended to read as follows:

Travel trailers *and fifth-wheel travel trailers*, [regardless of whether or not they are used on the highways,] except those in manufacturer's or dealer's stock, an annual fee of twenty cents per square foot of floor space computed on the exterior overall measurements, but excluding three feet occupied by any trailer hitch as provided by and certified to by the owner, to the nearest whole dollar, which amount shall not be prorated or refunded; except the annual fee for travel trailers *of any type*, when registered in Iowa for the first time, shall be prorated on a monthly basis. The registrant of a travel trailer *of any type* shall be issued a "travel trailer" plate. It is further provided the annual fee thus computed shall be limited to seventy-five percent of the full fee after the sixth registration."

Amendment H—6186 was adopted.

Nielsen of Polk offered the following amendment **H—6183** filed by him from the floor and moved its adoption:

H—6183

Amend House File 1332 as follows:

1. Page 2, by inserting after line 23 the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-one (321.181), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. A person issued a temporary driver's permit whose permit is canceled upon conviction for a moving traffic violation may be issued by the department upon a showing of need by the permittee a restricted temporary driver's permit authorizing the permittee to drive from the permittee's residence to designated locations such as the permittee's place of employment during the cancellation period. The temporary restricted driver's permit shall be canceled upon violation of the restrictions of the permit or for conviction of a moving traffic violation and application for a temporary driver's permit or restricted temporary driver's permit may not be made within a time period fixed by the department but not to exceed ninety days."

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

Amendment H—6183 was adopted.

Junker of Woodbury offered the following amendment H—6179

filed by him and Dieleman of Marion from the floor and requested a ruling on germaneness:

H—6179

Amend House File 1332 as follows:

1. Page 5, by inserting after line 15 the following new section:

"Sec. ..... Section three hundred twenty-one point two hundred eighty-one (321.281), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321.281 OPERATING UNDER THE INFLUENCE.

1. Whoever operates a motor vehicle upon the public highways of this state under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or having alcohol in their blood above the limits prescribed by this section shall be guilty of a public offense.

2. Any person who operates a motor vehicle upon the public highways of this state having ten or more hundredths of one per centum by weight of alcohol in the blood shall upon a plea of guilty or conviction be guilty of a simple misdemeanor and shall be imprisoned in the county jail for not less than seven days.

3. Any person who operates a motor vehicle upon the public highways of this state having fifteen or more hundredths of one per centum by weight of alcohol in the blood shall upon a plea of guilty or conviction be guilty of a serious misdemeanor.

4. Any person who operates a motor vehicle upon the public highways of this state having more than nineteen hundredths of one per centum by weight of alcohol in the blood shall upon a plea of guilty or conviction be guilty of a serious misdemeanor and, upon a third offense of this section, be guilty of an aggravated misdemeanor.

5. Any person who violates the provisions of subsection one (1) of this section and is not subject to the provisions of subsections two (2), three (3), or four (4) of this section shall upon a plea of guilty or conviction be guilty of a serious misdemeanor for the first offense, be guilty of an aggravated misdemeanor for the second violation of this section, and be guilty of a class "D" felony for the third violation of this section.

6. The court in pronouncing sentence shall provide as to the period during which a new license to operate a motor vehicle shall not be issued to the defendant. Not withstanding the provisions of section three hundred twenty-one point two hundred twelve (321.212) of the Code, the period for violation of subsection two (2) of this section shall not be less than one hundred twenty days, the period for violation of subsection

Page 2

three (3) of this section shall be one year, the period for violation of subsection four (4) of this section shall be five years, and the periods for violation of subsection five (5) of this section shall be not less than one hundred twenty days for the first violation and shall be one year for the second violation of this section; and upon a third violation of this section the defendant shall never be issued a new license. All periods of license ineligibility shall be consecutive. The clerk of the court shall forthwith certify to the department a true copy of the judgment sentencing the defendant under this section. The department may receive an application for and shall grant a new license at the expiration of the period provided in the judgment of the court notwithstanding the provisions of sections three hundred twenty-one point one hundred seventy-seven (321.177) and three hundred twenty-one point two hundred twelve (321.212) of the Code.

7. The court shall after pronouncing sentence cause the clerk to certify a true copy of the judgment to the Iowa liquor control commission. Said commission upon receipt of such copy shall cause notice of such conviction and judgment to be sent to the manager of each liquor store in the state which notice shall be posted therein.

8. This section shall not apply to a person operating a motor vehicle while under the influence of a narcotic, hypnotic or other drug if such substances were prescribed for such person and have been taken under such prescription and in accordance with the directions of a reputable doctor of medicine, provided however there is no evidence of the consumption of alcohol and further provided said doctor of medicine has not directed such person to refrain from operating a motor vehicle.

9. In lieu of, or prior to imposition of, the punishment above described for the first and second offense, the court upon hearing may commit the defendant for treatment of alcoholism or drug addiction or dependency to any hospital or institution in Iowa providing such treatment. The court may prescribe the length of time for such treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from his addiction, dependency or tendency to chronically abuse alcohol or drugs. A person committed under this section shall be considered a state patient."

Page 3

2. Page 12, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one B point seven (321B.7), Code 1975, is amended to read as follows:

321B.7 REFUSAL TO SUBMIT. If a person under arrest refuses to submit to the chemical testing, no test shall be given, but the director, upon the receipt of a sworn report of the peace officer that he had reasonable grounds to believe the arrested person to have been operating a motor vehicle upon a public highway of this state while under the influence of an alcoholic beverage, that he had placed such person under arrest for the offense of operating a motor vehicle while under the influence of an alcoholic beverage and that the person had refused to submit to the chemical testing, shall, *notwithstanding the provisions of section three hundred twenty-one point two hundred twelve (321.212) of the Code,* revoke his license or permit to drive and any nonresident operating privilege for a period of not less than one hundred twenty days nor more than one year *if the person does not have a prior conviction of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code, for a period of one year if the person has a prior conviction of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code, and permanently if the person has two prior convictions of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code;* or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit within one year from the date of the alleged violation, subject to review as hereinafter provided. The effective date of any such revocation shall be twenty days after the director has mailed notice of such revocation to such person by registered or certified mail."

3. By renumbering the sections in accordance with this amendment.

The Speaker ruled amendment H—6179 germane.

Dieleman of Marion asked and received unanimous consent to withdraw amendment H—6179.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H—5288 was adopted by the House.

A non-record roll call was requested.

The ayes were 55, nays 31.

The motion prevailed and the House reconsidered amendment H—5288.

Wyckoff of Benton moved to reconsider the vote by which amendment H—6072 was adopted by the House on April 6, 1976.

(House File 1332 and the motion to reconsider amendment H—6072 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Small of Johnson in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Roll call revealed fifty-six members present, forty-four absent.

BUSINESS PENDING

The House resumed consideration of **House File 1332**, a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation, and the motion to reconsider the Drake, et al., amendment H—6072.

The motion lost.

The House resumed consideration of amendment H—5288.

Mennenga of Clinton offered the following amendment H—6190, to amendment H—5288, filed by him from the floor and moved its adoption:

H—6190

Amend the Miller amendment, H—5288, to House File 1332, page 1, line 8, by inserting after the word "settlement" the words ", which shall include a pro-rata portion of the vehicle registration fee for the remaining portion of the year,".

Amendment H—6190 was adopted.

The House stood at ease until the fall of the gavel.

The House resumed session, Small of Johnson in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed sixty-five members present, thirty-five absent.

Miller of Buchanan moved the adoption of amendment H—5288, as amended.

Roll call was requested by Wyckoff of Benton and Caffrey of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5288, as amended, be adopted?"

The ayes were, 37:

Avenson	Dieleman	Jesse	Pellett
Baker	Dunton	Jordan	Perkins
Bennett	Fitzgerald	Junker	Spear
Binneboese	Hansen	Lindeen	Spencer
Bortell	Harvey	Menke	Spradling
Branstad	Hennessey	Mennenga	Stromer
Byerly	Hines	Millen	Tofte
Cochran	Hinkhouse	Miller, K. D.	Woods
Crabb	Husak	Nielsen	Wyckoff
Danker			

The nays were, 53:

Bina	Evans	Kreamer	Pavich
Brandt	Gentleman	Lageschulte	Poncy
Brockett	Gilloon	Lipsky	Rinas
Brunow	Griffee	Lonergan	Schroeder
Caffrey	Halvorson	McElroy	Svoboda
Clark	Hargrave	Middleswart	Tauke
Connors	Harper	Miller, A. V.	Walter
Crawford	Higgins	Miller, O. L.	Welden
Cusack	Horn	Nealson	Wells
Daggett	Howell	Newhard	West
Doyle	Hutchins	Oakley	Wulff
Drake	Jochum	O'Halloran	Mr. Speaker
Dyrland	Koogler	Patchett	(Small)
Egenes	Krause		

Absent or not voting, 10:

Anderson	Hullinger	Norland	Scheelhaase
Bittle	Middleton	Readinger	Varley
Den Herder	Monroe		

Amendment H—5288, as amended, lost.

Varley of Adair offered the following amendment H—6189 filed by him from the floor:

H—6189

1 House File 1332 is amended as follows:

1. Page 1, by striking line 1 and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point one (321.1), Code 1975, is amended by adding the following new subsection:

'Motor home' means a self-propelled motor vehicle so manufactured, constructed or reconstructed as to permit its being used as a conveyance upon public streets or highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation and which is not designed to transport over nine persons as passengers. The term 'motor home' shall not apply to a 'mobile home' which is a trailer type vehicle.

Sec. 2. Chapter three hundred twenty-one (321), Code 1975, is amended by adding the following new section:

NEW SECTION. Motor homes. The owner of a motor vehicle designated by the manufacturer as a motor home may register the motor vehicle as a motor truck if it is used a majority of the time for commercial purposes but the annual registration fee shall be as provided in section three hundred twenty-one point one hundred nine (321.109), subsection one (1), Code 1975.

Section 3. Section three hundred twenty-one point four".

2. By renumbering subsequent sections to conform with the provisions of this amendment.

Varley of Adair offered the following amendment H—6192, to amendment H—6189, filed by him from the floor and moved its adoption:

H—6192

Amend the Varley amendment H—6189 to House File 1332 by inserting on line 27 after the figures "1975" the words "except those vehicles registered under section three hundred twenty one point twenty-three (321.23), Code 1975".

Amendment H—6192 was adopted.

Varley of Adair moved the adoption of amendment H—6189, as amended.

A non-record roll call was requested.

The ayes were 35, nays 45.

Amendment H—6189, as amended, lost.

By unanimous consent the following corrective amendment H—6218 filed by Krause of Palo Alto from the floor was adopted:

H—6218

Amend House File 1332 as follows:

1. Title page, line 3 by inserting after "licenses," the following: "temporary driver permits and instruction permits,".

2. Title page, line 6, by inserting after the word "rules," the following: "the transfer of motor vehicle certification,".

Koogler of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1332)

The ayes were, 93:

Anderson	Drake	Jordan	Pellett
Avenson	Dunton	Junker	Perkins
Baker	Dyrland	Koogler	Poncy
Bennett	Egenes	Krause	Readinger
Bina	Evans	Kreamer	Rinas
Binneboese	Fitzgerald	Lageschulte	Scheelhaase
Bittle	Gentleman	Lindeen	Spear
Bortell	Gilloon	Lipsky	Spencer
Brandt	Griffee	Lonergan	Spradling
Branstad	Halvorson	McElroy	Stromer
Brockett	Hansen	Menke	Svoboda
Brunow	Hargrave	Mennenga	Tauke
Byerly	Harper	Middleswart	Tofte
Caffrey	Harvey	Millen	Varley
Clark	Hennessey	Miller, A. V.	Walter
Cochran	Higgins	Miller, K. D.	Welden
Connors	Hines	Miller, O. L.	Wells
Crabb	Hinkhouse	Nealson	West
Crawford	Horn	Newhard	Woods
Cusack	Howell	Nielsen	Wulff
Daggett	Husak	Oakley	Wyckoff
Danker	Hutchins	O'Halloran	Mr. Speaker
Dieleman	Jesse	Pavich	(Small)
Doyle	Jochum		

The nays were, 1:

Schroeder

Absent or not voting, 6:

Den Herder	Middleton	Norland	Patchett
Hullinger	Monroe		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

OBJECTION TO UNANIMOUS CONSENT
(House File 1332)

Koogler of Mahaska asked for unanimous consent that **House File 1332** be immediately messaged to the Senate.

Objection was raised.

MOTION TO RECONSIDER LOST
(House File 1332)

Koogler of Mahaska moved to reconsider the vote by which House File 1332 passed the House.

A non-record roll call was requested.

The ayes were 46, nays 41

The motion, having failed to receive a constitutional majority, lost.

Speaker Cochran in the chair at 3:08 p.m.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

Menke of O'Brien offered the following House Memorial Resolution 105 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 105

Whereas, the Honorable Fred M. Jarvis of Buena Vista County, who was a member of the Fifty-seventh, Fifty-eighth, Fifty-ninth and Sixtieth sessions of the General Assembly, passed away on April 3, 1976, *Now, Therefore,*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Menke of O'Brien, Bennett of Ida and Baker of Buena Vista.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hines of Story for the remainder of the day on request of Brunow of Appanoose.

STEERING COMMITTEE CALENDAR

The House resumed consideration of House File 1478, a bill for an act regulating the establishment and use of electronic fund transfer systems.

Small of Johnson offered the following amendment H—6180 filed by him from the floor and moved its adoption:

H—6180

1 Amend House File 1478 as follows:

1. Page 1, by striking lines 27 through 29 and inserting in lieu thereof the words "[usage] *the satellite terminals permitted under division two (II) of this Act,* by means of which customers and banks may transmit and receive".

2. Page 2, line 30, by inserting after the word "Code" the words ", section three (3) of this Act".

3. Page 2, by striking lines 33 through 35, and page 3, by striking lines 1 through 13, and inserting in lieu thereof the following:

"Sec. 3. Chapter five hundred twenty-four (524), Code 1975, is amended by adding to division twelve (XII) the following new section:

NEW SECTION. LOCATION OF SATELLITE TERMINALS. Any state bank may utilize a satellite terminal, as defined in section nine (9) of this Act, when that satellite terminal is lawfully being operated, at any location within this state. A satellite terminal authorized by division two (II) of this Act shall not be subject to the restrictions on location or number set forth in section five hundred twenty-four point one thousand two hundred two (524.1202) of the Code. Any transaction engaged".

4. Page 4, line 15, by striking the words "*off-premise communication devices*" and inserting in lieu thereof the words "*satellite terminals*".

5. Page 6, lines 5 and 6, by striking the words "*off-premise communication devices*" and inserting in lieu thereof the words "*satellite terminals*".

6. Page 6, line 8, by striking the words "*account holder*" and inserting in lieu thereof the word "*member*".

7. Page 7, lines 7 and 8, by striking the words ", and nine (9)".

8. Page 7, by striking lines 21 through 29, and inserting in lieu thereof the following:

"3. That electronic funds transfer systems are essential facilities in the channels of commerce."

9. Page 7, line 30, by striking the numeral "6" and inserting in lieu thereof the numeral "4".

10. Page 8, lines 9 and 10, by striking the words "business permitted by law to be conducted by that financial institution" and inserting in lieu thereof the words "the business of the financial institution and which otherwise are specifically permitted by applicable law".

11. Page 9, by striking lines 17 and 18.

12. Page 10, by striking lines 22 through 28, and inserting in lieu thereof the following:

Page 2

"2. The satellite terminal shall be available for use on a nondiscriminatory basis by any other financial institution which has its principal place of business within this state, and by all customers

who have been designated by a financial institution using the satellite terminal and who have been provided with a physical object or other method, approved by the administrator, by which to engage in electronic transactions by means of the satellite terminal. No financial institution".

13. Page 10, line 34, by striking the word "facility" and inserting in lieu thereof the word "terminal".

14. Page 12, line 8, by inserting after the word "unit" the words ", unless operated by or solely on behalf of the controlling financial institution,"

15. Page 12, line 17, by striking the word "terminal," and inserting in lieu thereof the word "terminal".

16. Page 12, line 19, by inserting after the word "terminal." the words "A satellite terminal location shall not be used to advertise individual financial institutions or any group of financial institutions. The administrator is empowered to authorize such methods of identification as he or she deems necessary to enable the general public to determine the accessibilty of the satellite terminal."

17. Page 12, line 34, by inserting after the word "establishment" the words "and operation".

Amendment H—6180 was adopted.

Schroeder of Pottawattamie offered the following amendment H—6177 filed by Schroeder, Newhard, Tauke and Walter from the floor:

H—6177

Amend House File 1478 as follows:

1. Page 2, by inserting after line 19 the following sections:

"Sec. ..... Section five hundred twenty-four point one thousand two hundred two (524.1202), subsection one (1), Code 1975, is amended to read as follows:

1. Except as otherwise provided in subsection 2 of this section, no state bank shall establish a bank office *outside the corporate limits of a municipal corporation or* in a municipal corporation [or unincorporated area] in which there is already an established state or national bank or office, however the subsequent chartering and establishment of any state or national bank, through the opening of its principal place of business within the municipal corporation where the bank office is located, shall not affect the right of the bank office to continue in operation in that municipal corporation. *The existence and continuing operation of a bank office shall not be affected by the subsequent discontinuance of a municipal corporation pursuant to the provisions*

of sections three hundred sixty-eight point eleven (368.11) to three hundred sixty-eight point twenty-two (368.22), inclusive, of the Code. A bank office existing and operating on the effective date of this Act, which is not located within the confines of a municipal corporation, shall be allowed to continue its existence and operation without regard to this subsection.

Sec. ..... Section five hundred twenty-four point one thousand two hundred two (524.1202), subsection two (2), Code 1975, is amended to read as follows:

2. A state bank located in a municipal corporation may establish not more than two bank offices within the boundaries of the municipal corporation, each of which shall have adequate off-street parking as determined by the superintendent, and may also have facilities to serve pedestrian customers. A state bank located in a municipal corporation, or in an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, having a population of over fifty thousand [according to the most recent federal census may establish two such offices within the bodundaries of the municipal corporation or urban complex; if the municipal corporation or urban complex has a population of over one hundred thousand] but not over two hundred thousand *according to the most recent federal census,* the state bank may establish three

Page 2

such offices within the boundaries of the municipal corporation or urban complex; if the municipal corporation or urban complex has a population of over two hundred thousand, the state bank may establish four such offices within the boundaries of the municipal corporation or urban complex. Such a facility located in the proximity of a state bank's principal place of business may be found by the superintendent to be an integral part of the principal place of business, and not a bank office within the meaning of this section."

2. Amend the title, line 2, by inserting after the word "systems" the words "maintained off the premises of the principal places of business and offices of financial institutions, and establishing the numbers and locations of offices and electronic fund consumer terminals".

3. By renumbering sections and correcting internal references as necessary.

Schroeder of Pottawattamie offered the following amendment H—6185, to amendment H—6177, filed by him from the floor and moved its adoption:

H—6185

Amend amendment H—6177, to page 2 of House File 1478, as follows:

1. Page 1, by striking lines 44 through 48 and inserting in lieu thereof the following:

"thousand according to the most recent federal census may establish two such offices within the boundaries of the municipal corporation or urban complex; *however, such a municipal corporation or urban complex on boundaries of the state having a contiguous municipal corporation in another state may have one additional such office;* if the municipal corporation or urban complex has a population of over one hundred thousand but not over".

Amendment H—6185 was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—6177, as amended.

Amendment H—6177, as amended, was adopted.

Small of Johnson offered the following amendment H—6184 filed by him from the floor. Division was requested as follows:

H—6184

Amend House File 1478 as follows:

H—6184A

1. Page 10, by striking lines 2 through 10, and inserting in lieu thereof the following:

"3. A financial institution may establish any number of satellite terminals within the boundaries of any municipal corporation, or any urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, if the principal place of business or an office of that financial institution is also located within the boundaries of that municipal corporation or urban complex. A financial institution shall not establish a satellite terminal at any other location."

H—6184B

2. Page 13, by striking lines 8 through 16 and inserting in lieu thereof the following:

"8. A satellite terminal shall not be operated in a manner to permit a person to credit any demand deposit account, savings account, share account, or any other account representing a liability of a financial institution to that person, except transfers between separate accounts of that person with the same financial institution, unless the satellite

terminal is located either (a) within the county in which that financial institution maintains its principal place of business or within a county which is contiguous to or corners upon the county in which that financial institution maintains its principal place of business; or (b) within the boundaries of any municipal corporation or any urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, if an office of that financial institution which is not its principal place of business is also located within the boundaries of that municipal corporation or urban complex.

On motion by Small of Johnson, amendment H—6184A was adopted.

Small of Johnson moved the adoption of amendment H—6184B.

Roll call was requested by Bina of Scott and Drake of Muscatine.

On the question "Shall amendment H—6184B be adopted?"

The ayes were, 69:

Avenson	Egenes	Junker	Rinas
Baker	Evans	Koogler	Schroeder
Bennett	Fitzgerald	Krause	Small
Bittle	Gilloon	Lageschulte	Spear
Bortell	Griffee	Lipsky	Spencer
Brandt	Halvorson	Menke	Spradling
Branstad	Hansen	Mennenga	Stromer
Brockett	Hargrave	Middleswart	Svoboda
Brunow	Hennessey	Miller, A. V.	Tauke
Byerly	Higgins	Miller, O. L.	Tofte
Clark	Horn	Norland	Varley
Crabb	Howell	Oakley	Walter
Crawford	Hullinger	O'Halloran	Welden
Cusack	Hutchins	Patchett	Wells
Daggett	Jesse	Pavich	West
Danker	Jochum	Pellett	Woods
Doyle	Jordan	Poncy	Mr. Speaker
Dyrland			

The nays were, 19:

Anderson	Gentleman	Lindeen	Readinger
Bina	Harper	Lonergan	Scheelhaase
Binneboese	Harvey	McElroy	Wulff
Dieleman	Hinkhouse	Millen	Wyckoff
Drake	Kreamer	Newhard	

Absent or not voting, 12:

Caffrey	Dunton	Middleton	Nealson
Connors	Hines	Miller, K. D.	Nielsen
Den Herder	Husak	Monroe	Perkins

Amendment H—6184B was adopted.

With the adoption of amendment H—6184B, the following amendment H—6194 filed by Bina of Scott from the floor was out of order:

H—6194

Amend House File 1478 as follows:
1. Page 13, by striking lines 8 through 16.

Walter of Pottawattamie offered the following amendment H—6195 filed by Walter, Newhard and Tauke from the floor:

H—6195

Amend House File 1478 as follows:
1. Page 8, by striking lines 1 through 15 and inserting in lieu thereof the following:
"1. "Satellite terminal" means and includes any machine or device located off the premises of a financial institution, whether attended or unattended, by means of which the financial institution and its customers may engage through either the immediate transmission of electronic impulses to or from the financial institution or the recording of electronic impulses or other indicia or a transaction for delayed transmission to the financial institution, in transactions which are [incidental] *primarily related* to the conduct of business permitted by law to be conducted by that financial institution. However, the term "satellite terminal" does not include any such machine or device, *whether attended or unattended: (i)* wherever located, if that machine or device is not generally accessible to persons other than employees of a financial institution or an affiliate of a financial institution; *or (ii) when located on the premises of, and owned or operated by, a person primarily engaged in retail sales of goods or services, if that machine or device is used to effect retail sales of such goods or services in a transaction directly involving such person, a customer of a financial institution and that financial institution. Provided, that if such a machine or device is located on the premises of, or owned or operated by, a person primarily engaged in the retail sale of goods or services, and access to such machine or device is afforded to any financial institution, such person may be examined by the administrator as to any transaction by, with or involving a financial institution solely for the purpose of reconciling accounts and verifying the security and accuracy of such a machine or device, including any supporting equipment or systems, and all facts and information obtained in the course of such examination shall not*

be disclosed except to the examinee or as otherwise provided by law.:

Tauke of Dubuque asked for unanimous consent that action on amendment H—6195 be deferred.

Objection was raised.

Tauke of Dubuque moved that action on amendment H—6195 be deferred.

A non-record roll call was requested.

The ayes were 38, nays 47.

The motion lost.

Walter of Pottawattamie moved the adoption of amendment H—6195.

A non-record roll call was requested.

The ayes were 32, nays 51.

Amendment H—6195 lost.

Bina of Scott asked and received unanimous consent to withdraw amendment H—5899 (to page 13) filed by him on March 19, 1976, and found on page 1319 of the House Journal.

Bina of Scott offered the following amendment H—6193 filed by him from the floor and moved its adoption:

H—6193

Amend House File 1478 as follows:

1. Page 13, line 21, by inserting after the word "state." the following: "However, satellite terminals established in any county of this state which is contiguous to a border of this state may be utilized to accomplish all debit and credit transactions involving financial institutions established in any **county of another state when that county is contiguous to the same border of this state if the laws of that other state and if the persons in control of satellite** terminals located in that other state permit customers to utilize, on substantially equivalent terms and conditions, satellite terminals located in that state to accomplish transactions involving financial institutions in this state. The administrator shall promulgate rules which prohibit or limit the utilization of satellite terminals established in this state to accomplish transactions involving financial institutions located in another state to the extent necessary to assure compliance with the provisions of this section."

A non-record roll call was requested.

The ayes were 25, nays 52.

Amendment H—6193 lost.

Bina of Scott asked and received unanimous consent to withdraw amendment H—5900 filed by him on March 19, 1976, and found on page 1319 of the House Journal and the following amendments H—6178 and H—6187 filed by him from the floor:

H—6178

Amend House File 1478 as follows:

1. Page 13, by striking lines 17 through 21 and inserting in lieu thereof the following:

"9. Satellite terminals established in any county of this state which is contiguous to a border of this state may be utilized to accomplish transactions involving financial institutions established in any county of another state when that county is contiguous to the same border of this state if the laws of that other state and if the persons in control of satellite terminals located in that other state permit customers to utilize, **on substantially equivalent terms and conditions,** satellite terminals located in that state to accomplish transactions involving financial institutions in this state. The administrator shall promulgate rules which prohibit or limit the utilization of satellite terminals established in this state to accomplish transactions involving financial institutions located in another state to the extent necessary to assure compliance with the provisions of this section."

H—6187

Amend the Bina amendment H—6178, to page 13 of House File 1478, as follows:

1. Line 22, by inserting after the word "sections." the words "However, a satellite terminal located in this state shall not be operated in any manner to permit a person to credit any demand deposit account, savings account, share account or any other account representing a liability of a financial institution if that financial institution is located outside of this state, except pursuant to a third party transaction."

Bittle of Polk moved to reconsider the vote **by which amendment** H—6184B (to page 13) was adopted **by the House.**

A non-record roll call was requested.

The ayes were 42, nays 47.

The motion lost.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1478)

The ayes were, 88:

Anderson	Egenes	Krause	Pellett
Avenson	Evans	Kreamer	Perkins
Bina	Fitzgerald	Lageschulte	Poncy
Binneboese	Gentleman	Lindeen	Readinger
Bittle	Gilloon	Lipsky	Rinas
Bortell	Griffee	Lonergan	Schroeder
Brandt	Halvorson	McElroy	Small
Branstad	Hansen	Menke	Spear
Brockett	Hargrave	Mennenga	Spencer
Brunow	Harper	Middleswart	Spradling
Byerly	Hennessey	Middleton	Stromer
Caffrey	Higgins	Millen	Svoboda
Connors	Horn	Miller, A. V.	Tauke
Crabb	Howell	Miller, K. D.	Varley
Crawford	Hullinger	Miller, O. L.	Walter
Cusack	Husak	Monroe	Welden
Daggett	Hutchins	Nealson	Wells
Danker	Jesse	Newhard	West
Dieleman	Jochum	Norland	Woods
Doyle	Jordan	O'Halloran	Wulff
Drake	Junker	Patchett	Wyckoff
Dyrland	Koogler	Pavich	Mr. Speaker

The nays were, 5:

Baker	Hinkhouse	Nielsen	Scheelhaase
Harvey			

Absent or not voting, 7:

Bennett	Den Herder	Hines	Tofte
Clark	Dunton	Oakley	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

MOTION TO RECONSIDER LOST
(House File 1478)

Small of Johnson moved to reconsider the vote by which House File 1478 passed the House.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 44, nays 49.

The motion lost.

APPROPRIATIONS CALENDAR

Senate File 1192, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy, with report of committee recommending passage, was taken up for consideration.

Byerly of Polk offered the following amendment H—6182 filed by him and Brandt of Black Hawk:

H—6182

Amend Senate File 1192 as passed by the Senate as follows:

1. Page 1, by striking lines 12 through 25 and inserting in lieu thereof the following:

"*NEW SECTION.* The academy shall be the principal law enforcement library and media resource center and shall coordinate the use of law enforcement media resources with training centers and educational institutions to insure for the efficient use of state law enforcement media resources.

The academy shall offer state media resource assistance to any law enforcement training center or to any area school, college or university which provides law enforcement education."

Wyckoff of Benton asked for unanimous consent to insert before the period in line 15 of amendment H—6182 the words, "courses approved by the academy".

Objection was raised.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

Wyckoff of Benton offered the following amendment H—6214, to amendment H—6182, filed by him from the floor and moved its adoption:

H—6214

Amend amendment H—6182, to page 1 of Senate File 1192, as follows:

1. Page 1, by striking lines 14 and 15 and inserting in lieu thereof the following: "certified by the Iowa law enforcement academy council."

Amendment H—6214 was adopted.

Krause of Palo Alto offered the following amendment H—6217, to amendment H—6182, filed by him from the floor:

H—6217

Amend amendment H—6182, to page 1 of Senate File 1192 as follows:

1. By striking lines 3 through 15 and inserting in lieu thereof the following:

"1. Page 1, by striking lines 12 through 18 and inserting in lieu thereof the following:

NEW SECTION. The academy shall be the principal law enforcement library and media resource center and shall coordinate the use of law enforcement media resources with training centers and educational institutions located within the state which offer law enforcement education or training. The academy shall not offer state assistance to any training center or educational institution which does not enter into".

Brunow of Appanoose rose on a point of order that amendment H—6217 was not in order.

The Speaker ruled the point well taken and amendment H—6217 not in order.

Byerly of Polk moved the adoption of amendment H—6182, as amended.

A non-record roll call was requested.

The ayes were 72, nays 9.

Amendment H—6182, as amended, was adopted.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1192)

The ayes were, 67:

Anderson	Doyle	Husak	Nielsen
Avenson	Drake	Hutchins	Oakley
Baker	Dyrland	Jesse	O'Halloran
Bina	Egenes	Jochum	Patchett
Binneboese	Fitzgerald	Koogler	Pavich
Bittle	Gilloon	Krause	Poncy
Bortell	Griffee	Lageschulte	Readinger
Branstad	Halvorson	Lindeen	Scheelhaase
Brockett	Hansen	Lonergan	Schroeder
Brunow	Hargrave	McElroy	Spencer
Caffrey	Harper	Menke	Stromer
Clark	Harvey	Mennenga	Varley
Connors	Hennessey	Middleswart	Walter
Crabb	Higgins	Miller, A. V.	Wells
Cusack	Hinkhouse	Miller, O. L.	Woods
Daggett	Howell	Monroe	Wyckoff
Dieleman	Hullinger	Newhard	

The nays were, 24:

Bennett	Gentleman	Millen	Spradling
Brandt	Horn	Miller, K. D.	Svoboda
Byerly	Jordan	Pellett	Tauke
Crawford	Junker	Perkins	Welden
Danker	Lipsky	Rinas	Wulff
Evans	Middleton	Small	Mr. Speaker

Absent or not voting, 9:

Den Herder	Kreamer	Norland	Tofte
Dunton	Nealson	Spear	West
Hines			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 1192)

Oakley of Clinton moved to reconsider the vote by which **Senate File 1192** passed the House.

A non-record roll call was requested.

The ayes were 36, nays 49.

The motion lost.

AMENDMENT H—5487 WITHDRAWN
(House File 1454)

Bortell of Madison asked and received unanimous consent to withdraw amendment H—5487 (to page 8) to **House File 1454,** filed by him on March 3, 1976, and found on page 875 of the House Journal.

GOVERNOR'S VETO MESSAGE
(Senate File 1125)

A copy of the following communication was received and placed on file:

April 7, 1976

The Honorable Arthur A. Neu
Lieutenant Governor and President of the Senate
Sixty-sixth General Assembly
State Capitol Building
Local

Dear Governor Neu:

I am returning herewith Senate File 1125, an Act repealing the statutory appropriation for the state employees' disability plan, disappoved and without my signature to the Senate in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 1125 would repeal the standing unlimited appropriation for

the recently initiated state employees' disability insurance plan. Begun in January, 1975, the disability insurance program provides benefits to those state employees who are disabled for an extended period of time. If signed into law, Senate File 1125 would cause the disability insurance program to be financed from departmental budgets rather than the standing unlimited appropriation provided for in 79.21-22 of the Code.

—

The genesis for Senate File 1125 was a mutual desire by the legislative and executive branches to reflect in a departmental appropriation the full cost of operating that department. To that purpose, it was recommended to the General Assembly that the existing standing unlimited appropriation for the disability insurance program be repealed and that replacement funds be appropriated directly to the departments to cover the costs of the disability insurance.

While the General Assembly has promptly passed the repeal of the standing unlimited appropriation, they have unfortunately not provided the replacement funds to the agencies in most cases. I have already signed into law several departmental appropriations, such as Energy Policy, Medical Examiners, Citizen's Aide, and Environmental Quality, where only a flat two percent increase or no increase has been granted for departmental operations. Other agencies such as the Commerce Commission, the Department of Public Defense, and Soil Conservation have experienced similar treatment with their appropriations. If this trend were to continue, we may be forced to discontinue the disability insurance program altogether or force agencies to retrench elsewhere to make up these replacement costs.

The General Assembly leadership has been asked what their intentions are in this area. They have informed my office that they do not intend to provide replacement funds for the disability insurance program. They suggest instead that the agencies can finance the program by squeezing funds from their regular budgets.

The state employees' disability insurance program is too important to be dropped or slighted. If Senate File 1125 is not vetoed, we may be forced to cancel this valuable fringe benefit for employees or retrench in other areas to make up the difference. Since I have received no assurance from the legislative leadership that the costs of the disability insurance program will be adequately financed, I have decided to veto Senate File 1125.

I have directed the Comptroller's Office to assist the Executive Council in administering the standing unlimited appropriation for the disability insurance program in as prudent and frugal manner as possible. If a department is appropriated sufficient funds to cover the disability insurance costs, we will not use funds from the standing unlimited appropriation.

It should be noted that this retention of the standing unlimited appropriation does not increase my budget recommendations to you. Since my budget included the disability insurance costs, this action merely insures the departments will have sufficient funds to cover the costs of the disability insurance program. There will be no expenditure for disability insurance beyond what I recommended.

For the reasons I have outlined above, I hereby respectfully disapprove of this Senate File 1125.

Sincerely,
ROBERT D. RAY
Governor

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 7, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 749, an act relating to interest payments and interest penalties under the retail sales and income taxes.

House File 812, an act to allow the Governor to appoint the directors of certain commissions.

House File 1009, an act relating to the effective date of special assessments.

House File 1458, an act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973.

Senate File 1143, an act to legalize proceedings taken by the Board of Directors of the Grinnell-Newburg Community School District relating to the sale of certain property.

Senate File 1222, an act appropriating funds to the Department of General Services for capital improvements.

Senate File 1224, an act to appropriate funds to the State Department of Health for licensing speech pathologists and audiologists.

Senate File 1226, an act to appropriate and authorize expenditures for Centralized Printing, Centralized Purchasing and the Vehicle Dispatcher.

AMENDMENTS FILED

H—6203

Amend House File 769 as follows:

1. Page 1, line 34, by striking the words *"seventeen percent alcohol by weight"* and inserting in lieu thereof the words *"twenty-one percent alcohol by volume"*.

2. Page 2, line 7, by striking the words *"seventeen percent alcohol by weight"* and inserting in lieu thereof the words *"twenty-one percent alcohol by volume"*.

3. Page 13, by striking lines 6 through 9 and inserting in lieu thereof the words "no refund shall be made".

4. Page 25, line 35, and page 26, line 1, by striking the words "seventeen percent alcohol by weight" and inserting in lieu thereof the words "twenty-one percent alcohol by volume".

5. Page 33, line 21, by inserting after the word "beer" the word ", wine".

6. Page 34, line 8, by inserting after the word "beer" the word ", wine".

7. Page 37, line 13, by striking the words *"seventeen per centum by weight"* and inserting in lieu thereof the words *"twenty-one per centum by volume"*.

8. Page 37, by inserting after line 15 the following new section:

"Sec. ..... Sections one hundred twenty-three point thirty-six (123.36), one hundred twenty-three point fifty-three (123.53), and one hundred twenty-three point fifty-five (123.55), Code 1975, are amended by striking the words "beer and liquor control fund" wherever in those sections the words appear, and inserting in lieu thereof the words "beer, wine and liquor control fund"."

9. Amend the title, lines 2 and 3, by striking the words "seventeen percent alcohol by weight" and inserting in lieu thereof the words "twenty-one percent alcohol by weight".

BINA of Scott

H—6212

Amend the committee on ways and means amendment, H—6065, to House File 769, as follows:

1. Page 1, line 9, by inserting after the word "chapter." the words *"However, the department shall not purchase after February 28, 1979, any wine for resale by the department, it being the intent of this subsection that the department shall phase out by regular sales any inventory of wine in its possession on that date, and that the department shall not thereafter engage in the sale of wine, except as provided in subsection eight (8) of this section."*

BINA of Scott

H—6213

Amend the Hansen, et al., amendment H—5234 to page 2 of Senate File 1072 as follows:

1. Page 2, by inserting after line 18 the following new section:

"Sec. ..... Section six hundred two point fifty-nine (602.59), subsection four (4), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. A substitution shall not be made pursuant to this section until all of the following have been complied with:

(1) At least thirty days prior to the date of an order of substitution provided for in subsection one (1) of this section, the chief judge shall cause notice of the proposal to order substitution to be published twice in a newspaper published in the county seat of the affected county, which notice shall state the date and time of a public hearing before the district judges of the judicial election district at the courthouse of the affected county. A written notice of said hearing shall be served in the manner of an original notice on each of the magistrates presently serving in that county at least twenty days prior to the date of the hearing.

(2) At the hearing public comment shall be heard, whether in support of and opposed to the proposed order, and any magistrate currently in office shall **have the right to testify and to question witnesses.** The judges shall hear and consider all matters relating to the proposal, including but not limited to, the past record of the existing magistrate court, any complaints of citizens regarding the efficiency of the existing court or the proposed court after a substitution, and the estimated additional expense or savings to the public resulting from the proposed change.

(3) Any person aggrieved by an order of substitution may appeal to the supreme court in the manner prescribed for appeal of final judgments in civil cases. Any existing magistrate or taxpayer and citizen of the affected county shall constitute an aggrieved party with a right of appeal."

2. By renumbering sections and correcting internal references as necessary.

MIDDLESWART of Warren

H—6215

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, as follows:

1. **Page 1, by inserting after line 10 the following:**

"NEW SUBSECTION. "Registration commission" **means the state voter registration commission established by section ..... of this Act."**

2. **Page 3, by striking lines 3, 4 and 5 and** inserting in lieu thereof the words "county. Administrative and clerical".

3. **Page 3, by striking lines 10 through 19 and** inserting in lieu thereof the following:

"47.5 PURCHASING BY COMPETITIVE BIDDING.

1. The commissioner shall take bids for [any] goods and services *which are needed in connection with registration of voters or preparation for or administration of elections and* which will be performed or provided by persons who are not employees of the commissioner [and where the costs of such services exceed five thousand dollars per contract in the case of contracts for the printing of ballots or, in the case of other services, two thousand five hundred dollars per contract.] *under the following circumstances:*

a. In any case where it is proposed to purchase data processing services. The commissioner shall give the registrar written notice in advance on each occasion when it is proposed to have data processing services, necessary in connection with the administration of elections, performed by any person

other than the registrar or an employee of the county. Such notice shall be made at least thirty days prior to publication of the specifications.

b. In the case of arrangements for printing of ballots, where the cost of the printing will exceed five thousand dollars.

c. In all other cases, where the cost of the goods or services to be purchased will exceed one thousand dollars.

d. No bids shall be required for legal services.

[The]

2. When it is proposed to purchase any goods or services, other than data processing services, in connection with administration of elections, the commis-".

4. Page 3, line 29, by striking the words "the date the bid is let" and inserting in lieu thereof the words "[the] *such final* date [the bid is let]".

5. Page 3, by striking line 50, and page 4, by

Page 2

striking lines 1 through 34, and inserting in lieu thereof the following:

"3. The procedure for purchasing data processing services in connection with administration of elections shall be the same as prescribed in subsection two (2) of this section, except that the required copy of the bid specifications shall be filed with the registrar rather than the state commissioner. The specifications for data processing contracts relative to voter registration records shall be specified by the registration commission. The registrar shall, not later than the final date for submission of bids, inform the commissioner in writing whether the state comptroller's data processing facilities are currently capable of furnishing the services the county proposes to purchase, and if so the cost to the county of so obtaining the services as determined in accordance with the standard charges therefor adopted by the registration commission. The commissioner, with approval of the board of supervisors, may reject all bids and enter into an arrangement with the registrar for the services to be furnished by the state. The commissioner may recommend and the board of supervisors may approve purchasing the needed services from the lowest responsible bidder, however if the needed services could be obtained through the registrar at a lower cost, the board shall publish notice twice in a newspaper of general circulation in the county of its intent to accept such bid and of the difference in the amount of the bid and the cost of purchasing the needed services from the state comptroller's data processing facilities through the registrar. Each contract for the furnishing of data processing

services, necessary in connection with the administration of elections, by any person other than the registrar or an employee of the county shall be executed with the contractor by the board of supervisors of the county purchasing the services, but only after the contract has been reviewed and approved by the registration commission. Such contract shall be of not more than one year's duration. Each county exercising the option to purchase such data processing services from a provider other than the registrar shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by rules promulgated by the registration commission."

6. Page 4, line 35, by striking the word "Any" and inserting in lieu thereof the figure and word

Page 3

"4. Any".

7. Page 4, line 43, by striking the words *"contract, which"* and inserting in lieu thereof the word *"contract."*

8. Page 4, by striking lines 44 and 45 and inserting in lieu thereof the words *"A new contract with the same provider may be entered into in accordance with subsection three (3) of this section."*

9. Page 4, by inserting after line 45 the following new section:

"..... Page 9, line 21, by striking the word *"latter"* and inserting in lieu thereof the words *"regularly scheduled"*.

10. Page 5, line 4, by striking the word "supervise" and inserting in lieu thereof the word "regulate".

11. Page 5, line 12, by inserting after the word "state" the words ", except as otherwise provided by section forty-eight point five (48.5), subsection two (2), paragraph d of the Code".

12. Page 5, by striking lines 18 through 33 and inserting in lieu thereof the following:

"2. The registrar shall offer to each county in the state the opportunity to arrange for performance of all functions referred to in subsection one (1) of this section by the data processing facilities of the state comptroller's office, commencing at the earliest practicable time, at a cost to the county determined in accordance with the standard charges for those services adopted by the registration commission. A county may accept this offer without taking bids under section forty-seven point five (47.5) of the Code.

3. Any county may use its own data processing facilities for voter registration record keeping and utilization functions, if the system design and the form".

13. Page 5, lines 35 and 36, by striking the words "adopted by the registrar" and inserting in lieu thereof the words "promulgated by the registration commission".

14. Page 5, by striking lines 49 and 50 and inserting in lieu thereof the following: "commission shall consist of the state commissioner of elections, or his or her designee".

15. Page 6, by striking line 7 and inserting in lieu thereof the following:

"2. The registration commission shall prescribe the forms required for voter registration by rules promulgated pursuant to chapter seventeen A (17A)

Page 4

of the Code.

3. The registrar shall provide staff services".

16. Page 6, line 9, by inserting after the word "to" the words "the activities of the registrar's office in connection with the".

17. Page 6, lines 10 and 11, by striking the words "two commission members" and inserting in lieu thereof the words "commission member".

18. Page 6, by striking lines 17 through 25 and inserting in lieu thereof the following:

"4. The registration commission shall annually adopt a set of standard charges to be made for the services the registrar is required to offer to the several commissioners, and for furnishing of voter registration records which are requested by persons other than the registrar, the state commissioner or any commissioner pursuant to section forty-eight point five (48.5), subsection two (2) of the Code. These charges shall be sufficient to reimburse the state for the actual cost of furnishing such services or information, and shall be specified by unit wherever possible. The standard charges shall be adopted by the commission by January fifteenth of each calendar year."

19. Page 6, lines 33 and 34, by striking the words "*state commissioner*" and inserting in lieu thereof the words "*registration commission*".

20. Page 7, line 11, by striking the word "*registrar*" and inserting in lieu thereof the words "*registration commission*".

21. Page 7, by striking lines 24, 25 and 26 and inserting in lieu thereof the words "by the requestor, so long as that order and form are within the [capability] *capacity* of the system used by the [commissioner] *registrar.*"

22. Page 8, line 17, by striking the words "[the same] *a*" and inserting in lieu thereof the words "the same".

23. Page 8, line 18, by striking the words "[, which shall be]" and inserting in lieu thereof the

words ", which shall be".

24. Page 8, by inserting after line 33 the following new section:

"Sec. ..... Section forty-eight point sixteen (48.16), Code 1975, is amended to read as follows:

48.16 PENALTIES. Any officer or employee, *or any person who has contracted with a commissioner to perform services in the implementation of this chapter,* who shall willfully fail to perform or enforce any of the provisions of this chapter, or who shall

Page 5

unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall willfully destroy any record provided by this chapter, or any person who shall willfully or fraudulently register more than once, or register under any but his *or her* true name, or votes or attempts to vote by impersonating another who is registered, or who willfully or fraudulently registers in any election precinct where he *or she* is not a resident at the time of registering, or who adds a name or names to a page or pages, or who violates any of the provisions of this chapter, shall be guilty of felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year.

For the purposes of this section, the alteration or destruction of any machine readable compilation of voter registration records which has not been replaced by a more recent revision of the same record shall constitute destruction of a record provided by this chapter."

25. Page 8, line 41, by striking the word "individual" and inserting in lieu thereof the words "eligible elector".

26. Page 9, line 12, by striking the word "*section*" and inserting in lieu thereof the word "*chapter*".

DRAKE of Muscatine
MONROE of Des Moines
TAUKE of Dubuque
SCHROEDER of Pottawattamie

H—6216

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, page 10, by inserting after line 29 the following new sections:

"..... Page 25, line 10, by striking the word "voting" and inserting in lieu thereof the word "election".

..... Page 26, line 6, by striking the word "voting" and inserting in lieu thereof the word "election".

..... Page 27, by inserting after line 25 the following new section:

Sec. ..... Chapter fifty-seven (57), Code 1975, is amended by adding the following new section:

NEW SECTION. CONTEST COURT FOR CONTEST OF PUBLIC MEASURE. The court for the trial of a contested election on a public measure shall consist of one person designated by the petitioners who are contesting the election, who shall be designated in writing by the petitioners at the time the contest is filed, one person designated by the county commissioner of elections to represent the interests adverse to those of the petitioners, and a third person who shall be chosen jointly by the designees of the petitioners and of the commissioner."

MONROE of Des Moines
DRAKE of Muscatine

H—6196

Amend House File 1164 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* AFFIRMATIVE ACTION PROGRAMS. The director or chief administrative officer of each state agency and the governing body of each political subdivision of the state shall adopt a written affirmative action program containing goals and time specifications for employment of persons who are members of protected classes under the provisions of chapter six hundred one A (601A) of the Code. Each such agency and political subdivision shall regularly review its policies of personnel practices and procedures in order to correct any practices and procedures which may contribute to discrimination in employment assignment or advancement.

Annually, each state agency and political subdivision shall submit a report to the governor containing a copy of the agency's or political subdivision's affirmative action program and employment information for the preceding year, indicating the agency's or political subdivision's compliance with the provisions of this section.

The governor, or a designee, shall review the reports of the state agencies and political subdivisions and shall inform in writing any state agency or political subdivision which has submitted an affirmative action program which is inadequate."

2. Amend the title, line 1, by inserting after the word "of" the words "state agencies and".

MIDDLETON of Black Hawk
OAKLEY of Clinton
TAUKE of Dubuque
O'HALLORAN of Black Hawk

H—6211

Amend amendment H—6196, to page 1 of House File 1164 as follows:

1. By inserting after line 28 the following:

"Any governing board of a county employing more than one hundred (100) persons, and any other governing board of a political subdivision employing more than ten (10) persons shall maintain central employment and personnel records in furtherance of this Act. For the purposes of this paragraph, all employees of a political subdivision of this state shall be deemed to be under the control of the governing board of the political subdivision."

GILLOON of Dubuque

H—6181

Amend House File 1216 as follows:

1. Page 1, line 19, by striking the figure "$1,339,373" and inserting is lieu thereof the figure "$1,362,309".

KREAMER of Polk

H—6204

Amend House File 1216 as follows:

1. Page 1, by inserting after line 19 the following section:

"Sec. 2. Section nineteen point seven (19.7), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The proceeds of such loan shall be applied toward the payment of costs and obligations necessitated by such actual or potential disaster and the reimbursement of local funds from which such expenditures have been made. Any such project for repair, rebuilding or restoration of state property for which no specific appropriation has been made, shall, before work is begun thereon, be subject to approval or rejection by the executive council. *The executive council may incur expenses necessary to perform or cause to be performed duties imposed on the council by this section and may pay such expenses from money in the state treasury not otherwise appropriated.*"

2. By renumbering remaining sections and correcting internal references in accordance with the amendment.

DUNTON of Keokuk

H—6207

Amend House File 1368 as follows:

1. Page 1, by striking line 5 and inserting in lieu thereof the words "exceed an amount equal to [one and one-half] *three-fourths of one* percent".

2. Page 1, by striking line 20 and inserting

in lieu thereof the words "exceed an amount equal to [one and one-half] *three-fourths of one* percent".

HALVORSON of Clayton

H—6197

Amend House File 1510 as follows:

1. Page 1, line 18, by striking the word "*if*:" and inserting in lieu thereof the word "*if*".

2. Page 1, line 19, by striking "*a. The*" and inserting in lieu thereof the word "*the*".

3. Page 1, line 22, by striking the words "*days; and*" and inserting in lieu thereof the word "*days.*"

4. Page 1, by striking lines 23 through 25.

BITTLE of Polk

H—6198

Amend House File 1510 as follows:

1. Page 1, by striking lines 13 through 35.

2. Page 2, by striking lines 1 through 3.

BITTLE of Polk

H—6199

Amend House File 1510 as follows:

1. Page 2, by striking lines 4 through 25.

BITTLE of Polk

H—6200

Amend House File 1510 as follows:

1. Page 2, by striking lines 26 through 35.

2. Page 3, by striking lines 1 through 16.

BITTLE of Polk

H—6201

Amend House File 1510 as follows:

1. Page 3, lines 31, by striking the words "and eight (8),".

2. Page 4, by striking lines 10 through 20.

BITTLE of Polk

H—6202

Amend House File 1510 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section seventeen A point four (17A.4), subsection one (1), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. Upon the request of at least two members of the administrative rules review committee, publish in the "Iowa Administrative Code" an estimate of the economic impact of the proposed rule adoption, amendment, or repeal upon all persons affected by it and upon the agency itself. If the agency determines that such an estimate cannot be

formulated, the reasons for impossibility of formulation shall be published instead of the estimate. An estimate shall be published at least fifteen days in advance of the action."

BITTLE of Polk

H—6208

Amend amendment H—6133 to House File 1510 as follows:

1. Page 5, by striking lines 43 through 50 and inserting in lieu thereof the following:

"Sec. ..... This act shall become effective on May 1, 1977."

WOODS of Polk

H—6205

Amend H—5285, filed by the committee on education to page 1 of Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, line 16, by striking the words "complete and impartial" and inserting in lieu thereof the words "full and fair".

2. Page 4, line 36, by striking the words "complete and impartial" and inserting in lieu thereof the words "full and fair".

KREAMER of Polk

H—6206

Amend H—5285, filed by the committee on education, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, line 21, by striking the comma (,) and inserting in lieu thereof a period (.).

2. Page 4, by striking all of line 22.

3. Page 4, line 23, by striking the word "testimony.".

KREAMER of Polk

H—6210

Amend Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 25, by striking the word "two" and inserting in lieu thereof the word "three".

2. Page 4, by striking lines 16 through 35 and inserting in lieu thereof the following:

"6. If the teacher has been employed at least three years as a teacher, the teacher may appeal the action of the board to terminate a contract. However, no teacher who has been employed by each board of directors as a teacher for less than three consecutive school years shall have the right to appeal a termination of employment under this section unless the appeal is based upon an alleged violation of a constitutionally guaranteed right of the teacher or

an alleged violation of public employees rights of the teacher under section twenty point ten (20.10) of the Code. A teacher's first three years of employment are probationary, and the teacher's employment may be terminated by the school board at the end of the contract year. A probationary teacher may also be terminated under the provision of section two hundred seventy-nine point twenty-four (279.24) of the Code. In case of the termination of employment or discharge of a teacher under the provisions of either this section or section two hundred seventy-nine point twenty-four (279.24) of the Code, the teacher may appeal the decision to an arbitration panel within twenty days. The notice of appeal shall be sent to the secretary of the board whose decision is being appealed. Within five days following receipt by the secretary of the notice of appeal, the secretary shall call a meeting of the teacher or his representative, and the school board or its representative, at which the secretary shall present a list of the names of the persons from that county on the petit juror list for the district court in the county in which the administrative offices of the school district are located. The school board and the teacher shall each remove names from the list until the names of three persons remain and these three persons shall constitute the arbitration panel. The party entitled to remove the first name shall be determined by lot. The secretary of the board shall immediately notify the clerk of the district court of the names of the persons selected to serve as the arbitration panel. Within ten days following the receipt of the names of the persons selected to serve as the arbitration panel, the clerk of court shall call a meeting of the arbitration panel at which

Page 2

time the panel shall select one of its members to act as chairperson and one to act as secretary. The clerk of court shall notify the secretary of the school board as to the time and the place of the meeting. The secretary of the board shall deliver to the meeting all records of transcripts of the proceedings relating to the termination of the teacher's contract. The arbitration panel shall set a date, time and location for holding a hearing which shall be not later than ten days following the date of the organizational meeting. The panel shall hear the matter de novo and shall take testimony. The panel may subpoena witnesses and documents relating to the matter being heard. Within ten days following the hearing, the panel shall render a decision on the appeal. The panel may reinstate the teacher and award back pay. A complete transcript of the arbitrator's hearings shall be kept and made available

upon request by the interested parties. A copy of the decision shall be sent by certified mail to the **teacher and school board secretary. All costs of** the appeal shall be shared equally by the teacher and school board."

3. Page 5, by striking lines 1 through 35.

4. Page 6, by striking lines 1 through 27.

HULLINGER of Decatur
MIDDLESWART of Warren
DAGGETT of Adams
MILLER of Cerro Gordo
DUNTON of Keokuk
HANSEN of O'Brien

H—6209

Amend Senate File 547, as amended and passed by the Senate, as follows:

1. Page 1, line 2, by striking the word "section" and inserting in lieu thereof the word "**sections**".

2. Page 1, by inserting after line 14 the following:

NEW SECTION. Land may be severed from an established drainage or levee district in which the improvement has been constructed by the procedure established by this section. This procedure shall be available only with respect to land located on the perimeter of the district or served solely by a lateral of the district's main ditch or drain.

1. Any person owning land to which this section is applicable may present to the board of supervisors **or board of trustees in control of the district a** petition alleging that:

a. The land or a particular portion of it, which shall be specifically and intelligibly described in the petition, is receiving no material benefit from the district and should therefore be severed from it because:

(1) The report of the engineer pursuant to which the district was initially established or expanded to include the specified land was in error, and the specified land has not in fact been benefited by the district; or

(2) Circumstances have changed since the district was initially established or expanded to include the specified land, so that the land no longer receives any benefit from the district.

b. Severance of the specified land from the district will not damage any other land in the district, except insofar as the benefit previously apportioned to the specified land must be reapportioned to the remaining land in the district.

2. When a petition is presented pursuant to subsection one (1) of this section, the allegations made in the petition shall be promptly investigated

by the board. Unless the board concludes that the allegations made in the petition are entirely without merit, it shall appoint an engineer with the qualifications specified in this chapter to examine the lands described in the petition and to make a survey and plat thereof showing their relation, elevation and condition of drainage with reference both to the district of which they are a part, and to any other established district by which these lands are being benefited. The engineer shall make and file with the auditor a report as provided in this

Page 2

chapter for the original establishment of a district, which report shall specify the character of any benefits received by those lands, and the district or districts, if any, from which benefits are received. The costs incurred in conducting the survey shall be assessed against the petitioner.

3. If the engineer's report confirms the allegations made in the petition, the board shall:

a. So notify the petitioning landowner, and shall notify all other landowners in the district in the manner provided by section four hundred fifty-five point twenty-one (455.21) of the Code. The notice shall in each case state that thirty days from the date of the notice the land specified in the petition shall be severed from the district, except that the filing of an appeal under subsection five (5) of this Act shall stay the severance of the land until disposition of the appeal.

b. Send notice of the fact to the board of any other district from which the engineer's report shows that these lands are receiving benefit. The board of each district which receives such a notice shall initiate proceedings to annex the appropriate lands, in the manner prescribed by law.

4. If the finding is that the allegations made in the petition are not valid, the board shall notify the petitioning landowner that the petition is denied.

5. Either the petitioning landowner or any other landowner in the district, if aggrieved by the finding on the allegations made in the petition, may appeal to the district court as provided in sections four hundred fifty-five point ninety-two (455.92) through four hundred fifty-five point ninety-nine (455.99), inclusive, of the Code.

6. Upon severing land from the district pursuant to this section, the board shall either reapportion the benefit previously apportioned to the severed land among all the remaining lands in the district in proportion to the respective benefits previously apportioned to those lands, or order a reclassification of the remaining lands in the district."

3. Page 1, by inserting after line 29 the

following:
"Sec. ..... Section four hundred fifty-five point one hundred twenty-eight (455.128), Code 1975, is amended by adding the following new subsection:
NEW SUBSECTION. Upon receiving notice from the board of any other district that an engineer's report, prepared in accordance with section one (1) of this Act, shows that lands not currently a part of the

Page 3

district are in fact receiving benefits from the district, the board may adopt a resolution of necessity for annexation of those lands without obtaining an engineer's report as otherwise required by this section."
4. Amend the title, line 1, by inserting after the word "of" the words "and the severance of certain land from".

STROMER of Hancock

H—6191

Amend Senate File 1207 as passed and reprinted by the Senate as follows:
1. Page 1, line 23, by striking the words "recreational vehicles," and inserting in lieu thereof the word "including".
2. Page 1, by striking line 34 and inserting in lieu thereof the words "Standards relating to adequate lighting coupled with efficiency in sources of light energy shall apply as well".
3. Page 1, by inserting after line 35 the following new subsection:
"3. The standards, specifications and requirements of a housing code promulgated under section eight (8), subsection one (1), paragraph g, of this Act shall apply to every city which, by the last federal census, had a population of fifteen thousand or more."
4. By renumbering the remaining subsections of section 3.
5. Page 2, line 1, by striking the word "The" and inserting in lieu thereof the following: "Except for the provisions of section three (3), subsection two (2), the".
6. Page 2, line 2, by inserting after the word "buildings" the words "on tracts of land of forty acres or more".
7. Page 2, line 4, by inserting after the words "nor to" the words "owner-occupied".
8. Page 2, line 9, by inserting after the word "The" the words "appropriate divisions of the".
9. Page 2, line 12, by inserting after the word "of" the words "one or more divisions of".
10. Page 2, line 15, by inserting after the word "The" the words "applicable divisions of the".
11. Page 5, line 12, by striking the word "who" and inserting in lieu thereof the words ", three of

whom".

12. Page 5, line 14, by inserting after the word "Act." the following:

"Two members shall be local building officials directly responsible for enforcement of the code, and two members shall represent the general public."

13. Page 6, by striking line 24 and inserting in lieu thereof the words "components and mobile homes."

14. Page 7, line 22, by inserting after the word "techniques," the word "trades".

15. Page 9, by inserting after line 26 the following:

"5. The building code commissioner shall immediately notify all local governments of revisions adopted as part of the state building code. Unless the local government files a request for local variation with

Page 2

respect to these revisions within ninety days of the date of notification by the commissioner, the local government shall be held responsible for enforcing the revisions so adopted."

16. Page 10, line 10, by inserting after the word "techniques," the word "trades".

17. Page 12, line 20, by striking the words "If a local" and lines 21 through 25.

18. Page 14, by inserting after line 9 the following new subsections:

"10. Where the housing code provisions of this Act are applicable, no existing rented or leased dwelling shall be occupied in whole or in part until the issuance of a certificate of occupancy by the local enforcement agency indicating that such dwelling conforms to the provisions of section eight (8), subsection one (1), paragraph g, of this Act or applicable local ordinance.

11. If any dwelling occupied in whole or in part is in violation of subsection ten (10) of this section, no rent shall be recoverable by the owner or lessee of such premises for the period of unlawful occupation, and no action or special proceeding shall be maintained therefor or for possession of the premises for nonpayment of rent, and the premises shall be deemed unfit for human habitation and an order to vacate may be issued."

19. Page 14, line 31, by inserting after the word "jurisdiction" the following: "unless inspected by the state pursuant to section twelve (12), subsection one (1) of this Act".

20. Page 15, by striking lines 8 through 15 and inserting in lieu thereof the following:

"Sec. 16. *NEW SECTION.* INJUNCTIVE RELIEF. The commissioner or the local enforcement agencies may obtain injunctive relief from any court of competent jurisdiction to enjoin the occupancy other than owner-occupancy, erection, alteration, or installation of any building covered by this Act, or to enjoin the offering

for sale, sale, delivery, use, occupancy, erection, alteration, or installation of any factory built structure covered by this Act, upon an affidavit specifying the manner in which the building does not conform to the requirements of this Act or the Iowa building code."

21. Page 15, line 20, by striking the word "one" and inserting in lieu thereof the word "five".

22. Page 15, line 23, by striking the words "Each day the violation continues" and line 24.

23. Page 18, line 21, by striking the word "should" and inserting in lieu thereof the word "shall".

24. Page 18, line 22, by striking the comma and inserting in lieu thereof a period.

Page 3

25. Page 18, by striking line 23 and the words "for each month of operation." in line 24.

26. Page 18, line 32, by inserting after the figures "(135.14)," the words and figures "one hundred thirty-five point fifteen (135.15),".

COMMITTEE ON CITIES
RINAS of Linn, Chair

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:00 p.m. until 9:00 a.m., Thursday, April 8, 1976.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day—Fifty-eighth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, APRIL 8, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend L. Hume Ward, pastor of the Windsor Presbyterian Church, Des Moines, Iowa.

The Journal of Wednesday, April 7, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Maplethorpe, Jr., Toledo, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dyrland of Clayton on request of Cusack of Scott; Perkins of Greene for the morning session on request of Hutchins of Guthrie.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Thirty-two senior government students from Rockwell-Swaledale High School, Rockwell, Iowa, accompanied by Jim Fredrickson. By Miller of Cerro Gordo.

Ten senior government students from Rake High School, Rake, Iowa, accompanied by Dave Sibley. By Branstad of Winnebago.

Fifty-six fifth grade students from Clive Elementary School, Clive, Iowa, accompanied by Mrs. Myrle Sauerman and Mrs. Doris Telehaw (teachers) and Mrs. Jack Shaw and Dave Banowetz (parents). By Readinger of Polk and Bittle of Polk.

Seventy-four eighth grade students from the Junior-Senior

High School, Nashua, Iowa, accompanied by Mrs. Joe Carter and Terry Baake. By Griffee of Chickasaw.

Fourteen senior government students from Denver High School, Denver, Iowa, accompanied by Paul Eckerman. By Lageschulte of Bremer.

Seventy eighth grade students from Oelwein Junior High School, Oelwein, Iowa. By Avenson of Fayette.

Eleven eleventh and twelfth grade government class students from Southeast Polk High School, Runnells, Iowa, accompanied by Mr. Hakeman. By Nielsen of Polk and Woods of Polk.

Thirty students from Twin Rivers High School, Bode, Iowa, accompanied by Nancy Warren and Jane Enfield. By Krause of Palo Alto.

Fifty fifth grade students from Red Oak Community School, Red Oak, Iowa, accompanied by Sue Timmerman and Rick Johnson. By McElroy of Fremont.

Thirty-five junior and senior students from Central High School, Waterloo, Iowa, accompanied by Larry Hamilton. By O'Halloran of Black Hawk, Brandt of Black Hawk, Middleton of Black Hawk, Wulff of Black Hawk and Millen of Van Buren.

Forty-five senior students from Montezuma High School, Montezuma, Iowa, accompanied by Joe E. Brown. By Dieleman of Marion.

Thirty senior students (from the Zearing and McCallsburg area) from Nesco Senior High School, Zearing, Iowa, accompanied by Mr. Roberts and Mr. Faaborg. By West of Marshall and Egenes of Story.

PETITIONS FILED

The following petitions were received and placed on file:

By Schroeder of Pottawattamie from three hundred seven citizens favoring state funding for mass transportation.

By Krause of Palo Alto from one hundred seventy-nine residents from Ottumwa favoring passage of House File 1502, relating to public transit.

By Brunow of Appanoose from two hundred nineteen citizens of Wapello County favoring allocation of state funds to develop a statewide mass transit system.

SENATE MESSAGES CONSIDERED

Senate File 1215, a bill for an act relating to the number of district court judges per judicial election district.

Read first time and **passed on file.**

Senate File 1238, a bill for an act providing for the issuance of a warning ticket for defective light equipment.

Read first time and **passed on file.**

Senate File 1272, a bill for an act relating to security interests regulated by the Uniform Commercial Code.

Read first time and **passed on file.**

Senate File 1279, a bill for an act to legalize and validate the proceedings of the Polk County Commissioner of Elections in connection with an election in and for the City of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto.

Read first time and referred to committee on ways and means.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 6, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 114, a bill for an act to modify certain accounting procedures of the office of auditor of state.

Also: That the Senate has on April 6, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1106, a bill for an act relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly.

Also: That the Senate has on April 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1058, a bill for an act making an appropriation to the Volga River project.

Also: That the Senate has on April 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1087, a bill for an act making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet.

Also: That the Senate has on April 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1276, a bill for an act making an appropriation to certain funds for providing assistance to local governing bodies including the municipal assistance fund.

Also: That the Senate has on April 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1282, a bill for an act to increase certain vehicle width limitations from thirteen to fourteen feet.

Also: That the Senate has on April 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1283, a bill for an act relating to and making an appropriation to the Iowa beer and liquor control department.

Also: That the Senate has on April 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1284, a bill for an act relating to administration of Chapter 324 of the Code and the motor vehicle use tax program and appropriating funds from the motor vehicle fuel tax fund to the department of revenue for such purposes.

Also: That the Senate has on April 6, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1285, a bill for an act temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application.

STEVEN C. CROSS, Secretary

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 48 for the education subcommittee of the standing committee on appropriations' meeting.

ADOPTION OF HOUSE RESOLUTION 114

Baker of Buena Vista asked and received unanimous consent for the immediate consideration of **House Resolution 114**, filed on April 7, 1976, and found on page 1683 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Monroe of Des Moines called up for consideration **House File 1011**, a bill for an act to amend the election laws of the state of Iowa by specifying the times when special elections may be called and held, clarifying the requirement that nominating petitions for candidates for public office be accompanied by an eligible elector's affidavit, clarifying the manner in which ballots cast by challenged or handicapped electors are to be received, handled and canvassed, requiring that county election commissioners notify the state commissioner when a recount of primary election ballots is granted, requiring that certain officeholders seeking

other elective office resign from the office currently held to qualify for the general election ballot and that candidates nominated by write-in votes in certain elections affirm their candidacy, changing the manner of filling vacancies on city primary election ballots in special charter cities, changing the time when the number of delegates to be elected to county political party conventions by each precinct caucus must be designated, stating the functions of state political party conventions, changing the time when petitions for certain candidates nominated under chapter forty-four (44) of the Code must be filed, clarifying the permissible uses of voter registration records, altering the procedures for certain registered voters to record a change of name or address, specifying certain hours when the office of the county commissioner of elections must be open or make alternative arrangements to receive registration material from mobile deputy registrars, clarifying the time and method of holding and canvassing and the formula for determining who is nominated or elected in certain city elections, clarifying the number of voting machines or booths to be furnished each precinct polling place, clarifying the requirements for publishing notice of elections, clarifying the manner in which printed ballots are to be identified, clarifying the hours when the polls must be open for certain elections, revising the law relative to tallying votes cast in certain precincts, clarifying the manner of delivery of absentee ballots to certain voters, providing for contesting elections on public measures, clarifying when vacancies in certain elective offices must be filled by election, changing the time when candidates in school elections may withdraw, deleting an obsolete reference to elected school district treasurers, clarifying the manner of administering merged area elections, changing the manner of electing sanitary district trustees, ending the requirement that the township clerk's annual financial statement be posted at each polling place in the township, clarifying the law relative to certain elections conducted for the city development board, and providing that this Act shall take effect upon publication, amended by the Senate as follows:

H—5955

Amend House File 1011 as amended, passed and reprinted by the House, as follows:

1. Page 1, by inserting after line 25 the following new section:

"Sec. ..... Section thirty-nine point three (39.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Registrar" means the state registrar of voters designated by section .....

of this Act."

2. Page 3, by striking lines 6 through 17 and inserting in lieu thereof the words "without other certificate[.], *except that a candidate whose*".

3. Page 4, by striking lines 10 and 11 and inserting in lieu thereof the following: *"Each candidate required to execute the foregoing affidavit"*.

4. Page 4, by striking from lines 17 and 18 the words *"comply with the applicable requirement of this section"* and inserting in lieu thereof the words *"execute and deliver the affidavit"*.

5. Page 4, by inserting after line 22 the following new section:

"Sec. ..... Section forty-three point seventy-three (43.73), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The state commissioner shall similarly certify to the appropriate commissioner or commissioners at the earliest practicable time the names of nominees for a special election, called under section sixty-nine point fourteen (69.14) of the Code, submitted to the state commissioner pursuant to Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand thirty-three (1033), section one (1)."

6. Page 9, by inserting after line 8 the following new sections:

"Sec. ..... Section forty-seven point three (47.3), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The costs of conducting a special election called by the governor *to fill a vacancy in the United States house of representatives,* general election, and the primary election held prior to the general election shall be paid by the county.

Sec. ..... Section forty-seven point three (47.3), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After any special election called by the governor to fill a vacancy in the general assembly has been held, the commissioner

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of each county in which voting occurred in that election may submit to the state commissioner a verified statement of the expense incurred by the county in holding the special election. The expenses reported may include the cost of preparing and printing ballots, voting machine inserts, affidavits of eligibility, election registers, and canvass materials, publishing notice, mailing absentee ballots, preparing and installing voting machines and compensating precinct election boards. The cost of renting any precinct polling place may also be included if the county ordinarily pays rent in the same amount for

use of that polling place for other elections. The state commissioner shall certify the total amount of expense so reported by each county to the state comptroller, who shall draw a warrant in that amount upon any money in the general fund not otherwise appropriated payable to the treasurer of that county. The county treasurer shall place the proceeds in the county election expense fund."

7. Page 9, by inserting after line 8 the following new sections:

"Sec. ..... Section forty-seven point one (47.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-two (42), is amended to read as follows:

47.1 STATE COMMISSIONER OF ELECTIONS. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction of the state commissioner of elections. The state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform such duties as may be assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for [voter registration and] the conduct of elections, and shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. ..... Section forty-seven point three (47.3), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The cost of maintenance of votor registration records and of preparation of election registers and any other voter registration

Page 3

lists required by the commissioner in the discharge of the duties of that office shall be paid by the county. The cost of acquisition of voter registration data and of preparation and maintenance of data processing programs, and administrative and clerical costs, incurred by the registrar in discharging the duties of that office shall be paid by the state.

Sec. ..... Section forty-seven point five (47.5), Code 1975, is amended to read as follows:

47.5 PURCHASING BY COMPETITIVE BIDDING. The commissioner shall take bids for any goods and services, *other than data processing services,* which will be performed or provided by persons who are not employees of the commissioner and where the costs of such services exceed five thousand dollars per contract in

the case of contracts for the printing of ballots or, in the case of other services, [two thousand five hundred] *one hundred* dollars per contract. No bids shall be required for legal services. The commissioner shall publish notice to bidders, including specifications regarding the goods or services to be purchased or a description of the nature and object of the services to be retained, in a newspaper of general circulation in the county not less than fifteen days before the final date for submission of bids. The commissioner shall also file a copy of the bid specifications in the office of the state commissioner for a period of not less than twenty days prior to the date the bid is let. When competitive bidding procedures are used, the purchase of goods or services shall be made from the lowest responsible bidder which meets the specifications or description of the services needed or the commissioner may reject all bids and readvertise. In determining the lowest responsible bidder, various factors may be considered, including but not limited to the past performance of the bidder relative to quality of product or service, the past experience of the purchaser in relation to the product or service, the relative quality of products or services, the proposed terms of delivery and the best interests of the county.

[A county shall not enter into an intergovernmental agreement with any other political subdivision of the state for acquisition of goods or performance of services until an audit has been conducted by the auditor of state or an independent certified public accountant not in the regular employ of the counties executing an agreement which sets forth the costs of each county for providing goods and services.] *A county may purchase data processing services in*

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connection with administration of elections from a provider other than the state or an employee of the county, after the effective date of this Act, only until such time as the registrar certifies to the state commissioner that the state comptroller's data processing facilities are able to provide all services which counties are required by this Act to obtain from the registrar. During that period, the commissioner shall give the registrar written notice in advance on each occasion when it is proposed to have data processing services, necessary in connection with the administration of elections, performed by any person other than the registrar or an employee of the county. Data processing services so performed shall be purchased by written contract of not more than one year's duration. The registrar, in consultation with the state voter registration commission, shall establish by rule the specifications for

such data processing contracts, and shall notify prospective bidders on each occasion when a contract for data processing services is to be let. The registrar shall have authority to approve or disapprove all bids received. Each contract for data processing services necessary in connection with the administration of elections shall be executed with the contractor jointly by the board of supervisors of the county purchasing the service and the registrar. Each county exercising the option to purchase data processing services in connection with administration of elections from a provider other than the state or an employee of the county under this section shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by the registrar.

Any election or registration data or records which may be in the possession of a contractor shall remain the property of the commissioner. *Contracts with a private person relating to the maintenance and use of voter registration data, which were properly entered into in compliance with this section and with all other laws relating to bidding on such contracts, shall remain in force only until the most recently negotiated termination date of that contract, which shall in no case be later than one year after the effective date of this Act."*

8. Page 9, by inserting after line 28 the following new sections:

"Sec. ..... Chapter forty-seven (47), Code 1975, is amended by adding the following new sections:

NEW SECTION. STATE REGISTRAR OF VOTERS.

Page 5

1. The senior administrator of data processing services in the office of the state comptroller is designated the state registrar of voters, and shall supervise the preparation, preservation and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections as shall be requested and purchased at actual cost of preparation and production by a political party or any resident of this state. The registrar shall maintain a log, which shall be a public record, showing all lists and reports which have been requested or generated or which are capable of being generated by existing programs of the data processing services in the office of the state comptroller.

2. All functions referred to in subsection one (1) of this section shall be performed by the data processing facilities of the state comptroller's office commencing as soon as practicable, but not

later than January 1, 1977. The registrar, with approval of the state voter registration commission, shall prescribe the forms required for voter registration by rules adopted pursuant to chapter seventeen A (17A) of the Code.

3. Any county having a population of fifty thousand or more may use its own data processing facilities for voter registration record keeping and utilization functions, in lieu of having this work performed by the state comptroller's data processing facilities as would otherwise be required by subsection two (2) of this section, if the system design and the form in which the registration records are kept conform to specifications established by rules adopted by the registrar. Each county exercising the option to maintain its own voter registration records under this subsection shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by the registrar.

NEW SECTION. VOTER REGISTRATION COMMISSION—COMPOSITION—DUTIES.

1. There is established a state voter registration commission which shall meet at least once each month to make and review policy, promulgate rules and establish procedures to be followed by the registrar in discharging the duties of that office. The commission shall consist of the lieutenant governor, the speaker of the house, the state commissioner,

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and the state chairpersons of the two political parties whose candidates for president of the United States or governor, as the case may be, received the greatest and next greatest number of votes in the most recent general election, or their respective designees, who shall serve without additional salary or reimbursement.

2. The registrar shall provide staff services to the commission and shall make available to it all information relative to registration of voters in this state which may be requested by any two commission members. The commission may authorize the registrar to employ such additional staff personnel as it deems necessary to permit the duties of the registrar's office to be adequately and promptly discharged. Such personnel shall be employed pursuant to chapter nineteen A (19A) of the Code.

3. The commission shall annually adopt a set of standard charges to be made for such utilization of voter registration records as it authorized by law by persons other than the registrar, the state commissioner and the several county commissioners. These charges shall be specified by unit wherever possible. The standard charges shall be adopted by the commission by January fifteenth of each calendar

year, and shall be in effect for one year thereafter.

Sec. ..... Section forty-eight point four (48.4), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-eight (48), is amended to read as follows:

48.4 COMMISSIONER OF REGISTRATION—DUTIES. The commissioner of registration shall [have complete charge of], *under the direction of the state commissioner and the registrar, supervise* the registration of all eligible electors within the county, and shall appoint such deputies and clerks as may be necessary, from the two political parties receiving the highest vote at the last general election. The number of such deputies and clerks [for all precinct registration places, and] *at* the central registration office[,] shall be equally divided between the members of the two said political parties. These appointments shall be subject to the approval of the county board of supervisors. The commissioner of registration shall provide such printed forms and blanks as may be necessary, together with such other supplies and equipment as are necessary to properly carry out the provisions of this chapter. Registration places shall be established throughout the cities and county."

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9. Page 9, lines 29 and 30, by striking the words and figure "subsection three (3),".

10. Page 9, by inserting after line 32 the following:

"48.5 REGISTRATION RECORDS.

1. The county commissioner of registration shall [safely] maintain [at his or her office or other designated locations] the [original] registration records of all qualified electors in the county[. The original registration] *in accordance with rules promulgated by the registrar. Registration* records shall not be removed from that office or other designated locations except upon court order[. Duplicate registration records], *and* shall be open to inspection by the public at reasonable times.

2. Any person may request of the [commissioner] *registrar* and shall receive, upon payment of the cost of preparation, a list of [all] qualified electors [in the county] *and other data on registration and participation in elections*, in accordance with the following requirements and limitations:

a. [The commissioner shall draw up each] *Each* list *shall be produced* in the order and form specified by the requestor[, so long as that order and form are within the capability of the record maintenance system used by the commissioner].

b. Each list shall reflect all additions, changes

and deletions made prior to the fifth day before the list was prepared.

c. The [commissioner] *registrar* shall not be required to provide lists *or data* during the fifteen days prior to the date of [any] *the primary election, the general election, the regular city election held pursuant to section three hundred seventy-six point one (376.1) of the Code, or the annual school* election in any order or form other than that utilized to conduct the election, if the preparation of a list in any other order or form requested would impede the preparation of the election registers for that election.

d. The county chairperson of each political party, as defined in section forty-eight point four (48.4) of the Code, *and the chairperson of each state political party central committee* may *each* request and shall receive without charge three lists *or reports* during the two-year period prior to each general election, in the order and form rqeuested. *The lists or data requested by the county chairpersons shall pertain only to qualified electors of that county.* The lists *or reports* requested under this paragraph shall be delivered on or before the date specified

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by the requestor, if the requestor gives [the commissioner] at least thirty days advance notice of that date and the timing of the request and the order and form specified do not conflict with the restrictions of paragraph [a or] c of this subsection.

e. [The commissioner shall upon request provide, to any person who has within the previous year obtained a list of all qualified electors in the county under this section, a] *A* periodic updating of the registration lists showing all additions, changes and deletions since the previous updating [of the registration list. The updated list] shall be provided at least once each fourteen days except during the two weeks prior to the close of registration before any election, when it shall be provided daily *if requested.* Each requestor under this paragraph shall receive the updating data at [the same] *a* time [and in the same order and form, which shall be] determined by the [commissioner] *registrar, but in an order and form specified by the requestor.* Each requestor, except those who obtain the initial list of qualified electors under paragraph d of this subsection, shall pay the cost of duplicating the updating data before receiving a copy thereof."

11. Page 10, line 3, by inserting after the word "commissioner" the words *"or registrar"*.

12. Page 10, by inserting after line 10 the following:

"4. Beginning not later than January 1, 1977, every voter registration record shall be maintained in computer readable form according to the

specifications of the registrar."

13. Page 12, by inserting after line 18 the following new sections:

"Sec. ..... Section forty-eight point twenty-seven (48.27), subsection four (4), Code 1975, is amended by striking paragraph f.

Sec. ..... Section forty-eight point twenty-nine (48.29), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

48.29 REMOVAL OF REGISTRATION. Upon registration in any county of an individual who was previously a resident of another county, if that individual was a qualified elector in the former county of residence, his or her name shall be struck from the record of voters currently registered in the former county of residence. If the registrar at any time discovers that the same individual is registered at more than one residence location, the commissioner or commissioners involved shall be informed and shall follow the procedure prescribed by section forty-eight

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point thirty-one (48.31), subsection eight (8) of the Code."

14. Page 12, by inserting after line 18 the following new section:

"Sec. ..... Section forty-eight point twenty-seven (48.27), subsection five (5), Code 1975, is amended to read as follows:

5. [The] *Each mobile deputy registrar shall be responsible to the* county commissioner of registration *for properly registering electors in accordance with the requirements and the restrictions of this section. The commissioner* may terminate the appointment of a mobile deputy registrar who is not properly registering electors, and shall immediately terminate the appointment upon the written request of the county [chairman] *chairperson* of the party from whose list of nominees the mobile deputy registrar was selected. When an appointment is terminated the county commissioner of registration shall promptly notify the county [chairman] *chairperson* of the political party which nominated the mobile deputy registrar whose appointment has been terminated, and shall appoint another person within five days from a list of substitute nominees provided by that county [chairman] *chairperson*. A mobile deputy registrar whose appointment is terminated shall immediately return all his *or her* supplies to the county commissioner of registration. If a mobile deputy registrar's appointment is terminated within thirty days of an election, other than by request of the county [chairman] *chairperson* of the party from whose list of nominees the mobile deputy registrar was appointed, a replacement shall be appointed within twenty-four

hours from a list of substitute nominees provided by the appropriate county [chairman] *chairperson.*"

15. Page 12, by inserting after line 20 the following new section:

"Sec. ..... Section forty-nine point four (49.4), subsection two (2), Code 1975, is amended to read as follows:

2. Counties using alternative supervisor representation plans two or three, as described in section 331.8, shall be apportioned into single-member supervisor districts on the basis of population. [The] *In counties using representation plan three, the* boundaries of supervisor districts shall follow the boundaries of election precincts."

16. Page 12, by inserting after line 20 the following new section:

"Sec. ..... Section forty-eight point thirty-two (48.32),

Page 10

Code 1975, is amended to read as follows:

48.32 ANNUAL REPORT. The county commissioner of elections shall make reports as required by the [state commissioner of elections] *registrar.* On August 1 of each year the [state commissioner of elections] *registrar* shall report the number of persons registered in each political party in each county."

17. Page 23, by inserting after line 5 the following new section:

"Sec. ..... Section fifty-three point eleven (53.11), Code 1975, is amended to read as follows:

53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. **The** commissioner shall deliver an absentee ballot to any qualified elector applying in person at his office not more than forty days before the date of the general election and the primary election, and for all other elections, as soon as the ballot is available. The qualified elector shall immediately mark the ballot, enclose it in a ballot envelope with proper affidavit, and return the absentee ballot to the commissioner. The commissioner shall record the numbers appearing on the application and ballot envelope along with the name of the qualified elector. The commissioner of any county in which there is located a city of [twenty-five] *five* thousand or more population, which is not the county seat, may permit qualified electors to appear in person at some designated place within each such city and there cast an absentee ballot in the manner prescribed by this section."

18. Page 27, by inserting after line 25 the following new section:

"Sec. ..... Section sixty-two point eighteen, (62.18), Code 1975, is amended to read as follows:

62.18 JUDGMENT. The court shall pronounce judgment whether the incumbent or any other person was duly elected, and adjudge that the person so de-

clared elected will be entitled to his certificate. If the judgment be against the incumbent, and he has already received the certificate, the judgment shall annul it. If the court [find that no person was elected] *finds that one or more of the causes of contest alleged pursuant to section 62.5 of the Code have been substantiated, and that the tainted votes cannot be identified and excluded, it shall exclude all votes cast for the contested office in the precinct or precincts in question. If by so doing the apparent outcome of the election is reversed,* the judgment shall be that the election *in that precinct or precincts* be set aside, *and a new election held in that precinct or precincts. No person who was*

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not qualified elector in that precinct at the time of election which was set aside shall be allowed to vote at the new election."

19. Page 27, by inserting after line 25 the following new section:

"Sec. ..... Section sixty-nine point eight (69.8), subsections one (1) and two (2), Code 1975, are amended to read as follows:

1. United States senator. In the office of United States senator, when the vacancy occurs when the senate of the United States is in session, or when such senate will convene prior to the next general election, by the governor. *An appointment made under this subsection shall be for the period until the vacancy is filled by election pursuant to law.*

2. State offices. In all state offices, judges of courts of record, officers, trustees, inspectors, and members of all boards or commissions, and all persons filling any position of trust or profit in the state, by the governor, except when some other method is specially provided. *An appointment made under this subsection to a state office subject to Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section four (4), shall be for the period until the vacancy is filled by election pursuant to law."*

20. Page 28, line 16, by striking the word "its" and inserting in lieu thereof the word "it".

21. Page 29, by inserting after line 31 the following new section:

"Sec. ..... Section two hundred seventy-seven point twenty (277.20), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

On the next Friday after the *regular* school election, the county board of supervisors shall canvass the returns made to the county commissioner of elections from the several precinct polling places and the absentee ballot county board, ascertain the result of the voting with regard to every matter voted

upon and cause a record to be made thereof as required by section 50.24. *Special elections held in school districts shall be canvassed at the time and in the manner required by that section.* The board shall declare the results of the voting for members of boards of directors of school corporations nominated pursuant to section 277.4, and the commissioner shall at once issue a certificate of election to each person declared elected. The board shall also declare the results of the voting on any public question submitted to the voters of

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a single school district, and the commissioner shall certify the result as required by section 50.27."

22. Page 30, by inserting after line 32 the following new section:

"Sec. ..... Section three hundred thirty-one point twenty-seven (331.27), Code 1975, is amended to read as follows:

331.27 PLAN "THREE." If plan "three" is selected pursuant to section 331.8 or 331.9, the *supervisor districts shall be drawn and members of the* county board shall be elected as provided in section 331.26, except that *boundaries of supervisor districts shall follow voting precinct lines and* each member of the board, and [candidates] ***each*** *candidate* for such office, shall, at the primary and general elections, be elected *or nominated* only by the electors of the district which [he or they seek] *that candidate seeks* to represent."

23. Page 33, by inserting after line 19 the following new section:

"Sec. ..... Section three hundred seventy-two point thirteen (372.13), subsection two (2), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred fifty (150), is amended by striking the subsection and inserting in lieu thereof the following:

2. A vacancy in an elective city office during a term of office shall be filled by the council, within thirty days after the vacancy occurs, for the balance of the unexpired term unless a special election is sooner held to fill the office for the remaining balance of the unexpired term. Such an election shall be called if the council is presented with a petition so requesting, signed by eligible electors entitled to vote to fill the office in question. The petition must bear signatures equal in number to two percent of those who voted for candidates for the office at the last preceding election at which the office was on the ballot, but in no case fewer than ten signatures. If the petition so requests and is timely filed, the special election may be held

concurrently with any pending election as provided by section sixty-nine point twelve (69.12) of the Code. Otherwise, a special election to fill the office shall be called at the earliest practicable time after the petition is presented to the council."

24. Page 35, by striking lines 9 through 30 and inserting in lieu thereof the following:

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"Sec. ..... Section three hundred seventy-six point eight (376.8), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

376.8 PERSONS ELECTED IN CITY ELECTIONS.

1. In a regular city election following a city primary, the candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open.

2. In a regular city election held for a city where the council has chosen a runoff election in lieu of a primary, candidates are elected as provided by subsection one (1) of this section, except that no candidate is elected who fails to receive a majority of the votes cast for the office in question. In the case of at-large elections to a multi-member body, a majority is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled.

3. In a regular city election held for a city where the council has chosen to have nominations made in the manner provided by chapter forty-four (44) or forty-five (45) of the Code, the candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open."

25. Page 37, by inserting after line 7 the following new section:

"Sec. ..... Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand thirty-three (1033), section one (1), is amended to read as follows:

Section 1. Section forty-three point seventy-eight (43.78), Code 1975, is amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section twenty-five (25), is amended by adding the following new subsection:

NEW SUBSECTION. Political party candidates for a vacant seat in the [congress of the] United States ***house of representatives*** **or the general assembly which** is to be filled at a special election called pursuant to section sixty-nine point fourteen (69.14) of the

Code shall be nominated in the manner provided by subsection one (1) of this section for filling a vacancy on the general election ballot for the same office. The name of any candidate so nominated shall be submitted in writing to the state commissioner, as required by section forty-three point eighty-eight

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(43.88) of the Code, at the earliest practicable time."

26. Page 37, by inserting after line 28 the following:

"The state commissioner of elections shall obtain from the department of environmental quality a list of every sanitary district established or in the process of establishment under chapter three hundred fifty-eight (358) of the Code, and shall send to each such district written notice of the amendment to section three hundred fifty-eight point nine (358.9) of the Code made by section forty-seven (47) of this Act, and of the requirements of this section."

27. Title, page 1, by striking lines 10, 11 and 12 and inserting in lieu thereof the words "quiring that".

28. Title, page 1, line 14, by inserting after the word "candidacy," the words "specifying how nominations for certain special elections are to be certified,".

29. Title, page 1, line 21, by inserting after the word "filed," the words "providing for the state to reimburse counties for the cost of holding certain special elections,".

30. Title, page 1, line 21, by inserting after the word "filed," the words "revising the manner in which voter registration records are required to be kept and designating a state registrar of voters,".

31. Title, page 1, line 24, by inserting after the word "address," the words "clarifying the relationship between county supervisor district boundaries and election precincts,".

32. Title, page 1a, line 11, by inserting after the word "clarifying" the words "and revising certain requirements relative to".

33. Title, page 1a, line 13, by inserting after the word "measures," the words "clarifying when a contested election may be set aside,".

34. Title, page 1a, line 16, by inserting after the word "withdraw," the words "clarifying the requirements relative to canvassing of school elections,".

35. Title, page 1a, line 23, by inserting after the word "board," the words "correcting a reference in Acts of the Sixty-sixth General Assembly 1976 Session, House File 1033,".

Drake of Muscatine offered the following amendment H—6215, to the Senate amendment H—5955, filed by Drake, et al., and moved its adoption:

H—6215

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, as follows:

1. Page 1, by inserting after line 10 the following:

"*NEW SUBSECTION.* "Registration commission" means the state voter registration commission established by section ..... of this Act."

2. Page 3, by striking lines 3, 4 and 5 and inserting in lieu thereof the words "county. Administrative and clerical".

3. Page 3, by striking lines 10 through 19 and inserting in lieu thereof the following:

"47.5 PURCHASING BY COMPETITIVE BIDDING.

1. The commissioner shall take bids for [any] goods and services *which are needed in connection with registration of voters or preparation for or administration of elections and* which will be performed or provided by persons who are not employees of the commissioner [and where the costs of such services exceed five thousand dollars per contract in the case of contracts for the printing of ballots or, in the case of other services, two thousand five hundred dollars per contract.] *under the following circumstances:*

a. In any case where it is proposed to purchase data processing services. The commissioner shall give the registrar written notice in advance on each occasion when it is proposed to have data processing services, necessary in connection with the administration of elections, performed by any person other than the registrar or an employee of the county. Such notice shall be made at least thirty days prior to publication of the specifications.

b. In the case of arrangements for printing of ballots, where the cost of the printing will exceed five thousand dollars.

c. In all other cases, where the cost of the goods or services to be purchased will exceed one thousand dollars.

d. No bids shall be required for legal services.

[The]

2. When it is proposed to purchase any goods or services, other than data processing services, in connection with administration of elections, the commis-".

4. Page 3, line 29, by striking the words "the date the bid is let" and inserting in lieu thereof

the words "[the] *such final* date [the bid is let]".

5. Page 3, by striking line 50, and page 4, by

Page 2

striking lines 1 through 34, and inserting in lieu thereof the following:

"*3. The procedure for purchasing data processing services in connection with administration of elections shall be the same as prescribed in subsection two (2) of this section, except that the required copy of the bid specifications shall be filed with the registrar rather than the state commissioner. The specifications for data processing contracts relative to voter registration records shall be specified by the registration commission. The registrar shall, not later than the final date for submission of bids, inform the commissioner in writing whether the state comptroller's data processing facilities are currently capable of furnishing the services the county proposes to purchase, and if so the cost to the county of so obtaining the services as determined in accordance with the standard charges therefor adopted by the registration commission. The commissioner, with approval of the board of supervisors, may reject all bids and enter into an arrangement with the registrar for the services to be furnished by the state. The commissioner may recommend and the board of supervisors may approve purchasing the needed services from the lowest responsible bidder, however if the needed services could be obtained through the registrar at a lower cost, the board shall publish notice twice in a newspaper of general circulation in the county of its intent to accept such bid and of the difference in the amount of the bid and the cost of purchasing the needed services from the state comptroller's data processing facilities through the registrar. Each contract for the furnishing of data processing services, necessary in connection with the administration of elections, by any person other than the registrar or an employee of the county shall be executed with the contractor by the board of supervisors of the county purchasing the services, but only after the contract has been reviewed and approved by the registration commission. Such contract shall be of not more than one year's duration. Each county exercising the option to purchase such data processing services from a provider other than the registrar shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by rules promulgated by the registration commission.*"

6. Page 4, line 35, by striking the word "Any" and inserting in lieu thereof the figure and word

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"4. Any".

7. Page 4, line 43, by striking the words "*contract, which*" and inserting in lieu thereof the word "*contract.*"

8. Page 4, by striking lines 44 and 45 and inserting in lieu thereof the words "*A new contract with the same provider may be entered into in accordance with subsection three (3) of this section.*"

9. Page 4, by inserting after line 45 the following new section:

"..... Page 9, line 21, by striking the word "*latter*" and inserting in lieu thereof the words "*regularly scheduled*".

10. Page 5, line 4, by striking the word "supervise" and inserting in lieu thereof the word "regulate".

11. Page 5, line 12, by inserting after the word "state" the words ", except as otherwise provided by section forty-eight point five (48.5), subsection two (2), paragraph d of the Code".

12. Page 5, by striking lines 18 through 33 and inserting in lieu thereof the following:

"2. The registrar shall offer to each county in the state the opportunity to arrange for performance of all functions referred to in subsection one (1) of this section by the data processing facilities of the state comptroller's office, commencing at the earliest practicable time, at a cost to the county determined in accordance with the standard charges for those services adopted by the registration commission. A county may accept this offer without taking bids under section forty-seven point five (47.5) of the Code.

3. Any county may use its own data processing facilities for voter registration record keeping and utilization functions, if the system design and the form".

13. Page 5, lines 35 and 36, by striking the words "adopted by the registrar" and inserting in lieu thereof the words "promulgated by the registration commission".

14. Page 5, by striking lines 49 and 50 and inserting in lieu thereof the following: "commission shall consist of the state commissioner of elections, or his or her designee".

15. Page 6, by striking line 7 and inserting in lieu thereof the following:

"2. The registration commission shall prescribe the forms required for voter registration by rules promulgated pursuant to chapter seventeen A (17A)

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of the Code.

3. The registrar shall provide staff services".

16. Page 6, line 9, by inserting after the word "to" the words "the activities of the registrar's office in connection with the".

17. Page 6, lines 10 and 11, by striking the words "two commission members" and inserting in lieu thereof the words "commission member".

18. Page 6, by striking lines 17 through 25 and inserting in lieu thereof the following:

"4. The registration commission shall annually adopt a set of standard charges to be made for the services the registrar is required to offer to the several commissioners, and for furnishing of voter registration records which are requested by persons other than the registrar, the state commissioner or any commissioner pursuant to section forty-eight point five (48.5), subsection two (2) of the Code. These charges shall be sufficient to reimburse the state for the actual cost of furnishing such services or information, and shall be specified by unit wherever possible. The standard charges shall be adopted by the commission by January fifteenth of each calendar year."

19. Page 6, lines 33 and 34, by striking the words "*state commissioner*" and inserting in lieu thereof the words "*registration commission*".

20. Page 7, line 11, by striking the word "*registrar*" and inserting in lieu thereof the words "*registration commission*".

21. Page 7, by striking lines 24, 25 and 26 and inserting in lieu thereof the words "by the requestor, so long as that order and form are within the [capability] *capacity* of the system used by the [commissioner] *registrar*."

22. Page 8, line 17, by striking the words "[the same] *a*" and inserting in lieu thereof the words "the same".

23. Page 8, line 18, by striking the words "[, which shall be]" and inserting in lieu thereof the words ", which shall be".

24. Page 8, by inserting after line 33 the following new section:

"Sec. ..... Section forty-eight point sixteen (48.16), Code 1975, is amended to read as follows:

48.16 PENALTIES. Any officer or employee, *or any person who has contracted with a commissioner to perform services in the implementation of this chapter*, who shall willfully fail to perform or enforce any of the provisions of this chapter, or who shall

unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall willfully destroy any record provided by this chapter, or any person who shall willfully or fraudulently register more

than once, or register under any but his *or her* true name, or votes or attempts to vote by impersonating another who is registered, or who willfully or fraudulently registers in any election precinct where he *or she* is not a resident at the time of registering, or who adds a name or names to a page or pages, or who violates any of the provisions of this chapter, shall be guilty of felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year.

For the purposes of this section, the alteration or destruction of any machine readable compilation of voter registration records which has not been replaced by a more recent revision of the same record shall constitute destruction of a record provided by this chapter."

25. Page 8, line 41, by striking the word "individual" and inserting in lieu thereof the words "eligible elector".

26. Page 9, line 12, by striking the word *"section"* and inserting in lieu thereof the word *"chapter"*.

Amendment H—6215 was adopted.

Miller of Buchanan offered the following amendment H—5958, to the Senate amendment H—5955, filed by him and moved its adoption:

H—5958

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, as follows:

1. Page 1, by striking lines 11 through 20.
2. Page 14, by striking lines 14, 15 and 16.

Roll call was requested by Lageschulte of Bremer and Jordan of Linn.

On the question "Shall amendment H—5958, to the Senate amendment H—5955, be adopted?"

The ayes were, 54:

Anderson	Daggett	Koogler	Oakley
Baker	Danker	Kreamer	Pellett
Bennett	Den Herder	Lageschulte	Poncy
Bina	Dunton	Lindeen	Readinger
Binneboese	Evans	McElroy	Spear
Bittle	Gentleman	Mennenga	Spencer
Bortell	Halvorson	Millen	Stromer
Branstad	Hansen	Miller, K. D.	Tofte
Brockett	Harper	Miller, O. L.	Welden
Brunow	Harvey	Monroe	West
Byerly	Hennessey	Nealson	Woods
Clark	Husak	Newhard	Wulff
Crabb	Jordan	Nielsen	Wyckoff
Cusack	Junker		

The nays were, 40:

Avenson	Griffee	Jochum	Pavich
Brandt	Hargrave	Krause	Rinas
Caffrey	Higgins	Lipsky	Scheelhaase
Crawford	Hines	Lonergan	Schroeder
Dieleman	Hinkhouse	Middleswart	Small
Doyle	Horn	Middleton	Svoboda
Drake	Howell	Miller, A. V.	Tauke
Egenes	Hullinger	Norland	Walter
Fitzgerald	Hutchins	O'Halloran	Wells
Gilloon	Jesse	Patchett	Mr. Speaker

Absent or not voting, 6:

Connors	Menke	Spradling	Varley
Dyrland	Perkins		

Amendment H—5958 was adopted.

Tauke of Dubuque offered the following amendment H—6017, to the Senate amendment H—5955, and moved its adoption:

H—6017

Amend Senate amendment H—5955 to House File 1011, as amended, passed, and reprinted by the House as follows:

1. Page 1, by striking lines 45 through 50.
2. Page 2, by striking lines 1 through 20.

Amendment H—6017 was adopted.

Schroeder of Pottawattamie offered amendment H—5987, to the Senate amendment H—5955, filed by him:

H—5987

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, as follows:

1. Page 2, by striking lines 45 through 50, and page 3, by striking lines 1 through 7.
2. Page 3, by striking line 10 and inserting in lieu thereof the following:

"47.5 PURCHASING BY COMPETITIVE BIDDING.

1. The com-".

3. Page 3, lines 11 and 12, by striking the words *", other than data processing services,".*
4. Page 3, lines 17 and 18, by striking the words "[two thousand five hundred] *one hundred*" and inserting in lieu thereof the words "two thousand five hundred".
5. Page 3, by striking line 19 and inserting in lieu thereof the words "shall be required for legal services. [The]

2. When it is proposed to purchase any goods or services, other than data processing services, in connection with administration of elections, the commis-".

6. Page 3, line 29, by striking the words "the

date the bid is let" and inserting in lieu thereof the words "[the] *such final* date [the bid is let]".

7. Page 3, by striking lines 42 through 49 and inserting in lieu thereof the following:

"A county shall not enter into an intergovernmental agreement with any other political subdivision of the state for acquisition of goods or performance of services until an audit has been conducted by the auditor of state or an independent certified public accountant not in the regular employ of the counties executing an agreement which sets forth the costs of each county for providing goods and services."

8. Page 3, by striking line 50, and page 4, by striking lines 1 through 34, and inserting in lieu thereof the following:

"3. The procedure for purchasing data processing services in connection with administration of elections shall be the same as prescribed in subsection two (2) of this section, except that the required copy of the bid specifications shall be filed with the registrar rather than the state commissioner. The specifications shall conform to the rules of the voter registration commission relative to the form and manner of keeping voter registration records. The registrar shall, not later than the final date for submission of bids, inform the commissioner in writing whether the state comptroller's data processing facilities are currently capable of furnishing the

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services the county proposes to purchase, and if so the cost to the county of so obtaining the services as determined in accordance with the standard charges therefor adopted by the voter registration commission. The commissioner, with approval of the board of supervisors, may reject all bids and enter into an arrangement with the registrar for the services to be furnished by the state. Each contract for the furnishing of data processing services necessary in connection with the administration of elections by any person other than the registrar or an employee of the county shall be executed with the contractor by the board of supervisors of the county purchasing the services. Each county exercising the option to purchase such data processing services from a provider other than the registrar or an employee of the county shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by rules promulgated by the voter registration commission."

9. Page 4, line 35, by striking the word "Any" and inserting in lieu thereof the figure and word "4. Any".

10. Page 4, line 45, by inserting after the word "*Act.*" the words "*A new contract with the same provider*

may be entered into in accordance with subsection three (3) of this section."

11. Page 5, line 4, by striking the word "supervise" and inserting in lieu thereof the word "regulate".

12. Page 5, by striking lines 18 through 26 and inserting in lieu thereof the following:

"2. The registrar shall offer to each county in the state the opportunity to arrange for performance of all functions referred to in subsection one (1) of this section by the data processing facilities of the state comptroller's office, commencing at the earliest practicable time."

13. Page 5, by striking lines 30 through 33 and inserting in lieu thereof the words "functions, if the system design and the form".

14. Page 5, lines 35 and 36, by striking the words "adopted by the registrar" and inserting in lieu thereof the words "promulgated by the voter registration commission".

15. Page 6, by striking line 7 and inserting in lieu thereof the following:

"2. The voter registration commission shall prescribe the forms required for voter registration by rules promulgated pursuant to chapter seventeen

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A (17A) of the Code.

3. The registrar shall provide staff services".

16. Page 6, line 9, by inserting after the word "to" the words "the activities of the registrar's office in connection with the".

17. Page 6, by striking lines 17 through 22 and inserting in lieu thereof the following:

"4. The commission shall annually adopt a set of standard charges to be made for the services the registrar is required to offer to the several counties, and for furnishing of voter registration records which are requested by persons other than the registrar, the state commissioner of any commissioner pursuant to section forty-eight point five (48.5), subsection two (2) of the Code. These charges shall be sufficient to reimburse the state for the actual cost of furnishing such services or information, and shall be specified by unit wherever".

18. Page 7, line 11, by striking the word *"registrar"* and inserting in lieu thereof the words *"voter registration commission"*.

19. Page 8, line 17, by striking the words "[the same] *a*" and inserting in lieu thereof the words "the same".

20. Page 8, line 18, by striking the words "[, which shall be]" and inserting in lieu thereof the words ", which shall be".

Monroe of Des Moines rose on a point of order that amendment H—5987 was out of order.

The Speaker ruled the point well taken and amendment H—5987 out of order.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5957, to amendment H—5955, filed by him on March 24, 1976, and found on page 1394 of the House Journal.

Monroe of Des Moines offered the following amendment H—6216, to the Senate amendment H—5955, filed by him and Drake of Muscatine and moved its adoption:

H—6216

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, page 10, by inserting after line 29 the following new sections:

"..... Page 25, line 10, by striking the word "voting" and inserting in lieu thereof the word "election".

..... Page 26, line 6, by striking the word "voting" and inserting in lieu thereof the word "election".

..... Page 27, by inserting after line 25 the following new section:

Sec. ..... Chapter fifty-seven (57), Code 1975, is amended by adding the following new section:

NEW SECTION. CONTEST COURT FOR CONTEST OF PUBLIC MEASURE. The court for the trial of a contested election on a public measure shall consist of one person designated by the petitioners who are contesting the election, who shall be designated in writing by the petitioners at the time the contest is filed, one person designated by the county commissioner of elections to represent the interests adverse to those of the petitioners, and a third person who shall be chosen jointly by the designees of the petitioners and of the commissioner."

Amendment H—6216 was adopted.

Monroe of Des Moines offered the following amendment H—6116, to the Senate amendment H—5955, filed by Drake of Muscatine and him and moved its adoption:

H—6116

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, page 10, by striking lines 30 through 50, and page 11, by striking lines 1 through 3.

Amendment H—6116 was adopted.

Monroe of Des Moines moved to reconsider the vote by which amendment H—5958, to the Senate amendment H—5955, was adopted by the House.

Fitzgerald of Webster moved the previous question on House File 1011 with respect to the filing of amendments only.

A non-record roll call was requested.

The ayes were 54, nays 33.

The motion prevailed.

On the Monroe motion to reconsider the vote by which amendment H—5958, to the Senate amendment H—5955, was adopted by the House, roll call was requested by Bennett of Ida and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H—5958 was adopted be reconsidered?"

The ayes were, 51:

Anderson	Fitzgerald	Jochum	Poncy
Avenson	Gentleman	Krause	Readinger
Bina	Gilloon	Lipsky	Rinas
Binneboese	Griffee	Lonergan	Scheelhaase
Brandt	Hargrave	Middleswart	Small
Brunow	Harvey	Miller, A. V.	Spencer
Caffrey	Higgins	Miller, O. L.	Spradling
Connors	Hines	Monroe	Svoboda
Crawford	Horn	Newhard	Tauke
Dieleman	Howell	Oakley	Walter
Doyle	Hullinger	O'Halloran	Wells
Drake	Hutchins	Patchett	Mr. Speaker
Egenes	Jesse	Pavich	

The nays were, 41:

Baker	Danker	Jordan	Nealson
Bennett	Den Herder	Junker	Nielsen
Bittle	Dunton	Koogler	Pellett
Bortell	Evans	Kreamer	Spear
Branstad	Halvorson	Lageschulte	Stromer
Brockett	Hansen	Lindeen	Tofte
Byerly	Harper	McElroy	Welden
Clark	Hennessey	Mennenga	Woods
Crabb	Hinkhouse	Millen	Wulff
Cusack	Husak	Miller, K. D.	Wyckoff
Daggett			

Absent or not voting, 8:

Dyrland	Middleton	Perkins	Varley
Menke	Norland	Schroeder	West

The motion prevailed.

Miller of Buchanan moved the adoption of amendment H—5958, to the Senate amendment H—5955.

Roll call was requested by Lageschulte of Bremer and Wyckoff of Benton.

Rule 70 was invoked.

On the question "Shall amendment H—5958, to the Senate amendment H—5955, be adopted?"

The ayes were, 48:

Anderson	Danker	Koogler	Pellett
Baker	Den Herder	Kreamer	Schroeder
Bennett	Dunton	Lageschulte	Spear
Bittle	Evans	Lindeen	Spencer
Bortell	Halvorson	Lipsky	Spradling
Branstad	Hansen	McElroy	Stromer
Brockett	Harper	Menke	Tofte
Byerly	Harvey	Mennenga	Welden
Clark	Hennessey	Millen	West
Crabb	Husak	Miller K. D.	Woods
Cusack	Jordan	Nealson	Wulff
Daggett	Junker	Nielsen	Wyckoff

The nays were, 50:

Avenson	Gentleman	Krause	Pavich
Bina	Gilloon	Lonergan	Poncy
Binneboese	Griffee	Middleswart	Readinger
Brandt	Hargrave	Middleton	Rinas
Brunow	Higgins	Miller, A. V.	Scheelhaase
Caffrey	Hines	Miller O. L.	Small
Connors	Hinkhouse	Monroe	Svoboda
Crawford	Horn	Newhard	Tauke
Dieleman	Howell	Norland	Varley
Doyle	Hullinger	Oakley	Walter
Drake	Hutchins	O'Halloran	Wells
Egenes	Jesse	Patchett	Mr. Speaker
Fitzgerald	Jochum		

Absent or not voting, 2:

Dyrland	Perkins

Amendment H—5958 lost.

Byerly of Polk offered the following amendment H—6219, to the Senate amendment H—5955, filed by him and West of Marshall from the floor:

H—6219

Amend the Senate amendment H—5955 to House File 1011 as amended, passed and reprinted by the House, as follows:

1. Page 7, line 44, by striking the words "without charge" and inserting in lieu thereof the following: "[without charge], *upon payment by the state comptroller of the cost of preparation from*

the funds available to the political party under section fifty-six point nineteen (56.19), of the Code,".

2. Page 10, by inserting after line 29 the following:

"Sec. ..... Section fifty-six point twenty-one (56.21), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The state comptroller shall remit by check drawn upon the Iowa election campaign fund all funds *remaining* in the party's account *after: (1) deducting the actual costs incurred by that party for preparation of that party's state and county voter registration and other election data (2) after deducting one-half the general expenses of maintaining the office of state registrar of voters.* The check shall be payable to the chairman upon certification by the state commissioner that the party has qualified to have candidate names placed on the official general election ballot.

Monroe of Des Moines rose on a point of order that amendment H—6219 was not germane.

The Speaker ruled the point well taken and amendment H—6219 not germane.

Byerly of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H—6219, to the Senate amendment H—5955.

Roll call was requested by Nielsen of Polk and Daggett of Adams.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6219?"

The ayes were, 54:

Baker	Danker	Junker	Oakley
Bennett	Den Herder	Koogler	Pellett
Bittle	Egenes	Kreamer	Readinger
Bortell	Evans	Lageschulte	Schroeder
Branstad	Halvorson	Lindeen	Spear
Brockett	Hansen	Linsky	Stromer
Byerly	Harper	McElroy	Tofte
Caffrey	Harvey	Menke	Walter
Clark	Hennessey	Millen	Welden
Connors	Horn	Miller, K. D.	West
Crabb	Hullinger	Miller, O. L.	Woods
Crawford	Husak	Nealson	Wulff
Cusack	Hutchins	Nielsen	Wyckoff
Daggett	Jordan		

The nays were, 41:

Anderson	Gentleman	Krause	Poncy
Avenson	Gilloon	Lonergan	Rinas
Bina	Griffee	Mennenga	Scheelhaase
Binneboese	Hargrave	Middleswart	Small
Brandt	Higgins	Miller, A. V.	Spencer
Brunow	Hines	Monroe	Spradling
Dieleman	Hinkhouse	Newhard	Svoboda
Doyle	Howell	O'Halloran	Tauke
Drake	Jesse	Patchett	Wells
Dunton	Jochum	Pavich	Mr. Speaker
Fitzgerald			

Absent or not voting, 5:

Dyrland	Norland	Perkins	Varley
Middleton			

The motion prevailed and the rules were suspended.

Division of the amendment was requested, lines 4 through 10 to be amendment H—6219A and lines 11 through 27 to be amendment H—6219B.

Byerly of Polk moved the adoption of amendment H—6219A.

Roll call was requested by Drake of Muscatine and West of Marshall.

Rule 70 was invoked.

On the question "Shall amendment H—6219A, to the Senate amendment H—5955, be adopted?"

The ayes were, 38:

Baker	Egenes	Lindeen	Rinas
Bennett	Evans	Lipsky	Schroeder
Bittle	Halvorson	McElroy	Spear
Bortell	Hansen	Menke	Spradling
Branstad	Harvey	Mennenga	Stromer
Byerly	Husak	Miller, K. D.	West
Caffrey	Junker	Nielsen	Woods
Clark	Koogler	Pellett	Wulff
Daggett	Kreamer	Readinger	Wyckoff
Danker	Lageschulte		

The nays were, 52:

Anderson	Dunton	Hutchins	O'Halloran
Avenson	Fitzgerald	Jochum	Patchett
Bina	Gentleman	Jordan	Pavich
Binneboese	Gilloon	Krause	Poncy
Brandt	Griffee	Lonergan	Scheelhaase
Brunow	Hargrave	Middleswart	Small
Connors	Harper	Middleton	Spencer
Crawford	Hennessey	Millen	Svoboda
Cusack	Higgins	Miller, A. V.	Tauke
Den Herder	Hines	Miller, O. L.	Tofte
Dieleman	Hinkhouse	Monroe	Walter
Doyle	Howell	Newhard	Wells
Drake	Hullinger	Oakley	Mr. Speaker

Absent or not voting, 10:

Brockett	Horn	Norland	Varley
Crabb	Jesse	Perkins	Welden
Dyrland	Nealson		

Amendment H—6219A lost.

Byerly of Polk moved the adoption of amendment H—6219B.

Roll call was requested by Junker of Woodbury and Nielsen of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—6219B be adopted?"

The ayes were, 43:

Baker	Egenes	Kreamer	Readinger
Bennett	Evans	Lageschulte	Schroeder
Bittle	Griffee	Lindeen	Spencer
Bortell	Halvorson	Lipsky	Spradling
Branstad	Hansen	McElroy	Stromer
Byerly	Harper	Menke	Tofte
Caffrey	Harvey	Miller, K. D.	West
Clark	Horn	Nealson	Woods
Crabb	Husak	Nielsen	Wulff
Daggett	Junker	Oakley	Wyckoff
Danker	Koogler	Pellett	

The nays were, 50:

Anderson	Fitzgerald	Krause	Patchett
Avenson	Gentleman	Lonergan	Pavich
Bina	Gilloon	Mennenga	Poncy
Binneboese	Hargrave	Middleswart	Rinas
Brandt	Hennessey	Middleton	Scheelhaase
Brunow	Higgins	Millen	Small
Connors	Hines	Miller, A. V.	Spear
Crawford	Hinkhouse	Miller, O. L.	Svoboda
Cusack	Howell	Monroe	Tauke
Dieleman	Hullinger	Newhard	Walter
Doyle	Hutchins	Norland	Wells
Drake	Jochum	O'Halloran	Mr. Speaker
Dunton	Jordan		

Absent or not voting, 7:

Brockett	Dyrland	Perkins	Welden
Den Herder	Jesse	Varley	

Amendment H—6219B lost.

(House File 1011 and the Senate amendment H—5955, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **House File 1011, a bill** for an act to amend the election laws of the state of Iowa.

Woods of Polk offered the following amendment H—6220, to the Senate amendment H—5955, filed by him from the floor:

H—6220

Amend the Senate amendment H—5955 to House File 1011 as follows:

1. Page 12 by inserting after line 18 the following:

..... Page 33, by striking lines 5 through 8 and inserting in lieu thereof the following: "voting approves it. A vote of the majority of the qualified electors of the territory proposed to be annexed or severed, and a vote of the qualified electors of the city, shall be required to annex or sever any territory. In a case of".

By unanimous consent the following corrective amendment H—6222, to amendment H—6220, to amendment H—5955, filed by Woods of Polk from the floor, was adopted:

H—6222

Amend amendment H—6220, to page 12 of Senate amendment H—5955, to House File 1011 as follows:

1. Line 9, by inserting after the word "a" the word "majority".

Small of Johnson rose on a point of order that amendment H—6220 was not germane.

The Speaker ruled the point not well taken and amendment H—6220 germane.

Woods of Polk moved the adoption of amendment H—6220, as amended, to amendment H—5955.

Amendment H—6220, as amended, was adopted.

Bittle of Polk moved to reconsider the vote by which amendment H—6216 was adopted by the House.

A non-record roll call was requested.

The ayes were 70, nays 1.

The motion prevailed and the House reconsidered amendment H—6216.

Bittle of Polk offered the following amendment H—6221, to amendment H—6216, to amendment H—5955, filed by him from the floor and moved its adoption:

H—6221

Amend H—6216 to Senate amendment H—5955 to House File 1011 as follows:

1. Line 25 by adding after the word "commissioner." the following: "If the persons selected by the petitioners and the County Commissioner of elections cannot agree on a third person, the Chief Judge of the Judicial District in which the contest is filed shall appoint a third person to serve."

Amendment H—6221 was adopted.

Monroe of Des Moines moved the adoption of amendment H—6216, as amended, to the Senate amendment H—5955.

Amendment H—6216, as amended, was adopted.

Monroe of Des Moines moved that the House concur in the Senate amendment H—5955, as amended.

Higgins of Scott moved to reconsider the vote by which amendment H—6220, as amended, was adopted by the House.

Schroeder of Pottawattamie rose on a point of order that the motion to reconsider was not in order after final remarks are given.

The Speaker ruled the point well taken and the motion to reconsider not in order.

Higgins of Scott moved that the rules be suspended to consider the motion to reconsider amendment H—6220.

Roll call was requested by Small of Johnson and Higgins of Scott.

Rule 70 was invoked.

On the question "Shall the rules be suspended to reconsider amendment H—6220?"

The ayes were, 48:

Anderson	Egenes	Krause	Readinger
Bina	Gentleman	Kreamer	Rinas
Bittle	Gilloon	Lipsky	Scheelhaase
Brandt	Griffee	Lonergan	Small
Brunow	Harvey	Middleton	Spear
Clark	Higgins	Monroe	Svoboda
Crawford	Hines	Newhard	Tauke
Cusack	Hinkhouse	Oakley	Tofte
Den Herder	Howell	O'Halloran	Varley
Dieleman	Jochum	Patchett	Walter
Doyle	Jordan	Pavich	Welden
Drake	Junker	Poncy	Wulff

The nays were, 48:

Avenson	Danker	Koogler	Nielsen
Baker	Dunton	Lageschulte	Pellett
Bennett	Evans	Lindeen	Perkins
Binneboese	Fitzgerald	McElroy	Schroeder
Bortell	Halvorson	Menke	Spencer
Branstad	Hansen	Mennenga	Spradling
Brockett	Harper	Middleswart	Stromer
Byerly	Hennessey	Millen	Wells
Caffrey	Horn	Miller, A. V.	West
Connors	Hullinger	Miller, K. D.	Woods
Crabb	Husak	Miller, O. L.	Wyckoff
Daggett	Hutchins	Nealson	Mr. Speaker

Absent or not voting, 4:

Dyrland	Hargrave	Jesse	Norland

The motion lost.

On the motion to concur in the Senate amendment H—5955, as amended, roll call was requested by Bennett of Ida and Bina of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the House concur in the Senate amendment H—5955, as amended?"

The ayes were, 53:

Anderson	Dunton	Jordan	O'Halloran
Avenson	Fitzgerald	Krause	Patchett
Bina	Gentleman	Lindeen	Pavich
Binneboese	Griffee	Lonergan	Scheelhaase
Bortell	Hansen	Menke	Schroeder
Brunow	Harper	Mennenga	Spear
Caffrey	Harvey	Middleswart	Spradling
Clark	Hennessey	Miller, A. V.	Svoboda
Connors	Hines	Miller, O. L.	Tofte
Crabb	Hinkhouse	Monroe	Varley
Den Herder	Howell	Nealson	Wells
Dieleman	Hullinger	Newhard	West
Doyle	Husak	Oakley	Mr. Speaker
Drake			

The nays were, 41:

Baker	Egenes	Kreamer	Rinas
Bennett	Evans	Lageschulte	Small
Bittle	Gilloon	Lipsky	Spencer
Brandt	Halvorson	McElroy	Stromer
Branstad	Higgins	Miller, K. D.	Tauke
Brockett	Horn	Nielsen	Walter
Byerly	Hutchins	Pellett	Welden
Crawford	Jochum	Perkins	Woods
Cusack	Junker	Poncy	Wulff
Daggett	Koogler	Readinger	Wyckoff
Danker			

Absent or not voting, 6:

Dyrland	Jesse	Millen	Norland
Hargrave	Middleton		

The motion prevailed and the House concurred in the Senate amendment H—5955, as amended.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

Fitzgerald of Webster moved the previous question on House File 1011 and all amendments and motions filed thereto.

A non-record roll call was requested.

The ayes were 52, nays 18.

The motion prevailed.

(House File 1011 pending at adjournment and placed under unfinished business.)

HOUSE CONCURRENT RESOLUTION 126

By Patchett, Horn and Stromer

Whereas, it is necessary for proper administration of the tuition grant program and scholarship programs under the direction of the Higher Education Facilities Commission that the processing of applications be made early in the calendar year; and

Whereas, Senate File 1261 provides funds and provisions which will greatly aid in the administration of these programs and provide on a permanent basis the time flexibility required for proper administration of these programs; and

Whereas, because the legislative process, including political considerations and the engrossing and enrolling of the bill, may delay the legislative completion of Senate File 1261, and consideration by the governor may further delay implementation of the provisions of Senate File 1261 which relate to the duties of the Higher Education Facilities Commission; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Higher Education Facilities Commission is urged to send out award letters to persons entitled to them as soon as legislative action is completed on Senate File 1261 and the final monetary figures for tuition grant and scholarship programs are known even if final administrative action by legislative employees is not completed or even if action by the governor is not completed in regard to Senate File 1261.

Laid over under Rule 25.

HOUSE RESOLUTION 115

By Cochran

Whereas, the Humboldt Federated Women's Club

will celebrate its seventy-fifth anniversary on May 5, 1976; and

Whereas, this organization strove in its early years to better its community through sponsorship of a school milk program, procurement of the first county nurse, and campaigns for the improvement of community conditions; and

Whereas, the members of this group continue today to work for their town and the entire state, through donations to local and international charities, scholarships for worthy students, and constant participation in community affairs; and

Whereas, the Humboldt Federated Women's Club has spent seventy-five years working for the progress of Humboldt, which was honored on nationwide television as a "typical American community," *Now, Therefore,*

Be It Resolved by the House of Representatives, that the membership of the House of Representatives of the Sixty-sixth General Assembly of the State of Iowa extends its heartiest congratulations to the

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Humboldt Federated Women's Club on the occasion of its seventy-fifth anniversary, and commends it on its years of service to its community and to the state; and

Be It Further Resolved, that a copy of this resolution be forwarded to the President of the Humboldt Federated Women's Club.

Laid over under Rule 25.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber late afternoon of April 7 when the votes were taken on House File 1478 and Senate File 1192. Had I been present, I would have voted "aye" on these two bills.

DUNTON of Keokuk

AMENDMENTS FILED

H—6240

Amend House File 71, page 1, by striking lines 16 through 19 and inserting in lieu thereof the following: "dollar exemption for each of the following tax years for a person filing a separate state income tax return and for a husband and wife who file a joint state income tax return:

	MAXIMUM EXEMPTION	
Year	Separate Return	Joint Return
1976	4,368	6,680
1977	4,654	7,117
1978	4,875	7,456

1979	4,980	7,616
1980	5,066	7,748
1981 and thereafter	5,144	7,867"

SVOBODA of Iowa
JUNKER of Woodbury
BINNEBOESE of Plymouth

H—6229

Amend amendment H—6196 to House File 1164 as follows:

1. By inserting after line 28 the following:

"Sec. ..... Section six hundred one A point six (601A.6), Code 1975, is amended by adding the following new section:

NEW SECTION. **The state and its political subdivisions shall not use, distribute, or disseminate the following records in connection with an application for employment:**

1. A record of arrest which is not followed by a valid conviction.

2. A record of conviction which has been ordered annulled or expunged."

SPEAR of Lee

H—6232

Amend H—6196 to House File 1164 as follows:

1. Page 1, by inserting after line 28 the following:

Sec. 2. **1.** Section six hundred one A point six (601A.6), subsection one (1), Code 1975, **is amended by adding the following new paragraph:**

NEW PARAGRAPH. **State or political subdivision employer to not employ a person solely because that person has been convicted of a crime. However, except as provided in section three (3) of this Act, these employers may consider as a possible justification for refusing employment:**

(1) Whether a person convicted of a crime has been sufficiently rehabilitated to warrant employment in a position involving the public trust. A person shall be rebuttably presumed to be sufficiently rehabilitated two years after discharge from probation or parole supervision or from a term of imprisonment, whichever occurs last, if the person is not criminally convicted during the two-year period; or

(2) Whether a person convicted of a crime related to a sexual offense, the sale or distribution of obscene material to minors, the sale or distribution of controlled substances, or an assault or homicide offense involving minors should be employed in a position involving substantial contact with minors.

Sec. 3. Section six hundred one A point six (601A.6), Code 1975, is amended by adding the following new section:

NEW SECTION. **The state and its political subdivisions shall not use, distribute, or disseminate the following records in connection with an application for employment:**

1. A record of arrest which is not followed by a valid conviction.

2. A record of conviction which has been ordered annulled or expunged.

SPEAR of Lee

H—6225

Amend House File 1408, page 1, by inserting after line 19 the following:

"For the purposes of this section "competent evidence" means evidence, in addition to the testimony of the sender, sufficient or adequate to prove that the document was mailed on a specified date which evidence is credible and of such a nature to reasonably support the determination that the letter was mailed on a specified date."

DIELEMAN of Marion

H—6227

Amend House File 1477 as follows:

1. Page 7, by inserting after line 28 the following:

"Copies of all forms or other paper instruments required to be filed during on-site inspections or investigations shall be given to the owner or operator of the disposal system or public water supply system being investigated or inspected before the inspector or investigator leaves the site. Any other report, statement, or instrument shall not be filed with the department unless a copy is sent by ordinary mail to the owner or operator of the disposal system or public water supply system within ten working days of the filing. If an inspection or investigation is done in cooperation with another state department, the department involved and the areas inspected shall be stated."

MILLER of Buchanan

H—6239

Amend House File 1480 by striking everything after the enacting clause and inserting in lieu thereof the following:

Section 1. Section three hundred seven point twenty-six (307.26), subsection nine (9), Code 1975, is amended to read as follows:

9. Advise and assist the director regarding agreements with [the owners of operating railroads] *railroad corporations* **for the [upgrading of]** ***restoration, conservation or improvement of*** **railroad** ***as defined in subsection one (1) of section four hundred seventy-nine point two (479.2) of the Code*** **[right of way and trackage]**

on such terms, conditions, rates, rentals, or subsidy levels as may be in the best interest of the state. The commission may enter into contracts and agreements which are binding only to the extent that appropriations have been or may subsequently be made by the legislature to effectuate the purposes of this subsection. [For purposes of this chapter, "railroad right-of-way and trackage" includes but shall not be limited to any road bed, drains, fences, ties, switches, rails, ballast, signs, signals, lights, equipment, bridges, tools, crossings, underpasses, overpasses, construction and administration buildings and any and all other property, rights, easements and interests whether owned in fee or leased.]

Sec. 2. Section three hundred seven point twenty-six (307.26), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. Advise and assist in the establishment and development of railroad districts upon request.

NEW SUBSECTION. Conduct innovative experimental programs relating to rail transportation problems within the state.

NEW SUBSECTION. Enter the role of "applicant" pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, United States Public Law ninety-four dash seven hundred eighty-one (94–781), and take such actions as are necessary to accomplish this roll.

Sec. 3. Section three hundred twenty-one point three hundred forty-two (321.342), Code 1975, is amended to read as follows:

321.342 STOP AT CERTAIN RAILROAD CROSSINGS. The department with reference to primary highways and local authorities with reference to other highways under their jurisdiction are each hereby authorized to designate particularly dangerous highway grade crossings of railroads, *and to install rumble strips,* [and] *or* to erect stop signs thereat. When such stop signs are erected the driver

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of any vehicle shall stop within fifty feet but not less than ten feet from the nearest track of such grade crossing and shall proceed only upon exercising due care.

Sec. 4. Section three hundred twenty-one point three hundred forty-three (321.343), Code 1975, is amended to read as follows:

321.343 CERTAIN VEHICLES MUST STOP. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids *or other hazardous materials as defined by the federal department of transportation* as a cargo or part of a cargo, before crossing at grade any track [or tracks]

of a railroad, shall stop such vehicle within fifty feet but not less than ten feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely.

No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

[This section shall not apply at street railway grade crossings within a business or residence district.]

Sec. 5. Section three hundred thirty-two point three (332.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-seven (187), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. To enter into an agreement with the state department of transportation, shippers, a railroad corporation, a city or another county to provide financial assistance for railroad services. The agreement shall be administered by the state department of transportation and moneys necessary to implement the agreement shall be credited to the railroad assistance fund. However, this section shall not preclude a county from establishing an escrow fund to be used as collateral for a loan for railroad improvement, which loan shall be credited to the railroad assistance fund. Moneys appropriated pursuant to this subsection shall be from the county general fund, subject to the limitations provided in Acts of the Sixty-sixth General Assembly, 1974 Session, chapter two hundred thirty-one (231).

Sec. 6. Section four hundred seventy-four point ten (474.10), Code 1975, is amended to read as follows:

474.10 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT. The [state] department [of transportation] shall

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have general supervision of all railroads in the state, express companies, car companies, [sleeping car companies,] freight and freight-line companies, [interurban railway companies,] motor carriers, and any common carrier engaged in the transportation of passengers or freight [by railroads]. [, except street railroads. It shall investigate any alleged neglect or violation of law by any such common carrier, its agents, officers, or employees.]

Sec. 7. Section four hundred seventy-four point twelve (474.12), Code 1975, is amended to read as follows:

474.12 INSPECTION—NOTICE TO REPAIR. [It] *The department* shall [from time to time carefully examine into and] inspect the condition of each railroad, its [tracks, bridges, and equipment, and the manner of its conduct, operation, and management with regard to the

public safety and convenience in the state] *rail facilities, equipment, rolling stock, operations, and pertinent records at reasonable times and in a reasonable manner to insure proper operations. Employees of the department shall have proper identification which shall be displayed upon request.* If found [by it] unsafe, [it] *the department* shall immediately notify the railroad [company] *corporation* whose duty it is to put the same in repair, which shall be done by it within such time as the department shall fix. If any corporation fails to perform this duty the department may forbid and prevent it from running trains over the defective portion while unsafe *or may regulate the speed and operation of trains moving over the defective portion of the railroad. If the railroad corporation violates any requirement provided by the department, the railroad corporation shall be subject to a fine of not more than one hundred dollars for each day the repairs have not been made from the date the department set for repairs to be completed. The court may consider the willingness and ability of the railroad corporation to cooperate in removing the safety hazard. Moneys received from the assessment of any fine shall be credited to the rail assistance fund.*

Sec. 8. Section four hundred seventy-four point fourteen (474.14), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section five (5), is amended to read as follows:

474.14 CHANGES IN OPERATION AND IMPROVEMENTS. When, in the judgment of the department, any [railway] *railroad* corporation fails in any respect to comply with the terms of its charter or articles of incorporation or the laws

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of the state[; or when in its judgment any repairs are necessary upon its road or change in the mode of operating its road or conducting its business, is reasonable and expedient in order to promote the security, convenience, and accommodation of] *or if any railroad corporation fails to operate its railroad and business in a reasonable and expedient manner which is safe and convenient to* the public, the department may [make an] order [prescribing] such [improvements and] changes as it finds to be proper and shall serve an order upon such corporation. [A report of such proceedings shall be included in its annual report to the governor.] Nothing in this *section* or [sections] *section* 474.12 [and 474.13] shall be [so] construed as [relieving any] *to nullify* [railroad company from its] responsibility or liability for damage to person or property *by any railroad corporation.*

Sec. 9. Section four hundred seventy-four point fifteen (474.15), Code 1975, is amended to read as

follows:

474.15 ABANDONING STATION. It shall be unlawful for any railroad [company] *corporation* owning or operating[, or which may hereafter own or operate,] any railroad in whole or in part in this state, to abandon any station [in any city or village] on its line of railroad, within this state, or to remove the depot [therefrom], or to withdraw agency service [therefrom], unless it shall first have filed notice of its intention with the department and otherwise complied with the provisions of this section and sections 474.16 and 474.17. Upon the [filing] *receipt* of such notice the department shall [designate the place or places within such city or village where] *specify a* notice [shall] be [posted] *published* and the railroad [company] *corporation* shall [thereupon], at its own expense, cause [to be posted at the place or places so designated,] *such notice to be published at least* fifteen [days' notice of intention] *days in advance of action* to abandon or discontinue such station or agency, or remove such depot, and shall file proof of [such posting] *publication* with the department. The notice shall be in such form as prescribed by the department *and shall be published in a newspaper published in the county in which the station is located. An alternative notice procedure giving comparable public notice by registered mail to affected shippers may be prescribed by the department according to rules promulgated under chapter seventeen A (17A) of the Code.*

Sec. 10. Section four hundred seventy-four point sixteen (474.16), Code 1975, is amended to read as follows:

474.16 OBJECTIONS—HEARING. Any person [or persons] directly affected by the proposed abandonment or discontinuance of any station or agency, or removal of any depot, may file written objections [thereto] with the department, stating the grounds for such objections, within fifteen days from the time of the [posting] *publication* of the notice as provided in section 474.15. Upon the filing of such objections the [department] *board* shall fix the time and place for *a* hearing [thereon], which [hearing] shall be held within sixty days from the filing of such objections. Written notice of the time and place of such hearing shall be mailed by the [department] *board* to the railroad [company] *corporation* and the person [or persons] filing objections at least ten days prior to the date fixed for such hearing.

Sec. 11. Section four hundred seventy-four point seventeen (474.17), Code 1975, is amended to read as follows:

474.17 ORDER OF [DEPARTMENT] *BOARD.* Upon said hearing the [department] *board* may prohibit the abandonment or discontinuance of such station or agency, or the removal of the depot, or may make such other

order as is warranted by the evidence produced at such hearing. But if no objections are filed [as hereinbefore provided], the [department shall] ***board may*** **make an order permitting the railroad [company]** ***corporation*** to proceed with such abandonment or discontinuance, or removal of the depot.

Sec. 12. Section four hundred seventy-four point eighteen (474.18), Code 1975, is amended to read as follows:

474.18 INVESTIGATION AND INQUIRY. The department [shall] ***or board may*** investigate and inquire into the management [of the business] of all common carriers subject to [the] *its* jurisdiction [of said department and keep itself well informed as to the manner and method in which the same is conducted. It] ***The board or department*** **shall have** the right to obtain from them full and complete information necessary to enable the department ***or board*** **to** perform its duties ***including the administration of railroad assistance agreements.*** [It] ***The board on its own initiative or upon request of the department*** **shall have** power to require the attendance and testimony of witnesses, the production of all books, papers, tariff schedules, contracts, agreements, and documents, relating to any matter under investigation, and to inspect the same and to examine under oath or otherwise any officer, director, agent, or employee of any common carrier; to issue subpoenas and to enforce obedience thereto.

Sec. 13. Section four hundred seventy-four point

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twenty (474.20), Code 1975, is amended to read as follows:

474.20 AID FROM COURTS. The department *or board* may invoke the aid of any court of record in [any county where the carrier extends,] ***the state*** in requiring the attendance and testimony of witnesses and the production of books, papers, tariff schedules, agreements, and other documents. Any court having jurisdiction [where any] *of the* inquiry [is carried on] shall, in case of the refusal of any person to obey a subpoena or other process, issue an order requiring any of the officers, agents, or employees of any carrier or other person to appear before the department *or board* and produce all books and papers required by such order and testify in relation to any matter under investigation. [A failure to obey any such order of the court shall be punished as a contempt.]

Sec. 14. Section four hundred seventy-four point twenty-one (474.21), Code 1975, is amended to read as follows:

474.21 HINDERING OR OBSTRUCTING DEPARTMENT. Any person who shall willfully obstruct [it or its members] *the department or board* in the performance of their

duties, or who shall refuse to give any information within [his] *that person's* possession that may be required by [it] *the board or department* within the line of [its] *their* duty, shall be fined not exceeding one thousand dollars, in the discretion of the court.

Sec. 15. Section four hundred seventy-four point twenty-three (474.23), Code 1975, is amended to read as follows:

474.23 CUMULATIVE REMEDIES. Nothing in this chapter or chapter 479 shall be construed to estop or hinder any person[s or corporations] from bringing action against any railway [company] *corporation* for any violation of the laws of the state [for the government of railroads].

Sec. 16. Section four hundred seventy-four point twenty-six (474.26), Code 1975, is amended to read as follows:

474.26 WHEN ORDER EFFECTIVE—VIOLATION. All rules[,] *and* orders[, and regulations] affecting public rights, made by the department *or board*, as now or may hereafter be authorized for the direction and observance of railroads in this state, shall be in full force and effect from and after the date fixed by the department *or board*. If any railroad fails, neglects, or refuses to comply with any rule, *or* order[, or regulation] made by the department *or board* within the time specified, it

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shall, for each day of such failure, pay a penalty of [fifty] *one hundred* dollars. *Such moneys shall be credited to the railroad assistance fund.*

Sec. 17. Section four hundred seventy-four point twenty-nine (474.29), Code 1975, is amended to read as follows:

474.29 REMITTING PENALTY. [When any] *If a* common carrier [shall fail] *fails* in a judicial review proceeding to secure a vacation of the order objected to, it may apply to the court in which the review proceeding is finally adjudicated for an order remitting the penalty which has accrued during the [pendency of the] review proceeding. Upon a satisfactory showing that the petition for judicial review was filed in good faith and not for the purpose of delay, and that there were reasonable grounds to believe that the order was unreasonable or unjust or that the power of the department *or board* to make the same was doubtful, such court may remit the penalty that has accrued during the [pendency of the] review proceeding.

Sec. 18. Section four hundred seventy-four point thirty (474.30), Code 1975, is amended to read as follows:

474.30 COSTS—ATTORNEY'S FEES. When a decree shall be entered against a railroad [company] *corporation* or person under sections [474.24] *four hundred seventy-four point twenty-five (474.25) of the Code* to 474.29 the court shall render judgment for costs, and attorney's

fees for counsel representing the state.

Sec. 19. Section four hundred seventy-four point thirty-four (474.34), Code 1975, is amended to read as follows:

474.34 COMPLAINTS. Any person, [firm, corporation, association, mercantile, agricultural, or manufacturing society, body politic, or municipal organization,] *city or county* may file with the department a petition setting forth any particular in which any common carrier has violated the law to which it is subject and the amount of damages sustained by reason thereof. The department shall furnish to the carrier against which complaint is filed, a copy thereof, and a reasonable time shall be fixed *by the board* within which such carrier shall answer the petition or satisfy the demand therein made. If such carrier fails to satisfy the complaint within the time fixed or there [shall appear] *appears* to be reasonable grounds for investigating the matters set forth in said petition, the [department] *board* shall hear and determine the questions involved and make such orders as it shall find to be proper. [No petition so filed shall be dismissed on the grounds that the petitioner has not suffered any direct damage.] When the [department ascertains or] *board*

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has reason to believe that any carrier is violating any of the laws to which it is subject, it may institute an investigation and cause a hearing to be [made] *held* before it in relation to such matters in all respects as fully as if a petition had been filed.

Sec. 20. Section four hundred seventy-four point thirty-five (474.35), Code 1975, is amended to read as follows:

474.35 INVESTIGATION—REPORT. When a hearing has been [had] *held* before the [department] *board* after notice, it shall make a report in writing setting forth the findings of fact and its conclusions together with its recommendations or orders as to what reparation, if any, the offending carrier shall make to any party who has suffered damage. Such finding of fact shall thereafter in all legal proceedings be prima facie evidence of every fact found. All reports of hearings and investigations made by the [department] *board* shall be entered of record and a copy furnished to the carrier against which the complaint was filed, to the party complaining, and to any other person having a direct interest in the matter. *A reasonable fee not to exceed the actual duplication costs may be charged for the copies.*

Sec. 21. Section four hundred seventy-four point thirty-six (474.36), Code 1975, is amended to read as follows:

474.36 ORDERS—COMPLIANCE—[RELEASE]. When the [department] *board* finds as the result of any investigation *or hearing* that a common carrier has violated or is violating

any of the provisions of law to which it is subject, or **that any complainant or other person has sustained damages** by reason of such violation, the [department] *board* shall [notify] *order* such carrier to cease such violation at once and shall fix a time within which it shall pay the amount of damage which has been found due to any person as a result of such violation. [Upon a satisfactory showing to the department that the carrier has complied with the notice in the time and manner required, it shall thereupon be relieved from further liability or penalty for that particular violation of law, and the department shall enter of record such release.]

Sec. 22. Section four hundred seventy-four point thirty-seven (474.37), Code 1975, is amended to read as follows:

474.37 VIOLATION OF ORDER—PETITION—NOTICE. When **any** [common carrier shall violate or fail] *person violates or fails* to obey any lawful order or requirement of the department *or board*, the department *or board* shall apply [in a summary way] by petition in the name of the state, against such [common carrier] *person*, to the district court [of any county through which such carrier owns or operates a line of

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railroad or in which the failure or violation of such order occurred], alleging such violation or failure to obey; the court shall hear and determine the matter set forth in [said] *the* petition on reasonable notice to the [common carrier] *person*, to be fixed by the court and to be served in the same manner as original notices for the commencement of action.

Sec. 23. Section four hundred seventy-four point thirty-eight (474.38), Code 1975, is amended to read as follows:

474.38 INTERESTED PARTY MAY BEGIN PROCEEDINGS. Any person[, firm, or corporation] *or city or county* interested in the matter of enforcing any order or requirement of the department *or board*, may file a petition against such [carrier] *person*, alleging the failure to comply with such order or requirement and praying summary relief to the same extent and in the same manner as the department *or board* may do under section 474.37, and the proceedings after the filing of such petition shall be the same as in [said] section [provided] *four hundred seventy-four point thirty-seven (474.37) of the Code.*

Sec. 24. Section four hundred seventy-four point thirty-nine (474.39), Code 1975, is amended to read as follows:

474.39 DUTY OF [GENERAL] *DEPARTMENT AND BOARD* COUNSEL AND COUNTY ATTORNEY. When any proceeding has been instituted under sections 474.37 and 474.38, the department general counsel *or the legal counsel of the board* shall prosecute the same, and the county attorney of the county in which such proceeding is pending shall

render such assistance as the department general counsel *or the board legal counsel* may require [of him].

Sec. 25. Section four hundred seventy-four point forty (474.40), Code 1975, is amended to read as follows:

474.40 HEARING IN EQUITY—INJUNCTION. All such causes shall be in equity, and the order or report of the department *or board* in question shall be *considered* prima-facie evidence [of the matters contained therein]. If the court shall find that the order or requirement in question is lawful and has been violated, it shall issue an injunction or other proper process[, mandatory or otherwise, to compel obedience to such order or requirement].

Sec. 26. Section four hundred seventy-four point forty-two (474.42), Code 1975, is amended to read as follows:

474.42 APPEAL—EFFECT. An appeal to the supreme court shall not stay or supersede the order of the court or the execution of any writ or process thereon. When

appeal is taken by the department *or board*, it shall not be required to give an appeal bond or security for costs.

Sec. 27. Section four hundred seventy-four point forty-three (474.43), Code 1975, is amended to read as follows:

474.43 SUITS BY [DEPARTMENT] *BOARD*. When the [department] *board* has reason to believe that any [common carrier] *person* has been guilty of [extortion or] unjust discrimination, [it] *the board* shall [immediately] cause [actions] *action* to be commenced [and prosecuted] against such [carrier] *person*. Such action may be brought in *the district court of* any county through [or into] which [any line of] *the* railway owned or operated by such [carrier] *person* may extend. [No actions thus commenced shall be dismissed unless the department and the department general counsel consent thereto. The court in which any such action is pending may, in its discretion, give preference as to the time of trial of such action over other business, except criminal cases.]

Sec. 28. Section four hundred seventy-four point forty-eight (474.48), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

474.48 DETAILS OF REPORT. The report shall be compiled pursuant to rules adopted pursuant to chapter seventeen A (17A) of the Code by the department. The report shall include but not be limited to anticipated capital improvements projected over the next five years and anticipated abandonments which may occur over the same period of time. The department may provide that certain portions of the report, except those portions dealing with anticipated abandonments, remain confidential if the department determines that the release of the information may cause an undue competitive advantage or disad-

vantage to a railroad corporation if the information is released. The information may be classified as confidential only with the approval of the director of the department.

Sec. 29. Section four hundred seventy-four point fifty-four (474.54), Code 1975, is amended to read as follows:

474.54 DEFINITION. As used in this chapter, unless the context otherwise requires "department" means the state department of transportation *and "board" means the transportation regulation board.*

Sec. 30. Section four hundred seventy-six point twenty-seven (476.27), Code 1975, is amended to read as follows:

476.27 MOTORBUSES—AERIAL TRANSPORTATION. Any [railroad company] *person* operating a railroad in this state may

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own and operate [over the highways of this state for hire and as a] *any other* common carrier [of passengers, freight, mail or express, automobile buses or motor vehicles,] subject to [the] *applicable state* laws [of the state applicable to the use of such highways by motor vehicle carriers, and may also own and operate equipment for, and engage in aerial transportation, subject to the laws of the state applicable thereto]. Any such [railroad company] *person* may purchase and own capital stock and securities of a corporation organized for or engaged in the business of a [motor] *common* carrier[, or of aerial transportation].

Sec. 31. Section four hundred seventy-seven point thirteen (477.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

477.13 BRAKES ON TRAINS AND ENGINES. A train or engine shall not be operated in this state which does not have an operational braking system which complies with Title forty-five (45), sections one (1) et seq., U.S.C.

Sec. 32. Section four hundred seventy-seven point fifteen (477.15), Code 1975, is amended to read as follows:

477.15 VIOLATIONS. Any *railroad* corporation[, company, or person] operating a [railroad] *train or engine* [in this state and using a locomotive engine, or running a train of cars, or] using any freight *car*, [way] *caboose*, or other car contrary to the provisions of sections 477.12 [to 477.14] *and four hundred seventy-seven point thirteen of the Code* shall be [guilty of a misdemeanor, and shall be] subject to a fine of not less than five hundred nor more than one thousand dollars for each and every offense[, but such penalties shall not apply to companies hauling cars belonging to railroads other than those of this state which are engaged in interstate traffic], *and moneys so*

collected shall be credited to the railroad assistance fund.

Sec. 33. Section four hundred seventy-seven point eighteen (477.18), Code 1975, is amended to read as follows:

477.18 EXCEPTIONS. The provisions of section 477.17 shall not apply to switching or yard service [at stations or places where regular switch engines are not employed exclusively as switch engines, or during a period of not exceeding twelve hours, when a switch engine is being cleaned or washed out, and also switching by work trains, and where regular switch engines are disabled by accident, or in need of repairs, or there is an unusual or unexpected amount of work, switching, under such conditions, with

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ordinary engines, for a period of not to exceed forty-eight hours, shall not be considered a violation of this statute.]

Sec. 34. Section four hundred seventy-seven point twenty-six (477.26), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section nine (9), is amended to read as follows:

477.26 STANDARD CABOOSE CARS. The provisions of section 477.27 and 477.28 shall apply to any [corporation or to any] person [or persons] while engaged as *a* common [carriers] *carrier* in transportation by [railroads] *rail* [of passengers or property within this state to which the regulative power of this state extends].

Sec. 35. Section four hundred seventy-seven point forty-two (477.42), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section eleven (11), is amended to read as follows:

477.42 FREIGHT OFFICES. All railroads in the state shall establish and maintain operating offices[,] at localities accessible and convenient to the public[, and correctly set forth their freight tariffs].

Sec. 36. Section four hundred seventy-seven point fifty-three (477.53), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

477.53 VEGETATION OF RIGHT-OF-WAY. Every railroad corporation shall insure that vegetation on railroad property which is on or immediately adjacent to the roadbed be controlled so that it does not:

1. Become a fire hazard to track-carrying structures.
2. Obstruct visibility of railroad signs and signals.
3. Interfere with railroad employees performing normal trackside duties.
4. Prevent proper functioning of signal and communication lines.
5. Prevent railroad employees from visually inspecting moving equipment from their normal duty stations.

Nothing in this section shall be construed to exempt

a railroad corporation from carrying out noxious weed control programs as provided in chapter three hundred seventeen (317) of the Code.

Sec. 37. Section four hundred seventy-seven point sixty-four (477.64), Code 1975, is amended to read as follows:

477.64 SANITATION AND SHELTER. A railway [company] *corporation* within the state shall provide adequate sanitation and shelter for all railway employees. The Iowa bureau of labor shall adopt rules in accordance with chapter 17A relating to requirements for adequate sanita-

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tion and shelter for railway employees.

Sec. 38. Chapter four hundred seventy-seven (477), Code 1975, is amended by adding the following new section:

NEW SECTION. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Department" means the state department of transportation.

2. "Board" means the transportation regulation board.

Sec. 39. Section four hundred seventy-eight point thirteen (478.13), Code 1975, is amended to read as follows:

478.13 OVERHEAD, UNDERGROUND, OR MORE THAN ONE CROSSING. Such owner of land may serve upon such railroad [company] *corporation* a request in writing for more than one such [farm or] private crossing, or for an overhead or underground crossing, accompanied by a plat of his land designating thereon the location and character of crossing desired. If the railroad [company] *corporation* refuses or neglects [for] *to comply within* thirty days [after] *of* such [service to comply with such] *written* request, the owner of the land may make written application to the department to hear and determine his rights in said respect. [Such department] *The board,* after [reasonable] notice to the railroad [company] *corporation,* shall hear [said] *the* application and all objections [thereto,] and make such order as shall be reasonable and just, and if it requires the railroad [company] *corporation* to construct any crossing or roadway, fix the time for compliance with [such] *the* order. The matter of costs shall be in the discretion of the [department] *board.*

Sec. 40. Section four hundred seventy-eight point twenty-one (478.21), Code 1975, as amended by the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-two (232), is amended to read as follows:

478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE. Where-ever a railway track crosses or shall hereafter cross a highway, street or alley, the railway [company] *corporation* owning such track and [the highway division of] the department [of transportation], in the case of primary highways, the

board of supervisors of the county in which such crossing is located, in the case of secondary roads, or the council of the city, in the case of streets and alleys located within a city, may agree upon the location [and], manner [of crossing, or crossing protection, or upgrading thereof, or upon a separation of grades so as to carry such highway over or under the railway track, and upon any change, alteration], vacation, *physical structure, characteristics*

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and [or relocation of such highway, street or alley, and upon repairs, alteration, or elimination of any crossing, and upon the expense each party shall pay for such changes, except that if flasher light or gate signals are ordered or agreed to be installed prior to July 1, 1973, the] maintenance *of the crossing and allocation of costs* thereof [shall be assumed by the railroad and if the installation of flasher light or gate signals is ordered or agreed to be installed on or after July 1, 1973, the maintenance thereof shall be assumed equally by the railroad and upon the approval of the department the grade crossing safety fund]. [The department shall not expend more than four hundred fifty dollars for any one crossing in any one year from the grade crossing fund; provided, however, nothing in this section limits the provisions of section 364.8.] *The department shall become a party to the agreement if grade crossing safety funds are to be used. Up to seventy-five percent of the maintenance cost of the crossing and an unlimited portion of the cost of the crossing may be paid from the grade crossing safety fund.*

Notwithstanding other provisions of this section, maintenance of flasher lights or gate signals installed or ordered to be installed before July 1, 1973, shall be assumed wholly by the railroad corporation.

Payments from the grade crossing safety fund shall be made to the treasurer of state upon certification by the department that the terms of the agreement have been followed.

The department shall promulgate rules according to chapter seventeen A (17A) of the Code for processing claims to the grade crossing safety funds.

The provisions of this section shall not apply to the repair of the grade crossing surface.

Sec. 41. Section four hundred seventy-eight point twenty-two (478.22), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-two (232), section two (2), is amended to read as follows:

478.22 DISAGREEMENT—APPLICATION—NOTICE. If the [railway company and said highway authorities cannot agree upon the changes to be made] *persons specified in section four hundred seventy-eight point twenty-one (478.21) of the Code cannot reach an agreement,* either party may

make writen application to the [transportation regulation board of the department, setting forth the changes and alteration desired, and said department] *board requesting resolution of the disagreement. The board* shall fix a date for hearing and give the other party ten days'

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written notice by mail of such date. [Nothing in this section shall be construed to prohibit either party from filing written application with the department prior to any disagreement.] The [department] *board* shall promulgate rules, pursuant to chapter seventeen A (17A) of the Code, for processing applications which are filed with the [department] *board* prior to a written disagreement. The [transportation regulation] board may set a hearing date after the disagreement has been filed.

Sec. 42. Section four hundred seventy-eight point twenty-three (478.23), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-two (232), section three (3), is amended to read as follows:

478.23 HEARING—ORDER. The [department] *board* shall hear the evidence of each party to the controversy, [taking into consideration the necessity of such changes and the expense thereof, the location of any crossing or crossing protection and the manner in which it shall be constructed and maintained, or whether a crossing is to be eliminated and the provisions therefor, and may] *shall* make [such] *an* order [in relation thereto as shall be equitable], [including] *which may include, pursuant to the provisions of chapters four hundred seventy-one (471) and four hundred seventy-two (472) of the Code,* authority to condemn, [and take additional land for such purposes when necessary, and shall determine a solution to] *resolving* the controversy including what portion of the expense shall be paid by [any] *each* party to such controversy. In determining what portion of the expense shall be paid by each party the [department] *board* [may] *shall* consider the ratio of the benefits accruing to the railroad or the governmental unit or both as it bears to the general public use and benefit and such benefits shall *in the case of construction* be consistent with the standards adopted for similar purposes by the federal highway administration under the federal aid highway Act of 1973 as amended.

Sec. 43. Chapter four hundred seventy-eight (478), Code 1975, is amended by adding the following new sections:

NEW SECTION. There is established a highway railroad grade crossing surface repair fund in the office of the treasurer of state. The department may credit to this fund:

1. Moneys appropriated to the department from the general fund of the state.

2. Moneys appropriated to the department from the road use tax fund.

3. Available federal funds.

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4. Moneys acquired by the department from any gift, grant, or contributions from any source.

The total amount of funds, except funds acquired pursuant to subsections three (3) and four (4) of this section, which shall be credited to the highway railroad grade crossing surface fund shall not exceed two hundred fifty thousand dollars in any one year.

NEW SECTION. **If a grade crossing of a railroad** track and a highway, street, or alley shall require repairs or maintenance, the costs for such maintenance may be paid equally by the owner of the track, the jurisdiction having primary authority over the highway, street, or alley, and the highway grade crossing surface repair fund.

If the railroad corporation and the jurisdiction having authority agree on the method of crossing maintenance and establish an agreement to each contribute one-third of the costs, a copy of the agreement shall be filed with the department which shall allocate an amount equal to one-third of the cost for the work if funds are available in the highway railroad grade crossing surface repair fund. The department shall make appropriate notification if the fund is exhausted in which case agreements shall not be made under the provisions of this section until additional funds are available. The fund shall be administered by the department.

Upon completion of the agreed repair work, a statement of costs shall be filed with the department by the railroad corporation in a form and manner prescribed by the department. The department, upon approval of the statement, shall pay to the railroad corporation an amount equal to one-third of the cost of the work from the highway railroad grade crossing surface repair fund. The owner of the track and the jurisdiction entering into the agreement shall each pay one-third of the cost.

NEW SECTION. **If a railroad corporation and the** jurisdiction having authority cannot reach agreement on railroad surface crossing repair and maintenance, either party may appeal to the board. The board shall resolve the dispute in the manner provided in section four hundred seventy-eight point twenty-two (478.22) and section four hundred seventy-eight point twenty-three (478.23) of the Code, except for the allocation of costs.

NEW SECTION. **A railroad corporation or its employees** shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten minutes except:

1. When necessary to comply with signals affecting the safety of the movement of trains.

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2. When necessary to avoid striking any object or person on the track.

3. When the train is disabled.

4. When the train is in motion except while engaged in switching operations.

5. When there is no vehicular traffic waiting to use the crossing.

6. When necessary to comply with governmental safety regulations.

Any officer or employee of a railroad corporation violating any provision of this section shall, upon conviction be subject to the penalty provided in section four hundred seventy-eight point twenty (478.20) of the Code. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Such guilt shall then be with the railroad corporation.

Sec. 44. Section four hundred seventy-nine point one (479.1), Code 1975, is amended to read as follows:

479.1 APPLICABILITY OF CHAPTER. The provisions of this chapter shall apply to the [transportation of passengers and property, and to the receiving, delivering, storing, and handling of property wholly within this state, and shall apply to all railroad corporations, express companies, car companies, sleeping car companies, freight or freight line companies, and to any common carrier engaged in this state in the transportation of passengers or property by railroad therein, and to shipments of property made from any point within the state to any point within the state, whether the transportation of the same shall be wholly within this state or partly within this state and partly within an adjoining state] ***intrastate transport of persons and property.***

Sec. 45. Section four hundred seventy-nine point two (479.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.2 DEFINITIONS. As used in this chapter unless the context otherwise requires:

1. "Railroad" means all terminal facilities necessary in the transportation of persons and property and includes bridges, railroad right-of-way, trackage, switches, and other appurtenances necessary for the operation of a railroad, whether owned, leased, or operated under some other contractual agreement.

2. "Railway" means a railroad as defined in subsection one (1) of this section.

3. "Railway corporation" means all corporations,

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companies, or persons owning or operating any railroad or carrier in whole or in part within the state.

4. "Railroad corporation" means a railway corporation as defined in subsection three (3) of this section.

5. "Switching service" means the shifting of a car between two points, both of which are within the industrial vicinity of an industry, a group of industries, a station, or a city, as such industrial vicinity may be defined by the department.

6. "Transportation" means all instrumentalities of shipment or carriage as well as services in connection with the actual transport.

7. "Rates" means fares, tariffs, tolls, charges, and all classifications, contracts, practices, and rules of common carriers relating to such rates.

8. "Joint tariffs" embraces joint rates, tolls, contracts, classifications, and charges.

9. "Department" means the state department of transportation.

10. "Board" means the transportation regulation board.

Sec. 46. Section four hundred seventy-nine point four (479.4), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.4 CONNECTIONS. If a railroad corporation in this state refuses to connect by proper switches or tracks with the tracks of another railroad corporation or refuses to receive, transport, load, discharge, reload, or return cars furnished by another connecting railroad corporation, the board shall hold a hearing on the dispute. Upon conclusion of the hearing, the board shall issue an order to resolve the dispute. The order may include the allocation of costs between the parties.

Sec. 47. Section four hundred seventy-nine point eight (479.8), Code 1975, is amended to read as follows:

479.8 TRANSPORTING PERSONS *OR PROPERTY* FOR HIRE—LIMITATION ON LIABILITY. [No] *A* contract, receipt or rule shall *not* exempt any [corporation or] person engaged in transporting [persons] for hire from the liability of a common carrier, or carrier of passengers, which would exist had no contract, receipt, *or* rule [or regulation] been made *except as may be provided for liability for property loss by order of the board.*

Sec. 48. Section four hundred seventy-nine point ten (479.10), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-three (23), is amended to read as follows:

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479.10 INTERCHANGE OF TRAFFIC—SWITCHING AND FORWARDING. [All common] *Common* carriers shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the

interchange of traffic between their respective lines, and for the receiving, forwarding, and switching of cars and property to and from their several lines, and to and from other lines and places connected therewith; and shall not discriminate in their accommodations, rates, and charges between such connecting lines. Any common carrier may be required to switch and transfer cars for another, for the purpose of being loaded or unloaded, upon such terms and conditions as may be [prescribed] *ordered* by the [department] *board.*

Sec. 49. Section four hundred seventy-nine point twelve (479.12), Code 1975, is amended to read as follows:

479.12 RECONSIGNMENT WITHOUT CHARGE. Upon request of the consignee it shall be the duty of any common carrier of freight to reconsign, rebill, and reship from any place of destination within the state to any other place within the state any property in carload lots[, whether accompanied by any person or not,] brought to said place of destination over its own or other line and treat the same in all respects as an original shipment between such places, provided the charges to first place of destination are paid or secured to the satisfaction of such [company] *corporation.*

Sec. 50. Section four hundred seventy-nine point thirteen (479.13), Code 1975, is amended to read as follows:

479.13 CHARGES TO BE REASONABLE. All *rates and* charges made for any service rendered or to be rendered in the transportation of passengers or property in this state, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just[, and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful].

Sec. 51. Section four hundred seventy-nine point fourteen (479.14), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

No such [common] carrier[, or carriers,] shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance, over the same line or route in the same direction within this state, the shorter being included within the longer

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distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates; but this shall not be construed as authorizing any such common carrier [or carriers] to charge or receive as great a compensation for a shorter as for a longer distance or haul; provided that

upon application to the [department] *board* such common carrier [or carriers] may, in special cases, after investigation, be authorized by the [department] *board* to charge less for a longer than for a shorter distance for the transportation of persons or property; and the [department] *board* may from time to time prescribe the extent to which such designated common carrier [or carriers] may be relieved from the operation and requirement of this section; but in exercising the authority conferred upon it in this proviso, the [department] *board* shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and, if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points.

Sec. 52. Section four hundred seventy-nine point fifteen (479.15), Code 1975, is amended to read as follows:

479.15 POOLING CONTRACTS. It shall be unlawful for any common carrier subject to the provisions of this chapter to enter into any contract, agreement, or combination with any other common carrier [or carriers] for the pooling of freight of different and competing railroads, or divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof *without the approval of the board when determined to be in the public interest by the board;* and in case of an agreement for the pooling of freights [as aforesaid] *without such approval,* each day of its continuance shall be a separate offense.

Sec. 53. Section four hundred seventy-nine point seventeen (479.17), Code 1975, is amended to read as follows:

479.17 VIOLATIONS—TREBLE DAMAGES. In case any common carrier subject to the provisions of this chapter shall do, cause, or permit to be done anything herein prohibited or declared to be unlawful, or shall [omit] *willfully fail* to do anything in this chapter

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required to be done, it shall be liable to the person [or persons] injured thereby for three times the amount of damages sustained in consequence, together with costs of suit, and a reasonable attorney's fee to be fixed by the court, on appeal or otherwise, which shall be taxed and collected as part of the costs in the case; but in all cases demand in writing shall be made *of the carrier* for the money damages sustained before action is brought for a recovery

under this section, and no action shall be brought until the expiration of fifteen days after such demand.

Sec. 54. Section four hundred seventy-nine point twenty (479.20), unnumbered paragraph one (1), Code 1975, is amended by striking the paragraph and inserting in lieu thereof the following:

The provisions of the following subsections shall constitute prima facie evidence of undue and unjust discriminating rates, charges, accommodations, collections, or receipts.

Sec. 55. Section four hundred seventy-nine point twenty (479.20), subsection seven (7), Code 1975, is amended to read as follows:

7. Charge, collect, or receive from any person for the use and transportation of any railway car [or cars] upon its railway a higher or greater compensation in the aggregate than it shall, at the same time, charge, collect, or receive from any other person for the use and transportation of any railway car [or cars] of the same class for a like purpose, being transported from the same original point in the same direction, over an equal distance of the same railway [all such discriminating rates, charges, collections, or receipts, whether made directly or by means of any rebate, drawback, or other shift or evasion, shall be received as prima facie evidence of the unjust discriminations prohibited by this chapter.]; *or*

Sec. 56. Section four hundred seventy-nine point twenty (479.20), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Charge any undue or unjust discriminatory rates, charges, accommodations, collections or receipts whether made directly or indirectly by means of a rebate or other method.

Sec. 57. Section four hundred seventy-nine point twenty-nine (479.29), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-seven (27), is amended to read as follows:

479.29 PENALTY FOR DISCRIMINATION. Any [such] corporation [guilty of extortion, or of] making any unjust

discrimination as to freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering [freights,] *freight* shall, upon conviction thereof, be fined in any sum not less than one thousand dollars nor more than five thousand dollars for the first offense, and for each subsequent offense not less than five thousand nor more than ten thousand dollars-such fine to be imposed in a criminal prosecution by indictment; or shall be subject to the liability prescribed in section 479.30, to be recovered as therein provided.

Sec. 58. Section four hundred seventy-nine point thirty (479.30), Code 1975, is amended to read as follows:

479.30 CIVIL FORFEITURE. Any [such] railway corporation [guilty of extortion, or of] making any unjust discrimination as to passenger or freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering [freights] ***freight,*** **shall forfeit and pay to the state not less** than one thousand nor more than five thousand dollars for the first offense, and not less than five thousand nor more than ten thousand dollars for each subsequent offense, to be recovered in a civil action in the name of the state; and the release from liability or penalty provided for in this chapter shall not apply to a criminal prosecution under section 497.29 or to a civil action under this section.

Sec. 59. Section four hundred seventy-nine point forty-six (479.46), Code 1975, is amended to read as follows:

479.46 DIVISION OF JOINT RATES. Before the promulgation of such rates, the [department] ***board*** shall notify the railroad [companies] ***corporations*** interested [of] ***in*** the schedule of joint rates fixed, and give them a reasonable time [thereafter] to agree upon a division of the charges provided [for therein]. If such [companies] ***corporations*** fail to agree upon a division, and to notify the [department] ***board*** thereof, [it] ***the board*** shall, after a hearing of the [companies] ***corporations*** interested, decide the same, taking into consideration the value of terminal facilities and all the circumstances of the haul, and the division so determined by it shall, in all controversies or actions between the [railway companies] ***railroad corporations*** interested, be prima-facie evidence of a just and reasonable division thereof.

Sec. 60. Section four hundred seventy-nine point forty-nine (479.49), Code 1975, is amended to read as follows:

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479.49 RATE SCHEDULES—FILING AND [PUBLICATION] *PUBLIC ACCESS.* Every common carrier, subject to the provisions of this chapter shall file with the [department] ***board*** and shall print [and keep open to public inspection] schedules showing the rates for the transportation within this state of persons and property from each point upon its route to all other points thereon and from all points upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint

rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, applicable to the through transportation.

Subject to rules which the board shall adopt, the schedules shall be plainly printed and a copy of often used schedules shall be kept by every carrier readily accessible to and for inspection by the public in every station and office of the carrier where passengers or property are received for transportation when the station or office is in the charge of an agent. A notice printed in bold type and stating that the often used schedules are on file with the agent and open to public inspection, and that the agent will assist any person to determine from the schedule any rate shall be posted by the carrier in public and conspicuous places in each station or office. The board shall, by rule, provide that adequate public access to schedules not often used be provided in a different manner.

Sec. 61. Section four hundred seventy-nine point fifty (479.50), Code 1975, is amended to read as follows:

479.50 DETAILED REQUIREMENTS. The schedules [aforesaid] shall plainly state the places between which such property and persons will be carried, and, separately, all terminal charges, storage charges, [icing] *refrigeration* charges, and all other charges which the [department] *board* may require to be stated, all privileges or facilities granted or allowed, and all rules [or regulations] which may in any [wise] *way* change, affect, or determine any part or the aggregate of such rates, or the value of the various services rendered to the passenger, shipper, or consignee.

The form of every schedule shall be prescribed

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by the board and shall conform, in the case of common carriers, as nearly as may be to the form prescribed by the interstate commerce commission.

Sec. 62. Section four hundred seventy-nine point fifty-five (479.55), Code 1975, is amended to read as follows:

479.55 INTERSTATE COMMERCE SCHEDULES. When schedules and classifications required by the interstate commerce commission contain in whole or in part the information required by the provisions of this chapter, the posting[, publishing,] and filing of a copy [or copies] of such schedules and classifications *with the board* shall be deemed a compliance with the requirements of this chapter insofar as such schedules and classifications contain the information required by this chapter, and any additional or different information may be posted[, published,] and filed in a supplementary schedule.

Sec. 63. Section four hundred seventy-nine point fifty-six (479.56), Code 1975, is amended to read as follows:

479.56 PARTIAL SCHEDULES. In lieu of filing its [entire] *often used* schedule in each station or office, any common carrier may[, subject to the regulations of the department,] file [or] *with the board and* keep posted at such stations or offices, schedules of such rates as are applicable at, to, and from the places where such stations or offices are located *subject to rules adopted by the board.*

Sec. 64. Section four hundred seventy-nine point fifty-seven (479.57), Code 1975, is amended to read as follows:

479.57 CHANGES IN SCHEDULES. The [department] *board* shall have power from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this chapter as it may find expedient, and to modify the requirements of any of its orders or rules in respect thereto.

Sec. 65. Section four hundred seventy-nine point fifty-eight (479.58), Code 1975, is amended to read as follows:

479.58 JOINT TARIFF SCHEDULES. The names of the several common carriers which are parties to any joint tariff shall be specified in the schedule [or schedules] showing the same. Unless otherwise ordered by the [department] *board,* a schedule showing such joint tariff need be filed with the [department] *board* by only one of the parties if there is also filed with the [department] *board,* in such form as the [department] *board* may require, a concurrence in such joint tariff by each of

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the other parties thereto.

Sec. 66. Section four hundred seventy-nine point sixty (479.60), Code 1975, is amended to read as follows:

479.60 TRANSPORTATION PROHIBITED. No common carrier shall undertake to perform any service nor engage or participate in the transportation of persons or property between points within this state, until its schedule of rates shall have been filed and [published] *posted* as herein provided.

Sec. 67. Section four hundred seventy-nine point sixty-one (479.61), Code 1975, is amended to read as follows:

479.61 CHANGE IN RATE. Unless the [department] *board* otherwise orders, no change shall be made by any common carrier in any rate, except after thirty days' notice to the [department] *board* and to the public as herein provided. *The board shall adopt rules to insure public notice in any action instituted under this section.*

Sec. 68. Section four hundred seventy-nine point sixty-two (479.62), Code 1975, is amended to read as

follows:

479.62 NOTICE OF CHANGE. Such notice shall be given by filing with the [department and by keeping open for public inspection] *board* new schedules or supplements stating plainly the change [or changes] to be made in the schedule [or schedules] then in effect, and the time when the change [or changes] will go into effect.

Sec. 69. Section four hundred seventy-nine point sixty-three (479.63), Code 1975, is amended to read as follows:

479.63 CHANGES WITHOUT NOTICE. The [department] *board,* for good cause shown, may allow changes without requiring [said] thirty days' notice by an order specifying the changes [so] to be made and the time when they shall take effect, and the manner in which they shall be filed and published.

Sec. 70. Section four hundred seventy-nine point sixty-four (479.64), Code 1975, is amended to read as follows:

479.64 INDICATING CHANGE. When any change is proposed in any rate, such proposed change shall be plainly indicated on the new schedule filed with the [department] *board,* by some *typographic* character immediately preceding or following the item.

Sec. 71. Section four hundred seventy-nine point sixty-five (479.65), Code 1975, is amended to read as follows:

479.65 SCHEDULE CHARGE MANDATORY—REFUNDS AND DISCRIMINATION. No common carrier, except as otherwise

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provided, shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares, and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified except upon order of the courts or of the [department] *board* as may be now or hereafter by law provided, nor extend to any shipper or person any privilege or facility in the transportation of passengers or property except such as are specified in such schedules.

Sec. 72. Section four hundred seventy-nine point sixty-six (479.66), Code 1975, is amended to read as follows:

479.66 POWER TO REVISE RATES. Whenever there shall be filed with the [department] *board* any schedule[,] stating [an] *a* [indivdual or joint] rate, the [department shall have power] *board may,* either upon complaint or upon its own motion, [at] *immediately* [once], and, if it

so orders, without answer or formal pleadings by the interested common carrier, [or carriers, but upon reasonable notice, to] enter upon a hearing concerning the propriety of such rate.

Sec. 73. Section four hundred seventy-nine point sixty-seven (479.67), Code 1975, is amended to read as follows:

479.67 SUSPENSION OF RATES. Pending the hearing and the decision thereon, such rate shall not go into effect; but the period of suspension of such rate shall not extend more than one hundred twenty days beyond the time when such rate would otherwise go into effect[, unless the department, in its discretion, extends the period of suspension for a further period of not exceeding thirty days].

Sec. 74. Section four hundred seventy-nine point sixty-eight (479.68), Code 1975, is amended to read as follows:

479.68 DECISION. On such hearing the [department] *board* shall establish the rates, in whole or in part, or other in lieu thereof, which it shall find to be just and reasonable.

Sec. 75. Section four hundred seventy-nine point sixty-nine (479.69), Code 1975, is amended to read as follows:

479.69 WHEN RATES EFFECTIVE. All such rates not so suspended shall, on the expiration of thirty days from the time of filing the same with the [depart-

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ment] *board* or of such less time as the said [department] *board* may grant, go into effect and be the established and effective rates, subject to the power of the [department] *board* after a hearing had upon its own motion or upon complaint, as herein provided, to alter or modify the same.

Sec. 76. Section four hundred seventy-nine point seventy (479.70), Code 1975, is amended to read as follows:

479.70 POSTING AND FILING OF REVISED SCHEDULES. After such changes have been authorized by the [department] *board*, copies of the new or revised schedules shall be posted or filed as provided in this chapter within such reasonable time as may be fixed by the [department] *board*.

Sec. 77. Section four hundred seventy-nine point seventy-two (479.72), Code 1975, is amended to read as follows:

479.72 COMPLAINT OF VIOLATION. When any person [in his own behalf, or in behalf of a class of persons similarly situated, or a firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization], *city, or county* shall make complaint to the [department] *board* that the rate charged or published

by any railway [company] *corporation*, [or the maximum rates fixed by the department in the schedule of rates made by it,] or the maximum rate fixed by law, is unreasonably high or discriminating, the [department shall] *board may* investigate the matter, and, [if the charge appears to be well founded, fix a day for] *hold a* hearing [the same,] giving the [railway company] *parties* notice of the time and place [thereof by mail, directed to any division superintendent, general or assistant superintendent, general manager, president, or secretary of such company, which notice shall contain the substance of the complaint, also the person or persons complaining] *of the hearing.*

Sec. 78. Section four hundred seventy-nine point seventy-three (479.73), Code 1975, is amended to read as follows:

479.73 HEARING—EVIDENCE. [Upon] *At the time of* the hearing the [department] *board* shall receive any evidence and listen to any arguments [offered or] presented by either party relevant to the matter under investigation, and the burden of proof shall not be upon the person [or persons] making the complaint[,]. [but it] *The complainant* shall add to the showing made at such hearing whatever information [it] *the complainant* may then have, or can obtain from any source, including schedules of

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rates actually charged by any railway [company] *corporation* for substantially the same kind of service, in this or any other state. The lowest rates published or charged by any railway [company] *corporation* for substantially the same kind of service whether in this or another state, shall, at the instance of the person [or persons] complaining, be accepted as prima-facia evidence of a reasonable rate for the services under investigation; and if the railway [company] *corporation* complained of is operating a line of railroad beyond the state, or has a traffic arrangement with any such railway [company] *corporation*, the same shall be taken into consideration in determining what is a reasonable rate; if it be operating a line of railway beyond the state, the rate charged or established for substantially a similar or greater service by it in another state shall also be considered. *The board shall establish just and reasonable rates, in whole or in part or modified as the board shall determine.*

Sec. 79. Section four hundred seventy-nine point ninety-nine (479.99), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.99 PASSENGER TICKETS—REDEMPTION. Every railroad corporation shall redeem in whole or in part any unused passenger ticket at a rate equal to the transportation value of the unused portion. Any redemption shall be made not more than forty-five days from the date of the refund request.

Sec. 80. Section four hundred seventy-nine point one hundred three (479.103), Code 1975, is amended to read as follows:

479.103 [COAL] *BULK COMMODITES* IN CAR LOTS. **Every** person[, firm, or corporation] engaged in operating any railroad within the state shall [equip the line of its track and thereafter] maintain [thereon] in good order, track scales of sufficient capacity to weigh all carloads of [coal] *bulk commodities which the department may specify* that may be transported over the [said] railroad, and shall weigh the same at the request of any owner, consignor, or consignee of such commodities, and furnish written certificates of such weights to such owner, consignor, or consignee [as hereinafter provided]. Such track scales shall be so installed and maintained at all division stations along the line of such railroads within the state, and at such other stations as the department shall from time to time direct.]

Sec. 81. Section four hundred seventy-nine point one hundred four (479.104), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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479.104 COMMODITY WEIGHING—DISAGREEMENT. **If a** railroad corporation and the owner, consignor, or consignee of bulk commodities which are specified by the department cannot reach agreement relative to the weighing of such commodities, appeal may be made to the board which shall, after hearing, issue such order as may be equitable to all parties. The order may include, but not be limited to allocation of installation costs and other costs and place and manner of weighing. The board may adopt rules for the administration of this section.

Sec. 82. Section four hundred seventy-nine point one hundred five (479.105), Code 1975, is amended to read as follows:

479.105 WEIGHT AT DESTINATION—FEE. Such [coal] ***bulk commodities designated by the department*** **shall be** weighed at destination upon request of consignee when there are track scales at such point. If not equipped **with track scales** at such point, then at nearest practicable point [enroute where such scales are maintained, and certificate of weight, showing actual gross, tare, and net weights, shall be furnished to consignee and settlement of freight charges based on these weights ***agreed to by both parties.*** **A reasonable charge** [of not more than one dollar per car] may be made for such weighing on request.

Sec. 83. Section four hundred seventy-nine point one hundred six (479.106), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.106 WEIGHING COMMODITES. The department **may**

adopt rules establishing standards by which bulk commodities specified by the department shall be weighed. The rules shall include safety standards, accuracy, style and content of applicable forms and certificates to be used for weighing. Certificates of weight shall be furnished to the consignee and the settlement of freight charges shall be based upon those weights but weight shall not be warranted for any other commercial purpose unless so stated upon its face. The department may enter into agreements with the department of agriculture for the administration of part or all of this section.

Sec. 84. Section four hundred seventy-nine point one hundred sixteen (479.116), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

479.116 RULES. The board shall prescribe by rule, pursuant to chapter seventeen A (17A) of the Code, such regulations as may be reasonably necessary for the orderly disposition of claims arising from loss or damage to property tendered for transportation.

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Sec. 85. Chapter four hundred seventy-nine (479), Code 1975, is amended by adding the following new section:

NEW SECTION. **An employee of the railroad** division of the department designated by the director of the department may conduct spot inspections of vehicles subject to registration which are owned or operated by a railroad corporation to determine whether the vehicle is used to transport products or property which may be a safety hazard for the operator of the vehicle subject to registration or any other employee of the railroad corporation who is transported in the vehicle.

Sec. 86. Section four hundred eighty-one point one (481.1), Code 1975, is amended to read as follows:

481.1 BUILDINGS ON RAILROAD LANDS. When a disagreement arises between a railroad [company] ***corporation*** and the owner of any building used for receiving, storing, or manufacturing any article of commerce transported or to be transported, situated on the railroad right of way or any land owned or controlled by the **railroad [company]** ***corporation*** **for railroad purposes,** as to the terms and conditions on which the same is to be continued thereon or removed therefrom, [or when application is made by any person, firm, or corporation for a site on such lands for the erection and maintenance of such improvements, and the railway company and the applicant cannot agree as to whether such improvement shall be placed on such lands, or as to the character and location of the buildings to be erected and maintained thereon, or as to the terms and conditions under which the same may be placed or operated,] such railway **[company, person, firm, or] corporation** ***or person*** may **make written application to the [department]** ***board*** and

[such department] *the board* shall, [as speedily as possible after the filing of such application,] hear and determine such controversy and make such order in relation thereto as shall be just and equitable between the parties, which order shall be enforced in the same manner as other orders of the [department] *board.*

Sec. 87. Section four hundred eighty-one point three (481.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section thirty (30), is amended to read as follows:

481.3 SPUR TRACKS. Every railroad *corporation* shall acquire the necessary rights of way for, by condemnation or purchase, and shall construct, connect, and operate and maintain a reasonably adequate and suitable spur track, whenever such spur track does not necessarily

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exceed three miles in length, and is required for the successful operation of any existing or proposed mill, elevator, storehouse, warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal dock, or other industry or enterprise, and its construction and operation is not unusually unsafe and dangerous, and is not unreasonably harmful to public interest. No such track is required to be constructed until, or if hereafter constructed need not be maintained unless, the [department] *board,* after hearing, shall have declared the same to be necessary.

Sec. 88. Section four hundred eighty-one point four (481.4), Code 1975, is amended to read as follows:

481.4 COST OF CONSTRUCTION. Such railroad [company] *corporation* may require the person [or persons, firm, corporation, or association] primarily to be served thereby to pay the legitimate cost and expense of acquiring, by condemnation or purchase, the necessary right of way for such spur track and of constructing the same as shall be determined in separate items by the department. Except as *provided* in section 481.5 [provided], the total [estimate] cost thereof as ascertained by said department shall be deposited with the railroad [company] *corporation* before it shall be required to incur any expense [whatsoever therefor]. *If an agreement cannot be reached, the question shall be referred to the board which may after hearing issue an order.*

Sec. 89. Section four hundred eighty-one point nine (481.9), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Board" means the transportation regulation board.

Sec. 90. Chapter four hundred eighty-three (483), Code 1975, is amended by striking the chapter and inserting in lieu thereof sections ninety-one (91) through one hundred eight (108) of this Act.

Sec. 91.

NEW SECTION. As used in this chapter, unless the context otherwise requires:

1. "District" means a railroad district established under the provisions of this chapter.

2. "Department" means the state department of transportation.

3. "Board" means the transportation regulation board.

4. "Railroad corporation" means any corporation organized under the laws of this state or any other state for the purpose of operating a railroad within this state.

5. "Control county" means the county designated

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by the department to administer the election procedures and hold hearings within a railroad district or a proposed railroad district.

6. "Railroad" mean a railroad as defined in section four hundred seventy-nine point two (479.2) of the Code.

Sec. 92. *NEW SECTION.* It is declared to be the policy of the general assembly to allow citizens of an area to form a railroad district for the restoration, conservation, or improvement of a railroad. The funds for the restoration, conservation or improvement shall be derived from a vote of the qualified electors of the district for a tax not to exceed eighty-one cents per thousand dollars of assessed value. The number of years in which it shall be levied and paid shall not exceed twenty years.

Sec. 93. *NEW SECTION.* The department may develop a proposed railroad district and a preliminary recommendation concerning the desirability and necessity of the creation of such a district within thirty days of the receipt of a petition signed by at least ten eligible electors of the area to be included in the district. The petition shall describe the territory proposed to be organized as a district which description shall not be required to be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate. The department shall determine the control county for the district.

Sec. 94. *NEW SECTION.* The board of supervisors of the control county shall publish notice of a proposed hearing upon the question of desirability and necessity of the creation of a railroad district within thirty days of receipt of the proposed plan from the department. The notice shall be published once in an official newspaper of each county with territory in the proposed district at least five days prior to the date of hearing. All eligible electors of the proposed district and all other interested parties shall have the right to attend such hearing and to be heard. In addition to the presentation of proposed boundaries

of the district the department shall discuss the desirability and necessity of the proposed district. If it appears at the hearing that it is desirable to include within the proposed district territory outside the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given through the entire area considered for inclusion in the district and such further hearings held.

Sec. 95. *NEW SECTION.* Following the hearing,

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the department shall file a recommendation with the control county concerning the creation of the railroad district. If the recommendation is for the creation of the district, a referendum shall be held in the proposed railroad district within sixty days of the recommendation. If the recommendation is to revise the plan, a revised plan shall be submitted to the control county board of supervisors by the department within sixty days of the recommendation and a referendum shall be held within sixty days of the receipt of this revised plan. A recommendation to not create the district may be overturned by a petition of fifty or more eligible electors of the proposed railroad district. In such case the proposal to create the district shall be submitted to the voters at a referendum to be held within sixty days of the date the petition was received.

Sec. 96. *NEW SECTION.* The board of supervisors of the control county shall hold a referendum within the proposed railroad district upon the question of the creation of the district and at the same time, hold an election to elect the first trustees' of the district. Notice of the referendum and election shall be given in the manner provided under section forty-nine point fifty-three (49.53) of the Code.

Sec. 97. *NEW SECTION.* Petitions nominating candidates for trustees shall be filed with the control county commissioner of elections at least thirty days prior to the election and shall be made according to section forty-five point three (45.3) of the Code. An eligible elector of the district may not sign more than three such petitions.

Sec. 98. *NEW SECTION.* Trustees shall be elected for six-year terms. However, at the first election, the trustee receiving the highest number of votes shall serve a term of six years, the trustee receiving the second highest number of votes shall serve a term of four years and the trustee receiving the third highest number of votes shall serve a term of two years. The term of office for trustees shall commence upon receipt of the certificate of election.

A bond shall not be required of railroad district trustees. Vacancies shall be filled by appointment by the trustees until the vacancy can be filled pursuant to section sixty-nine point twelve (69.12) of the Code.

Sec. 99. *NEW SECTION.* Two ballots, one containing the public question "Shall a railroad dis-

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trict described as follows be created" and the other, the candidates for trustees, shall be submitted upon request to each qualified elector of the district. The control county commissioner of elections shall cause the ballots to be printed.

Sec. 100. *NEW SECTION.* The polling places for all elections for railroad districts shall be designated by county commissioner of elections and may be the office of the county commissioner of elections in each county in which any territory of the district lies. Subsequent elections for railroad district trustees shall be held biennially as close to the anniversary of the original election as possible and pursuant to the provisions of section thirty-nine point two (39.2) of the Code.

Sec. 101. *NEW SECTION.* The vote of any elections held for a railroad district shall be canvassed on Monday following the election if the district lies wholly within one county. If the district lies within more than one county the noncontrol counties shall canvass the vote on the second day following the election and certify the result to the control county by noon on the Monday following the election. If a majority of the votes cast on the question "Shall a railroad district be created?" do not favor creation of the district, the vote to elect trustees shall be void.

Sec. 102. *NEW SECTION.* The trustees of a railroad district shall have all powers listed in sections one hundred three (103) through one hundred five (105) of this Act and may receive and accept gifts, grants, loans, or other aid from any public or private entities.

Sec. 103. *NEW SECTION.* The trustees may on their own initiative or upon receipt of a petition from ten eligible electors of the district request the control county commissioner of elections to call a referendum on either of the following public questions:

1. Shall a tax of not to exceed _____ be levied against the value of the real property within the district?

2. Shall the trustees of the district be authorized to issue bonds in the amount of _____ and levy a tax for the retirement of the bonds and interest thereon?

If a majority of the votes cast are in favor of question one or sixty percent of the votes cast are in favor of question two, the tax shall be levied by the board of supervisors and collected at the same

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time and in the same manner as other property taxes. This tax shall not be levied more than once, unless a written agreement pursuant to section one hundred four (104) of this Act has been made. The referendum shall state the purposes for which it is proposed to vote the taxes, the rate of tax proposed, the number of years not exceeding twenty in which it shall be levied and paid in equal installments, and the location of the railroad for which it is proposed to improve, restore, or conserve.

Sec. 104. *NEW SECTION.* Prior to expenditure of any funds derived from section ninety-two (92) of this Act, the trustees shall enter into a written agreement with the department and railroad corporation for the purpose specified in the referendum according to the provisions of section one hundred three (103) of this Act.

Sec. 105. *NEW SECTION.* All moneys collected under this chapter shall be placed in the Iowa railroad assistance fund. Not later than December 15 or June 15 of each year in which the tax is collected, the county auditor shall transmit the amount of tax levied and collected, by warrant, to the treasurer of state who shall credit it to the railroad assistance fund. Moneys levied and collected for the purpose of retiring general obligation bonds and paying interest on such bonds shall be held as a sinking fund in the railroad assistance fund and disbursed by the trustees for retirement and interest payment of these bonds. Pursuant to the agreement as specified in section one hundred four (104) of this Act, the trustees shall submit a certified claim to the state comptroller directing that a warrant be issued against the railroad assistance fund.

Sec. 106. *NEW SECTION.* A railroad district shall be dissolved twenty years after its creation if all bonds have been retired and all obligations fulfilled, unless a petition by ten eligible electors objecting to the dissolution is filed with the trustees. The trustees shall notify the department and the control county board of supervisors of this petition. The control county board of supervisors shall hold a hearing on the proposed dissolution of the railroad district and cause a notice of such hearing to be published according to section ninety-four (94) of this Act. At the hearing the department shall present a recommendation on the desirability of dissolution of the railroad district and such recommendation shall be

accepted unless a written objection is given to the board within ten days of the hearing. Upon receipt of

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such objection the board shall make final determination if the district shall be dissolved or retained.

Sec. 107. *NEW SECTION.* Should the taxes voted for the railroad district under the provisions of this chapter remain in the railroad assistance fund for more than one year after the terms of the agreement have expired, the right to the undistributed unencumbered taxes and the money shall revert to the general fund of the county from which it was originally collected in proportion to the taxes levied and collected for this fund in the most recent collection year.

Sec. 108. *NEW SECTION.* The provisions of chapters thirty-one (31) through fifty-three (53) of the Code shall apply to the conduct of elections held for the railroad district, except as otherwise specifically provided in this chapter.

Sec. 109. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section one (1), is amended to read as follows:

SECTION 1. NEW SECTION. RAILROAD ASSISTANCE FUND ESTABLISHED. There is established a railroad assistance fund in the office of the treasurer of state. Moneys in this fund shall be expended for providing assistance to railroads for *the* [upgrading railroad roadbeds, track, track structure, and other appurtenances of railroad right-of-way of railroad branch lines] *restoration, conservation, and improvement of a railroad.* Any unencumbered funds appropriated pursuant to Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred thirteen (1113), section thirteen (13), or other funds appropriated by the general assembly for branch line railroad assistance shall be deposited in the railroad assistance fund. Any moneys received by [the energy policy council or] the state department of transportation by agreements, grants, gifts, or other means from individuals, companies or other business entities, or [political subdivisions of the state] *cities and counties* for the purposes set forth for the fund established pursuant to this section shall be credited to the railroad assistance fund.

Sec. 110. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section two (2), is amended to read as follows:

SEC. 2. NEW SECTION. ASSISTANCE AGREEMENTS. The [energy policy council and, after the transfer of its duties pursuant to section seven (7) of this Act the] director of *the department of* transportation with the approval of the state transportation commission, may enter into agreements with railroads, the United

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States government, [individuals, companies or other business entities] *persons,* or [political subdivisions of the state] *cities, counties, or railroad districts* for carrying out the purposes of this Act. Agreements entered into between the [energy policy council or the] director of *the department of* transportation and railroad [companies] *corporations* pursuant to this section may require payment by the railroad *corporation* of a portion of increased revenue derived from the improved branch line into the railroad assistance fund. *The board of supervisors of a county may enter into an agreement with the state department of transportation to receive a portion of the payments made by a railroad corporation to the railroad assistance fund pursuant to this section. The amount received by a county shall not exceed the amount appropriated to the railroad assistance fund by the county pursuant to Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section five (5).*

Sec. 111. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section three (3), is amended to read as follows:

SEC. 3. *NEW SECTION.* FEDERAL FUNDS. The [energy policy council and the] state *department of* transportation [commission] may accept federal funds to carry out the provisions of this Act. All federal funds received under the provisions of this Act are appropriated for the purposes set forth in the federal grants.

Sec. 112. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section four (4), is amended to read as follows:

SEC. 4. *NEW SECTION.* RAILROAD ACCOUNTS. Agreements between the railroad [companies] *corporations* [and the energy policy council or] the state department of transportation which do not require payment of a portion of the increased revenue derived from the improved branch line railroad to be paid by the railroad to the railroad assistance fund shall require that the railroad establish and maintain a separate railroad [company] *corporation* fund to which a specified portion of the increase in revenue derived from the improved railroad branch line shall be credited and that these funds shall be used by the railroad for improvement [of branch line railroad roadbed, track, track structure, and other appurtenances], *restoration, or conservation* of [raiload right-of-way] *railroads* within the state. The terms and conditions governing the use

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of moneys in the special railroad [company] *corporation* fund shall be stipulated in the agreement.

The agreement shall also stipulate a penalty for use of the funds in a manner other than as set forth in the agreement.

Sec. 113. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section five (5), is amended to read as follows:

SEC. 51. *NEW SECTION.* COUNTY FUNDS. The board of supervisors of a county may with the approval of the [energy policy council, and after the transfer of its duties pursuant to section seven (7) of this Act, with the approval of the director] *state department* of transportation, appropriate funds from the county general fund to the railroad assistance fund. *The county may, according to the provisions of section one hundred ten (110) of this Act, receive a partial or total reimbursement for this appropriation.* The money shall be used in accordance with this Act only for [upgrading railroad property] *conservation, restoration, or improvement of railroads* within the county providing the funds. In any year the amount of money transferred to the railroad assistance fund by a county shall not exceed the amount of property taxes levied against the railroad property within the county.

Sec. 114. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), section six (6), is amended to read as follows:

SEC. 6. *NEW SECTION.* NO REVERSION OF FUNDS. Moneys deposited in the railroad assistance fund shall not be subject to sections eight point thirty-three (8.33) and eight point thirty-nine (8.39) of the Code. *However, moneys credited to the fund by a city, county, or railroad district which are unexpended or unobligated following the expiration of an agreement shall be paid back to the city, county, or railroad district.*

Sec. 115. Section three hundred seven point twenty-six (307.26), subsection three (3), Code 1975, is amended by striking paragraph c.

Sec. 116. Chapter four hundred eighty (480), Code 1975, is repealed.

Sec. 117. Sections three hundred sixty-four point ten (364.10), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section thirty-nine (39), four hundred seventy-four point thirteen (474.13), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section four (4), four

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hundred seventy-four point twenty-four (474.24), four hundred seventy-four point forty-nine (474.49), four hundred seventy-four point fifty-three (474.53), four hundred seventy-seven point fourteen (477.14), four

hundred seventy-seven point thirty-seven (477.37), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section six (6), four hundred seventy-seven point thirty-eight (477.38), four hundred seventy-seven point thirty-nine (477.39), four hundred seventy-seven point forty (477.40), four hundred seventy-seven point forty-one (477.41), four hundred seventy-seven point fifty-eight (477.58), four hundred seventy-seven point fifty-nine (477.59), four hundred seventy-seven point sixty (477.60), four hundred seventy-eight point twenty-six (478.26), four hundred seventy-nine point seven (479.7), four hundred seventy-nine point nineteen (479.19), four hundred seventy-nine point twenty-two (479.22), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-four (24), four hundred seventy-nine point twenty-three (479.23), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-five (25), four hundred seventy-nine point twenty-four (479.24), four hundred seventy-nine point twenty-five (479.25), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-six (26), four hundred seventy-nine point twenty-six (479.26), four hundred seventy-nine point twenty-seven (479.27), four hundred seventy-nine point twenty-eight (479.28), four hundred seventy-nine point thirty-three (479.33), four hundred seventy-nine point thirty-six (479.36), four hundred seventy-nine point thirty-eight (479.38), four hundred seventy-nine point thirty-nine (479.39), four hundred seventy-nine point forty (479.40), four hundred seventy-nine point forty-one (479.41), four hundred seventy-nine point forty-two (479.42), four hundred seventy-nine point forty-three (479.43), four hundred seventy-nine point forty-four (479.44), four hundred seventy-nine point forty-seven (479.47), four hundred seventy-nine point forty-eight (479.48), four hundred seventy-nine point fifty-one (479.51), four hundred seventy-nine point fifty-three (479.53), four hundred seventy-nine point fifty-four (479.54), four hundred seventy-nine point fifty-nine (479.59), four hundred seventy-nine point seventy-one (479.71), four hundred seventy-nine point seventy-four (479.74), four hundred seventy-nine point one hundred (479.100), four hundred seventy-nine point one hundred nine (479.109), four hundred seventy-nine point one hundred

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ten (479.110), four hundred seventy-nine point one hundred eleven (479.111), four hundred seventy-nine point one hundred twelve (479.112), four hundred seventy-nine point one hundred thirteen (479.113), four hundred seventy-nine point one hundred fourteen (479.114), four hundred seventy-nine point one hundred fifteen (479.115), four hundred seventy-nine point one hundred

seventeen (479.117), four hundred seventy-nine point one hundred eighteen (479.118), four hundred seventy-nine point one hundred twenty-one (479.121), four hundred seventy-nine point one hundred twenty-seven (479.127), Code 1975, are repealed.

EXPLANATION

The bill includes additional revision of obsolete and outdated railroad laws.

The bill revises Chapter 483 of the Code which allows for the establishment of a railroad district which may levy a tax for the purpose of providing assistance to railroad companies.

The bill revises certain provisions of the State Department of Transportation laws which provide for duplication of effort by various divisions of the department and further directs the State Department of Transportation to submit a detailed report on rail transportation in the state.

KRAUSE of Palo Alto
DRAKE of Muscatine

H—6234

Amend amendment H—6133 to House File 1510 as follows:

1. By striking all of pages 1 through 5 and inserting in lieu thereof the following:

"Amend House File 1510 by striking everything after the enacting clause and inserting in lieu thereof the following:

Section 1. Section seventeen A point four (17A.4), subsection one (1), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. **Upon the request of at least** two members of the administrative rules review committee, publish in the "Iowa Administrative Code" an estimate of the economic impact of the proposed rule adoption, amendment, or repeal upon all persons affected by it and upon the agency itself. If the agency determines that such an estimate cannot be formulated, the reasons for impossibility of formulation shall be published instead of the estimate. An estimate shall be published at least fifteen days in advance of the action."

BITTLE of Polk
NIELSEN of Polk
BYERLY of Polk
VARLEY of Adair
OAKLEY of Clinton

H—6230

Amend House File 1523 as follows:

1. Page 3, line 16, by inserting after the word "conventional" the words "*two-wheel drive*".

2. Page 3, by striking lines 17 and 18 and inserting in lieu thereof the following:

"Sec. 6. Section three hundred twenty-one G

point nine (321G.9), subsection six (6), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. Any person twelve through fifteen years of age and possessing a valid safety certificate must be accompanied by and under the direct supervision of a responsible person of at least eighteen years of age who is experienced in snowmobile operation."

3. Page 3, by striking lines 29 through 35 and inserting in lieu thereof the following:

"Sec. 9. Section three hundred twenty-one G point twenty-four (321G.24), subsection one (1), Code 1975, is amended to read as follows:

1. Effective July 1, [1975] ***1976,*** **no person** who is twelve years of age or more and less than [sixteen] *seventeen* years of age shall operate a snowmobile in this state without obtaining a valid safety certificate issued by the commission and **having such certificate in his possession, or** unless he is accompanied on the same machine by a responsible person of at least eighteen years of age [who is experienced in snowmobile operation] ***having in possession a valid license, permit, or certificate as required in section one (1) of this Act.***"

BRANSTAD of Winnebago
VARLEY of Adair
MIDDLESWART of Warren

H—6226

Amend House File 1528 as follows:

1. Page 2, by striking lines 12 through 35 and inserting in lieu thereof the following new section:

"Sec. ..... Section four hundred ninety A point twenty-three (490A.23), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section forty-four (44), is amended to read as follows:

490A.23 CITIES—CONFLICT OF SERVICE. All rights of municipal corporations to franchise and regulate use of streets, alleys and other public property, and all rights acquired by franchise or agreement shall be preserved in such municipalities, excepting only the duties and jurisdiction conferred upon the commission in this chapter. Except as otherwise provided by section 437.14 whenever the corporate boundaries of any city are extended utility service, as defined in section 490A.1, shall be provided in such extended area by the public utility or the municipally owned utility serving such city immediately prior to the extension of such boundaries. In the event service is provided, in such extended area, at the time of the extension of the corporate boundaries, by a public utility which does not have

a municipal franchise for such city, the facilities located within such extended area shall be purchased at the end of six years from the date the corporate boundaries shall have been extended by the franchised public utility of such city or by the municipal utility serving such city and the municipal franchised public utility or municipally owned utility shall furnish such service without interruption upon the acquisition thereof, except as otherwise provided by section four hundred thirty-seven point fourteen (437.14) of the Code. The franchised or municipally owned utility shall pay to the utility serving in the annexed area the fair and reasonable value of its properties within such annexed area by exchange of other electric utility property outside such city on a fair and reasonable basis giving due consideration to revenue from and value of the respective properties, *purchase of any excess generating and transmitting capacity dedicated to the load within the annexed area until such time as the capacity shall no longer exist as excess, depreciation, and the cost of facilities necessary to reintegrate the system of the utility after detaching the portion sold.* In the event the public utilities involved are unable to agree as to the terms of such exchange, either utility may file an application with the commission requesting that the

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commission determine such fair and reasonable terms for such exchange. After notice and hearing the commission shall determine fair and reasonable terms for such exchange, or in the event no appropriate properties can be exchanged the commission shall fix and determine the fair and reasonable value of the property within the annexed area, and such transfer shall be made as directed by the commission. Until such determination by the commission, the facilities shall remain in place and service to the public shall be maintained by the owner. However, the utility not having a municipal franchise and serving such annexed area shall not extend service to any additional points of delivery within such annexed area if the commission, after notice and hearing, with due consideration of any unnecessary duplication of facilities, shall determine that such extension is not in the public interest. Provided, however, that production, generation, high-voltage transmission facilities and high-voltage transformers owned by a utility in territory annexed to a city shall be exempt from the operation of this section, and provided further that if a public utility not having a municipal franchise at the time of the extension of the corporate boundaries subsequently acquires a municipal franchise within six years of the extension of the corporate boundaries such utility shall be exempt from the

operation of this section. *The provisions of this section shall not apply to electric facilities and customers existing in the annexed area at the time of annexation unless such utility serving the annexed area chooses to exchange or sell its facilities and customers, and in the event of such choice, the provisions of this section shall be applicable. Notwithstanding the provisions of section four hundred ninety A point twenty-four (490A.24) of the Code, the utility serving the annexed area shall not make any extension of service to proposed new customers within the corporate boundaries as they exist after the time of annexation without complying with the franchise provisions of this section."*

2. By striking pages 3, 4, 5, and 6.

3. Page 7, by striking lines 1 through 15.

BRUNOW of Appanoose

H—6223

Amend Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 3, by striking lines 5 through 35 and inserting in lieu thereof the following:

"4. Within five days after receipt of the written notice that the board has voted to consider termination of the contract, the teacher may request in writing to the secretary of the board, that the notification be forwarded to the Professional Teaching Practices Commission along with a request that the Professional Teaching Practices Commission submit a list of five (5) qualified hearing officers to the parties. Within three days (3) of receipt of the list of qualified hearing officers the teacher and the school board shall select a hearing officer by alternatively removing a name from the list until only one name remains. The person whose name remains shall become the hearing officer. The teacher and the school board shall determine by lot which party shall remove the first name from the list submitted by the commission.

If the teacher does not request such a hearing, the board, within fifteen days after receipt by the teacher of the written notice of consideration of termination of the contract, may determine the continuance or discontinuance of the contract. Board action shall be by majority roll call vote entered in the minutes of the meeting. Notice of the board action shall be immediately sent to the teacher by certified mail.

5. The hearing officer shall notify the secretary of the school board and the teacher in writing concerning the date, time, and location

of the hearing. The board may be represented by **their legal representative, if any, and the superintendent and the superintendent's representative. The teacher shall appear and may be represented by counsel and by the teacher's representative, if any. The hearing officer shall hold a hearing, make findings of fact, and make a recommended decision. The hearing shall be held not sooner than fifteen (15) days and not later than twenty-five (25) days following the teacher's request. The hearing shall be conducted pursuant to rules adopted by the Professional Teaching Practices Commission. The hearing officer shall have the authority to issue subpoenas to compel the attendance of witnesses and the production** of records pertinent to the case. Evidence

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presented at the hearing shall be limited to the specific reasons stated in the notice to consider termination. Each party shall have the right to call witnesses in its own behalf and to cross examine other witnesses. A transcript or recording shall be made of the proceedings at the hearing. No participant in the private hearing shall be liable for any damage to any person if any statement is determined to be erroneous as long as the statement was made in good faith at the hearing.

6. Upon the conclusion of the hearing, the hearing officer, within fifteen days, shall make **a recommended decision as to whether or not the** teacher should be dismissed, and shall give a copy of the recommended decision to the teacher and the school board. The recommended decision of the hearing officer shall become the final decision of the board unless within ten days after the filing of such decision, the teacher files a written notice of appeal with the secretary of the board, or the board on its own motion, determines to review the decision. Board action to review the hearing officer's recommended decision shall be by majority roll call vote, entered in the minutes of the meeting. The board shall immediately notify the teacher of its action by certified mail.

7. If the teacher appeals to the board, or if the board determines on its own motion to review the recommended decision of the hearing officer a private hearing shall be held before the board within five days after the petition for review, or motion for review, has been made. The board shall hear the case upon the record as submitted before the hearing officer, except that new evidence may be considered. The secretary of the board shall give the teacher written notice of the time, place, and date of hearing. The board may be represented

by its legal counsel, if any, the superintendent and the superintendent's representative. The teacher shall appear and may be represented by counsel and the teacher's representative, if any. No participant in the private hearing shall be liable for any damage to any person if any statement is determined to be erroneous as long as the statement was made in good faith at the hearing. The board shall meet within five days after the conclusion of the hearing to determine the question of continuance or discontinuance of the contract. The board shall take action by a majority

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roll call vote, entered in the minutes of the board.

The secretary of the board shall mail notice of the board's action to the teacher by certified mail, which shall be mailed immediately.

8. A teacher within thirty days after notification by the board of discontinuance of the contract may appeal to the district court of the county in which the administrative office of the school district is located.

The court may affirm the board's action. The court shall reverse, modify, or grant any other appropriate relief from the board action, equitable or legal, and including declaratory relief, if rights of the teacher have been prejudiced because the board action is:

a. In violation of constitutional or statutory provisions.
b. In excess of the statutory authority of the board.
c. In violation of board policy or rule.
d. Made upon unlawful procedure.
e. Affected by other error of law.
f. Unsupported by a preponderance of the competent evidence on the record when that record is reviewed as a whole.
g. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

2. Page 4, by striking lines 1 through 35.
3. Page 5, by striking lines 1 through 35.
4. Page 6, by striking lines 1 through 27.
5. Page 7, by inserting after line 23 the following section:

Sec. ..... Chapter two hundred seventy-two A (272A), Code 1975, is amended by adding the following new section:

NEW SECTION. The commission shall maintain a list of qualified hearing officers who shall have knowledge of the educational systems of this state.

When requested under the provisions of section two hundred seventy-nine point thirteen (279.13) of the Code, the commission shall immediately submit a list of five (5) qualified hearing officers to the parties. The hearing shall be held pursuant to rules adopted by the Professional Teaching Practices Commission. The full costs of the hearing shall be shared equally by the parties. No person who is employed as a teacher or administrator by a school

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district or is serving as an incumbent school board member may serve as a hearing officer.

6. By renumbering subsections as necessary.

MILLER of Calhoun
CRAWFORD of Story

H—6235

Amend Senate File 205, as amended, passed, and reprinted by the Senate, title page, by striking the enacting clause.

OAKLEY of Clinton

H—6236

Amend the Oakley amendment H—6235 to Senate File 205, as amended and passed by the Senate and reprinted, as follows:

1. Page 1, line 2, by inserting after the word "striking" the words "everything after".

2. Page 1, line 3, by inserting after the word "clause" the following:

"and inserting in lieu thereof the following:

Sec. ..... Section two hundred seventy-nine point thirteen (279.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.13 CONTRACTS WITH TEACHERS—AUTOMATIC CONTINUATION—TERMINATION PROCEDURE.

1. a. Contracts with teachers, which for the purpose of this section means all certificated employees of a school district and nurses employed by the board, excluding superintendents, assistant superintendents, principals and assistance principals, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon, including but not limited to educational leaves and reimbursement for tuition paid by the teacher for courses approved by the board of directors, and which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

b. For the purpose of this section "educational leave" means a leave granted to an employee for the purpose of study including study in areas outside

of a teacher's area of specialization, travel, or other reasons deemed by the board to be of value to the school system.

c. A contract is invalid if the teacher is under contract with another board of directors to teach during the same time period, until a release from the other contract is achieved. The contract shall be signed by the president of the board when tendered. After it is signed by the teacher, the contract shall be filed with the secretary of the board before the teacher enters into performance under the contract.

2. If the teacher has been employed at least three consecutive years as a teacher in the same school district, the contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods, except as modified or terminated by mutual agreement of the board of directors and the teacher or as terminated in accordance with the provisions specified in this chapter. A contract shall not be offered

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by the employing board to a teacher under its jurisdiction prior to March first of any year. A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may **resign effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs first. However, a teacher shall not be required to return a contract to the board less than twenty-one days after the contract has been offered.**

3. a. **The board may adopt a resolution finding just cause for terminating the contract with the teacher. If this resolution is adopted, the board shall cause the teacher to be notified in writing of it within five days of its adoption. This notice shall be served by receipted personal service or by certified mail. If served by certified mail, the act of mailing shall constitute completion of service. In any event, this notice shall not be served later than March fifteenth and shall state the specific reasons for considering the contract termination. These reasons shall be any just cause affecting performance of duties which may include incompetency, persistent or substantial neglect of duty, physical or mental disability or sickness which interferes with performance of duty as shown by competent medical evidence and following one year's leave of absence, or factors which require an adjustment, realignment, or reduction of the staff.**

b. **Before adoption of a resolution finding just**

cause for termination is voted upon pursuant to paragraph a of this subsection, a member of the school administrative staff shall, at least thirty days prior to this vote, provide the teacher with a written statement of specific alleged deficiencies constituting grounds for termination.

c. At any time during proceedings under this section, the teacher's complete personnel file shall be made available to the teacher. This file shall contain a record of all periodic reviews between the teacher and appropriate supervisors.

4. a. Within ten days of service of notice under subsection three (3) of this section, the teacher may make written request to the secretary of the board that notification be forwarded to the public employment relations board requesting appointment of a fact finder. This fact finder shall convene a fact finding

hearing between ten and twenty days after the date the teacher makes written request to the secretary. The fact finder shall also cause reasonable written notice of the date, time, and location of the hearing to be given to the parties.

b. The fact finding hearing shall:

(1) Be reported by a person qualified to report proceedings before the courts of this state;

(2) Not be subject to chapter twenty-eight A (28A) of the Code;

(3) Not be limited to technical rules of evidence which preclude the introduction of evidence;

(4) Be subject to the rules governing the conduct and compensation of witnesses in civil cases, unless the context clearly dictates otherwise; and

(5) Be limited in scope to the specific reasons stated in the written notice served under paragraph a of subsection three (3) of this section.

c. The fact finding hearing may be attended as a matter of right by:

(1) Members of the board or their legal representatives, if any;

(2) The superintendent or the superintendent's representative; and

(3) The teacher and teacher's representatives, if any, but not to exceed five such representatives.

d. The fact finder may issue subpeonas in personam and subpoenas duces tecum upon the request of and showing by any party that the witnesses or material to be subject to the subpoena are material to the presentation of the applicant's case. At least three days prior to the hearing, each party shall notify the other parties of all witnesses and materials that will be presented at the hearing.

e. The costs of the hearing, except attorney fees, shall be paid by the board.

f. A complete transcript of the hearing shall be prepared. A copy of it shall be given to the teacher. The fact finder shall cause the hearing record to be certified to the board within twenty days of completion of the hearing.

g. Within ten days of receipt of the certified record, the board shall meet to determine whether to continue or terminate the teacher's contract. At the option of the teacher, this meeting shall be subject to chapter twenty-eight A (28A) of the Code. If the board determines to terminate the teacher's contract, it shall specify the specific grounds of just cause upon which the determination is based.

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h. The transcript and material presented shall be subject to chapter sixty-eight A (68A) of the Code only if there is an appeal.

5. a. A teacher may appeal the board's determination to terminate to the district court for the county in which the school district's principal offices are located. This appeal shall be filed within twenty days of service of the board's determination upon the teacher. The rules of civil procedure shall govern this appeal, except the court's review shall be on the certified transcript of the fact finding hearing.

b. The board's determination may be modified, reversed, or set aside if the court determines that:

(1) The board acted without or in excess of its authority; or

(2) The determination is not supported by a preponderance of the competent evidence in the record considered as a whole; or

(3) The determination was procured by fraud or is contrary to law.

c. If the court modifies, reverses, or sets aside the board's determination, it may also reinstate the teacher and award back pay. The court may assess costs of appeal and attorney fees.

6. a. The first three consecutive years of employment of a teacher in the same school district are a probationary period. However, a board of directors may waive the probationary period for any teacher who previously has served a probationary period in another school district. If the board is considering termination of a probationary teacher's contract, the board shall, at least thirty days prior to the vote on termination, notify the probationary teacher in writing of specific alleged deficiencies constituting grounds for termination. If the **deficiencies are not corrected to the board's satisfaction, the contract of a probationary status teacher may be terminated at the end of the contract**

period upon written notice to that effect prior to April first of any year. The written notice shall state the reasons for termination.

b. Following receipt of the written notice, the probationary teacher may request a private conference with the board. Within five days following receipt of the written notice that the board has voted to consider termination of a contract, the teacher may request in writing to the secretary of the board a private conference with the board. The private conference shall not be subject to chapter twenty-

Page 5

eight A (28A) of the Code and shall be held between ten days and twenty days following the receipt of the request. The secretary of the board shall notify the teacher in writing of the date, time, and location of the private conference. The conference shall be attended by members of the board and their legal representatives if any, the superintendent or the superintendent's representative, the teacher and the teacher's representatives, if any, not to exceed five representatives, and the teacher's immediate supervisor and the supervisor's representatives, if any. The discussion at the conference shall be limited to the specific reasons stated in the notice to consider termination. Any material removed from the teacher's personnel file or other material to be introduced at the conference shall be provided the teacher not less than five days preceding the conference. A participant in the conference shall not be liable for any damages to any person if any statement at the conference is determined to be erroneous if the statement was made in good faith.

c. Within three days following the private conference, the superintendent shall make a written recommendation to the board. The board, at its next meeting, shall by roll call vote decide the retention or termination of the probationary teacher. The board's decision shall be final and binding, unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section twenty point ten (20.10) of the Code.

Sec. ..... Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.24 DISCHARGE OF TEACHER.

1. The board may, by a majority vote, discharge any teacher for any just cause which may include incompetency, persistent or substantial neglect of duty. Prior to the discharge, the board shall conduct, at a meeting of the board held for that purpose, a

complete and impartial investigation of the specific reasons for the proposed action. The teacher shall receive three days written notice of the time and place of such meeting, a specification of the alleged causes for discharge, and a list of the witnesses proposed to be called by the board, together with a brief summary of their expected testimony. The teacher and the teacher's representatives, if any,

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not to exceed five shall be allowed to be present at the meeting, to call and cross-examine witnesses, and to otherwise make a defense. A record of the meeting shall be made and kept. Following the board decision to discharge the teacher, the teacher shall be notified promptly in writing, stating the specific reasons for the action.

2. Within twenty days following receipt of the decision of the board, the teacher may appeal the decision following the procedure stated in section two hundred seventy-nine point thirteen (279.13) of the Code. However, the superintendent may suspend a teacher for any of the reasons listed in this section and recommend that the board discharge the teacher. The superintendent shall immediately notify the board of the suspension. The board shall meet within seven days of receipt of the notice to consider discharging the teacher and shall conduct a complete and impartial investigation of the specific reasons for the recommended discharge in the same manner as if the teacher had not been suspended. The teacher shall be notified by personal service of the time and place of the meeting immediately after the meeting time and place have been set. If the board votes not to discharge the teacher, the teacher shall be reinstated and the board shall award back pay for the period during which the teacher was suspended.

Sec. ..... Section twenty point six (20.6), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Maintain a list of qualified persons representative of the public to be available to serve as fact finders in contract termination disputes under section two hundred seventy-nine point thirteen (279.13) of the Code and establish their compensation rates".

OAKLEY of Clinton

H—6238

Amend H—5285, filed by the committee on education, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 2 the following amendment:

"..... Page 1, by inserting before line 1 the following sections:

"Sec. ..... Section twenty point seven (20.7), subsection three (3), Code 1975, is amended to read as follows:

3. Suspend or discharge public employees for proper cause *except as otherwise provided by law.*

Sec. ..... Section twenty point nine (20.9), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, vacation, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training and other matters mutually agreed upon. Negotiations shall also include terms authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days' written notice. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession. *However, if the public employer is subject to the provisions of sections two hundred seventy-nine point thirteen (279.13) and two hundred seventy-nine point twenty-four (279.24) of the Code, the subject matter contained in those sections shall not be included in the scope of negotiations.*

Sec. ..... Chapter two hundred seventy-two A (272A), Code 1975, is amended by adding the following new section:

NEW SECTION. LIST OF FACT FINDERS. The commission shall prepare a list of persons available to serve as fact finders in contract termination disputes under section two hundred seventy-nine point thirteen

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(279.13) of the Code. The persons on the lists shall possess current valid teachers' or administrators' certificates with a minimum of two years experience as a teacher or administrator." "

2. Page 1, by striking lines 7 through 14 and inserting in lieu thereof the following:

"..... Page 1, by striking lines 11 through 14 and inserting in lieu thereof the following: "the

annual compensation to be paid and all specific conditions for termination of a contract as agreed upon by each teacher and the employing board or its authorized representative pursuant to the provisions of this section. Terms such as "just cause", "good cause", "for cause", and "other just cause" shall not be used in determining specific conditions for termination of a contract. Matters such as educational leave, reimbursement for courses approved by the board of directors, and other benefits shall be determined by policy of the board of directors and shall not be included in any contract issued under this section.

..... Page 1, line 15, by striking the words "for approved causes." "

3. Page 1, by striking lines 45 through 50.

4. Page 2, by striking line 1 and inserting in lieu thereof the following:

"..... Page 2, line 19, by striking the words ": Incompetency, persistent or".

..... Page 2, by striking lines 20 through 25 and inserting in lieu thereof the words: "clearly and specifically stated in the contract of each teacher including physical or mental disability or sickness which interferes with performance of duty as shown by competent medical evidence and following one year's leave of absence or factors which"."

5. Page 2, by inserting after line 7 the following amendment:

"..... Page 3, line 9, by inserting after the word "board" the following: "and may request the appointment of a fact finder to serve as an impartial examiner to appraise the facts underlying the intent to terminate the contract of the teacher and to make recommendations to the board. The secretary shall send notice by certified mail to the professional teaching practices commission established in chapter two hundred seventy-two A (272A) of the Code. Within ten days following receipt of the notice, the chairperson of the professional teaching practices commission shall submit to the school board and the teacher a list of three names of available fact finders from lists maintained by the professional teaching

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practices commission. The fact finders on the list shall be residents of the merged area in which the school district is located, but shall not be employed by or a member of the board involved in the contract dispute. The school board and the teacher shall remove names from the list until only one name remains and that person shall serve as the fact finder. The party entitled to remove the first name shall be determined by lot. The party having the right to remove the first name shall do so within two days of receipt of the list and the second party shall

have one additional day to remove one of the two remaining names. The secretary of the board shall inform the chairperson of the professional teaching practices commission of the name of the fact finder selected. Within ten days following the selection, the fact finder shall request in writing from the secretary of the board of the school district all records and transcripts of the proceedings relating to the termination of the teacher's contract. The records and transcripts shall be delivered to the fact finder prior to the date of the private conference"."

6. Page 2, line 15, by inserting after the word "five," the words "the fact finder,".

7. Page 2, line 25, by inserting after the word "board" the words "and to the fact finder".

8. Page 2, by inserting after line 27 the following amendment:

"..... Page 4, by striking lines 4 through 7 and inserting in lieu thereof the following: "board members and the fact finder.

The fact finder shall review all records and transcripts and evidence presented by both parties and within fourteen days following the date on which the private conference is held, the fact finder shall make a written recommendation to the board concerning the specific conditions which have been stated in the notice of consideration for termination. A copy of the fact finder's recommendation shall be sent by certified mail to the teacher. Within five days following receipt of the recommendation by the board, the board shall meet to determine the continuance or"."

9. Page 2, line 33, by inserting after the word "submitted" the words "and the written recommendation of the fact finder if a fact finder was used".

10. Page 2, by striking lines 36 and 37.

11. Page 2, line 38, by striking the figure "20" and inserting in lieu thereof the figure "16".

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12. Page 2, line 39, by striking the figure "34" and inserting in lieu thereof the figure "35".

13. Page 2, by striking lines 40 through 50 and inserting in lieu thereof the following amendments:

"..... Page 5, by striking lines 1 through 35.

..... Page 6, by striking lines 1 through 27."

14. Page 3, by striking lines 1 through 4.

15. Page 3, line 7, by striking the words "either party" and inserting in lieu thereof the words "the teacher".

16. Page 3, line 8, by striking the word "arbitrator's" and inserting in lieu thereof the word "board's".

17. Page 3, line 11, by striking the words "other

party" and inserting in lieu thereof the word "board".
18. Page 3, by striking lines 12 through 19 and inserting in lieu thereof the words "appeal is filed."
19. Page 4, by striking lines 6 through 12 and inserting in lieu thereof the following:
"..... Page 7, by striking lines 4, 5, and 6 and inserting in lieu thereof the words: "any teacher only for reasons clearly and specifically stated in the contract of each teacher including physical or mental disability or sickness which interferes with performance of duty as shown by competent medical evidence and following one year's leave of absence or factors which require a reduction of staff. Prior to the discharge,"."
20. By renumbering sections and subsections as necessary.

KOOGLER of Mahaska

H—6224

Amend the Senate amendment, H—6130, to the Second Conference Committee Report on Senate File 1062 as follows:
1. Page 5, line 35, by striking the words "land, except structures located thereon" and inserting in lieu thereof the word "property".
2. Page 5, line 37, by striking the word "land" and inserting in lieu thereof the word "property".
3. Page 5, by striking lines 43 and 44 and inserting in lieu thereof the words "assessor may use accepted appraisal methods to establish values between parcels within an assessor jurisdiction."
4. Page 5, line 45, by striking the words "of the structure."

WEST of Marshall

H—6237

Amend the Senate amendment, H—6130, to the Report of the Second Conference Committee on Senate File 1062, page 5, by inserting after line 28 the following:
"..... Page 15, line 4, by inserting after the word "as" the word "previously".

BENNETT of Ida

H—6228

Amend the Committee amendment H—6191 to Senate File 1207 as follows:
1. Page 1, by striking lines 22 through 26.

HUSAK of Tama
MILLER of Cerro Gordo
CRABB of Crawford

H—6231

Amend Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 7, line 22, by striking the word "and" and inserting in lieu thereof the word "or".

COMMITTEE ON CITIES
RINAS of Linn, Chair

H—6233

Amend Senate File 1261 as follows:

1. Page 3, line 21 by striking the word "resident".

2. Page 3, line 21 by inserting after the word "students" the words "who have been a permanent **resident of the state of Iowa for a period of two (2)** years".

SCHROEDER of Pottawattamie

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:35 p.m. until 9:30 a.m., Friday, April 9, 1976.

JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day—Fifty-ninth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, APRIL 9, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Don Morris, pastor of the First Federated Church, Des Moines, Iowa.

The Journal of Thursday, April 8, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Everett B. Getty, Primghar, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oakley of Clinton on request of Harvey of Scott; Newhard of Jones on request of Binneboese of Plymouth; Branstad of Winnebago on request of Stromer of Hancock; Bittle of Polk for April 9, 12 and 13 on request of Brockett of Marshall; Lonergan of Boone on request of Crabb of Crawford; Hines of Story on request of Jesse of Polk.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Sixty-two sixth grade students from Dunkerton Elementary School, Dunkerton, Iowa, accompanied by Jo Ann Scott, Bob Bailey and Dick Heidloff. By Miller of Buchanan.

Eighty ninth grade students from Oelwein Junior High School, Oelwein, Iowa, accompanied by Les Aashein, Ron Black, Steve Schwemm, Mel Butikofer and Robert Arthaud. By Avenson of Fayette.

Forty-five fifth grade students from Carpenter Elementary School, Monticello, Iowa, accompanied by Robert Furino. By Hennessey of Delaware.

Nineteen fifth grade students from Franklin School, Ottumwa, Iowa, accompanied by Annette Smith (teacher) and Willis Ahrens (principal). By Poncy of Wapello and Harper of Davis.

Forty-one fifth grade students from Clive Elementary School, Clive, Iowa, accompanied by Mrs. Beek and Mrs. Crone. By Readinger of Polk.

Forty senior government class students from Beckman High School, Dyersville, Iowa, accompanied by Steve Koch. By Gilloon of Dubuque and Hennessey of Delaware.

Forty-five sixth grade students from the Orient-Macksburg Community School, Orient, Iowa, accompanied by Mrs. Herr and Bill Shallenberger. By Bortell of Madison.

A class from Westmar College, LeMars, Iowa. By Spradling of Sioux.

SENATE MESSAGE CONSIDERED

Senate File 1058, a bill for an act making an appropriation to the Volga River project.

Read first time and referred to committee on appropriations.

HOUSE CONCURRENT RESOLUTION 127

By Gilloon, Brandt, Rinas, Woods, Schroeder and Fitzgerald

Whereas, due to the complexities and ambiguities surrounding the annexation procedure, there is a need to study the procedure by which additions are made to territories of a city, requirements that the annexing city must be able to provide to the territory substantial municipal services and benefits not previously employed by such territory, motives for annexation, and ramifications of annexation; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a study committee as provided by law, composed of members of the House of Representatives and Senate representing both political parties, to conduct a study during the 1976 legislative interim relating to annexation; and

Be It Further Resolved, That the study committee shall prepare a report of its findings and submit it to the legislative council and to the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

SUPPLEMENTAL REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Your committee on House Administration reports the following appointment to the joint officers and employees to serve the Human Resources Committees effective March 29, 1976.

HUMAN RESOURCES COMMITTEE

Secretary .....(15).....Susan A. Core-Jones.....2.....Permanent

WELLS of Linn, Chair

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 7, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 200, a bill for an act relating to prescription drugs and requiring that certain information regarding prescription drugs be made available to the board.

Also: That the Senate has on April 5, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 614, a bill for an act relating to the termination of parental rights and adoption.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 200

H—6242

Amend House File 200 as amended, passed and reprinted by the House as follows:

1. Page 2, line 7, by striking the words "a substantial" and inserting in lieu thereof the words "an actual".

2. Page 4, line 8, by inserting after the word "dispensed" the words ", unless the substitution is one required by subsection one (1), unnumbered paragraph two (2), of this section".

3. Page 4, by inserting after line 10 the following:

"3. If substitution of a generically equivalent drug product for the designated brand or trade name drug product prescribed is made under this section, the pharmacist making the substitution shall note that fact and the name of the manufacturer of the selected drug on the prescription presented by the patient or the patient's representative, or the substitution shall be reduced to writing by the pharmacist pursuant to section one hundred fifty-five point thirty-three (155.33), subsection two (2) of the Code.".

4. Page 4, line 27 by inserting after the words

"manufacturer[,] *and*" the words "*if different, the name and place*".

2. Page 5, line 13 by inserting before the words "the name" the words "if different,".

5. Page 5, by striking lines 23 through 31.

SENATE AMENDMENT TO HOUSE FILE 614

H—6243

Amend House File 614, as amended and passed by the House and reprinted, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Division I

Section 1. *NEW SECTION.* CONSTRUCTION. This division shall be construed liberally. The welfare of the child subject to the proceedings of this division shall be the paramount consideration in interpreting this division. However, the interests of the parents of this child or any natural person standing in the place of the parents to this child shall be given due consideration in this interpretation.

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this division:

1. "Child" means a son or daughter of a parent, whether by birth or adoption.

2. "Parent" means a father or mother of a child, whether by birth or adoption.

3. "Parent-child relationship" means the relationship between a parent and a child recognized by the law as conferring certain rights and privileges and imposing certain duties. The term extends equally to every child and every parent, regardless of the marital status of the parents of the child. The rights, duties, and privileges recognized in the parent-child relationship include those which are maintained by a guardian, custodian, and guardian ad litem.

4. "Termination of parental rights" means a complete severance and extinguishment of a parent-child relationship between one or both living parents and the child.

5. "Biological parent" means a parent who has been a biological party to the procreation of the child.

6. "Stepparent" means a person who is the spouse of a parent in a parent-child relationship, but who is not a parent in that parent-child relationship.

7. "Guardian" means a person who is not the parent of a minor child, but who has been appointed by a court or juvenile court having jurisdiction over the minor child to make important decisions which have permanent effect on the life and development of that child and to promote the general welfare of that child. A guardian may be a court or a juvenile court. Guardian does not mean conservator, as defined in

section six hundred thirty-three point three (633.3) of the Code, although a person who is appointed to be a guardian may also be appointed to be a

Page 2

conservator.

Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the minor child or by operation of law, the rights and duties of a guardian with respect to a minor child shall be as follows:

a. To consent to marriage, enlistment in the armed forces of the United States, or medical, psychiatric, or surgical treatment.

b. To serve as guardian ad litem, unless the interests of the guardian conflict with the interests of the minor child or unless another person has been appointed guardian ad litem.

c. To serve as custodian, unless another person has been appointed custodian.

d. To make reasonable visitations if the guardian does not have physical possession or custody of the minor child.

e. To consent to adoption and to make any other decision that the parents could have made when the parent-child relationship existed.

8. "Custodian" means a stepparent or relative within the fourth degree of consanguinity to a minor child who has assumed responsibility for that child, a person who has accepted a release of custody, or a person appointed by a court or juvenile court having jurisdiction over a child. The rights and duties of a custodian with respect to a child shall be as follows:

a. To maintain or transfer to another the physical possession of that child.

b. To protect, train, and discipline that child.

c. To provide food, clothing, housing, and ordinary medical care for that child.

d. To consent to emergency medical care, including surgery.

e. To sign a release of medical information to a health professional.

All rights and duties of a custodian shall be subject to any residual rights and duties remaining in a parent or guardian.

9. "Guardian ad litem" means a person appointed by a court or juvenile court having jurisdiction over the minor child to represent that child in a legal action.

10. "Minor" means an unmarried person who is under the age of eighteen years.

11. "Adult" means a person who is married or eighteen years of age or older.

12. "Agency" means a child-placing agency as

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defined in section two hundred thirty-eight point two (238.2) of the Code or the department.

13. "Department" means the state department of social services or its subdivisions.

14. "Court" means a district court.

15. "Juvenile court" means a juvenile court as established under section two hundred thirty-one point one (231.1) of the Code.

16. "To abandon a minor child" means to permanently relinquish or surrender, without reference to any particular person, the parental rights, duties, or privileges inherent in the parent-child relationship. The term includes both the intention to abandon and the acts by which the intention is evidenced. The term does not require that the relinquishment or surrender be over a long or any particular period of time.

17. "Independent placement" means placement of a minor person by a person who is not an agency in the home of a proposed parent in anticipation of an ensuing adoption.

Sec. 3. *NEW SECTION.* EXCLUSIVITY. Termination of parental rights shall be accomplished only according to the provisions of this division. However, termination of parental rights between an adult child and the child's parents may be accomplished by a decree of adoption establishing a new parent-child relationship.

Sec. 4. *NEW SECTION.* RELATIONSHIP UNALTERED—RELEASE OF CUSTODY—VOLUNTARINESS OF RELEASE.

1. A parent shall not permanently alter the parent-child relationship, except as ordered by a juvenile court or court. However, custody of a minor child may be assumed by a stepparent or a relative of that child within the fourth degree of consanguinity or transferred by an acceptance of a release of custody. A person who assumes custody or who accepts a release of custody under this section becomes, upon assumption or acceptance, the custodian of the minor child.

2. A release of custody:

a. Shall be accepted only by an agency or a person making an independent placement.

b. Shall not be accepted by a person who in any way intends to adopt the child who is the subject of the release.

c. Shall be in writing.

d. Shall be signed, not less than seventy-two hours after the birth of the child to be released, by all living parents.

e. Shall be witnessed by two persons familiar

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with the parent-child relationship.

f. Shall name the person who is accepting the release.

g. Shall be followed, within a reasonable time, by the filing of a petition for termination of parental

rights under section five (5) of this Act.

3. Notwithstanding the provisions of subsection two (2) of this section, an agency or a person making an independent placement may assume custody of a minor child upon the signature of the one living parent who has possession of the minor child if the agency or a person making an independent placement immediately petitions the juvenile court designated in section five (5) of this Act to be appointed custodian and otherwise petitions, within a reasonable time, for termination of parental rights under section five (5) of this Act. Upon the custody petition, the juvenile court may appoint a guardian as well as a custodian. A nonsigning parent may be heard on the custody petition at the hearing on termination of parental rights provided in section six (6) of this Act.

4. A parent who signs a release of custody may petition, within the time prior to the filing of a petition for termination of parental rights, or may request, at the hearing on termination of parental rights the juvenile court designated in section five (5) of this Act, to order the release revoked and the release shall be revoked unless good cause is shown for not revoking the release.

Sec. 5. *NEW SECTION.* **PETITION FOR TERMINATION.**

1. The following persons may petition a juvenile court for termination of parental rights if the child of the parent-child relationship is born or expected to be born within one hundred eighty days of the date of petition filing:

a. A parent of the parent-child relationship.

b. A custodian or guardian of the child.

c. Any other person who has knowledge of circumstances indicating that the parent-child relationship should be terminated.

2. A petition for termination of parental rights shall be filed with the juvenile court in which the guardian or custodian of the child resides or the child is domiciled. However, if a juvenile court has made an order pertaining to a minor child under section two hundred thirty-two point thirty-three (232.33) of the Code and that order is still in force, the petition shall be filed with that juvenile court.

3. A petition for termination of parental rights

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shall include the following:

a. The legal name, age, and domicile, if any, of the child.

b. The names, residences, and domicile of any:

(1) Living parents of the child.

(2) Guardian of the child.

(3) Custodian of the child.

(4) Guardian ad litem of the child.

(5) Petitioner.

(6) Person standing in the place of the parents

to the child.

c. A plain statement of the facts and grounds in section eight (8) of this Act which indicate that the parent-child relationship should be terminated.

d. A plain statement explaining why the petitioner does not know any of the information required under paragraphs a and b of this subsection.

e. The signature and verification of the petitioner.

Sec. 6. *NEW SECTION.* NOTICE OF TERMINATION HEARING.

1. A termination of parental rights shall, unless provided otherwise in this section, be effectuated only after notice has been served on all necessary parties and these parties have been given an opportunity to be heard before the juvenile court. A "necessary party" includes any person whose name, residence, and domicile is required to be included on the petition under paragraphs a and b of subsection three (3) of section five (5) of this Act. However, a "necessary party" does not include a biological parent who has been adjudicated to have raped the other biological parent thereby producing the birth of the child designated in paragraph a of subsection three (3) of section five (5) of this Act or a parent, unless this parent:

a. Is listed on the birth certificate or verified birth record of the child subject to the termination action;

b. Was married, within three hundred twenty-five days before or ten days after the child's birth, to a parent listed on the birth certificate or verified birth record of the child subject to the termination action;

c. Is openly living with the child subject to the termination action or a parent listed on the birth certificate or verified birth record of this child;

d. Has been adjudicated to be a parent of the child subject to the termination action;

e. Has substantially supported the child subject

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to the termination action; or

f. Has filed with the state registrar of vital statistics, before a termination petition affecting this person has been filed, a request for notice under this section. This request shall include the name and last known address of the other parent and, if known, the month and year of the child's birth.

2. Prior to the service of notice on the necessary parties, the juvenile court shall appoint a guardian ad litem for a minor child if the child does not have a guardian or guardian ad litem or if the interests of the guardian or guardian ad litem conflict with the interests of the child. Such guardian ad litem

shall be a necessary party under subsection one (1) of this section.

3. Notice under this section may be served personally or constructively, as specified under subsections four (4), five (5), and six (6) of this section. This notice shall state:

a. The time and place of the hearing on termination of parental rights.

b. A clear statement of the purpose of the action and hearing.

c. A clear statement of the possible consequences to the parent and child.

d. The alleged factual basis which indicates that the parent-child relationship should be terminated.

e. The grounds in section eight (8) of this Act upon which termination may be ordered pursuant to the factual basis alleged.

4. The juvenile court shall require that every reasonable effort is made to identify, locate, and notice a necessary party.

5. A necessary party whose identity and location or last location is known shall be served by notice personally delivered or sent by restricted certified mail, whichever is determined to be the most effective means of notification. Such notice shall be made according to the rules of civil procedure relating to an original notice where not inconsistent with the provisions of this section. Notice by personal delivery shall be served not less than seven days prior to the hearing on termination of parental rights. Notice by restricted certified mail shall be sent not less than fourteen days prior to the hearing on termination of parental rights. A notice by restricted certified mail which is refused by the necessary party being noticed shall be sufficient notice to that party under this section.

6. A necessary party whose identity is known but

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whose location or last location is unknown shall be served by published notice. Such notice shall be served according to the rules of civil procedure relating to an original notice where not inconsistent with the provisions of this section. In addition to the requirements of subsection three (3) of this section, such notice shall include only the name of the unlocated necessary party being noticed. Notice by publication shall be published once a week for two consecutive weeks, the last publication to be not less than seven days prior to the hearing on termination of parental rights.

7. Proof of service of notice in the manner prescribed shall be filed with the juvenile court prior to the hearing on termination of parental rights and approved by the juvenile court prior to issuance

of a termination order under section eight (8) of this Act.

Sec. 7. *NEW SECTION.* TERMINATION HEARING—FORUM NON CONVENIENS.

1. The hearing on termination of parental rights shall be conducted in accordance to the provisions of sections two hundred thirty-two point twenty-seven (232.27), two hundred thirty-two point twenty-eight (232.28), two hundred thirty-two point thirty (232.30), and two hundred thirty-two point thirty-two (232.32) of the Code and otherwise in accordance with the rules of civil procedure. Such hearing shall be held not less than one week after the child of the parent-child relationship is born.

2. Relevant information, including that contained in reports, studies, or examinations and testified to by interested persons, may be admitted into evidence at the hearing and relied upon to the extent of its probative value. When such information is so admitted, the person sponsoring it or testifying shall be subject to both direct and cross-examination by a necessary party.

3. If the juvenile court finds that in the interest of substantial justice the hearing on termination of parental rights should be heard by another juvenile court, it may transfer, stay, or dismiss the proceedings in whole or part on any conditions that are just so long as a good faith attempt is made to notify all necessary parties.

Sec. 8. *NEW SECTION.* GROUNDS FOR TERMINATION. The juvenile court shall base its findings and order under section nine (9) of this Act on clear and convincing proof. The following shall be, either separately or jointly, grounds for ordering termination

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of parental rights:

1. A parent has signed a release of custody pursuant to section four (4) of this Act and the release has not been revoked.

2. A parent has petitioned for the parent's termination of parental rights pursuant to section five (5) of this Act.

3. A parent has abandoned the child.

4. A parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent-child relationship.

5. A parent is palpably unfit to be a party to the parent-child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent-child relationship either of which are determined by the juvenile court to be permanently detrimental to the physical or mental health of the child.

6. If, following an adjudication that the child is in need of assistance under chapter two hundred thirty-two (232) of the Code, reasonable efforts under the direction of the juvenile court have failed to correct the conditions giving rise to this adjudication.

7. A parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has failed to do so without good cause. This subsection shall not be construed so as to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth.

Sec. 9. *NEW SECTION.* TERMINATION FINDINGS AND ORDER—VACATION OF ORDER.

1. Subsequent to the hearing on termination of parental rights, the juvenile court shall make a finding of facts and shall order that either:

a. The petition be dismissed;

b. The petition should not be granted at that time, but that conditions indicating that the child is in need of assistance exist, and an order to that effect is issued pursuant to section two hundred thirty-two point thirty-three (232.33) of the Code; or,

c. The petition be granted. The juvenile court shall appoint a guardian and a custodian or guardian only. An order issued under this paragraph shall include the finding of facts. This finding shall

enumerate the factual basis which indicates that the parent-child relationship should be terminated and shall specify how this finding applies to the grounds upon which the termination is ordered.

2. If an order is issued under paragraph c of subsection one (1) of this section, the juvenile court shall retain jurisdiction to change a guardian or custodian and to allow a terminated parent to request vacation of the termination order if:

a. The child is not on placement for adoption or a petition for adoption of the child is not on file; and,

b. The guardian consents in writing to the vacation.

The juvenile court shall grant the vacation request if it is in the best interest of the child.

3. A copy of any findings of fact and order made under this section shall be sent by the clerk of the juvenile court to:

a. The department.

b. The petitioner.

c. The parents whose rights have been terminated

if they request such copies.

d. Any guardian, custodian, or guardian ad litem of the child.

Division II

Section 10. *NEW SECTION.* CONSTRUCTION. This division shall be construed liberally. The welfare of the person to be adopted shall be the paramount consideration in interpreting this division. However, the interests of the adopting parents shall be given due consideration in this interpretation.

Sec. 11. *NEW SECTION.* DEFINITIONS.

1. "Child", "parent", "parent-child relationship", "termination of parental rights", "biological parent", "stepparent", "guardian", "custodian", "guardian ad litem", "minor", "adult", "agency", "department", "court", "juvenile court", "independent placement" mean the same as defined in section two (2) of this Act.

2. "Investigator" means a biological person who is certified or approved by the department as being capable of conducting an investigation under section seventeen (17) of this Act.

Sec. 12. *NEW SECTION.* COMMENCEMENT OF ADOPTION ACTION—JURISDICTION—FORUM NON CONVENIENS.

1. An action for the adoption of any natural person shall be commenced by the filing of an adoption petition, as prescribed in section fourteen (14) of this Act, in the court of the county in which an adult

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person to be adopted is domiciled or resides, or in the court of the county in which the guardian of a minor person to be adopted or the petitioner is domiciled or resides.

2. Unless the person to be adopted is an adult, an adoption petition shall not be filed until a termination of parental rights has been accomplished. However, this subsection shall not apply to the parent-child relationship existing between a child and a parent whose spouse is a petitioning stepparent of that child.

3. If upon filing of the adoption petition or at any later time in the adoption action the court finds that in the interest of substantial justice the adoption action should be conducted in another court, it may transfer, stay, or dismiss the adoption action on any conditions that are just.

Sec. 13. *NEW SECTION.* QUALIFICATIONS TO FILE ADOPTION PETITION. Any person who may adopt may file an adoption petition under section twelve (12) of this Act. The following persons may adopt:

1. An unmarried adult.

2. A husband and wife together.

3. A husband or wife separately if the person to be adopted is not the other spouse and if the

adopting spouse:

a. Is the stepparent of the person to be adopted;

b. Has been separated from the other spouse by reason of the other spouse's abandonment as prescribed in section five hundred ninety-seven point ten (597.10) of the Code; or

c. Is unable to petition with the other spouse because of the prolonged and unexplained absence, unavailability, or incapacity of the other spouse, or because of an unreasonable withholding of joinder by the other spouse, as determined by the court under subsection seven (7) of section fourteen (14) of this Act.

Sec. 14. *NEW SECTION.* CONTENTS OF AN ADOPTION PETITION. An adoption petition shall be signed and verified by the petitioner, shall be filed with the court designated in section twelve (12) of this Act, and shall state:

1. The name, as it appears on the birth certificate or in a verified birth record or as it appears as a result of marriage, and the residence or domicile of the person to be adopted.

2. The date and place of birth of the person to be adopted.

3. Any new name requested to be given the person

to be adopted.

4. The name, residence, and domicile of any guardian, custodian, or guardian ad litem for the person to be adopted.

5. The name, residence, and domicile of the petitioner, if this is not required to be stated under subsection four (4) of this section, and the date or expected date on which the person to be adopted, if a minor, began or begins living with the petitioner.

6. The name, residence, and domicile of any parent of the person to be adopted.

7. A designation of the particular provision in section thirteen (13) of this Act under which the petitioner is qualified to adopt and, if under paragraph c of subsection three (3) of section thirteen (13), a request that the court approve the petitioner's qualification to adopt.

8. A description and estimate of the value of any property owned by or held for the person to be adopted.

9. A description of the facilities and resources, including those provided under a subsidy agreement pursuant to section six hundred point eleven (600.11) through section six hundred point sixteen (600.16) of the Code, that the petitioner is willing and able to supply for the nurture and care of any minor person to be adopted.

10. When and where termination of parental rights

pertaining to the person to be adopted have occurred, if termination was required under section twelve (12) of this Act.

Sec. 15. *NEW SECTION.* ATTACHMENTS TO AN ADOPTION PETITION. An adoption petition shall have attached to it the following:

1. A certified copy of the birth certificate showing parentage of the person to be adopted or, if such certificate is not available, a verified birth record.

2. A copy of any order terminating parental rights with respect to the person to be adopted.

3. Any written consent and verified statement required under section sixteen (16) of this Act, except the consent required under paragraph d of subsection one (1) of that section.

4. Any pre-placement investigation report that has been prepared at the time of filing pursuant to section seventeen (17) of this Act.

Sec. 16. *NEW SECTION.* CONSENTS TO THE ADOPTION.

1. An adoption petition shall not be granted unless the following persons consent to the adoption

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or unless the court makes a determination under subsection four (4) of this section:

a. Any guardian of the person to be adopted.

b. The spouse of a petitioner who is a stepparent.

c. The spouse of a petitioner who is separately petitioning to adopt an adult person.

d. The person to be adopted if that person is fourteen years of age or older.

2. A consent to the adoption shall be in writing, shall name the person to be adopted and the petitioner, shall be signed by the person consenting, and shall be made in the following manner:

a. If by any minor person to be adopted who is fourteen years of age or older, in the presence of the court in which the adoption petition is filed.

b. If by any adult person to be adopted, either in the presence of the court in which the adoption petition is filed or before a notary public.

c. If by any other person, before a notary public.

3. A consent to the adoption may be withdrawn prior to the issuance of an adoption decree under section twenty-two (22) by the filing of an affidavit of consent withdrawal with the court. Such affidavit shall be treated in the same manner as an attached verified statement is treated under subsection four (4) of this section.

4. If any person required to consent under this section refuses to or cannot be located to give consent, the petitioner may attach to the petition a verified statement of such refusal or lack of location. The court shall then determine, at the

adoption hearing prescribed in section twenty-one (21) of this Act, whether, in the best interests of the person to be adopted and the petitioner, any particular consent shall be unnecessary to the granting of an adoption petition.

Sec. 17. *NEW SECTION.* PLACEMENT INVESTIGATIONS AND REPORTS.

1. a. A pre-placement investigation shall be directed to and a report of this investigation shall answer the following:

(1) Whether the home of the prospective adoption petitioner is a suitable one for the placement of a minor person to be adopted.

(2) How the prospective adoption petitioner's emotional maturity, finances, health, relationships, and any other relevant factor may affect the petitioner's ability to accept, care, and provide a minor person to be adopted with an adequate environment as that person matures.

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b. A post-placement investigation and a report of this investigation shall:

(1) Verify the allegations of the adoption petition and its attachments and of the report of expenditures required under section eighteen (18) of this Act.

(2) Evaluate the progress of the placement of the minor person to be adopted.

(3) Determine whether adoption by the adoption petitioner may be in the best interests of the minor person to be adopted.

c. A background information investigation and a report of this investigation shall not disclose the identity of the biological parents of the minor person to be adopted and shall answer the following:

(1) What is the complete family medical history of the person to be adopted, including any known genetic, metabolic, or familial disorders.

(2) What is the complete medical and developmental history of the person to be adopted.

2. a. A pre-placement investigation and report of the investigation shall be completed and the prospective adoption petitioner approved for a placement by the person making the investigation prior to any agency or independent placement of a minor person in the petitioner's home in anticipation of an ensuing adoption. A report of a pre-placement investigation that has approved a prospective adoption petitioner for a placement shall not authorize placement of a minor person with that petitioner after one year from the date of the report's issuance However, if the prospective adoption petitioner is a stepparent or a relative within the fourth degree of consanguinity who has assumed custody of a minor person to be adopted, a pre-placement investigation

of this petitioner and a report of the investigation may be completed at a time established by the court. Also, any investigation and report required under this subsection may be waived by the court if the prospective adoption petitioner is a stepparent or a relative to the person to be adopted within the fourth degree of consanguinity.

b. If the person making the investigation does not approve a prospective adoption petitioner under paragraph a of this subsection, the person investigated may appeal the disapproval as a contested case to the commissioner of social services. Judicial review of any adverse decision by the commissioner may be sought pursuant to chapter seventeen A (17A) of the Code.

3. The agency making an agency placement shall

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conduct the pre-placement investigation and report required under subsection two (2) of this section. The department or an investigator shall conduct all other investigations and reports required under subsection two (2) of this section.

4. A post-placement and a background information investigation and the reports of these investigations shall be completed and the reports filed with the court prior to the holding of the adoption hearing prescribed in section twenty-one (21) of this Act. Upon the filing of an adoption petition pursuant to section fourteen (14) of this Act, the court shall immediately appoint the department, an agency, or an investigator to conduct this investigation and report. Any person, including a juvenile court, who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully cooperate with the conducting of the background information investigation and report by disclosing any relevant background information, whether contained in sealed records or not.

5. Any person conducting an investigation under subsections three (3) and four (4) of this section may, in the investigation or subsequent report, include, utilize, or reply upon any reports, studies, or examinations to the extent they are relevant.

6. Any person conducting an investigation under subsections three (3) and four (4) may charge a fee which does not exceed the reasonable cost of the services rendered and which is based on a sliding scale schedule relating to the investigated person's ability to pay.

7. Any investigation or report required under this section shall not apply when the person to be adopted is an adult.

8. Any person designated to make an investigation and report under this section may request an agency

or state agency, within or without this state, to conduct a portion of the investigation or the report, as may be appropriate, and to file a supplemental report of such investigation or report with the court.

9. The department may investigate, on its own initiative or on order of the court, any placement made or adoption petition filed under this Act and may report its resulting recommendation to the court.

10. The department or an agency may conduct any investigations required for an interstate or interagency placement.

11. Any person who assists in or impedes the placement or adoption of a minor person in violation

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of the provisions of this section shall be, upon conviction, guilty of a misdemeanor, and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.

Sec. 18. *NEW SECTION.* REPORT OF EXPENDITURES.

1. An adoption petitioner of a minor person shall file with the court, prior to the adoption hearing, a full accounting of all disbursements of anything of value paid or agreed to be paid by or on behalf of the petitioner in connection with the petitioned adoption. This accounting shall be made by a report prescribed by the court. The report shall be signed and verified by the petitioner and shall show any expenses incurred in connection with:

a. The birth of the minor person to be adopted.

b. Placement of the minor person with the adoption petitioner.

c. Medical care received by the biological parents or the minor person during the pregnancy or delivery of the minor person.

d. Any other services relating to the adoption or to the placement of the minor person which were received by or on behalf of the petitioner, the biological parents, or any other person, including legal fees.

The provisions of this subsection do not apply in a stepparent adoption.

2. A biological parent shall not receive any thing of value as a result of the biological parent's child or former child being placed with and adopted by another person, unless that thing of value is commensurate with some necessary service provided the biological parent in relation to childbirth, child raising, or delivering the child for adoption. Any person assisting in any way with the placement or adoption of a minor person shall not charge a fee which is more than usual, necessary, and commensurate with the services rendered. If the biological parent receives any prohibited thing of value, if a person gives a prohibited thing of value, or if a person

charges a prohibited fee under this subsection, each such person shall be, upon conviction, guilty of a misdemeanor, and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.

Sec. 19. *NEW SECTION.* MINIMUM RESIDENCE OF A MINOR CHILD. The adoption of a minor person shall not be decreed until that person has lived with the adoption petitioner for a minimum residence period of one hundred eighty days. However, the court may

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waive this period if the adoption petitioner is a stepparent or related to the minor person within the fourth degree of consanguinity or may shorten this period upon good cause shown when the court is satisfied that the adoption petitioner and the person to be adopted are suited to each other.

Sec. 20. *NEW SECTION.* NOTICE OF ADOPTION HEARING.

1. The court shall set the time and place of the adoption hearing prescribed in section twenty-one (21) of this Act upon application of the petitioner. The court may continue the adoption hearing if the notice prescribed in subsections two (2) and three (3) of this section is given, except that such notice shall only be given at least ten days prior to the date which has been set for the continuation of the adoption hearing.

2. At least sixty days before the adoption hearing, a copy of the petition and its attachments and a notice of the adoption hearing shall be given by the adoption petitioner to:

a. A guardian, guardian ad litem, and custodian of, and any person in a parent-child relationship with the person to be adopted.

b. The person to be adopted who is an adult.

c. The department.

d. Any person who is designated to make an investigation and report under section seventeen (17) of this Act.

e. Any other person who is required to consent under section sixteen (16) of this Act.

3. A notice of the adoption hearing shall state the time, place, and purpose of the hearing and shall be given according to the appropriate rules of civil procedure. Proof of the giving of notice shall be filed with the court prior to the adoption hearing and approved by the court prior to issuance of an adoption decree under section twenty-two (22) of this Act.

Sec. 21. *NEW SECTION.* ADOPTION HEARING.

1. An adoption hearing shall be conducted informally as a hearing in equity. The hearing shall be reported.

2. Only those persons notified under section

twenty (20) of this Act and their witnesses and legal counsel or persons requested by the court to be present shall be admitted to the court chambers while an adoption hearing is being conducted. The adoption petitioner and the person to be adopted shall be present at the hearing, unless the presence of either is excused by the court.

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3. Any person admitted to the hearing shall be heard and allowed to present evidence upon request and according to the manner in which the court conducts the hearing.

Sec. 22. *NEW SECTION.* ADOPTION DECREES.

1. At the conclusion of the adoption hearing, the court either shall:

a. Issue a final adoption decree;

b. Issue an interlocutory adoption decree; or,

c. Dismiss the adoption petition if the requirements of this Act have not been met or if dismissal of the adoption petition is in the best interest of the person whose adoption has been petitioned. Upon dismissal, the court shall determine who is to be guardian or custodian of a minor child, including the adoption petitioner if it is in the best interest of the minor person whose adoption has been petitioned.

2. An interlocutory adoption decree automatically becomes a final adoption decree at a date specified by the court in the interlocutory adoption decree which date shall not be less than one hundred eighty days nor more than three hundred sixty days from the date the interlocutory decree is issued. However, an interlocutory adoption decree may be vacated sooner than the date specified in it by the court for good cause shown. Also, the court may provide in the interlocutory adoption decree for further observation, investigation, and report of the conditions of and the relationships between the adoption petitioner and the person petitioned to be adopted.

3. Except as enumerated in subsection two (2) of this section, an interlocutory adoption decree shall have the same legal effect as a final adoption decree. If an interlocutory adoption decree is vacated under subsection two (2) of this section, it shall be void from the date of issuance and the rights, duties, and liabilities of all persons affected by it shall, unless they have become vested, be governed accordingly. Upon vacation of an interlocutory adoption decree, the court shall proceed under the provisions of paragraph c of subsection one (1) of this section.

4. A final adoption decree terminates any parental rights, except those of a spouse of the adoption petitioner, existing at the time of its issuance and

establishes the parent-child relationship between the adoption petitioner and the person petitioned to be adopted. Unless otherwise specified by law, such parent-child relationship shall be deemed to

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have been created at the birth of the child.

5. An interlocutory or a final adoption decree shall be entered with the clerk of the court. Such decree shall set forth any facts of the adoption petition which have been proven to the satisfaction of the court and any other facts considered to be relevant by the court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree. The clerk of the court shall, within thirty days of issuance, deliver one certified copy of any adoption decree to the petitioner, one copy of any adoption abstract to the department and any agency or person making an independent placement who placed a minor person for adoption, and one certification of adoption as prescribed in section one hundred forty-four point nineteen (144.19) of the Code to the state registrar of vital statistics. Upon receipt of the certification, the state registrar shall prepare a new birth certificate pursuant to section one hundred forty-four point twenty-three (144.23) of the Code and deliver to the parents named in the decree and any adult person adopted by the decree a copy of the new birth certificate. The parents shall pay the fee prescribed in section one hundred forty-four point forty-six (144.46) of the Code. If the person adopted was born outside the state, the state registrar shall forward the certification of adoption to the appropriate agency in the state of birth. A copy of any interlocutory adoption decree vacation shall be delivered and another birth certificate shall be prepared in the same manner as a certification of adoption is delivered and the birth certificate was originally prepared.

Sec. 23. *NEW SECTION.* APPEAL. An appeal from any final order or decree rendered under this Act shall be taken in the same manner as an appeal is taken from a final judgment under the rules of civil procedure. However, a rule of civil procedure provision regarding a minimum amount of value in controversy shall not bar an adoption appeal. The supreme court shall review an adoption appeal de novo.

Sec. 24. *NEW SECTION.* FOREIGN AND INTERNATIONAL ADOPTIONS.

1. A decree terminating a parent-child relationship or establishing a parent-child relationship by adoption which is issued pursuant to due process of law by

a court of any other jurisdiction, whether within or without the United States, shall be recognized

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in this state.

2. If there is a proxy adoption in the minor person's country of origin, a further adoption must occur in the state where the adopting parents reside in accordance with the adoption laws of that state.

3. The department may provide necessary assistance to an eligible citizen of Iowa who desires to, in accordance with the immigration laws of the United States, make an international adoption. For any such assistance the department may charge a fee which does not exceed the reasonable cost of services rendered and which is based on a sliding scale relating to the investigated person's ability to pay.

4. Any rules of the department relating to placement of a minor child for adoption which are more restrictive than comparable rules of agencies making international placements and laws of the United States shall not be enforced by the department in an international adoption.

Sec. 25. *NEW SECTION.* TERMINATION AND ADOPTION RECORD.

1. Any information compiled under subparagraphs one (1) and two (2) of paragraph c of subsection one (1) of section seventeen (17) of this Act shall be made available at any time by the clerk of the court, the department, or any agency which made the placement to:

a. The adopting parents.

b. The adopted person who is an adult.

c. Any person approved by the department if the person uses this information solely for the purposes of conducting a legitimate research project or of treating a patient in a medical facility.

2. The permanent termination of parental rights record of the juvenile court under division one (I) of this Act and the permanent adoption record of the court shall be sealed by the clerk of the juvenile court and the clerk of court, as appropriate, when they are complete and after the time for appeal has expired. All papers and records pertaining to a termination of parental rights under division one (I) of this Act and to an adoption, whether a part of the permanent termination and adoption records of the juvenile court and of the court or on file with a guardian, guardian ad litem, custodian, person who placed a minor person, or the department shall not be open to inspection and the identity of the biological parents of an adopted person shall not be revealed. However, an agency involved in placement shall contact the adopting parents or the adult adopted

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child regarding eligibility of the adopted child for benefits based on entitlement of benefits or inheritance from the terminated biological parents. Also, the clerk of the court shall, upon application to and order of the court for good cause shown, open the permanent adoption record of the court for the adopted person who is an adult and reveal the names of either or both of the biological parents, unless either or both of the biological parents have filed and not withdrawn an affidavit denying such revelation as to each parent's name. If the adopted person who applies for revelation of the biological parents' name has a sibling who is a minor and who has been adopted by the same parents, the court shall deny such application on the grounds that revelation to the applicant may also indirectly and harmfully permit the same revelation to the applicant's minor sibling. To facilitate the biological parents in filing such affidavit, the department shall, upon request of such parent, file an affidavit in the court in which the adoption records have been sealed.

3. Notwithstanding any other provisions in this section, the juvenile court or court may, upon competent medical evidence, open termination or adoption records if opening is shown to be necessary to save the life of or prevent irreparable physical harm to an adopted person or the person's offspring. The juvenile court or court shall make every reasonable effort to prevent the identity of the biological parents from becoming revealed under this subsection to the adopted person. The juvenile court or court may, however, permit revelation of the identity of the biological parents to medical personnel attending the adopted person or the person's offspring. These medical personnel shall make every reasonable effort to prevent the identity of the biological parents from becoming revealed to the adopted person.

4. Any person, other than the adopting parents or the adopted person, who discloses information in violation of the provisions of this section shall be, upon conviction, guilty of a misdemeanor, and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.

Division III

Section 26. Section one hundred forty-four point one (144.1), subsection six (6), Code 1975, is amended to read as follows:

6. "Vital statistics" means records of births, deaths, fetal deaths, adoptions, marriages, divorces,

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annulments, ***requests made under paragraph f of subsection one (1) of section six (6) of this Act,***

and data related thereto.

Sec. 27. Section one hundred forty-four point two (144.2), Code 1975, is amended to read as follows:

144.2 DIVISION OF RECORDS AND STATISTICS. There is hereby established in the department a division for records and statistics which shall install, maintain, and operate the system of vital statistics throughout the state. No system for the registration of [births, deaths, fetal deaths, adoptions, marriages, divorces, and annulments *vital statistics*, shall be maintained in the state or any of its political subdivisions other than the one provided for in this chapter. Suitable quarters shall be provided for the division by the executive council at the seat of government. The quarters shall be properly equipped for the permanent and safe preservation of all official records made and returned under this chapter.

Sec. 28. Section one hundred forty-four point forty-three (144.43), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

To protect the integrity of vital statistics records, to insure their proper use, and to insure the efficient and proper administration of the vital statistics system kept by the state registrar, access to vital statistics records kept by the state registrar shall be limited to the state registrar and his employees, and then only for administrative purposes. It shall be unlawful for the state registrar to permit inspection of, or to disclose information contained in vital statistics records, or to copy or permit to be copied all or part of any such record except as authorized by regulation. *However, requests for notification of a termination action shall be made available to the appropriate juvenile court, but shall not be made available in any other action for any other purpose.*

Sec. 29. Chapter one hundred forty-four (144), Code 1975, is amended by adding the following new section:

NEW SECTION. A request made under paragraph f of subsection one (1) of section six (6) of this Act shall be destroyed nineteen years after it is filed or upon request of the person who filed the request.

Sec. 30. 1. Any termination of parental rights or adoption proceedings pending on the effective date of this Act shall not be affected by the provisions of this Act.

2. The department may allow access to adoption

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records held by it or an agency if:

a. These records were compiled prior to the effective date of this Act and do not or can be made to not reveal the identity of the biological parents of an adopted person; and,

b. The person gaining access to these records uses them solely for the purposes of conducting a legitimate research project or of treating a patient in a medical facility.

3. This Act shall take effect on January 1, 1977.

Sec. 31. Section two hundred thirty-one point three (231.3), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The judge of the juvenile court may appoint a referee in juvenile court proceedings. The referee shall be qualified for his duties by training and experience and shall hold office at the pleasure of the judge. The compensation of the referee shall be fixed by the judge. The judge may direct that any case or class of cases arising under chapter 232 *or division one (I) of this Act* shall be heard in the first instance by the referee in the manner provided for the hearing of cases by the court.

Sec. 32. Section two hundred thirty-two point two (232.2), subsections eight (8) and nine (9), Code 1975, are amended by striking the subsections and inserting in lieu thereof the following:

8. "Guardian" means guardian as defined in subsection seven (7) of section two (2) of this Act.

9. "Custodian" means custodian as defined in subsection eight (8) of section two (2) of this Act.

Sec. 33. Section two hundred thirty-two point twelve (232.12), Code 1975, is amended to read as follows:

232.12 OTHER ISSUES ADJUDICATED. When it appears during the course of any trial, hearing, or proceeding that some action or remedy other than or in addition to those indicated by the application or pleadings appears appropriate, the court may, provided all necessary parties consent, proceed to hear and determine the additional or other issues as though originally properly sought and pleaded. *However, if termination of parental rights appears to be the appropriate action or remedy, the provisions of division one (I) of this Act must be followed.*

Sec. 34. Section two hundred thirty-two point twenty-seven (232.27), Code 1975, is amended to read as follows:

232.27 HEARINGS TO COURT. Hearings on any matter shall be without a jury and may be conducted in an

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informal manner. Hearings may be continued from time to time and in the interim the court may make such orders as it deems in the best interests of the child. The court shall exclude the general public from hearings and shall admit the news media, except in those cases which in the opinion of the court the best interest of the child and the public are served by a private hearing. The court shall also admit

those persons who in the discretion of the court have a direct interest in the case or in the work of the court; except that if the hearing involves a child charged by information or indictment with the commission of a felony, persons having a legitimate interest in the proceedings, including responsible representatives of public information media, shall not be excluded from such hearings. The court may require the presence of witnesses deemed necessary to the disposition of the petition. [Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoption.]

Sec. 35. Section two hundred thirty-two point twenty-nine (232.29), Code 1975, is amended to read as follows:

232.29. COUNTY ATTORNEY TO PRESENT EVIDENCE. **The** county attorney shall present the evidence upon request of the court in all proceedings [except adoptions].

Sec. 36. Section two hundred thirty-two point thirty-six (232.36), Code 1975, is amended to read as follows:

232.36 ORDERS CONTINUE TO MAJORITY OF CHILD. All orders for supervision, custody, or commitment shall be enforced until the minor reaches the age of eighteen years unless otherwise specified by the court. All orders shall be reviewed by the court at least annually unless the court's jurisdiction has been terminated. The court may make on its own motion or on the motion of an interested party and after notice to the parties and a hearing some other disposition of the case so long as the court retains jurisdiction. *However, if termination of parental rights is utilized as another disposition of the case, the provisions of division one (I) of this Act must be followed.*

Sec. 37. Section two hundred thirty-two point fifty-one (232.51), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Whenever legal custody of a minor is transferred by the court or whenever the minor is placed by the court with someone other than the parents or whenever a minor is given physical or mental examinations or

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treatment under order of the court and no provision is otherwise made by law for payment for the care, examination, or treatment of the minor, the costs shall be charged upon the funds of the county in which the proceedings are held upon certification of the judge to the board of supervisors. [Except where the parent-child relationship is terminated, the] *The* **court may inquire into the ability of the parents to support the minor and after giving the parents a reasonable opportunity to be heard may order the parents to pay** in the manner and to whom the court may direct, such

sums as will cover in whole or in part the cost of care, examination, or treatment of the minor. If the parents fail to pay the sum without good reason, the parents may be proceeded against for contempt or the court may inform the county attorney who shall proceed against the parents to collect the unpaid sums or both.

Sec. 38. Section two hundred thirty-two point sixty-three (232.63), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred forty-two (142), section ten (10), is amended to read as follows:

232.63 WHEN JURISDICTION IS EXCLUSIVE. The juvenile court shall have exclusive original jurisdiction, only, in proceedings concerning any child alleged to be delinquent, or a child alleged to be in need of assistance, and in proceedings for termination of parental rights under [sections 232.41 through 232.50] *division one (I) of this Act*, and in proceedings concerning any minor alleged to have been a delinquent prior to having become eighteen years of age except as otherwise provided by law.

Sec. 39. Section two hundred thirty-five point three (235.3), subsection three (3), Code 1975, is amended to read as follows:

3. Make such rules and regulations as may be necessary or advisable for the supervision of the private child-caring agencies or officers thereof which the state director is empowered to license, inspect and supervise[, which rules and regulations shall provide that in dealing with any child, any officer, employee or agency so dealing shall take into consideration the religious faith or affiliations of the child or its parents, and that in placing such child it shall be, as far as practicable, placed in the home or the care and custody of some person holding the same religious faith as the parents of such child, or with or through some agency or institution controlled by persons of like religious

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faith with the parents of said child].

Sec. 40. Section two hundred thirty-eight point twenty-four (238.24), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Nothing herein shall prohibit the state director from disclosing such facts to such proper persons as may be in the interest of a child cared for by such agency or in the interest of the child's parents or foster parents and not inimical to the child, or as may be necessary to protect the interests of the child's prospective foster parents. *However, disclosure of termination and adoption records shall be governed by the provisions of section twenty-five (25) of this Act.*

Sec. 41. Section two hundred thirty-eight point thirty-two (238.32), subsection one (1), is amended to read as follows:

1. Receive [neglected, dependent,] *children in need of assistance* or delinquent children who are under eighteen years of age, under commitment from the juvenile court, and control and dispose of them subject to the provisions of chapter 232 *and of division one (I) of this Act.*

Sec. 42. Sections two hundred thirty-two point forty (232.40) through two hundred thirty-two point fifty (232.50), inclusive, section two hundred thirty-two point sixty (232.60), and sections two hundred thirty-eight point twenty-five (238.25) through two hundred thirty-eight point twenty-nine (238.29), inclusive, Code 1975, are repealed.

Sec. 43. Section four hundred twenty-two point nine (422.9), subsection two (2), paragraph d, Code 1975, is amended to read as follows:

d. Add the amount by which expenses paid or incurred in connection with the adoption of a child by the taxpayer exceed three percent of the net income of the taxpayer, or of the taxpayer and spouse in the case of a joint return. The expenses may include medical and hospital expenses of the natural mother which are incident to the child's birth and are paid by the taxpayer, welfare agency fees, legal fees, and all other fees and costs relating to the adoption of a child if the child is placed by a child-placing agency licensed under chapter 238 *or by a person making an independent placement according to the provisions of chapter six hundred (600) of the Code.*

Sec. 44. Section six hundred thirty-three point two hundred twenty-three (633.223), subsections two (2) and three (3), Code 1975, are amended by striking the subsections.

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Sec. 45. Sections six hundred point one (600.1) through six hundred point ten (600.10), Code 1975, are amended by striking the sections and inserting in lieu thereof division two (II) of this Act.

Sec. 46. The Code editor shall codify division one (I) of this Act as a separate chapter of the Code."

UNFINISHED BUSINESS

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 1011, a bill for** an act to amend the election laws of the state of Iowa by specifying the times when special elections may be called and held, clarifying the requirement that nominating petitions for candi-

dates for public office be accompanied by an eligible elector's affidavit, clarifying the manner in which ballots cast by challenged or handicapped electors are to be received, handled and canvassed, requiring that county election commissioners notify the state commissioner when a recount of primary election ballots is granted, requiring that certain officeholders seeking other elective office resign from the office currently held to qualify for the general election ballot and that candidates nominated by write-in votes in certain elections affirm their candidacy, changing the manner of filling vacancies on city primary election ballots in special charter cities, changing the time when the number of delegates to be elected to county political party conventions by each precinct caucus must be designated, stating the functions of state political party conventions, changing the time when petitions for certain candidates nominated under chapter forty-four (44) of the Code must be filed, clarifying the permissible uses of voter registration records, altering the procedures for certain registered voters to record a change of name or address, specifying certain hours when the office of the county commissioner of elections must be open or make alternative arrangements to receive registration material from mobile deputy registrars, clarifying the time and method of holding and canvassing and the formula for determining who is nominated or elected in certain city elections, clarifying the number of voting machines or booths to be furnished each precinct polling place, clarifying the requirements for publishing notice of elections, clarifying the manner in which printed ballots are to be identified, clarifying the hours when the polls must be open for certain elections, revising the law relative to tallying votes cast in certain precincts, clarifying the manner of delivery of absentee ballots to certain voters, providing for contesting elections on public measures, clarifying when vacancies in certain elective offices must be filled by election, changing the time when candidates in school elections may withdraw, deleting an obsolete reference to elected school district treasurers, clarifying the manner of administering merged area elections, changing the manner of electing sanitary district trustees, ending the requirement that the township clerk's annual financial statement be posted at each polling place in the township, clarifying the law relative to certain elections conducted for the city development board, and providing that this Act shall take effect upon publication.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules and reconsider the vote by which the House concurred in the Senate amendment H—5955, as amended.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules and reconsider the vote by which amendment H—6220, as amended, was adopted by the House on April 8, 1976.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules and substitute the following amendment H—6241, to the Senate amendment H—5955, filed by Woods of Polk from the floor, for amendment H—6220, as amended, and that amendment H—6220 be withdrawn:

H—6241

Amend the Senate amendment H—5955 to House File 1011 as follows:

1. Page 12, by inserting after line 18 the following:

"..... Page 33, by striking lines 5 through 8 and inserting in lieu thereof the following: "voting approves it. In the case of annexation or severance, the proposal is authorized upon approval of a majority of the total number of persons voting in the territory proposed to be annexed or severed, and a majority of the total number of persons voting in the city to which the territory is proposed to be annexed, or from which the territory is proposed to be severed. In a case of".

Woods of Polk moved the adoption of amendment H—6241, to the Senate amendment H—5955.

Roll call was requested by Woods of Polk and Higgins of Scott.

Rule 70 was invoked.

On the question "Shall amendment H—6241, to Senate Amendment H—5955, be adopted?"

The ayes were, 41:

Baker	Evans	Kreamer	Nielsen
Bennett	Griffee	Lindeen	Pellett
Bortell	Halvorson	McElroy	Perkins
Byerly	Hansen	Menke	Schroeder
Caffrey	Harper	Mennenga	Spencer
Clark	Horn	Middleswart	Stromer
Crabb	Howell	Millen	Svoboda
Daggett	Hullinger	Miller, K. D.	West
Danker	Husak	Miller, O. L.	Woods
Dunton	Koogler	Nealson	Wyckoff
Dyrland			

The nays were, 52:

Anderson	Brandt	Crawford	Doyle
Avenson	Brockett	Cusack	Drake
Bina	Brunow	Den Herder	Egenes
Binneboese	Connors	Dieleman	Fitzgerald

Gentleman	Jochum	O'Halloran	Spradling
Gilloon	Jordan	Patchett	Tauke
Hargrave	Junker	Pavich	Tofte
Harvey	Krause	Poncy	Varley
Hennessey	Lipsky	Readinger	Walter
Higgins	Middleton	Rinas	Welden
Hinkhouse	Miller, A. V.	Scheelhaase	Wells
Hutchins	Monroe	Small	Wulff
Jesse	Norland	Spear	Mr. Speaker

Absent or not voting, 7:

Bittle	Hines	Lonergan	Oakley
Branstad	Lageschulte	Newhard	

Amendment H—6241 lost.

Miller of Buchanan asked for unanimous consent to reconsider amendment H—5958, to the Senate amendment H—5955.

Objection was raised.

Miller of Buchanan moved that the rules be suspended to reconsider amendment H—5958, to the Senate amendment H—5955.

A non-record roll call was requested.

The ayes were 27, nays 51.

The motion lost.

Monroe of Des Moines moved that the House concur in the Senate amendment H—5955, as amended.

The motion prevailed and the House concurred in the Senate amendment as amended.

Monroe of Des Moines moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1011)

The ayes were, 64:

Anderson	Doyle	Hennessey	Lipsky
Avenson	Drake	Higgins	Mennenga
Bina	Dunton	Howell	Middleswart
Binneboese	Dyrland	Hullinger	Middleton
Brandt	Egenes	Husak	Miller, A. V.
Brunow	Fitzgerald	Hutchins	Miller, O. L.
Clark	Gentleman	Jesse	Monroe
Connors	Gilloon	Jochum	Nealson
Crawford	Halvorson	Jordan	O'Halloran
Cusack	Hansen	Junker	Patchett
Den Herder	Hargrave	Krause	Pavich
Dieleman	Harper	Lindeen	Perkins

Poncy	Small	Tauke	Wells
Readinger	Spear	Tofte	West
Rinas	Spradling	Varley	Wyckoff
Scheelhaase	Svoboda	Walter	Mr. Speaker

The nays were, 28:

Baker	Daggett	Kreamer	Pellett
Bennett	Danker	Lageschulte	Schroeder
Bortell	Evans	McElroy	Spencer
Brockett	Harvey	Menke	Stromer
Byerly	Hinkhouse	Millen	Welden
Caffrey	Horn	Miller, K. D.	Woods
Crabb	Koogler	Nielsen	Wulff

Absent or not voting, 8:

Bittle	Griffee	Lonergan	Norland
Branstad	Hines	Newhard	Oakley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST

(House File 1011)

Monroe of Des Moines moved to reconsider the vote by which House File 1011 passed the House.

A non-record roll call was requested.

The ayes were 28, nays 45.

The motion lost.

UNFINISHED BUSINESS

The House resumed consideration of **House File 1470, a bill** for an act relating to the location and construction of electric power generating facilities and providing penalties.

Rinas of Linn offered the following amendment H—5604 filed by Rinas, et al.:

H—5604

Amend House File 1470 as follows:

1. Page 4, by striking lines 1 though 12 and inserting in lieu thereof the following:

"3. A facility shall not be certified which violates state and local agency and local governing body requirements for licenses or permits necessary for the construction, operation or maintenance of a major electric generating facility."

By unanimous consent the following corrective amendment H—6244, to amendment H—5604, filed by Rinas of Linn from the floor was adopted:

H—6244

Amend H—5604 to page 4 of House File 1470 as follows:

1. Page 1, line 8, by striking the words "major electric generating".

Rinas of Linn moved the adoption of amendment H—5604, as amended.

Amendment H—5604, as amended, lost.

Rinas of Linn offered the following amendment H—5605 filed by Rinas, et al., and moved its adoption:

H—5605

Amend House File 1470 as follows:

1. Page 4, line 8, by striking everything after the word "certificate" and inserting in lieu thereof a period.

2. Page 4, by striking lines 9, 10, 11 and 12.

Roll call was requested by Rinas of Linn and Harvey of Scott.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5605 be adopted?"

The ayes were, 34:

Anderson	Egenes	Horn	Nielsen
Bina	Gentleman	Jesse	Patchett
Byerly	Gilloon	Jochum	Poncy
Clark	Halvorson	Koogler	Rinas
Connors	Hargrave	Krause	Spradling
Crawford	Harper	Lindeen	Svoboda
Cusack	Harvey	Mennenga	Tauke
Dieleman	Hennessey	Miller, K. D.	Woods
Dyrland	Higgins		

The nays were, 54:

Avenson	Fitzgerald	Menke	Small
Baker	Griffee	Middleswart	Spear
Bennett	Hansen	Middleton	Spencer
Binneboese	Hinkhouse	Millen	Stromer
Bortell	Howell	Miller, A. V.	Tofte
Brandt	Hullinger	Miller, O. L.	Varley
Brockett	Husak	Nealson	Walter
Brunow	Hutchins	O'Halloran	Welden
Daggett	Jordan	Pavich	Wells
Danker	Junker	Pellett	West
Den Herder	Kreamer	Perkins	Wulff
Doyle	Lageschulte	Readinger	Wyckoff
Drake	Lipsky	Schroeder	Mr. Speaker
Evans	McElroy		

Absent or not voting, 12:

Bittle	Crabb	Lonergan	Norland
Branstad	Dunton	Monroe	Oakley
Caffrey	Hines	Newhard	Scheelhaase

Amendment H—5605 lost.

Rinas of Linn offered the following amendment H—5616 filed by Hines, et al.:

H—5616

Amend House File 1470 as follows:

1. Page 3, by inserting after line 15 the following new subsection:

"4. The commission shall conduct the hearing, as described in subsection three (3) of this section, in the county in which the construction of the greater portion of the facility is being proposed."

Rinas of Linn offered the following amendment H—5633, to amendment H—5616, filed by Hines of Story and moved its adoption:

H—5633

Amend amendment H—5616 to House File 1470 as follows:

1. Page 1, by striking "three (3)" and inserting "one (1)".

Amendment H—5633 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mennenga of Clinton for the remainder of the day on request of Miller of Buchanan.

Rinas of Linn moved the adoption of amendment H—5616, as amended.

A non-record roll call was requested.

The ayes were 46, nays 33.

Amendment H—5616, as amended, was adopted.

Anderson of Jasper offered the following amendment H—5606 filed by him:

H—5606

Amend House File 1470 as follows:

1. Page 4, lines 31 and 32, by striking the words "commission:

a. Authorizes" and inserting in lieu thereof the words "commission authorizes"

2. Page 5, by striking lines 1 through 6.

By unanimous consent the following corrective amendment

H—6245, to amendment H—5606, filed by Junker of Woodbury from the floor was adopted:

H—6245

Amend amendment H—5606, to page 4 of House File 1470, as follows:

1. Page 1, by inserting after line 5 the following:

"..... Page 4, line 35, by striking "; and," and inserting in lieu thereof a period.

Anderson of Jasper moved the adoption of amendment H—5606, as amended.

Roll call was requested by Anderson of Jasper and Svoboda of Iowa.

Rule 70 was invoked.

On the question "Shall amendment H—5606, as amended, be adopted?"

The ayes were, 28:

Anderson	Gentleman	Husak	Poncy
Avenson	Gilloon	Jesse	Rinas
Baker	Griffee	Jochum	Small
Connors	Hargrave	Krause	Spencer
Crawford	Harper	Miller, K. D.	Spradling
Cusack	Hennessey	Nielsen	Svoboda
Dyrland	Howell	Patchett	Wyckoff

The nays were, 62:

Bennett	Drake	Kreamer	Perkins
Bina	Dunton	Lageschulte	Readinger
Binneboese	Egenes	Lindeen	Scheelhaase
Bortell	Evans	Lipsky	Schroeder
Brandt	Fitzgerald	McElroy	Stromer
Brockett	Halvorson	Menke	Tauke
Brunow	Hansen	Middleswart	Tofte
Byerly	Harvey	Millen	Varley
Caffrey	Higgins	Miller, A. V.	Walter
Clark	Hinkhouse	Miller, O. L.	Welden
Crabb	Horn	Nealson	Wells
Daggett	Hullinger	Norland	West
Danker	Hutchins	O'Halloran	Woods
Den Herder	Jordan	Pavich	Wulff
Dieleman	Junker	Pellett	Mr. Speaker
Doyle	Koogler		

Absent or not voting, 10:

Bittle	Lonergan	Monroe	Oakley
Branstad	Mennenga	Newhard	Spear
Hines	Middleton		

Amendment H—5606, as amended, lost.

Doyle of Woodbury asked and received unanimous consent to

suspend the rules to consider the following amendment H—5728 filed by him and moved its adoption:

H—5728

Amend House File 1470 as follows:

1. Page 7, line 9, by striking the words "major electric".

2. Page 7, line 10, by striking the word "generating".

3. Page 7, line 12, by striking the words "major electric generating".

Amendment H—5728 was adopted.

Doyle of Woodbury offered the following amendment H—5614 filed by him and moved its adoption:

H—5614

Amend House File 1470 as follows:

1. Page 7, lines 28 and 29 by striking the words "days, or be punished by both such fine and imprisonment." and inserting in lieu thereof the word "days."

Amendment H—5614 was adopted.

Anderson of Jasper asked and received unanimous consent to withdraw amendment H—6007 (to pages 7 and 8) filed by him on March 26, 1976, and found on page 1462 of the House Journal.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1470)

The ayes were, 58:

Avenson	Egenes	Lipsky	Rinas
Bennett	Evans	McElroy	Scheelhaase
Bina	Fitzgerald	Menke	Schroeder
Binneboese	Halvorson	Middleswart	Small
Brockett	Hansen	Millen	Spencer
Brunow	Higgins	Miller, A. V.	Stromer
Caffrey	Hullinger	Miller, O. L.	Tauke
Clark	Husak	Nealson	Tofte
Connors	Hutchins	Norland	Varley
Crawford	Jordan	O'Halloran	Walter
Cusack	Junker	Patchett	Welden
Den Herder	Koogler	Pavich	Wells
Doyle	Kreamer	Perkins	West
Drake	Lageschulte	Readinger	Mr. Speaker
Dunton	Lindeen		

The nays were, 34:

Anderson	Byerly	Dieleman	Griffee
Baker	Crabb	Dyrland	Hargrave
Bortell	Daggett	Gentleman	Harper
Brandt	Danker	Gilloon	Harvey

Hennessey	Jochum	Nielsen	Svoboda
Hinkhouse	Krause	Pellett	Woods
Horn	Middleton	Poncy	Wulff
Howell	Miller, K. D.	Spradling	Wyckoff
Jesse	Monroe		

Absent or not voting, 8:

Bittle	Hines	Mennenga	Oakley
Branstad	Lonergan	Newhard	Spear

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 1470)

Doyle of Woodbury moved to reconsider the vote by which House File 1470 passed the House.

Roll call was requested by Anderson of Jasper and Bina of Scott.

On the question "Shall the vote by which House File 1470 passed the House be reconsidered?"

The ayes were, 36:

Anderson	Dieleman	Lipsky	Rinas
Bennett	Dyrland	McElroy	Schroeder
Bortell	Egenes	Miller, K. D.	Spradling
Byerly	Gentleman	Monroe	Svoboda
Clark	Hargrave	Nealson	Tauke
Crabb	Harper	Nielsen	Walter
Crawford	Harvey	Patchett	Woods
Daggett	Hennessey	Pavich	Wulff
Danker	Howell	Poncy	Wyckoff

The nays were, 54:

Avenson	Fitzgerald	Junker	O'Halloran
Baker	Gilloon	Koogler	Pellett
Bina	Griffee	Krause	Perkins
Binneboese	Halvorson	Kreamer	Scheelhaase
Brandt	Hansen	Lageschulte	Small
Brunow	Higgins	Lindeen	Spencer
Caffrey	Hinkhouse	Menke	Stromer
Connors	Horn	Middleswart	Tofte
Cusack	Hullinger	Middleton	Varley
Den Herder	Husak	Millen	Welden
Doyle	Hutchins	Miller, A. V.	Wells
Drake	Jesse	Miller, O. L.	West
Dunton	Jochum	Norland	Mr. Speaker
Evans	Jordan		

Absent or not voting, 10:

Bittle	Hines	Newhard	Readinger
Branstad	Lonergan	Oakley	Spear
Brockett	Mennenga		

The motion lost.

EXPLANATION OF VOTE
(House File 1011)

I was necessarily absent from the House chamber when the vote was taken on House File 1011. Had I been present, I would have voted "aye."

NORLAND of Worth

SUBCOMMITTEE ASSIGNMENTS

House File 1442
Ways and Means
Wyckoff, Chair
Bittle
Danker

Senate File 1254
Ways and Means
Norland, Chair
Bina
Dyrland
Egenes
Harvey
Svoboda
West

Senate File 1269
Ways and Means
Wyckoff, Chair
Bittle
Danker

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1225**, a bill for an act relating to the establishment of a birth defects institute and specifying its powers and duties and making an appropriation, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1243**, a bill for an act appropriating funds to the state board of regents for aujesky's disease research to be conducted by the Iowa state university of science and technology, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENT FILED

H—6246

Amend amendment H—6173 to House File 1482 as follows:

1. Page 3, by inserting after line 11 the following:

"4. "Recyclable beverge container" means any container which can be reclaimed and the materials reused."

2. Page 3, line 18 by inserting after the word "containers" the words "and recyclable bev-

erage containers".

3. Page 3, line 20 by inserting after the word "returnable" the words "or recyclable".

CUSACK of Scott
JOCHUM of Dubuque
WELDEN of Hardin
READINGER of Polk
WELLS of Linn
DEN HERDER of Sioux
HOWELL of Floyd
GRIFFEE of Chickasaw
OAKLEY of Clinton
PERKINS of Greene

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 1:28 p.m. until 10:00 a.m., Monday, April 12, 1976.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day—Sixtieth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, APRIL 12, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Wayne Hall, pastor of the Trinity Reformed Church, Pella, Iowa.

The Journal of Friday, April 9, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Hardinger, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall on request of Evans of Grundy; Newhard of Jones on request of Poncy of Wapello; Rinas of Linn on request of Jordan of Linn; Perkins of Greene on request of Baker of Buena Vista; Higgins of Scott on request of Jochum of Dubuque; Scheelhaase of Woodbury on request of Hullinger of Decatur; Hargrave of Johnson on request of Wells of Linn; Howell of Floyd on request of Griffee of Chickasaw.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Fifty-four ninth grade students from Alburnett Junior-Senior High School, Alburnett, Iowa, accompanied by Larry Hagerman. By Jordan of Linn.

Twenty-two Student Council representatives from McComb Junior High School, Des Moines, Iowa, accompanied by Mr. Campbell. By Woods of Polk.

Forty-seven first and second grade students from Whittier Elementary School, Ames, Iowa, accompanied by Mrs. Nissen and Miss Ferrell. By Hines of Story and Crawford of Story.

Thirty eighth grade students from St. Mary's School, Panama, Iowa, accompanied by Sister Mary and Jean Grimm. By Danker of Pottawattamie.

PETITIONS FILED

The following petitions were received and placed on file:

By Wulff of Black Hawk from ten constituents favoring House File 1111, relating to construction at the Iowa Veterans Home.

By Brandt of Black Hawk from eleven constituents favoring House File 1213, the statute of limitations bill.

By Patchett of Johnson from fifty-six citizens favoring the passage of Senate File 1261, relating to educational appropriations.

By Patchett of Johnson from twenty-two citizens opposing H—6029, and favoring H—6028 and H—5998 to Senate File 1261, relating to educational appropriations.

By Patchett of Johnson from ten residents of Mount Pleasant in favor of the passage of Senate File 1170, providing for the sale of raw milk.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on Senate Files 1225 and 1243, under Rule 36.

INTRODUCTION OF BILLS

House File 1554, by committee on ways and means, a bill for an act to provide limited tax incentives for the improvement, repair, and maintenance of residential property by allowing a five-year tax moratorium for certain improvements to buildings, with certain exceptions.

Read first time and **placed on the ways and means calendar.**

House File 1555, by committee on ways and means, a bill for an act relating to the township tax levy for fire protection purposes.

Read first time and **placed on the ways and means calendar.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on March 16, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 368, a bill for an act relating to the marketing of livestock.

Also: That the Senate has on April 8, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1291, a bill for an act to legalize the incorporation of the city of Yale, Iowa.

STEVEN C. CROSS, Secretary

SENATE MESSAGES CONSIDERED

Senate File 1087, a bill for an act making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet.

Read first time and referred to committee on **appropriations.**

Senate File 1276, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act.

Read first time and referred to committee on **appropriations.**

Senate File 1282, a bill for an act to increase certain vehicle width limitations from thirteen to fourteen feet.

Read first time and **passed on file.**

Senate File 1284, a bill for an act relating to administration of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program and appropriating funds from the motor vehicle fuel tax fund to the department of revenue for such purposes.

Read first time and referred to committee on **appropriations.**

Senate File 1285, a bill for an act temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application of the provisions of the Act.

Read first time and referred to committee on **appropriations.**

Senate File 1291, a bill for an act to legalize the incorporation of the city of Yale, Iowa.

Read first time and referred to committee on **ways and means.**

HOUSE CONCURRENT RESOLUTION 128
By Fitzgerald

Whereas, Many members of both houses of the legislature wish to spend Good Friday in contemplation and religious observance, and

Whereas, The General Assembly respects each individual's right to worship the Almighty in whatever manner seems most appropriate; *Now, Therefore,*

Be It Resolved by the House, the Senate Concurring: That when adjournment is had on Thursday, April 15, 1976, it be to reconvene Monday, April 19, 1976, at 10:00 a.m.

Laid over under Rule 25.

CONFERENCE COMMITTEE APPOINTED
(House File 352)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **House File 352**: Doyle of Woodbury, chair; Brandt of Black Hawk, Newhard of Jones, Oakley of Clinton and Daggett of Adams.

REFERRED TO COMMITTEE ON EDUCATION
(House File 1041)

Patchett of Johnson asked and received unanimous consent to reconsider the vote by which **House File 1041**, a bill for an act relating to the maximum age for participation in extracurricular activities, failed to pass the House on January 23, 1976, and that House File 1041 be referred to the committee on **education.**

MOTION TO RECONSIDER PREVAILS
(House File 1201)

Stromer of Hancock called up for consideration the motion to reconsider **House File 1201**, filed on February 24, 1976, and moved to reconsider the vote by which House File 1201, a bill for an act relating to requirements for completion of driver's education courses, passed the House on February 24, 1976.

A non-record roll call was requested.

The ayes were 68, nays none.

The motion prevailed.

Stromer of Hancock moved to reconsider the vote by which House File 1201 was placed on its last reading.

The motion prevailed.

Stromer of Hancock offered the following amendment H—5585 filed by Stromer, et al., and moved its adoption:

H—5585

Amend House File 1201 as follows:

1. Page 1 by inserting before line 1 the following:

"Sec. ..... Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section fifteen (15), is amended to read as follows:

1. Approved course. An approved driver education course as programmed by the department of public instruction shall consist of at least thirty clock hours of classroom instruction, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving.

Every public school district in Iowa shall offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the distict an approved course in driver education. Said courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. *The public school district shall submit to the state comptroller that portion of the costs for driver education incurred for students enrolled in a driver education course who are not otherwise enrolled in any public or nonpublic school and the state comptroller shall provide reimbursement from funds provided for that purpose.* An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education may, upon proof of such fact, be excused from any field test which he would otherwise be required to take in demonstrating his ability to operate a motor vehicle."

2. Page 1 by inserting after line 3 the following:

"Sec. ..... Section four hundred forty-two point four (442.4), subsection one (1), unnumbered paragraph three (3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section seventeen (17), is amended to read as follows:

Shared-time and part-time pupils of school age, *other than students, as defined in section three hundred twenty-one point one hundred and seventy-eight*

Page 2

(321.178) of the Code, enrolled in a driver education course who are not otherwise enrolled in any public or nonpublic school, irrespective of the districts in which the pupils reside, are included in basic enrollment as of the second Friday of January in the base year, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time out-of-district pupil shall be reduced by the amount of any increased state aid occasioned by the counting of the pupil."

Amendment H—5585 was adopted.

Dyrland of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1201)

The ayes were, 70:

Anderson	Dyrland	Junker	Pavich
Avenson	Egenes	Koogler	Pellett
Baker	Evans	Krause	Poncy
Bennett	Fitzgerald	Kreamer	Readinger
Bina	Gilloon	Lageschulte	Small
Binneboese	Griffee	Lindeen	Spencer
Brunow	Halvorson	Lipsky	Stromer
Byerly	Hansen	Menke	Svoboda
Caffrey	Harper	Mennenga	Tauke
Clark	Harvey	Middleswart	Tofte
Connors	Hennessey	Millen	Varley
Crawford	Hines	Miller, A. V.	Walter
Cusack	Hinkhouse	Miller, O. L.	Welden
Daggett	Horn	Norland	West
Den Herder	Hullinger	Oakley	Woods
Dieleman	Hutchins	O'Halloran	Wulff
Drake	Jochum	Patchett	Mr. Speaker
Dunton	Jordan		

The nays were, 11:

Bortell	Danker	Miller, K. D.	Spradling
Brandt	Gentleman	Nealson	Wyckoff
Crabb	Lonergan	Schroeder	

Absent or not voting, 19:

Bittle	Higgins	Middleton	Rinas
Branstad	Howell	Monroe	Scheelhaase
Brockett	Husak	Newhard	Spear
Doyle	Jesse	Nielsen	Wells
Hargrave	McElroy	Perkins	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILS

(House File 1198)

Wyckoff of Benton called up for consideration the motion to reconsider **House File 1198**, filed on February 27, 1976, and moved to reconsider the vote by which House File 1198, a bill for an act relating to jurisdiction over septic tanks, passed the House on February 27, 1976.

A non-record roll call was requested.

The ayes were 73, nays 0.

The motion prevailed.

Wyckoff of Benton moved to reconsider the vote by which House File 1198 was placed on its last reading.

The motion prevailed.

Wyckoff of Benton moved to reconsider the vote by which amendment H—5215 was adopted by the House.

The motion prevailed and the House reconsidered amendment H—5215 as follows:

H—5215

Amend House File 1198 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred thirty-five point eleven (135.11), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighteen (118), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. Exercise jurisdiction over private residential sewage disposal facilities, including septic tanks, and inspection of their wastewater discharges.

Sec. 2. Section four hundred fifty-five B point forty-five (455B.45), subsection two (2), Code 1975, is amended to read as follows:

2. The construction or use of any new outlet for the discharge of any sewage or wastes directly into the water of the state. [However, no permit shall be required for any new disposal system or extension or addition to any existing disposal system that receives only domestic or sanitary sewage from a building, housing or occupied by fifteen persons or less.]"

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—5398, to amendment H—5215, filed by

him on March 2, 1976, and found on page 798 of the House Journal.

Wyckoff of Benton offered the following amendment H—6247, to amendment H—5215, filed by him and Junker of Woodbury from the floor and moved its adoption:

H—6247

Amend the committee on natural resources amendment H—5215, to House File 1198, as follows:

1. Line 12, by inserting after the word "discharges." the following: "However, no permit shall be required for any new disposal system or extension or addition to the existing disposal system that receives only domestic or sanitary sewage from a building, occupied by fifteen persons or less, unless required by city or county ordinance."

Amendment H—6247 was adopted.

Wyckoff of Benton offered the following amendment H—6132, to amendment H—5215, filed by him and Koogler of Mahaska and moved its adoption:

H—6132

Amend the committee on natural resources amendment H—5215, to House File 1198 as follows:

1. Line 16, by striking the word "outlet" and inserting in lieu thereof the following: "[outlet] *point source*".

2. Lines 17 and 18, by striking the words "sewage or wastes directly into the" and inserting in lieu thereof the following: "[sewage or wastes directly into the] *pollutant into any*".

Amendment H—6132 was adopted.

Middleswart of Warren moved the adoption of amendment H—5215, as amended.

Amendment H—5215, as amended, was adopted.

Hullinger of Decatur moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1198)

The ayes were, 76:

Anderson	Binneboese	Clark	Den Herder
Avenson	Brandt	Connors	Dieleman
Baker	Brunow	Crabb	Drake
Bennett	Byerly	Crawford	Dunton
Bina	Caffrey	Cusack	Dyrland

Egenes	Hutchins	Miller, A. V.	Small
Evans	Jochum	Miller, K. D.	Spencer
Fitzgerald	Jordan	Miller, O. L.	Spradling
Gentleman	Junker	Nealson	Stromer
Gilloon	Koogler	Nielsen	Svoboda
Griffee	Krause	Norland	Tauke
Halvorson	Lageschulte	Oakley	Tofte
Hansen	Lindeen	O'Halloran	Varley
Harper	Lipsky	Patchett	Walter
Harvey	Lonergan	Pavich	Wells
Hines	Menke	Pellett	West
Hinkhouse	Mennenga	Poncy	Woods
Horn	Middleswart	Readinger	Wyckoff
Hullinger	Millen	Schroeder	Mr. Speaker

The nays were, 6:

Bortell	Danker	Welden	Wulff
Daggett	Kreamer		

Absent or not voting, 18:

Bittle	Hennessey	McElroy	Perkins
Branstad	Higgins	Middleton	Rinas
Brockett	Howell	Monroe	Scheelhaase
Doyle	Husak	Newhard	Spear
Hargrave	Jesse		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED

Koogler of Mahaska called up for consideration **House File 324,** a bill for an act relating to abandoned vehicles, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6034

Amend House File 324 as amended and passed by the House, as follows:

1. Page 1, by inserting before line 23 the following:

"(....) However a vehicle shall not be considered abandoned for a period of fifteen days if its owner or operator is unable to move the vehicle and notifies the police authority responsible for the geographical location of the vehicle and requests assistance in the removal of the vehicle."

2. Page 3, line 2, by striking the word "vehicles" and inserting in lieu thereof the word "vehicle".

The motion prevailed and the House concurred in the Senate amendment H—6034.

Koogler of Mahaska moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now

and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 324)

The ayes were, 81:

Anderson	Dunton	Koogler	Pellett
Avenson	Dyrland	Krause	Poncy
Baker	Egenes	Kreamer	Readinger
Bennett	Evans	Lageschulte	Schroeder
Bina	Fitzgerald	Lindeen	Small
Binneboese	Gentleman	Lipsky	Spencer
Bortell	Gilloon	Lonergan	Spradling
Brandt	Griffee	Menke	Stromer
Brunow	Halvorson	Mennenga	Svoboda
Byerly	Hansen	Middleswart	Tauke
Caffrey	Harper	Millen	Tofte
Clark	Harvey	Miller, A. V.	Varley
Connors	Hines	Miller, K. D.	Walter
Crabb	Hinkhouse	Nealson	Welden
Crawford	Horn	Nielsen	Wells
Cusack	Hullinger	Norland	West
Daggett	Hutchins	Oakley	Woods
Danker	Jochum	O'Halloran	Wulff
Den Herder	Jordan	Patchett	Wyckoff
Dieleman	Junker	Pavich	Mr. Speaker
Drake			

The nays were, none.

Absent or not voting, 19:

Bittle	Hennessey	McElroy	Perkins
Branstad	Higgins	Middleton	Rinas
Brockett	Howell	Miller, O. L.	Scheelhaase
Doyle	Husak	Monroe	Spear
Hargrave	Jesse	Newhard	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Patchett of Johnson called up for consideration **House File 1040**, a bill for an act relating to applications and fees for high school equivalency diplomas, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6035

Amend House File 1040 as passed by the House, as follows:

1. Page 1, line 9, by striking the words "application fee and".

The motion prevailed and the House concurred in the Senate amendment H—6035.

Patchett of Johnson moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now

and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1040)

The ayes were, 82:

Anderson	Egenes	Krause	Pellett
Avenson	Evans	Kreamer	Poncy
Baker	Fitzgerald	Lageschulte	Readinger
Bina	Gentleman	Lindeen	Schroeder
Binneboese	Gilloon	Lipsky	Small
Bortell	Griffee	Lonergan	Spencer
Brunow	Halvorson	Menke	Spradling
Byerly	Hansen	Mennenga	Stromer
Caffrey	Harper	Middleswart	Svoboda
Clark	Harvey	Millen	Tauke
Connors	Hennessey	Miller, A. V.	Tofte
Crabb	Hines	Miller, K. D.	Varley
Crawford	Hinkhouse	Miller, O. L.	Walter
Cusack	Horn	Nealson	Welden
Daggett	Hullinger	Nielsen	Wells
Danker	Hutchins	Norland	West
Den Herder	Jesse	Oakley	Woods
Dieleman	Jochum	O'Halloran	Wulff
Drake	Jordan	Patchett	Wyckoff
Dunton	Junker	Pavich	Mr. Speaker
Dyrland	Koogler		

The nays were, 1:

Bennett

Absent or not voting, 17:

Bittle	Hargrave	McElroy	Perkins
Brandt	Higgins	Middleton	Rinas
Branstad	Howell	Monroe	Scheelhaase
Brockett	Husak	Newhard	Spear
Doyle			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Brandt of Black Hawk called up for consideration **House File 1063**, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons, amended by the Senate as follows:

H—6033

Amend House File 1063 as follows:

1. Page 1, by adding after line 13, the following:

"Sec. ..... Section two hundred forty-five point one (245.1), Code 1975 is amended by striking unnumbered paragraph two (2)."

Brandt of Black Hawk offered the following amendment H—6037, to the Senate amendment H—6033, filed by her and moved its adoption:

H—6037

Amend Senate amendment H—6033 to House File 1063 as follows:

1. By striking lines 2 and 3 and inserting in lieu thereof the following:

"Page 1, by adding before line 1, the following:"

Amendment H—6037 was adopted.

Brandt of Black Hawk moved that the House concur in the Senate amendment H—6033 as amended.

The motion prevailed and the House concurred in the Senate amendment H—6033, as amended.

Brandt of Black Hawk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1063)

The ayes were, 79:

Anderson	Drake	Junker	Pavich
Avenson	Dunton	Koogler	Pellett
Baker	Dyrland	Krause	Poncy
Bennett	Egenes	Kreamer	Readinger
Bina	Evans	Lageschulte	Small
Binneboese	Fitzgerald	Lindeen	Spencer
Bortell	Gentleman	Lipsky	Spradling
Brandt	Gilloon	Lonergan	Stromer
Brunow	Halvorson	Menke	Svoboda
Byerly	Hansen	Mennenga	Tauke
Caffrey	Harper	Middleswart	Tofte
Clark	Harvey	Miller, A. V.	Varley
Connors	Hennessey	Miller, K. D.	Walter
Crabb	Hinkhouse	Miller, O. L.	Welden
Crawford	Horn	Nealson	West
Cusack	Hullinger	Nielsen	Woods
Daggett	Hutchins	Norland	Wulff
Danker	Jesse	Oakley	Wyckoff
Den Herder	Jochum	O'Halloran	Mr. Speaker
Dieleman	Jordan	Patchett	

The nays were, none.

Absent or not voting, 21:

Bittle	Higgins	Middleton	Rinas
Branstad	Hines	Millen	Scheelhaase
Brockett	Howell	Monroe	Schroeder
Doyle	Husak	Newhard	Spear
Griffee	McElroy	Perkins	Wells
Hargrave			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE CALENDAR

House File 1374, a bill for an act relating to treatment of alcoholics and to the division of alcoholism of the department of health, was taken up for consideration.

Brandt of Black Hawk asked and received unanimous consent to withdraw amendment H—5908 filed by her on March 19, 1976, and found on page 1318 of the House Journal.

Cusack of Scott offered the following amendment H—6146 filed by Cusack, et al., and moved its adoption:

H—6146

Amend House File 1374 as follows:
1. Page 4, by striking lines 28 through 35.
2. Page 5, by striking lines 1 through 13.
3. Renumber the remaining sections.

Amendment H—6146 was adopted.

With the adoption of amendment H—6146, amendment H—5558 (to page 4) filed by Monroe of Des Moines on March 5, 1976, and found on page 984 of the House Journal, was out of order.

Griffee of Chickasaw in the chair at 11:40 a.m.

Cusack of Scott offered the following amendment H—5986 filed by Hargrave of Johnson:

H—5986

Amend House File 1374 as follows:
1. Page 4, by inserting after line 1 the following new section:
"Sec. ..... Section one hundred twenty-five point twenty-two (125.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:
125.22 COMPOSITION OF FACILITIES' BOARDS—TREATMENT PLANS FURNISHED.
1. In addition to other requirements established by this chapter, no facility shall be approved pursuant to section one hundred twenty-five point thirteen (125.13) of the Code unless it is either a licensed hospital or a community mental health center operating under chapter two hundred thirty A (230A) of the Code, or it is organized under the Iowa nonprofit corporation Act appearing as chapter five hundred four A (504A) of the Code. In the latter case, at least fifty percent of the membership of the board of directors shall be representatives of local government units providing funds to the facility for treatment of

alcoholism.

2. A local governmental unit which is providing funds to a facility for treatment of alcoholism may request from the facility a treatment program plan prior to authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program requirements of section one hundred twenty-five point twenty-eight (125.28) of the Code."

2. Page 5, by striking lines 14 and 15 and inserting in lieu thereof the following:

"Sec. ..... Section three hundred thirty-two point three (332.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. To require that any person, agency or organization which is not a part of the county government but is receiving funds from the county to pay in whole or in part for services furnished to third parties submit to audit by auditors assigned or employed for the purpose by the board. Upon request by the board, the person, agency or organization to be audited under this subsection shall make available all pertinent books, records and documents needed for the audit."

Harper of Davis asked for unanimous consent that House File 1374 be deferred.

Objection was raised.

Harper of Davis moved that House File 1374 be deferred and that the bill retain its place on the calendar.

Harper of Davis asked and received unanimous consent to withdraw her motion to defer.

(House File 1374 and amendment H—5986 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

BUSINESS PENDING

The House resumed consideration of **House File 1374, a bill** for an act relating to treatment of alcoholics and to the division of alcoholism of the department of health.

(Amendment H—5986 temporarily deferred.)

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed seventy-five members present, twenty-five absent.

Anderson of Jasper offered the following amendment H—6248 filed by Anderson, Harper, West and Koogler from the floor and moved its adoption:

H—6248

Amend House File 1374 as follows:

1. Page 4, line 5, by striking the words "[shall] *may*" and inserting in lieu thereof the word "shall".

Roll call was requested by Anderson of Jasper and Bina of Scott.

On the question "Shall amendment H—6248 be adopted?"

The ayes were, 25:

Anderson	Griffee	Koogler	Poncy
Baker	Harper	Krause	Svoboda
Branstad	Horn	Miller, A. V.	Walter
Byerly	Husak	Miller, K. D.	West
Dunton	Hutchins	Norland	Wyckoff
Dyrland	Jesse	Patchett	Mr. Speaker
Fitzgerald			

The nays were, 56:

Avenson	Dieleman	Kreamer	O'Halloran
Bennett	Egenes	Lageschulte	Pavich
Bina	Evans	Lindeen	Pellett
Binneboese	Gentleman	Lipsky	Readinger
Bortell	Gilloon	Lonergan	Spencer
Brandt	Halvorson	McElroy	Spradling
Caffrey	Hansen	Menke	Stromer
Connors	Harvey	Mennenga	Tauke
Crabb	Hennessey	Middleswart	Tofte
Crawford	Hines	Millen	Varley
Cusack	Hinkhouse	Miller, O. L.	Welden
Daggett	Jochum	Monroe	Wells
Danker	Jordan	Nealson	Woods
Den Herder	Junker	Oakley	Wulff

Absent or not voting, 19:

Bittle	Drake	Middleton	Scheelhaase
Brockett	Hargrave	Newhard	Schroeder
Brunow	Higgins	Nielsen	Small
Clark	Howell	Perkins	Spear
Doyle	Hullinger	Rinas	

Amendment H—6248 lost.

The House resumed consideration of amendment H—5986.

Gilloon of Dubuque offered the following amendment H—6249, to amendment H—5986, filed by him and Hansen of O'Brien from the floor:

H—6249

Amend amendment H—5986, to page 4 of House File 1374, as follows:

1. Page 1, by striking lines 18 through 22 and inserting in lieu thereof the following: "of the Code. In the latter case, one-third of the membership of the board of directors of such government units providing funds to the facility for treatment of alcoholism; provided, however, that such persons shall not be elected officials of the appointing local government units."

2. Page 1, line 47, by inserting after the word "audit" the following: "; provided, however, that no person, agency, auditor, elected official, or audit report, shall reveal the name or identity of any person who has received such services without that persons prior approval".

By unanimous consent the following corrective amendment H—6254, to amendment H—6249, to amendment H—5986, filed by Gilloon of Dubuque from the floor was adopted:

H—6254

Amend amendment H—6249, to House File 1374, as follows:

1. Line 6, by inserting after the word "directors" the words "shall be representatives".

Division of amendment H—6249 was requested, lines 2 through 10 to be amendment H—6249A and lines 11 through 16 to be amendment H—6249B.

Gilloon of Dubuque moved the adoption of amendment H—6249A, as amended, to amendment H—5986.

Amendment H—6249A, as amended, was adopted.

Gilloon of Dubuque moved the adoption of amendment H—6249B, to amendment H—5986.

A non-record roll call was requested.

The ayes were 57, nays 17.

Amendment H—6249B was adopted.

Division of amendment H—5986 was requested, lines 2 through 32 to be amendment H—5986A and lines 33 through 47 to be amendment H—5986B.

On motion by Cusack of Scott, amendment H—5986A, as amended, was adopted.

Cusack of Scott asked and received unanimous consent to withdraw amendment H—5986B.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1374)

The ayes were, 81:

Avenson	Egenes	Kreamer	Patchett
Baker	Fitzgerald	Lageschulte	Pavich
Bennett	Gentleman	Lindeen	Pellett
Bina	Gilloon	Lipsky	Poncy
Bortell	Griffee	Lonergan	Readinger
Brandt	Halvorson	McElroy	Small
Branstad	Hansen	Menke	Spencer
Brunow	Harper	Mennenga	Spradling
Byerly	Harvey	Middleswart	Stromer
Caffrey	Hennessey	Middleton	Svoboda
Connors	Hines	Millen	Tauke
Crabb	Hinkhouse	Miller, A. V.	Tofte
Crawford	Horn	Miller, K. D.	Varley
Cusack	Hullinger	Miller, O. L.	Walter
Daggett	Husak	Monroe	Welden
Danker	Hutchins	Nealson	Wells
Den Herder	Jesse	Nielsen	West
Dieleman	Jochum	Norland	Wulff
Drake	Jordan	Oakley	Wyckoff
Dunton	Junker	O'Halloran	Mr. Speaker
Dyrland			

The nays were, 4:

Anderson	Evans	Koogler	Schroeder

Absent or not voting, 15:

Binneboese	Doyle	Krause	Scheelhaase
Bittle	Hargrave	Newhard	Spear
Brockett	Higgins	Perkins	Woods
Clark	Howell	Rinas	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 1374)

Cusack of Scott asked for unanimous consent that **House File 1374** be immediately messaged to the Senate.

Objection was raised.

Cusack of Scott moved to reconsider the vote by which House File 1374 passed the House.

The ayes were 27, nays 45.

The motion lost.

MOTION TO RECONSIDER WITHDRAWN
(House File 1481)

Stromer of Hancock asked and received unanimous consent to withdraw his motion to reconsider **House File 1481** filed on **April 6, 1976**, and found on page 1665 of the House Journal.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Lipsky of Linn offered amendment H—5965 filed by her and Doyle of Woodbury and requested division as follows:

H—5965

Amend Senate File 85 as amended, passed and reprinted by the Senate as follows:

H—5965A

1. Page 221, by striking lines 24 through 32 and inserting in lieu thereof the following:

"Sec. 401. *NEW SECTION.* BOARD OF PAROLE. The board of parole shall consist of five electors of the state. Not more than three members shall belong to the same political party. At least two members shall be practicing attorneys-at-law at the time of appointment. Each member shall serve for five years from July first of the year of appointment, except appointees to fill vacancies who shall serve for the balance of the unexpired term. The chairperson of the board shall be elected by the members of the board to a term of one year and may serve more than one term. A majority of the members of the board shall constitute a quorum to transact business."

2. Page 222, by striking lines 11 through 16 and inserting in lieu thereof the following:

"Sec. 403. *NEW SECTION.* TRANSITION. Persons serving on the board of parole on June 30, 1976 shall continue as members of the board of parole until they have served the term for which they were appointed with the conditions and salary of the initial

appointment, and shall be deemed to fill a membership position as provided by section four hundred one (401) of this Act. Initial appointment to fill the additional membership positions created by section four hundred one (401) of this Act shall serve as follows:

1. One member shall serve until June 30, 1978.

2. The other member shall serve until June 30, 1981."

H—5965B

3. Page 222, by striking lines 17 through 28.

H—5965C

4. Page 223, line 4, by striking the word "two" and inserting in lieu thereof the word "four".

H—5965D

5. Page 238B, by striking lines 36 and 37 and inserting in lieu thereof the following: "probable cause hearing, a magistrate appointed pursuant to section six hundred two point fifty-one (602.51) of the Code".

6. Page 238B, line 45, by striking the words "liasion officer" and inserting in lieu thereof the word "magistrate".

7. Page 239, line 1, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

8. Page 239, line 3, by striking the words "liaison officer and inserting in lieu thereof the word "magistrate".

Page 2

9. Page 239, line 10, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

10. Page 239, line 12, by striking the words "LIAISON OFFICER" and inserting in lieu thereof the word "MAGISTRATE".

11. Page 239, line 15, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

12. Page 239, line 18, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

13. Page 239, line 23, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

14. Page 240, line 6, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

15. Page 240, line 25, by striking the words "liaison officer" and inserting in lieu thereof the word "magistrate".

16. Page 242, line 9, by striking the words

"liaison officer" and inserting in lieu thereof the word "magistrate".

17. By renumbering the sections in accord with this amendment.

Lipsky of Linn offered the following amendment H—6061, to amendment H—5965A, filed by her and moved its adoption:

H—6061

Amend amendment H—5965 to page 221 of Senate File 85 as follows:

1. Page 1, line 21, by striking the numerals "1976" and inserting in lieu thereof the numerals "1978".

2. Page 1, line 31, by striking the numerals "1978" and inserting in lieu thereof the numerals "1980".

3. Page 1, line 33, by striking the numerals "1981" and inserting in lieu thereof the numerals "1983".

Amendment H—6061 was adopted.

On motion by Lipsky of Linn, amendment H—5965A, as amended, was adopted.

On motion by Lipsky of Linn, amendment H—5965B was adopted.

On motion by Lipsky of Linn, amendment H—5965C was adopted.

Bennett of Ida invoked Rule 32 on Senate File 85.

Fitzgerald of Webster asked for unanimous consent to suspend Rule 32.

Objection was raised.

Fitzgerald of Webster moved that Rule 32 be suspended for the consideration of Senate File 85.

Roll call was requested by Kreamer of Polk and Bennett of Ida.

On the question "Shall Rule 32 be suspended?"

The ayes were, 57:

Anderson	Connors	Gentleman	Hullinger
Avenson	Crawford	Gilloon	Hutchins
Baker	Cusack	Griffee	Jesse
Bina	Dieleman	Harper	Jochum
Binneboese	Dunton	Hennessey	Jordan
Brandt	Dyrland	Hines	Koogler
Byerly	Egenes	Hinkhouse	Krause
Caffrey	Fitzgerald	Horn	Lipsky

Lonergan	Nielsen	Poncy	Tauke
Mennenga	Norland	Readinger	Walter
Middleswart	Oakley	Small	Wells
Middleton	O'Halloran	Spencer	Woods
Millen	Patchett	Spradling	Wyckoff
Miller, A. V.	Pavich	Svoboda	Mr. Speaker
Miller, O. L.			

The nays were, 25:

Bennett	Evans	Lageschulte	Schroeder
Bortell	Halvorson	Lindeen	Stromer
Branstad	Hansen	McElroy	Tofte
Daggett	Harvey	Menke	Varley
Danker	Junker	Nealson	Welden
Den Herder	Kreamer	Pellett	Wulff
Drake			

Absent or not voting, 18:

Bittle	Doyle	Miller, K. D.	Rinas
Brockett	Hargrave	Monroe	Scheelhaase
Brunow	Higgins	Newhard	Spear
Clark	Howell	Perkins	West
Crabb	Husak		

The motion prevailed and Rule 32 was suspended.

On motion by Lipsky of Linn, amendment H—5965D was adopted.

Kreamer of Polk offered the following amendment H—5591 filed by him:

H—5591

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 225A, line 22, by striking the word "him" and inserting in lieu thereof the following: "that person, except that in the case of a person committed under a sentence imposing a minimum term of imprisonment, a member of the board shall interview that person within one year after the person has been confined for that minimum term".

Junker of Woodbury asked for unanimous consent to defer action on amendment H—5591.

Objection was raised.

Junker of Woodbury moved to defer action on amendment H—5591.

The motion lost.

By unanimous consent the following corrective amendment H—6262, to amendment H—5591, filed by Kreamer of Polk from the floor was adopted:

H—6262

Amend amendment H—5591, to page 225A of Senate File 85, as follows:

1. Page 1, line 9, by striking the word "for".

Kreamer of Polk moved the adoption of amendment H—5591, as amended.

Roll call was requested by Kreamer of Polk and Branstad of Winnebago.

On the question "Shall amendment H—5591, as amended, be adopted?"

The ayes were, 31:

Bennett	Halvorson	McElroy	Spencer
Bortell	Hansen	Menke	Stromer
Branstad	Harper	Middleswart	Tofte
Crabb	Harvey	Millen	Welden
Daggett	Junker	Miller, K. D.	Woods
Den Herder	Kreamer	Miller, O. L.	Wulff
Dieleman	Lageschulte	Nealson	Wyckoff
Evans	Lindeen	Pellett	

The nays were, 50:

Anderson	Dyrland	Jordan	Patchett
Avenson	Egenes	Koogler	Pavich
Baker	Fitzgerald	Krause	Poncy
Bina	Gentleman	Lipsky	Readinger
Binneboese	Gilloon	Lonergan	Small
Brandt	Griffee	Mennenga	Spradling
Brunow	Hinkhouse	Middleton	Svoboda
Byerly	Horn	Miller, A. V.	Tauke
Caffrey	Hullinger	Monroe	Varley
Crawford	Husak	Nielsen	Walter
Cusack	Hutchins	Oakley	Wells
Drake	Jesse	O'Halloran	Mr. Speaker
Dunton	Jochum		

Absent or not voting, 19:

Bittle	Doyle	Howell	Scheelhaase
Brockett	Hargrave	Newhard	Schroeder
Clark	Hennessey	Norland	Spear
Connors	Higgins	Perkins	West
Danker	Hines	Rinas	

Amendment H—5591, as amended, lost.

Gentleman of Polk offered the following amendment H—5952 filed by the subcommitee on the criminal code revision and moved its adoption:

H—5952

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 225A, line 23, by striking the words "three years" and inserting in lieu thereof the words "one year".

Roll call was requested by Branstad of Winnebago and Crabb of Crawford.

On the question "Shall amendment H—5952 be adopted?"

The ayes were, 59:

Anderson	Egenes	Koogler	O'Halloran
Avenson	Evans	Krause	Patchett
Baker	Fitzgerald	Lipsky	Pavich
Bina	Gentleman	Lonergan	Poncy
Binneboese	Gilloon	Mennenga	Readinger
Brandt	Griffee	Middleswart	Schroeder
Brunow	Hennessey	Middleton	Spencer
Byerly	Hines	Miller, A. V.	Spradling
Caffrey	Hinkhouse	Miller, K. D.	Svoboda
Connors	Horn	Miller, O. L.	Tauke
Crawford	Hullinger	Monroe	Varley
Cusack	Hutchins	Newhard	Walter
Drake	Jesse	Nielsen	Wells
Dunton	Jochum	Norland	Mr. Speaker
Dyrland	Jordan	Oakley	

The nays were, 27:

Bennett	Dieleman	Lageschulte	Small
Bortell	Halvorson	Lindeen	Stromer
Branstad	Hansen	McElroy	Tofte
Crabb	Harper	Menke	Welden
Daggett	Husak	Millen	Wulff
Danker	Junker	Nealson	Wyckoff
Den Herder	Kreamer	Pellett	

Absent or not voting, 14:

Bittle	Hargrave	Perkins	Spear
Brockett	Harvey	Rinas	West
Clark	Higgins	Scheelhaase	Woods
Doyle	Howell		

Amendment H—5952 was adopted.

(Senate File 85 pending at adjournment and placed under unfinished business.)

HOUSE RESOLUTION 116

By Schroeder, Nealson of Muscatine, Crabb, Clark, Drake, Varley, Bennett, Wulff, Millen, Menke and Scheelhaase

Whereas, the House and Senate chambers of the State House are air conditioned and that as installed the system does not have proper modulating valves to control the chilled water supply and the outside air supply; and

Whereas, there exists an energy shortage and the installation of such valves would conserve the considerable amount of energy used in chilling the House and Senate chambers; and

Whereas, the present distribution system and the over-supply of chilled water to the system causes uncomfortable conditions for many persons because of excessive amounts

of air conditioning being supplied to the chambers; *Now Therefore,*

Be It Resolved by the House of Representatives, That appropriate action be taken for the installation of modulating valves to control the chilled water and outside air supplies, to conserve energy, and to protect the health of certain members of the General Assembly.

Read the first time and referred to the **administration committee.**

MOTIONS TO RECONSIDER

(House File 1198)

We move to reconsider the vote by which House File 1198 passed the House on April 12, 1976.

HARVEY of Scott
SCHROEDER of Pottawattamie

(House File 1198)

I move to reconsider the vote by which House File 1198 passed the House April 12, 1976.

HULLINGER of Decatur

(Amendment H—5965A to Senate File 85)

I move to reconsider the vote by which amendment H—5965A, as amended, to Senate File 85, was adopted by the House on April 12, 1976.

DEN HERDER of Sioux

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the votes were taken on House Files 1011 and 1470. Had I been present, I would have voted "aye" on each of these bills.

OAKLEY of Clinton

I was necessarily absent from the House chamber the morning of April 12 when the votes were taken. Had I been present, I would have voted "aye" on House Files 1201, 1198, 324, 1040 and 1063.

McELROY of Fremont

AMENDMENTS FILED

H—6251

Amend House File 746 as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. ..... Section one hundred twenty-three point twenty-two (123.22), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The department shall have the sole and exclusive right of importation, into the state, of all forms

of alcoholic liquor, except as otherwise provided in this chapter, and no person shall so import any such alcoholic liquor, except that an individual of legal age may import and have in his possession an amount of alcoholic liquor not exceeding one [quart] *gallon* or, in the case of alcoholic liquor personally obtained outside the United States, one gallon for personal consumption only in a private home or other private accommodation. No distillery shall sell any alcoholic liquor within the state to any person but only to the department, except as otherwise provided in this chapter. It is the intent of this section to vest in the department exclusive control within the state both as purchaser and vendor of all alcoholic liquor sold by distilleries within the state or imported therein, except beer, and except as otherwise provided in this chapter."

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

HARVEY of Scott
HIGGINS of Scott
JOCHUM of Dubuque
MONROE of Des Moines

H—6252

Amend House File 1468 as follows:

1. Page 2, line 15, by inserting after the word "interest," the following: "provided that the company issuing such policy or contract shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless before such payment the company shall have received written notice, by or on behalf of the insured or any other person having an interest in the policy or contract, of a claim thereunder and of the decree,".

OAKLEY of Clinton

H—6263

Amend House File 1528 as follows:

1. Page 4, line 7, by striking the words "If not inconsistent with" and inserting in lieu thereof the word "Notwithstanding".

BRUNOW of Appanoose

H—6250

Amend Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 6, line 23, by striking the word "interested".

BRANSTAD of Winnebago

H—6257

Amend Senate File 205, as amended, passed, and reprinted by the Senate, by striking everything after

the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred seventy-nine point thirteen (279.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.13 CONTRACTS WITH TEACHERS—AUTOMATIC CONTINUATION—TERMINATION PROCEDURE.

1. a. Contracts with teachers, which for the purpose of this section means all certificated employees of a school district and nurses employed by the board, excluding superintendents, assistant superintendents, principals and assistance principals, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon, including but not limited to educational leaves and reimbursement for tuition paid by the teacher for courses approved by the board of directors, and which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

b. For the purpose of this section "educational leave" means a leave granted to an employee for the purpose of study including study in areas outside of a teacher's area of specialization, travel, or other reasons deemed by the board to be of value to the school system.

c. A contract is invalid if the teacher is under contract with another board of directors to teach during the same time period, until a release from the other contract is achieved. The contract shall be signed by the president of the board when tendered. After it is signed by the teacher, the contract shall be filed with the secretary of the board before the teacher enters into performance under the contract.

2. If the teacher has been employed at least three consecutive years as a teacher in the same school district, the contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods, except as modified or terminated by mutual agreement of the board of directors and the teacher or as terminated in accordance with the provisions specified in this chapter. A contract shall not be offered by the employing board to a teacher under its jurisdiction prior to March first of any year. A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign

effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of

the contract, whichever date occurs first. However, a teacher shall not be required to return a contract to the board less than twenty-one days after the contract has been offered.

3. a. The board may adopt a resolution finding just cause for terminating the contract with the teacher. If this resolution is adopted, the board shall cause the teacher to be notified in writing of it within five days of its adoption. This notice shall be served by receipted personal service or by certified mail. If served by certified mail, the act of mailing shall constitute completion of service. In any event, this notice shall not be served later than March fifteenth and shall state the specific reasons for considering the contract termination. These reasons shall be any just cause affecting performance of duties which may include incompetency, persistent or substantial neglect of duty, physical or mental disability or sickness which interferes with performance of duty as shown by competent medical evidence and following one year's leave of absence, or factors which require an adjustment, realignment, or reduction of the staff.

b. Before adoption of a resolution finding just cause for termination is voted upon pursuant to paragraph a of this subsection, a member of the school administrative staff shall, at least thirty days prior to this vote, provide the teacher with a written statement of specific alleged deficiencies constituting grounds for termination.

c. At any time during proceedings under this section, the teacher's complete personnel file shall be made available to the teacher. This file shall contain a record of all periodic reviews between the teacher and appropriate supervisors.

4. a. Within ten days of service of notice under subsection three (3) of this section, the teacher may make written request to the secretary of the board that notifications be forwarded to the public employment relations board requesting appointment of a fact finder. This fact finder shall convene a fact finding hearing between ten and twenty days after the date the teacher makes written request to the secretary. The fact finder shall also cause reasonable written notice of the date, time, and location of the hearing

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to be given to the parties.

b. The fact finding hearing shall:

(1) Be reported by a person qualified to report proceedings before the courts of this state;

(2) Not be subject to chapter twenty-eight A (28A) of the Code;

(3) Not be limited to technical rules of evidence which preclude the introduction of evidence;

(4) Be subject to the rules governing the conduct and compensation of witnesses in civil cases, unless the context clearly dictates otherwise; and

(5) Be limited in scope to the specific reasons stated in the written notice served under paragraph a of subsection three (3) of this section.

c. The fact finding hearing may be attended as a matter of right by:

(1) Members of the board or their legal representatives, if any;

(2) The superintendent or the superintendent's representative; and

(3) The teacher and teacher's representatives, if any, but not to exceed five such representatives.

d. The fact finder may issue subpoenas in personam and subpoenas duces tecum upon the request of and showing by any party that the witnesses or material to be subject to the subpoena are material to the presentation of the applicant's case. At least three days prior to the hearing, each party shall notify the other parties of all witnesses and materials that will be presented at the hearing.

e. The costs of the hearing, except attorney fees, shall be paid by the board.

f. A complete transcript of the hearing shall be prepared. A copy of it shall be given to the teacher. The fact finder shall cause the hearing record to be certified to the board within twenty days of completion of the hearing.

g. Within ten days of receipt of the certified record, the board shall meet to determine whether to continue or terminate the teacher's contract. At the option of the teacher, this meeting shall be subject to chapter twenty-eight A (28A) of the Code. If the board determines to terminate the teacher's contract, it shall specify the specific grounds of just cause upon which the determination is based.

h. The transcript and material presented shall be subject to chapter sixty-eight A (68A) of the Code only if there is an appeal.

5. a. A teacher may appeal the board's deter-

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mination to terminate to the district court for the county in which the school district's principal offices are located. This appeal shall be filed within twenty days of service of the board's determination upon the teacher. The rules of civil procedure shall govern this appeal, except the court's review shall be on the certified transcript of the fact finding hearing.

b. The board's determination may be modified, reversed, or set aside if the court determines that:

(1) The board acted without or in excess of its

authority; or

(2) The determination is not supported by a preponderance of the competent evidence in the record considered as a whole; or

(3) The determination was procured by fraud or is contrary to law.

c. If the court modifies, reverses, or sets aside the board's determination, it may also reinstate the teacher and award back pay. The court may assess costs of appeal and attorney fees.

6. a. The first three consecutive years of employment of a teacher in the same school district are a probationary period. However, a board of directors may waive the probationary period for any teacher who previously has served a probationary period in another school district. If the board is considering termination of a probationary teacher's contract, the board shall, at least thirty days prior to the vote on termination, notify the probationary teacher in writing of specific alleged deficiencies constituting grounds for termination. If the deficiencies are not corrected to the board's satisfaction, the contract of a probationary status teacher may be terminated at the end of the contract period upon written notice to that effect prior to April first of any year. The written notice shall state the reasons for termination.

b. Following receipt of the written notice, the probationary teacher may request a private conference with the board. Within five days following receipt of the written notice that the board has voted to consider termination of a contract, the teacher may request in writing to the secretary of the board a private conference with the board. The private conference shall not be subject to chapter twenty-eight A (28A) of the Code and shall be held between ten days and twenty days following the receipt of the request. The secretary of the board shall notify the teacher in writing of the date, time, and location

of the private conference. The conference shall be attended by members of the board and their legal representatives if any, the superintendent or the superintendent's representative, the teacher and the teacher's representatives, if any, not to exceed five representatives, and the teacher's immediate supervisor and the supervisor's representatives, if any. The discussion at the conference shall be limited to the specific reasons stated in the notice to consider termination. Any material removed from the teacher's personnel file or other material to be introduced at the conference shall be provided the teacher not less than five days preceding the conference. A participant in the conference shall not be liable

for any damages to any person if any statement at the conference is determined to be erroneous if the statement was made in good faith.

c. Within three days following the private conference, the superintendent shall make a written recommendation to the board. The board, at its next meeting, shall by roll call vote decide the retention or termination of the probationary teacher. The board's decision shall be final and binding, unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section twenty point ten (20.10) of the Code.

Sec. 2. Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.24 DISCHARGE OF TEACHER.

1. The board may, by a majority vote, discharge any teacher for any just cause which may include incompetency, persistent or substantial neglect of duty. Prior to the discharge, the board shall conduct, at a meeting of the board held for that purpose, a complete and impartial investigation of the specific reasons for the proposed action. The teacher shall receive three days written notice of the time and place of such meeting, a specification of the alleged causes for discharge, and a list of the witnesses proposed to be called by the board, together with a brief summary of their expected testimony. The teacher and the teacher's respresentatives, if any, not to exceed five shall be allowed to be present at the meeting, to call and cross-examine witnesses, and to otherwise make a defense. A record of the meeting shall be made and kept. Following the board

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decision to discharge the teacher, the teacher shall be notified promptly in writing, stating the specific reasons for the action.

2. Within twenty days following receipt of the decision of the board, the teacher may appeal the decision following the procedure stated in section two hundred seventy-nine point thirteen (279.13) of the Code. However, the superintendent may suspend a teacher for any of the reasons listed in this section and recommend that the board discharge the teacher. The superintendent shall immediately notify the board of the suspension. The board shall meet within seven days of receipt of the notice to consider discharging the teacher and shall conduct a complete and impartial investigation of the specific reasons for the recommended discharge in the same manner as if the teacher had not been suspended. The teacher shall

be notified by personal service of the time and place of the meeting immediately after the meeting time and place have been set. If the board votes not to discharge the teacher, the teacher shall be reinstated and the board shall award back pay for the period during which the teacher was suspended.

Sec. 3. Section twenty point six (20.6), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Maintain a list of qualified persons representative of the public to be available to serve as fact finders in contract termination disputes under section two hundred seventy-nine point thirteen (279.13) of the Code and establish their compensation rates."

OAKLEY of Clinton

H—6253

Amend the Senate amendment H—6130, to the Report of the Second Conference Committee on Senate File 1062 as follows:

1. Page 9, by inserting after line 5 the following:

"DIVISION IX

Sec. ..... Chapter one hundred thirty-five D (135D), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new section:

NEW SECTION. MOBILE HOME FEE CREDIT.

1. For the purposes of this section:

a. "Semiannual mobile home tax" means the semiannual tax computed under the provisions of section one hundred thirty-five D point twenty-two (135D.22) of the Code, without inclusion of any penalty assessed under the provisions of section one hundred thirty-five D point twenty-four (135D.24) of the Code.

b. "Fee credit" means the amount allowed as a deduction from the semiannual mobile home tax provided by this section.

2. A fee credit shall be allowed a mobile home owner who uses the mobile home as a permanent residence and who has not moved the mobile home any time within the twelve-month period prior to the delinquent date for the semiannual mobile home tax and who has not converted the mobile home to real property. The fee credit shall be a deduction from the semiannual mobile home tax.

3. The amount of deduction allowed the owner for a mobile home shall be equal to twenty percent of the semiannual mobile home tax not to exceed thirty-one dollars and twenty-five cents.

4. Application for the fee credit shall be made on forms provided by the county treasurer as standardized by the director of the state department of revenue. The forms shall require the applicant to furnish such information as necessary to determine

eligibility for a fee credit. Forms shall be submitted with the payment of the semiannual mobile home tax as reduced by the claimed fee credit.

5. If an applicant deducts from the semiannual mobile home tax a fee credit in excess of that amount the applicant is eligible to receive the county treasurer shall increase the next following semiannual mobile home tax by the excess so deducted by the applicant. The excess fee credit deducted shall become a lien on the mobile home from the date of payment of the semiannual mobile home tax equal in priority to the semiannual mobile home tax lien.

6. There is appropriated annually from the general

Page 2

fund of the state to the department of revenue to be credited to a county in an amount equal to the fee credits granted in each county."

2. Page 9, by inserting after line 7 the following:

"..... Page 23, line 10, by inserting after the word "law," the words "providing for a fee credit for mobile homes,".

MILLER of Buchanan

H—6258

Amend the Senate amendment, H—6130, to the Second Conference Committee Report on Senate File 1062 as follows:

1. Page 5, by striking lines 26, 27, and 28 and inserting in lieu thereof the following:

"—. Page 14, by striking lines 31 through 35, and page 15, by striking lines 1 through 20 and inserting in lieu thereof the following:

"Sec. 17. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1976, in assessing and determining the actual value of agricultural property, consideration shall be given to each of the following factors:

a. Seventy-five percent of the actual value shall be computed on the productivity and net earning capacity of the property determined on the basis of the use for agricultural purposes capitalized at a rate representing a fair return on the investment, such rate to be established by the state board of tax review and applied uniformly among counties and among classes of property.

b. Twenty-five percent of the actual value shall be computed on the fair and reasonable market value of such property as defined herein, but such market value shall be based only on its current use and not on its potential value for other uses.

The county auditor shall proceed to make the necessary adjustments on the tax lists with the assistance of the assessor and the department of revenue. If

the valuation of the agricultural property is increased in a county, the county auditor shall notify by ordinary mail the owners of agricultural property affected by the adjustment made pursuant to this section. The local board of review shall reconvene for a period of thirty days following the notification to the taxpayer in counties where valuations have been increased under this section. The notice shall include the adjusted value of the property, the dates during which the board of review is reconvened, and that a protest may be filed within twenty days from the date the local board of review is reconvened. The protest shall be limited to the adjustment made pursuant to this section. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1976." "

2. Page 5, by striking lines 48, 49, and 50, and page 6, by striking lines 1 through 42 and inserting in lieu thereof the following:

"..... Page 15, by striking lines 26 through 35.

Page 2

..... Page 16, by striking lines 1 through 35.

..... Page 17, by striking lines 1 through 5."

3. Page 6, by striking line 43 and inserting in lieu thereof the following:

"..... Page 17, by striking lines 8 through 19 and inserting in lieu thereof the following:

"Sec. ..... Section four hundred forty-two point two (442.2), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred five (205), section six (6), is amended by striking the paragraph and inserting in lieu thereof the following:

Each school district shall cause to be levied each year, for the school general fund, a foundation property tax. The foundation property tax shall be equal to five dollars and forty cents per thousand dollars of assessed valuation on all taxable property in the district, except:

1. For the school year beginning July 1, 1976, for property subject to the homestead tax credit under the provision of chapter four hundred twenty-five (425) of the Code, the foundation property tax shall be three dollars and twenty-four cents per thousand dollars of assessed valuation of taxable property and for property subject to an agricultural land tax credit under the provisions of chapter four hundred twenty-six (426) of the Code, the foundation property tax shall be three dollars and seventy-eight cents per thousand dollars of assessed valuation of taxable property.

2. For the school year beginning July 1, 1977, for property subject to the homestead tax credit under the provisions of chapter four hundred twenty-five

(425) of the Code, the foundation property tax shall be three dollars and twenty-four cents per thousand dollars of assessed valuation of taxable property and for property subject to an agricultural land tax credit under the provisions of chapter four hundred twenty-six (426) of the Code, the foundation property tax shall be four dollars and fifty-nine cents per thousand dollars of assessed valuation of taxable property.

3. For the school year beginning July 1, 1978, and each succeeding school year for property subject to the homestead tax credit under the provision of chapter four hundred twenty-five (425) of the Code, the foundation property tax shall be three dollars and twenty-four cents per thousand dollars of assessed valuation of taxable property.

For the purpose of this chapter, a school district

Page 3

is defined as a school corporation organized under chapter two hundred seventy-four (274) of the Code. Each county auditor shall certify to each school district within the county and to the state comptroller, not later than January first each year, the assessed valuation of taxable property for the current year in each school district within the county." "

4. Page 7, by striking lines 29 through 50.

5. Page 8, by striking lines 1 through 50.

6. Page 9, by striking lines 1 through 5.

STROMER of Hancock

H—6259

Amend the Senate amendment, H—6130, to the Second Conference Committee Report on Senate File 1062 as follows:

1. Page 5, line 35, by striking the words "except structures located thereon".

2. Page 5, lines 42 through 45, by striking the words "The actual value of a structure located on agricultural land shall be the fair and reasonable market value of the structure."

STROMER of Hancock

H—6260

Amend the Senate amendment, H—6130, to the Report of the Second Conference Committee on Senate File 1062, page 5, by striking lines 31 through 47 and inserting in lieu thereof the following:

"Sec. ..... Section four hundred forty-one point twenty-one (441.21), subsection one (1), unnumbered paragraph five (5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred five (205), section two (2), is amended to read as follows:

[In] *Effective January 1, 1977, in* assessing and determining the actual value of agricultural property [fifty percent consideration shall be given to each of the following factors:]

[a. The] *the value shall be computed on the basis of the* productivity and net earning capacity *of the property* determined on the basis of the use for agricultural purposes capitalized at a rate representing a fair return on the investment, such rate to be established by the state board of tax review and applied uniformly among counties and among classes of property.

[b. The fair and reasonable market value of such property as defined herein, but such market value shall be based only on its current use and not on its potential value for other uses.]"

BENNETT of Ida

H—6261

Amend Senate File 1261, as passed by the Senate and reprinted, as follows:

1. Page 2, by striking line 19 and inserting in lieu thereof the following: "seven hundred thousand (10,700,000) dollars to be used for the purpose of".

2. Page 2, by striking lines 26 and 27 and inserting in lieu thereof the following: "a. Three and twenty-eight hundredths percent for".

3. Page 2, by striking line 31 and inserting in lieu thereof the following: "b. Ninety-five and thirty-one hundredths".

4. Page 3, by striking line 4 and inserting in lieu thereof the following: "c. One and forty-one hundredths percent for".

TAUKE of Dubuque
HARVEY of Scott
KREAMER of Polk
JUNKER of Woodbury
LIPSKY of Linn
TOFTE of Winneshiek
GENTLEMAN of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:06 p.m. until 9:00 a.m, Tuesday, April 13, 1976.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day—Sixty-first Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, APRIL 13, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend A. B. Neuenschwander, pastor of the Bethel Baptist Church, Harlan, Iowa.

The Journal of Monday, April 12, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Argo, Oskaloosa, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd for the morning session on request of Scheelhaase of Woodbury; Brockett of Marshall on request of Evans of Grundy; Spear of Lee for the remainder of the week on request of Gilloon of Dubuque.

SPECIAL PRESENTATION

Readinger of Polk escorted to the Speaker's station Lori Eyerly, daughter of Mr. and Mrs. Richard Eyerly of Des Moines, and Mrs. Richard Pohl, Co-Chair of the Camp Fire Girls Bicentennial Activity from Ames, Iowa.

Speaker Cochran presented Lori who extended a special invitation for each legislator from all the Camp Fire Girls throughout Iowa to attend the Camp Fire Girls Bicentennial Celebration on May 22 at Waterloo.

The House extended its welcome.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

One hundred ten members of the senior class from Pella Community High School, Pella, Iowa, accompanied by Paul Ostrander,

Dave Unger, Nola Vander Streek, Nancy Dingeman and Norris Hale. By Dieleman of Marion.

Sixty students from Luverne High School, Luverne, Iowa, accompanied by Dennis Holmes and Brien Ney. By Krause of Palo Alto.

Forty-eight fifth grade students from Earlham Elementary School, Earlham, Iowa, accompanied by Mrs. Brown and Mrs. Burke. By Bortell of Madison.

PETITIONS FILED

The following petitions were received and placed on file:

By Branstad of Winnebago from eight nurses who work at the Buffalo Center Clinic and Hospital, in support of House File 1503, relating to the definition of nursing services.

By Byerly of Polk from ninety-eight constituents favoring House File 652, relating to dog control ordinance for counties.

By Wulff of Black Hawk from eleven constituents favoring House File 1111, relating to the construction at the Iowa Veterans Home.

INTRODUCTION OF BILLS

House File 1556, by committee on appropriations, a bill for an act relating to the inspection of weights and measures and making an appropriation.

Read first time and **placed on the appropriations calendar.**

House File 1557, by committee on appropriations, a bill for an act appropriating funds for programs under the administration of the department of agriculture and divisions of the department of agriculture.

Read first time and **placed on the appropriations calendar.**

House File 1558, by committee on appropriations, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage work construction fund, the department of soil conservation, and the Iowa development commission.

Read first time and **placed on the appropriations calendar.**

Fitzgerald of Webster announced that with the consent of the House the following orders of the day would be:

1. Senate File 85.
2. Second Conference Committee Report as passed by the Senate to Senate File 1062.
3. Senate File 85.

SENATE MESSAGE CONSIDERED

Senate File 368, a bill for an act relating to the marketing of livestock and providing penalties.

Read first time and **passed on file.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 8, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1298, a bill for an act relating to the prohibition of toxic extinguishers.

Also: That the Senate has on April 8, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1363, a bill for an act relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances.

Also: That the Senate has on April 8, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1401, a bill for an act to authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the Act retroactive.

Also: That the Senate has on April 8, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1457, a bill for an act relating to the compensation of the beer and liquor control council.

Also: That the Senate has on February 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1132, a bill for an act relating to the computation of benefit increases for certain persons retired under the Iowa Public Employees' Retirement System.

Also: That the Senate has on April 8, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department.

Also: That the Senate has on April 8, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and establishment of a public safety fund.

Also: That the Senate has on April 8, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1287, a bill for an act relating to ancient remains and subjecting violators to a penalty.

STEVEN C. CROSS, Secretary

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Lipsky of Linn offered the following amendment H—5658 filed by her:

H—5658

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 225A, line 30, by adding after the period the following: "The board shall interview a class A felon after five years of confinement and regularly thereafter."

Gentleman of Polk offered amendment H—6080, to amendment H—5658, filed by her and requested division as follows:

H—6080

Amend amendment H—5658, to page 225A, Senate File 85 as follows:

H—6080A

1. Page 1, by inserting after line 2, the following:

"1. Page 216A, by striking lines 13 through 20."

H—6080B

2. Page 1, line 6, by inserting after the word "thereafter." the words "If, in the opinion of the board, he should be considered for release on parole, the board shall recommend to the governor that his sentence be commuted to a term of years. If his sentence is so commuted, he shall be eligible for parole as provided in division six (VI) of this chapter."

3. By renumbering the remaining sections of the amendment.

Gentleman of Polk asked and received unanimous consent to withdraw amendment H—6080A, to amendment H—5658.

By unanimous consent the following corrective amendment H—6266, to amendment H—6080B, to amendment H—5658, filed by Gentleman of Polk from the floor was adopted:

H—6266

Amend amendment H—6080, to amendment H—5658 to page 225A of Senate File 85, as follows:

1. Line 13, by inserting after the word "parole" the following: ", after compliance with section 201 of this chapter, and".

Gentleman of Polk moved the adoption of amendment H—6080B, as amended, to amendment H—5658.

Roll call was requested by Kreamer of Polk and Husak of Tama.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6080B, as amended, to amendment H—5658, be adopted?"

The ayes were, 44:

Anderson	Crawford	Horn	Oakley
Avenson	Cusack	Jesse	O'Halloran
Baker	Egenes	Jochum	Patchett
Bina	Evans	Jordan	Pavich
Binneboese	Fitzgerald	Krause	Readinger
Brandt	Gentleman	Lindeen	Rinas
Brunow	Gilloon	Lipsky	Small
Byerly	Hargrave	Lonergan	Spradling
Caffrey	Hennessey	Middleton	Svoboda
Clark	Higgins	Nielsen	Tauke
Connors	Hines	Norland	Walter

The nays were, 48:

Bennett	Halvorson	McElroy	Poncy
Bortell	Hansen	Menke	Scheelhaase
Branstad	Harper	Mennenga	Spencer
Crabb	Harvey	Middleswart	Stromer
Daggett	Hinkhouse	Millen	Tofte
Danker	Hullinger	Miller, A. V.	Welden
Den Herder	Husak	Miller, K. D.	Wells
Dieleman	Hutchins	Miller, O. L.	West
Drake	Junker	Nealson	Woods
Dunton	Koogler	Newhard	Wulff
Dyrland	Kreamer	Pellett	Wyckoff
Griffee	Lageschulte	Perkins	**Mr. Speaker**

Absent or not voting, 8:

Bittle	Doyle	Monroe	Spear
Brockett	Howell	Schroeder	Varley

Amendment H—6080B, as amended, lost.

Lipsky of Linn moved the adoption of amendment H—5658.

A non-record roll call was requested.

The ayes were 38, nays 47.

Amendment H—5658 lost.

(Senate File 85 temporarily deferred.)

ADOPTION OF HOUSE CONCURRENT RESOLUTION 128

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution** 128, filed on April 12, 1976, and found on page 1860 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

On motion by Fitzgerald of Webster, the House was recessed until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 8, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 91, a bill for an act regarding fees for posting business signs on informational panels and advertising permits.

Also: That the Senate has on April 8, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1403, a bill for an act relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state.

Also: That the Senate has on April 8, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1436, a bill for an act relating to the state psychopathic hospital.

Also: That the Senate has on April 8, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1492, a bill for an act relating to liability insurance for hospitals.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 91

H—6270

1 Amend House File 91 as amended, passed, and

reprinted by the House, page 1, by striking lines 17 through 22 and inserting in lieu thereof the word *"posting."*

SENATE AMENDMENT TO HOUSE FILE 1403

H—6268

Amend House File 1403 as follows:

1. Page 2, line 2, by striking the words *"by check"*.

SENATE AMENDMENT TO HOUSE FILE 1436

H—6267

Amend House File 1436 as passed by the House as follows:

1. Page 9, line 30, by striking the words "[medical director of the]" and inserting in lieu thereof the words "medical director of the".

2. Page 9, line 33, by striking the words "[director] *hospital*" and inserting in lieu thereof the word "director".

3. Page 9, line 35 by striking the words "[by the director]" and inserting in lieu thereof the words "by the director".

4. Page 10, lines 11 and 12, by striking the words and numerals "two hundred twenty-five point four (225.4),".

SENATE AMENDMENT TO HOUSE FILE 1492

H—6269

Amend House File 1492, as passed by the House, as follows:

1. Page 1, by inserting after line 14 the following new section:

"Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Daily Gate City, a newspaper published in Keokuk, Iowa, and in the Cherokee Daily Times, a newspaper published in Cherokee, Iowa."

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Roll call revealed eighty-eight members present, twelve absent.

CONSIDERATION OF SECOND CONFERENCE COMMITTEE REPORT AS ADOPTED BY THE SENATE
(Senate File 1062)

Fitzgerald of Webster moved to suspend the rules for the consideration of the second conference committee report as adopted by the Senate to **Senate File 1062.**

Stromer of Hancock rose on a point of order that the motion was not in order inasmuch as amendment H—6130 had not been considered.

The Speaker ruled the point not well taken and the motion to suspend the rules in order.

Oakley of Clinton rose on a point of order as to what rules were being suspended.

The Speaker ruled that Chapter 72, Section 769, paragraph 2 of Mason's Legislative Manual would be suspended. The Speaker further ruled that rules pertaining to conference committee reports and reconsideration of the vote would be suspended.

Branstad of Winnebago rose on a point of order that amendment H—6130 had not been duly considered.

The Speaker ruled the point not well taken.

Branstad rose on a point of order and challenged the ruling of the Chair.

Fitzgerald of Webster moved that the motion to challenge the ruling of the Chair be tabled.

Roll call was requested by Branstad of Winnebago and Kreamer of Polk.

On the question "Shall the motion to challenge the ruling of the Chair be tabled?"

The ayes were, 59:

Anderson	Gilloon	Jordan	Pavich
Avenson	Griffee	Koogler	Perkins
Baker	Hargrave	Krause	Poncy
Bina	Harper	Lonergan	Rinas
Binneboese	Hennessey	Mennenga	Scheelhaase
Brandt	Higgins	Middleswart	Small
Brunow	Hines	Miller, A. V.	Spencer
Byerly	Hinkhouse	Miller, K. D.	Spradling
Caffrey	Horn	Miller, O. L.	Svoboda
Connors	Howell	Monroe	Walter
Cusack	Hullinger	Newhard	Wells
Doyle	Husak	Nielsen	Woods
Dunton	Hutchins	Norland	Wyckoff
Dyrland	Jesse	O'Halloran	Mr. Speaker
Fitzgerald	Jochum	Patchett	

The nays were, 34:

Bennett	Drake	Lindeen	Schroeder
Bortell	Egenes	Lipsky	Stromer
Branstad	Evans	McElroy	Tauke
Clark	Gentleman	Menke	Tofte
Crabb	Halvorson	Millen	Varley
Crawford	Hansen	Nealson	Welden
Daggett	Harvey	Oakley	West
Danker	Junker	Pellett	Wulff
Den Herder	Lageschulte		

Absent or not voting, 7:

Bittle	Dieleman	Middleton	Spear
Brockett	Kreamer	Readinger	

The motion to table prevailed.

Oakley of Clinton rose on a point of order and requested the reading of the orders of the day.

The Speaker announced the following:

1. Senate File 85.

2. Second Conference Committee Report as passed by the Senate to Senate File 1062.

3. Senate File 85.

Oakley of Clinton rose on a point of order that unless the orders of the day were suspended, consideration of Senate File 1062 would not be in order.

The Speaker ruled the point not well taken.

On the Fitzgerald motion to suspend the rules for the consideration of the second conference committee report as adopted by the Senate to Senate File 1062, roll call was requested by Bennett of Ida and Harvey of Scott.

On the question "Shall the rules be suspended to consider the second conference commitee report as adopted by the Senate?"

The ayes were, 58:

Anderson	Gilloon	Jordan	Pavich
Avenson	Griffee	Koogler	Perkins
Baker	Hargrave	Krause	Poncy
Bina	Harper	Lonergan	Rinas
Binneboese	Hennessey	Mennenga	Scheelhaase
Brandt	Higgins	Middleswart	Small
Brunow	Hines	Miller, A. V.	Spencer
Byerly	Hinkhouse	Miller, K. D.	Spradling
Caffrey	Horn	Miller, O. L.	Svoboda
Connors	Howell	Monroe	Walter
Cusack	Hullinger	Nielsen	Wells
Doyle	Husak	Norland	Woods
Dunton	Hutchins	O'Halloran	Wyckoff
Dyrland	Jesse	Patchett	Mr. Speaker
Fitzgerald	Jochum		

The nays were, 36:

Bennett	Drake	Lageschulte	Readinger
Bortell	Egenes	Lindeen	Schroeder
Branstad	Evans	Lipsky	Stromer
Clark	Gentleman	McElroy	Tauke
Crabb	Halvorson	Menke	Tofte
Crawford	Hansen	Millen	Varley
Daggett	Harvey	Nealson	Welden
Danker	Junker	Oakley	West
Den Herder	Kreamer	Pellett	Wulff

Absent or not voting, 6:

Bittle	Dieleman	Newhard	Spear
Brockett	Middleton		

The motion prevailed and the rules were suspended to consider the second conference committee report as adopted by the Senate to Senate File 1062, as follows:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 1062

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1062, a bill for an Act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, respectfully submit the following report:

1. That the House recede from its amendment, S—5183, to Senate File 1062, as amended, passed, and reprinted by the Senate.

2. That Senate File 1062, as amended, passed, and reprinted by the Senate, be amended as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"DIVISION I

Budget Limitations for Fiscal Years 1976-77, 1977-78, and 1978-79

Section 1. DEFINITIONS. As used in this division:

1. "Base year" means the preceding fiscal year.

2. "Political subdivision" means a county, a city having a population of more than seven hundred fifty persons or any other local public body or corporation having a property tax budget subject to limitation under sections two (2) through five (5) of this division.

3. "Total budget" means the budget including amendments for all funds or programs of a political subdivision.

4. "Property tax budget" means those parts of the total budget of a political subdivision to be derived from property taxation and subject to the maximum dollar levy limitations under sections two (2) through five (5) of this division.

5. "Person" means eligible elector as defined in section thirty-nine point three (39.3) of the Code.

6. "State appeal board" means the state appeal board created under section twenty-four point twenty-six (24.26) of the Code.

Sec. 2. CITY LEVY LIMITATION. The maximum amount in dollars which may be levied by a city with a population of more than seven hundred fifty over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal years beginning July 1, 1977 and July 1, 1978 for the following designated property tax levies, except as otherwise provided in this division:

1. The general fund levy authorized pursuant to section three hundred eighty-four point one (384.1) of the Code.

2. The tax levy for the purpose of carrying out the terms of a contract for the use of a bridge by a city situated on a river over which a bridge has been built authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eight (8), of the Code.

3. The tax levy for the operation and maintenance of a muncipal transit system and for the creation of a reserve fund for the system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection ten (10), of the Code.

4. The tax levy for the lease of a building or complex of buildings to be operated as a civic center authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eleven (11), of the Code.

5. The tax levy for operating and maintaining a civic center owned by a city authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection twelve (12), of the Code.

6. The tax levy for planning a sanitary disposal system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection thirteen (13), of the Code.

7. The tax levy for an aviation authority authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fourteen (14), of the Code.

8. The tax levy for an authority for a joint city-county building authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fifteen (15), of the Code.

9. The tax levy for a levee improvement fund authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection sixteen (16), of the Code.

10. The tax levy to aid a railway authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection seventeen (17), of the Code.

11. The tax levy to maintain an institution received by gift or devise authorized pursuant to section three hundred

eighty-four point twelve (384.12), subsection eighteen (18), of the Code.

12. The tax levy for the emergency fund authorized pursuant to section three hundred eighty-four point eight (384.8) of the Code.

Sec. 3. COUNTY LEVY LIMITATION. The maximum amount in dollars which may be levied by a county over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal years beginning July 1, 1977 and July 1, 1978, for the following designated property tax levies, except as otherwise provided in this division:

1. The tax levy for the emergency fund authorized pursuant to section twenty-four point six (24.6) of the Code.

2. The tax levy for the development, operation, and maintenance of a memorial building or monument authorized pursuant to section thirty-seven point eight (37.8) of the Code.

3. The tax levy for the purchase of voting machines authorized pursuant to section fifty-two point three (52.3) of the Code.

4. The tax levy for the county conservation board authorized pursuant to section one hundred eleven A point six (111A.6) of the Code.

5. The tax levy for indemnity payments and the inspection and testing program relating to bovine brucellosis eradication authorized pursuant to section one hundred sixty-four point twenty-three (164.23) of the Code.

6. The tax levy for the bovine tuberculosis eradication fund authorized pursuant to section one hundred sixty-five point eighteen (165.18) of the Code.

7. The tax levy for the fairground fund authorized pursuant to sections one hundred seventy-four point thirteen (174.13) and one hundred seventy-four point seventeen (174.17) of the Code.

8. The tax levy for the purpose of maintaining a county or multicounty juvenile home authorized pursuant to section two hundred thirty-two point twenty-two (232.22) of the Code.

9. The tax levy for the veteran affairs fund authorized pursuant to section two hundred fifty point one (250.1) of the Code.

10. The tax levy for secondary road construction and maintenance authorized pursuant to section three hundred nine point seven (309.7) of the Code.

11. The tax levy for the road clearing fund authorized pursuant to section three hundred seventeen point nineteen (317.19) of the Code.

12. The tax levy for the purchase of weed eradicating equipment and materials authorized pursuant to section three hundred seventeen point twenty (317.20) of the Code.

13. The tax levy for an aviation authority authorized

pursuant to section three hundred thirty A point fifteen (330A.15) of the Code.

14. The tax levy for the maintenance and improvement of cemeteries in the county authorized pursuant to section three hundred thirty-two point three (332.3) of the Code.

15. The tax levy for public disposal grounds authorized pursuant to section three hundred thirty-two point thirty-two (332.32) of the Code.

16. The tax levy for the operation, control, maintenance, and management of health centers authorized pursuant to section three hundred forty-six A point two (346A.2) of the Code.

17. The tax levy for the payment of claims for bounties on wild animals authorized pursuant to section three hundred fifty point eight (350.8) of the Code.

18. The tax levy for the maintenance of a county library authorized pursuant to section three hundred fifty-eight B point thirteen (358B.13) of the Code.

19. The tax levy for the entering of contracts for the use of city libraries authorized pursuant to section three hundred fifty-eight B point eighteen (358B.18) of the Code.

20. The tax levy for ordinary county revenue and the election expense fund authorized pursuant to section four hundred forty-four point nine (444.9) of the Code.

21. The tax levy for the county orphan fund authorized pursuant to section four hundred forty-four point eleven (444.11) of the Code.

22. The tax levy for the purpose of planning a sanitary disposal project or of paying interest and principal on bonds issued pursuant to section three hundred forty-six point twenty-three (346.23) of the Code which levy is authorized pursuant to section four hundred fifty-five B point eighty-one (455B.81) of the Code.

23. The tax levy for flood and erosion control projects authorized pursuant to section four hundred sixty-seven B point nine (467B.9) of the Code.

24. The tax levy for the maintenance of property received by a county by gift or devise authorized pursuant to section five hundred sixty-five point eight (565.8) of the Code.

Sec. 4. SPECIAL DISTRICT LEVY LIMITATION. The maximum amount in dollars which may be levied by a special purpose district over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal years beginning July 1, 1977 and July 1, 1978, for the following
designated property tax levies, except as otherwise provided in this division:

1. The tax levy by a benefited water district for the maintenance of the water system authorized pursuant to section three hundred fifty-seven point twenty-five (357.25) of the Code.

2. The tax levy by a benefited fire district to provide fire protection within the district authorized pursuant to section three hundred fifty-seven B point three (357B.3) of the Code and the levy authorized pursuant to section three hundred fifty-seven B point five (357B.5) of the Code which permits the county board of supervisors to continue the levy upon dissolution of the district until all debts and obligations of the dissolved district are paid.

3. The tax levy by a benefited street lighting district authorized pursuant to section three hundred fifty-seven C point seven (357C.7) and three hundred fifty-seven C point eleven (357C.11) of the Code.

4. The tax levy authorized pursuant to section four hundred sixty-six point four (466.4) of the Code permitting a levy sufficient to raise the amount necessary for maintenance of a system to provide internal drainage necessary by the construction of a levee along a navigable stream forming a part of the boundary of the state.

5. The tax levy for a soil conservation district authorized pursuant to section four hundred sixty-seven A point twenty (467A.20) of the Code.

6. The tax levy authorized pursuant to section four hundred eighty-three point one (483.1) of the Code to provide aid to railroads.

Sec. 5. AGRICULTURAL EDUCATION LEVY LIMITATION. The maximum amount in dollars which may be levied for the county agricultural extension education program authorized pursuant to section one hundred seventy-six A point ten (176A.10) of the Code over the amount in dollars levied for the base year shall be limited to an increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal years beginning July 1, 1977 and July 1, 1978, except as otherwise provided in this division.

Sec. 6. DUTIES OF STATE COMPTROLLER.

1. As soon as practicable after the effective date of this division, the state comptroller shall give notice of the requirements of this division and distribute such forms as required to the governing bodies of the political subdivisions of this state.

2. The state comptroller shall review the certified total budget of each political subdivision and calculate the dollar amount and percentage increase of the property tax budget for the fiscal years beginning July 1, 1976, July 1, 1977 and July 1, 1978 over the property tax budget for the base year.

3. If the property tax budget of a political subdivision for the fiscal year beginning July 1, 1976, July 1, 1977, or July 1, 1978 exceeds the property tax budget of such political subdivision for the base year by more than nine percent, the state comptroller shall reduce the certified total budget to provide a

property tax budget increase of nine percent and return the certified total budget to the governing body with notification that, following a public hearing as provided in section eight (8) of this division, the total budget shall be recertified with a property tax budget increase not exceeding nine percent or that, without a public hearing, the certified total budget shall be submitted to the state appeal board for approval as provided in section seven (7) of this division if the increase of more than nine percent is needed.

4. If the property tax budget of a political subdivision for the fiscal year beginning July 1, 1977 or July 1, 1978 exceeds the property tax budget of such political subdivision for the base year by more than seven percent but not more than nine percent, the state comptroller shall reduce the certified total budget to provide a property tax budget increase of seven percent and return the certified total budget to the governing body with notification that a public hearing must be held as provided in section eight (8) of this division.

Sec. 7. APPROVAL OF STATE APPEAL BOARD.

1. Upon receipt of the notification from the state comptroller as provided in section six (6), subsection three (3) of this division, the governing body of such political subdivision shall petition the state appeal board to approve the total budget of the political subdivision not later than seven days following receipt of notification if the increase of more than nine percent is needed. However, if the governing body, upon receipt of such notification, finds that an increase in the property tax budget above nine percent is not justified, the governing body shall publish notice of and conduct a public hearing for the purpose of approving a total budget which includes a property tax budget increase of nine percent or less. The public hearing shall be carried out according to the provisions of section eight (8) of this division except that, for the total budget for the fiscal year beginning July 1, 1976, the public hearing shall be held within twenty days after the receipt of notification.

2. A petition to the state appeal board under this division shall be submitted in writing on forms furnished by the state comptroller citing the unusual circumstances as outlined in subsection three (3) of this section, which create the need for property tax budget expenditures in excess of nine percent of the base year's property tax budget expenditures and accompanied by such supporting documents as required by the state appeal board. The state appeal board shall conduct a public hearing on the petition in the county or in one of the counties in which the political subdivision is located and may request additional information. The state appeal board shall hear and consider any appeal made by persons affected by the total budget of a political

subdivision at the same time the petition of the governing board of such political subdivision is heard and considered.

3. If a political subdivision has unusual circumstances, creating a need for additional budget expenditures in excess of nine percent of the base year's property tax expenditures, the following unusual circumstances shall be the basis for justifying a property tax budget increase exceeding nine percent:

a. Any unusual increase in population as determined by the preceding certified federal census.

b. Natural disaster or other emergencies.

c. Unusual problems relating to major new functions required by state law.

d. Unusual staffing problems.

e. Unusual need for additional funds to permit continuance of a program which provides substantial benefit to its residents.

f. Unusual need for a new program which will provide substantial benefit to residents, if the political subdivision establishes the need and the amount of necessary increased cost.

g. Need for increased expenditures by a political subdivision having unusually low total budget expenditures for the base year because of property tax levy limitations otherwise provided by law.

4. The state appeal board may approve or modify the base year's total budget expenditures of any political subdivision which changes accounting procedures.

5. The state appeal board shall approve the total budget as requested or reduce the amount of increased expenditures. All decisions of the board under this division shall be made in accordance with reasonable and uniform policies which shall be consistent to carry out the provisions of this division. The board shall take into account the intent of this division to provide property tax relief and to provide reasonable control of costs of the political subdivisions of this state.

6. Upon decision of the board, the state comptroller shall make the necessary changes in the total budget of the political subdivision and certify the total budget to the governing body of the political subdivision and the appropriate county auditors.

Sec. 8. ADDITIONAL PUBLIC HEARING—FISCAL YEARS 1977-78 AND 1978-79.

Upon receipt of the notification from the state comptroller that the property tax budget of the certified total budget of a political subdivision for the fiscal year beginning July 1, 1977 or July 1, 1978 exceeds seven percent but not more than nine percent of the property tax budget of such political subdivision for the base year, the governing body of such political subdivision shall publish notice of and conduct a public hearing not later than April fifteenth.

The date, time and location of the public hearing and the information required to be published under section nine (9) of this division, shall be published in a newspaper having general circulation throughout the political subdivision not less than five days before the date of hearing. Thereafter, the total budget shall be recertified, with or without changes that may be made after the hearing, to the county auditor and the state comptroller not later than April fifteenth. If, after such hearing, the property tax budget for the fiscal year beginning July 1, 1977 or July 1, 1978 exceeds the property tax budget of the base year by more than nine percent, such budget shall be subject to the approval of the state appeal board as provided in section seven (7) of this division.

Sec. 9. BUDGET PROCESS—NOTICE OF PUBLIC HEARING. In addition to the requirements of chapters twenty-four (24) and three hundred eighty-four (384), division two (II), of the Code relating to the publication of notice and public hearing on a budget of a political subdivision, the public notice of a hearing on a total budget shall include the following information:

1. The percentage and the dollar amount increase or decrease for the total budget and the property tax budget of the political subdivision.

2. The percentage and the dollar amount increase or decrease of each fund included in the proposed total budget and the property tax budget.

3. A statement showing the allowable growth percentages established by the general assembly and the dollar amount of increase represented by such percentages for the proposed total budget and the property tax budget of the political subdivision.

4. A statement of the major reasons for the proposed increases in the proposed total budget and the property tax budget.

5. A comparison of the percentages and dollar amounts proposed to be expended with the percentages and dollar amounts expended or proposed to be expended during the current fiscal year as amended to the date of publication which information shall be displayed in the publication in the form of a pie graph. The graphs shall be prepared for both fiscal years with one pie graph for each fiscal year showing the sources of anticipated revenue and one pie graph for each fiscal year showing the proposed budget expenditures by category of services.

The provisions of this section shall not apply to publication of notice for a hearing on a total budget for the fiscal year beginning July 1, 1976 required under section twenty-four point nine (24.9) or three hundred eighty-four point sixteen (384.16) of the Code if the notice of hearing has been published before the effective date of this division, but it shall apply to any other notice for a hearing on a total budget or amendment to a total budget required by this

division or other provision of law for the fiscal years beginning July 1, 1976, July 1, 1977, and July 1, 1978.

Sec. 10. EXCEPTION TO DATES FOR BUDGET APPEAL. Notwithstanding sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and three hundred eighty-four point nineteen (384.19) of the Code, persons affected by a certified total budget of a political subdivision which conducts a public hearing as provided in section eight (8) of this division, shall have ten days following recertification of such budget to file a petition to protest to the state appeal board. All other time limitations or dates specified in sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and section three hundred eighty-four point nineteen (384.19) of the Code shall be correspondingly changed or extended to allow the same amount of time for the protest hearing and the decision of the state board that would exist had the appeal to the state appeal board been filed as provided in section twenty-four point twenty-seven (24.27) or three hundred eighty-four point nineteen (384.19) of the Code.

Sec. 11. PROPERTY TAX CARRYOVER. If a political subdivision adopts a total budget for the fiscal year beginning July 1, 1976, which does not include an increase in the amount of property tax levy for the property tax budget computed in dollars which exceeds or is equal to nine percent, the political subdivision may levy property taxes for the succeeding fiscal year in excess of a seven percent increase and be exempt from the provisions of sections seven (7) and eight (8) of this division. Also, if a political subdivision adopts a total budget for the fiscal year beginning July 1, 1977, which does not include an increase in the amount of property tax levy for the property tax budget computed in dollars which exceeds or is equal to seven percent, the political subdivision may levy property taxes for the succeeding fiscal year in excess of a seven percent increase and be exempt from the provisions of sections seven (7) and eight (8) of this division. However, the exemption from the provisions of sections seven (7) and eight (8) of this division shall be applicable only if the additional property tax levy for the property tax budget does not raise in dollars an amount which exceeds the seven percent increase for the fiscal year beginning July 1, 1977 or July 1, 1978 and the difference between the amount in dollars which the political subdivision levied during the base year and the amount in dollars which the political subdivision could have levied during the base year under this division.

Sec. 12. PROPERTY TAX LEVY LIMITATION NOT AFFECTED. The provisions of this division shall not be construed as removing or otherwise affecting the property tax levy limitations otherwise provided by law for any fund, account, or program in the total budget of a political subdivision.

Sec. 13. BUDGET APPEAL NOT AFFECTED. The provisions of this division shall not be construed to prohibit or affect a protest filed with the state appeal board by persons affected by the total budget of a political subdivision.

Sec. 14. SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the provisions of this division shall apply to special chartered cities. The state appeal board may adopt such rules relating to budget forms and procedures as the state appeal board deems necessary to carry out the provisions of this division regarding special chartered cities.

Sec. 15. Section twenty-four point twenty-seven (24.27), Code 1975, is amended to read as follows:

24.27 PROTEST TO BUDGET. Not later than the first Tuesday in April, a number of persons in any municipality equal to one-fourth of one percent of those voting for the office of president of the United States or governor, as the case may be, at the last general election in said municipality, but [in no event] *the number shall not be* less than ten *and the number need not be more than one hundred persons,* who are affected by any proposed budget, expenditure or tax levy, or by any item thereof, may appeal from any decision of the certifying board or the levying board, as the case may be, by filing with the county auditor of the county in which such municipal corporation is located, a written protest setting forth their objections to such budget, expenditure or tax levy, or to one or more items thereof, and the grounds for such objections [; provided that at least three of such persons shall have filed a joint written objection, at or before the time of the meeting contemplated in section 24.11 which shall include a detailed statement of the objections to said budget, expenditures or tax levy for each and every fund, or the items therein to which objection is taken and an analysis of the fund or funds, or items therein showing grounds for such objections or shall have appeared and made objection, either general or specific, as provided by section 24.11]. Upon the filing of any such protest, the county auditor shall immediately prepare a true and complete copy of said written protest, together with the budget, proposed tax levy or expenditure to which objections are made, and shall transmit the same forthwith to the state board, and shall also send a copy of such protest to the certifying board or to the levying board, as the case may be.

Sec. 16. Section three hundred eighty-four point nineteen (384.19), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred ninety-seven (197), section twenty-eight (28), is amended to read as follows:

Within a period of ten days after the final date that a budget or amended budget may be certified to the county auditor, persons affected by the budget may file a written protest with the county auditor, specifying their objections to the budget or any part of it. A protest must be signed

by qualified electors equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the city, but [not] *the number shall not be* less than ten persons[,
and at least three of the signers must have filed a written objection or appeared and objected to the budget at the budget hearing held by the council] *and the number need not be more than one hundred persons.*

DIVISION II

VALUATION OF AGRICULTURAL PROPERTY

Sec. 17. AGRICULTURAL PROPERTY VALUATION. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1976, the actual value of each tract of agricultural property consisting of more than ten acres shall be computed by multiplying the valuations established by the assessor and approved by the board of review by the percentage which the 1975 income value per acre bears to the 1975 actual value per acre of the agricultural property both as determined by the director. The county auditor shall proceed to make the necessary adjustments on the tax lists. If the valuation of the agricultural property is increased in a county, the county auditor shall notify by ordinary mail the owners of agricultural property affected by the adjustment made pursuant to this section. The local board of review shall reconvene for a period of thirty days following the notification to the taxpayer in counties where valuations have been increased under this section. The notice shall include the adjusted value of the property, the dates during which the board of review is reconvened, and that a protest may be filed within twenty days from the date the local board of review is reconvened. The protest shall be limited to the adjustment made pursuant to this section. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1976.

Sec. 18. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1977, in assessing and determining the actual value of agricultural land, except structures located thereon, the value shall be computed on the basis of the productivity and net earning capacity of the land determined on the basis of the use for agricultural purposes capitalized at a rate representing a fair return on the investment, such rate to be established by the state board of tax review and applied uniformly among counties and among classes of property. The actual value of a structure located on agricultural land shall be the fair and reasonable market value of the structure. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1977.

Sec. 19. EFFECTIVE DATE. The provisions of section seventeen (17) of this Act shall be effective to January 1,

1976 for valuations of agricultural property assessed as of January 1, 1976 and to this extent the provisions of section seventeen (17) are retroactive.

DIVISION III

CREDIT FOR RESIDENTIAL PROPERTY

Sec. 20. HOMESTEAD TAX CREDIT. Notwithstanding the provisions of section four hundred twenty-five point one (425.1), subsections two (2), three (3), and four (4) of the Code, the homestead tax credit shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The provisions of this section shall only be applicable for each homestead tax credit claimed between January 1, 1975 and July 1, 1975 and approved.

Sec. 21. ADMINISTRATION. Not later than August 1, 1976, the county auditor shall recompute the amount of credit allowed on each eligible homestead claimed between January 1, 1975 and July 1, 1975, and approved and certify the amount of the homestead tax credits claimed in the county to the county treasurer and the department of revenue. The department shall reimburse each county in the manner and at such time as is presently provided by law.

Sec. 22. EFFECTIVE DATE. The provisions of sections twenty (20) and twenty-one (21) of this Act are effective to January 1, 1975 for credits claimed and approved in 1975 under chapter four hundred twenty-five (425) of the Code for a homestead tax credit on eligible homesteads which claims are payable during the fiscal year beginning July 1, 1976 ending June 30, 1977 and to this extent the provisions of sections nineteen (19) and twenty (20) of this Act are retroactive.

Sec. 23. Notwithstanding the provisions of section four hundred twenty-five point one (425.1), subsections two (2), three (3), and four (4) of the Code, the homestead tax credit shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first five thousand dollars of actual value for each homestead. The provisions of this section shall only be applicable for each homestead tax credit claimed between January 1, 1976 and July 1, 1976 and approved and for each homestead tax credit claimed between January 1, 1977 and July 1, 1977 and approved except as provided in sections forty (40) and forty-one (41) of this Act.

Sec. 24. EFFECTIVE DATE. The provisions of section twenty-three (23) of this Act are effective to January 1, 1976 for credits claimed on or after January 1, 1976 and approved under chapter four hundred twenty-five (425) of the Code for a homestead tax credit on an eligible homestead and to this extent the provisions of section twenty-three (23) of this Act are retroactive.

DIVISION IV
AGRICULTURAL LAND CREDIT FUND

Sec. 25. APPROPRIATION. There is appropriated for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to the agricultural land credit fund the sum of twenty-four million (24,000,000) dollars which shall be in addition to moneys appropriated pursuant to section four hundred twenty-six point one (426.1) of the Code.

Sec. 26. ADMINISTRATION. Not later than May 1, 1976, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller on or before September 15, 1976.

DIVISION V
STATE SCHOOL FOUNDATION PROGRAM

Sec. 27. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section nineteen (19), subsection two (2), unnumbered paragraph one (1), amending section four hundred forty-two point seven (442.7), Code 1975, is amended to read as follows:

2. For school years subsequent to the school year beginning July 1, 1975, a state percent of growth for the budget year shall be computed by the state comptroller prior to February fifteenth of each year and forwarded to the superintendent of public instruction. The state percent of growth shall be an average of the following [six] *four* percentages of growth.

Sec. 28. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section nineteen (19), subsection two (2), amending section four hundred forty-two point seven (442.7), Code 1975, is amended by striking paragraph b.

Sec. 29. The provisions of sections twenty-seven (27) and twenty-eight (28) of this Act are effective July 1, 1976.

DIVISION VI
PROPERTY TAX REIMBURSEMENT

Sec. 30. Section four hundred twenty-five point seventeen (425.17), subsection ten (10), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirteen (213), section one (1), is amended to read as follows:

10. "PROPERTY TAXES PAID" means property taxes *including one-half of any special assessments, but* exclusive of [special assessments,] delinquent interest [,] and charges for services, paid on a claimant's homestead in this state, but includes only property taxes for which the claimant was liable and which were actually paid by the claimant. If the property taxes have actually been paid, they shall be deemed to have been paid when due, regardless of the date of actual payment. "Property taxes paid" shall be computed with no deduction

for any credit under this division or for any homestead credit allowed under section 425.1. Claims for property tax reimbursement filed in 1974 shall be based upon the property taxes paid in 1973. Claims for property tax reimbursement filed in 1975 shall be limited to two-thirds of the property taxes paid in 1974 and the first one-half of 1975. Each year thereafter, each claim shall be based upon the taxes paid during the base year. If a homestead is owned by two or more persons as joint tenants or tenants in common, and one or more persons are not a member of claimant's household, "property taxes paid" is that part of property taxes paid on the homestead which equals the ownership percentage of the claimant and his household. The county treasurer shall include with the tax receipt a statement that if the owner of the property is sixty-five years of age or over or is totally disabled or is a surviving spouse of such person who is over the age of fifty-five years of age, the person may be eligible for the credit allowed under this division. If a claimant changes his homestead, this shall not prevent him from filing a claim based on property taxes for which the claimant was liable and which were actually paid by the claimant, but duplication of claims shall not be allowed. If a homestead is an integral part of a farm, the claimant may use the total property taxes paid for the larger unit, but not exceeding forty acres of land. If a homestead is an integral part of a multidwelling or multipurpose building the property taxes paid for the purpose of this subsection shall be prorated to reflect the portion which the value of the property that the household occupies as its homestead is to the value of the entire structure. For purposes of this subsection, "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

Sec. 31. Section four hundred twenty-five point seventeen (425.17), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Special assessment" means special assessments made pursuant to sections three hundred eighty-four point thirty-seven (384.37) through three hundred eighty-four point seventy-nine (384.79) of the Code. The amount of a special assessment which may be included in the amount of property taxes paid for one year shall be an amount equal to one-twentieth of the total amount of the special assessment levied against the homestead of the claimant, if the claimant elected to pay the total amount of the special assessment in one payment. If the claimant elects to pay the special assessment in ten annual installments as provided by law, the claimant may include as a portion of the property taxes paid during the base year an amount equal to one-half of the special assessment, including interest, paid during that same base year.

Sec. 32. Section four hundred twenty-five point twenty-three (425.23), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirteen (213), section three (3), is

amended by striking paragraph a and inserting in lieu thereof the following:

a. The amount shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes paid or rent constituting property taxes paid allowed as a reimbursement:
$ 0 - 999.99	100%
1,000 - 1,999.99	95
2,000 - 2,999.99	85
3,000 - 3,999.99	70
4,000 - 4,999.99	55
5,000 - 5,999.99	45
6,000 - 6,999.99	35
7,000 - 7,999.99	30
8,000 - 8,999.99	25

Sec. 33. The provisions of sections thirty (30), thirty-one (31), and thirty-two (32) of this Act shall become effective January 1, 1977 for all claims for property taxes paid and rent constituting property taxes paid filed on or after January 1, 1977.

DIVISION VII
TASK FORCE

Sec. 34. TASK FORCE CREATED. There is established a local government task force composed of sixteen members. Of the sixteen members, two shall be members of the senate and two shall be members of the house of representatives who shall be nonvoting members, and twelve members who are interested and knowledgeable in affairs of local government. All members of the task force shall be appointed by the governor. Of the members appointed from the senate, the governor shall appoint one member from the majority party and one member from the minority party each of whom are members of the senate committee on ways and means. Of the members appointed from the house of representatives, the governor shall appoint one member from the majority party and one member from the minority party each of whom are members of the house committee on ways and means. Of the remaining twelve members, the governor shall appoint two members from each congressional district, who shall not be members of the same political party. The members appointed by the governor shall serve at the pleasure of the governor. Any vacancy in the membership of the task force shall be filled by appointment in the same manner as the original appointments.

The nonlegislative members of the task force shall receive their actual and necessary expenses to be audited by the state comptroller. Members of the task force who are members of the general assembly shall receive a per diem of forty dollars and their actual and necessary expenses.

Sec. 35. DUTIES. The local government task force shall conduct a study of local government services and finance.

The following suggested study guidelines are provided for reference only and should not be considered in order of priority or inclusive of all matters that may be properly included in the research and study necessary to carry out the intent of this Act:

1. The nature of local government services.
2. Which level of government should provide specific services?
3. Who should pay for these services?
4. How should different types and kinds of property be valued and equalized for assessment purposes?
5. What budget limitations, if any, should be imposed?
6. Which local services, if any, should be financed by state aid?
7. The economics and effectiveness of the delivery of services to people.
8. The merits of local option taxation.
9. The budgeting procedures and mechanisms of local governments.
10. The development of a method of "recapturing" taxes on agricultural land if agricultural land is assessed at other than market value.

Sec. 36. STAFF. The governor may employ such professional, technical, and administrative assistance as shall be necessary to accomplish the purpose of this Act.

Sec. 37. REPORT. The governor shall transmit the recommendations of the local government task force, accompanied by proposed legislation necessary to carry out the recommendations, to the Sixty-seventh General Assembly not later than January 10, 1977. Copies of the recommendations and of the recommended legislation shall be transmitted to the president of the senate and the speaker of the house of representatives who shall, within ten days after the date of receipt, assign the proposed legislation to the appropriate standing committee.

Sec. 38. ACQUIRING DATA. The state comptroller may request the county auditor, an assessor, or any other public official to provide the valuations of each class of property in each city, county, school district, or other political subdivision of the state, and any other information which the task force deems necessary to properly perform its duties. The county auditors, assessors, and other public officials shall cooperate with the state comptroller and provide such information as is requested.

Sec. 39. APPROPRIATION. There is appropriated from the general fund of the state to the office of the governor the sum of one hundred thousand (100,000) dollars, or so much thereof as may be necessary, for the fiscal year beginning July 1, 1976 and ending June 30, 1977, for the purpose of the employment of such professional, technical and administrative staff and assistance on such basis as shall be determined by the governor and for such other expenses as shall be neecssary to accomplish the purposes of this Act, including per diem and
actual expenses incurred by task force members as

provided in section thirty-four (34) of this Act.

DIVISION VIII

Sec. 40. If the unencumbered balance of the general fund of the state on June 30, 1976 does not exceed fifty million dollars, the homestead tax credit computed in the manner provided in section twenty-three (23) of this Act shall not apply and the homestead tax credit for claims filed in 1976 shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The county auditor shall compute the homestead tax credit in the manner provided in section twenty-two (22) of this Act and if the general fund balance does not exceed fifty million dollars, the department of revenue shall reduce the amount of each homestead tax credit claim certified to the department by ten percent and recertify the amount of the credit to be allowed on each eligible homestead to the county treasurers of the respective counties.

If the unencumbered balance of the general fund of the state on June 30, 1976, does not exceed fifty million dollars, there is appropriated for the fiscal year beginning July 1, 1977 and ending June 30, 1978 an amount equal to thirteen million (13,000,000) dollars, or so much thereof as may be necessary, to the agricultural land credit fund and the provisions of section four hundred twenty-six point one (426.1) of the Code shall not apply for the fiscal year beginning July 1, 1977 and ending June 30, 1978.

If the provisions of this section become effective and the amount of funds appropriated to the agricultural land credit fund is the amount specified in this section, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller.

Sec. 41. If the unencumbered balance of the general fund of the state on June 30, 1977 does not exceed fifty million dollars, the homestead tax credit computed in the manner provided in section twenty-three (23) of this Act shall not apply and the homestead tax credit for claims filed in 1977 shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The county auditor shall compute the homestead tax credit in the manner provided in section twenty-two (22) of this Act and if the general fund balance does not exceed fifty million dollars, the department of revenue shall reduce the amount of each homestead tax credit claim certified to the department by ten percent and recertify the amount of the credit to be allowed on each eligible homestead to the county treasurers of the respective counties.

If the unencumbered balance of the general fund of the state on June 30, 1977, does not exceed fifty million dollars, there is appropriated for the fiscal year beginning July 1, 1978 and ending June 30, 1979 an amount equal to thirteen million (13,000,000) dollars, or so much thereof as may be necessary, to the agricultural land credit fund and the provisions of section four hundred twenty-six point one (426.1) of the Code shall not apply for the fiscal year beginning July 1, 1978 and ending June 30, 1979.

If the provisions of this section become effective and the amount of funds appropriated to the agricultural land credit fund is the amount specified in this section, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller.

Sec. 42. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Globe-Gazette, a newspaper published in Mason City, Iowa, and in The Perry Daily Chief, a newspaper published in Perry, Iowa."

2. Amend the title by striking everything after the word "Act" in line 1 and inserting in lieu thereof the words "relating to the financing of political subdivisions of this state by providing budget limitations for certain political subdivisions, providing property tax credits for certain property owners and renters, making changes in the procedures for the assessment and valuation of certain taxable property, by amending the school foundation law, creating a task force for the study of local government finance and services, making certain provisions of the Act retroactive, and making appropriations."

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
NORMAN RODGERS, Chair	LOWELL E. NORLAND, Chair
LOWELL L. JUNKINS	ROBERT F. BINA
GEORGE R. KINLEY	C. W. HUTCHINS

Stromer of Hancock call up for consideration amendment H—6258, to the Senate amendment H—6130, filed by him on April 12, 1976, and found on pages 1888 through 1890 of the House Journal.

The Speaker ruled amendment H—6258 not in order.

Stromer of Hancock moved that the rules be suspended for the consideration of amendment H—6258.

Roll call was requested by Stromer of Hancock and Oakley of Clinton.

On the question "Shall the rules be suspended for the consideration of amendment H—6258?"

The ayes were, 34:

Bennett	Drake	Lageschulte	Pellett
Bortell	Egenes	Lindeen	Readinger
Branstad	Evans	Lipsky	Stromer
Clark	Gentleman	McElroy	Tauke
Crabb	Halvorson	Menke	Varley
Crawford	Hansen	Millen	Welden
Daggett	Harvey	Nealson	West
Danker	Junker	Oakley	Wulff
Den Herder	Kreamer		

The nays were, 58:

Anderson	Gilloon	Jordan	O'Halloran
Avenson	Griffee	Koogler	Patchett
Baker	Hargrave	Krause	Pavich
Bina	Harper	Lonergan	Perkins
Binneboese	Hennessey	Mennenga	Scheelhaase
Brandt	Higgins	Middleswart	Small
Brunow	Hines	Middleton	Spencer
Byerly	Hinkhouse	Miller, A. V.	Spradling
Caffrey	Horn	Miller, K. D.	Svoboda
Connors	Howell	Miller, O. L.	Walter
Cusack	Hullinger	Monroe	Wells
Doyle	Husak	Newhard	Woods
Dunton	Hutchins	Nielsen	Wyckoff
Dyrland	Jesse	Norland	Mr. Speaker
Fitzgerald	Jochum		

Absent or not voting, 8:

Bittle	Dieleman	Rinas	Spear
Brockett	Poncy	Schroeder	Tofte

The motion lost.

Bennett of Ida called up for consideration amendment H—6260, to the Senate amendment H—6130, filed by him on April 12, 1976, and found on pages 1890 and 1891 of the House Journal.

The Speaker ruled that amendment H—6260 was not in order.

Lipsky of Linn moved that the rules be suspended for the consideration of amendment H—6274, to the Senate amendment H—6130, filed by her and Tauke of Dubuque from the floor as follows:

H—6274

Amend the Senate amendment, H—6130, to the Report of the Second Conference Committee on Senate File 1062 as follows:

1. Page 5, by striking lines 26 through 50 and inserting in lieu thereof the following:

"..... Page 14, by striking lines 29 through 35 and inserting in lieu thereof the following:

"Sec. ..... Section four hundred forty-two point three (442.3), Code 1975, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base for the school year beginning July 1, [1972] *1976*,

is [seventy] *eighty* percent of the state cost per pupil. [For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil.] The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. ..... There is instituted for the fiscal year beginning July 1, 1976 and ending June 30, 1977 and for the fiscal year beginning July 1, 1977 and ending June 30, 1978 a property tax recapture on commercial property, industrial property, personal property, and all property assessed pursuant to chapters four hundred twenty-eight (428) and four hundred thirty-three (433) through four hundred thirty-eight (438) of the Code by the director. The amount of the property tax recapture shall be equal to the difference between the property taxes levied on the property and payable during the fiscal year beginning July 1, 1975 and the property taxes levied on the same property and payable during the fiscal year beginning July 1, 1976 and the difference between the property taxes levied on the property and payable during the fiscal year beginning July 1, 1975 and the property taxes levied on the same property and payable during the fiscal year beginning July 1, 1977, if the property taxes paid during the fiscal year beginning July 1, 1976 or July 1, 1977 are less than the property taxes paid during the fiscal year beginning July 1, 1975. The tax shall be payable to the county treasurer and shall be paid at the time the taxes levied against the property are due and payable.

Sec. ..... The county auditor in each county shall certify to the county treasurer and the department of revenue not later than July 1, 1977 and July 1,

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1978 a list of the property which is classified by the assessor as commercial property, industrial property, personal property, or property assessed pursuant to chapters four hundred twenty-eight (428) and four hundred thirty-three (433) through four hundred thirty-eight (438) of the Code by the director, the owner of the property, the property taxes levied against the property and payable during the fiscal year beginning July 1, 1975, the property taxes levied against the property and payable during the fiscal year beginning July 1, 1976, and the amount of property taxes recaptured and payable in the manner provided by this Act. The list submitted not later than July 1, 1978 shall have the property taxes levied against the property and payable during the fiscal year

beginning July 1, 1977 substituted in lieu of the property taxes payable during the fiscal year beginning July 1, 1975.

Sec. ..... In notifying the owner of the property of the property taxes levied against the property and payable during the fiscal year beginning July 1, 1977 and during the fiscal year beginning July 1, 1978, the notice shall also indicate that portion of the property taxes due and payable for the current fiscal year and that portion which are recaptured property taxes due on the property. If recaptured property taxes are due on the property, the notice shall also notify the owner of the property that the taxes are payable to the county treasurer and shall be included in the payment of property taxes due and payable during the fiscal year beginning July 1, 1976 and ending June 30, 1977 or the fiscal year beginning July 1, 1977 and ending June 30, 1978.

Sec. ..... Any recaptured property taxes due under the provisions of this Act shall become a lien against the property in the same manner and at the same time as a lien for any other delinquent property taxes.

Sec. ..... Upon payment of the recaptured property taxes due on the property to the county treasurer, the county treasurer shall remit the recaptured property taxes to the department of revenue. Moneys received by the department under the provisions of this section shall be credited to the general fund of the state. The county treasurer shall certify the payment of the recaptured property taxes to the county auditor, and direct the auditor to remove the lien which has been attached for nonpayment of recaptured property taxes.

Sec. ..... APPROPRIATION. There is appropriated for each year of the fiscal period beginning July

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1, 1976 and ending June 30, 1977 to the agricultural land credit fund the sum of eighteen million (18,000,000) dollars which shall be in addition to moneys appropriated pursuant to section four hundred twenty-six point one (426.1) of the Code.

Sec. ..... ADMINISTRATION. Not later than May 1, 1976, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller on or before September 15, 1976.

Sec. ..... Notwithstanding the provisions of section four hundred twenty-five point one (425.1), subsections two (2), three (3), and four (4) of the Code, the homestead tax credit shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to six dollars

and seventy-five cents per thousand on the first eleven thousand one hundred fifteen dollars of actual value for each homestead. The provisions of this section shall only be applicable for each homestead tax credit claimed between January 1, 1976 and July 1, 1976 and approved and for each homestead tax credit claimed between January 1, 1977 and July 1, 1977 and approved.

The provisions of this section are effective to January 1, 1976 for credits claimed on or after January 1, 1976 and approved under chapter four hundred twenty-five (425) of the Code for a homestead tax credit on an eligible homestead and to this extent the provisions of this section are retroactive.

..... By striking pages 15 and 16.

..... Page 17, by striking lines 1 through 19." "

2. Page 6, by striking lines 1 through 43.

3. Page 7, by striking lines 29 through 50.

4. Page 8, by striking lines 1 through 50.

5. Page 9, by striking lines 1 through 7 and inserting in lieu thereof the following:

"..... Page 23, line 7, by striking the words "and exemptions".

..... Page 23, line 8, by striking the words "making changes in".

..... Page 23, by striking line 9.

..... Page 23, line 10, by striking the words "taxable property,".

..... Page 23, line 12, by striking the words "making certain provisions of the Act retroactive,"."

Roll call was requested by Lipsky of Linn and Clark of Lee.

On the question "Shall the rules be suspended for the consideration of amendment H—6274?"

The ayes were, 32:

Bennett	Drake	Lageschulte	Readinger
Bortell	Egenes	Lindeen	Schroeder
Branstad	Evans	Lipsky	Stromer
Clark	Gentleman	McElroy	Tauke
Crabb	Halvorson	Millen	Tofte
Crawford	Harvey	Nealson	Welden
Daggett	Junker	Oakley	West
Danker	Kreamer	Pellett	Wulff

The nays were, 55:

Anderson	Doyle	Howell	Middleswart
Avenson	Fitzgerald	Hullinger	Middleton
Baker	Gilloon	Husak	Miller, A. V.
Bina	Griffee	Hutchins	Miller, K. D.
Binneboese	Hargrave	Jesse	Miller, O. L.
Brandt	Harper	Jochum	Monroe
Brunow	Hennessey	Jordan	Newhard
Byerly	Higgins	Koogler	Nielsen
Caffrey	Hines	Krause	Norland
Cusack	Hinkhouse	Lonergan	O'Halloran
Den Herder	Horn	Mennenga	Patchett

Pavich	Spencer	Walter	Wyckoff
Scheelhaase	Spradling	Wells	Mr. Speaker
Small	Svoboda	Woods	

Absent or not voting, 13:

Bittle	Dunton	Menke	Rinas
Brockett	Dyrland	Perkins	Spear
Connors	Hansen	Poncy	Varley
Dieleman			

The motion lost.

Cusack of Scott in the chair at 6:51 p.m.

Speaker Cochran in the chair at 7:03 p.m.

Halvorson of Clayton called up for consideration amendment H—6167, to the Senate amendment H—6130, filed by Halvorson, et al., on April 6, 1976, and found on pages 1676 through 1678 of the House Journal.

The Speaker ruled amendment H—6167 not in order.

Halvorson of Clayton moved to suspend the rules for the consideration of amendment H—6167.

Roll call was requested by Halvorson of Clayton and Bennett of Ida.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H—6167?"

The ayes were, 35:

Bennett	Egenes	Lageschulte	Readinger
Bittle	Evans	Lindeen	Schroeder
Bortell	Gentleman	Lipsky	Stromer
Crabb	Halvorson	McElroy	Tauke
Crawford	Hansen	Millen	Tofte
Daggett	Harvey	Miller, K. D.	Varley
Danker	Junker	Nealson	Welden
Den Herder	Koogler	Oakley	Wyckoff
Drake	Kreamer	Pellett	

The nays were, 59:

Anderson	Doyle	Hullinger	Miller, O. L.
Avenson	Dunton	Husak	Monroe
Baker	Dyrland	Hutchins	Newhard
Bina	Fitzgerald	Jesse	Nielsen
Binneboese	Gilloon	Jochum	Norland
Brandt	Griffee	Jordan	O'Halloran
Branstad	Hargrave	Krause	Patchett
Brunow	Harper	Lonergan	Pavich
Byerly	Hennessey	Menke	Perkins
Caffrey	Hines	Mennenga	Rinas
Connors	Hinkhouse	Middleswart	Scheelhaase
Cusack	Horn	Middleton	Small
Dieleman	Howell	Miller, A. V.	Spencer

Spradling	Walter	West	Mr. Speaker
Svoboda	Wells	Wulff	

Absent or not voting, 6:

Brockett	Higgins	Spear	Woods
Clark	Poncy		

The motion lost.

Norland of Worth moved the adoption of the second conference committee report as adopted by the Senate.

Roll call was requested by Bennett of Ida and Avenson of Fayette.

Rules 69 and 70 were invoked.

On the question "Shall the second conference committee report as adopted by the Senate be adopted?"

The ayes were, 54:

Anderson	Griffee	Lageschulte	Perkins
Avenson	Hargrave	Lonergan	Rinas
Baker	Harper	Mennenga	Scheelhaase
Bina	Hennessey	Middleswart	Small
Binneboese	Hinkhouse	Middleton	Spencer
Brunow	Horn	Miller, A. V.	Spradling
Caffrey	Howell	Miller, O. L.	Svoboda
Cusack	Hullinger	Newhard	Walter
Dieleman	Husak	Norland	Wells
Doyle	Hutchins	O'Halloran	West
Dunton	Jesse	Patchett	Woods
Dyrland	Jochum	Pavich	Wyckoff
Fitzgerald	Jordan	Pellett	Mr. Speaker
Gilloon	Krause		

The nays were, 42:

Bennett	Danker	Koogler	Nielsen
Bittle	Den Herder	Kreamer	Oakley
Bortell	Drake	Lindeen	Readinger
Brandt	Egenes	Lipsky	Schroeder
Branstad	Evans	McElroy	Stromer
Byerly	Gentleman	Menke	Tauke
Clark	Halvorson	Millen	Tofte
Connors	Hansen	Miller, K. D.	Varley
Crabb	Harvey	Monroe	Welden
Crawford	Hines	Nealson	Wulff
Daggett	Junker		

Absent or not voting, 4:

Brockett	Higgins	Poncy	Spear

The motion prevailed and the second conference committee report as adopted by the Senate and the amendments contained therein were adopted.

Norland of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 1062)

The ayes were, 59:

Anderson	Gilloon	Krause	Readinger
Avenson	Griffee	Lageschulte	Rinas
Baker	Hargrave	Lonergan	Scheelhaase
Bina	Harper	Middleswart	Small
Binneboese	Harvey	Middleton	Spencer
Bortell	Hennessey	Miller, A. V.	Spradling
Brunow	Horn	Miller, O. L.	Svoboda
Caffrey	Howell	Monroe	Walter
Cusack	Hullinger	Newhard	Wells
Den Herder	Husak	Norland	West
Dieleman	Hutchins	O'Halloran	Woods
Doyle	Jesse	Patchett	Wulff
Dunton	Jochum	Pavich	Wyckoff
Dyrland	Jordan	Pellett	Mr. Speaker
Fitzgerald	Junker	Perkins	

The nays were, 35:

Bennett	Daggett	Hinkhouse	Nealson
Bittle	Danker	Koogler	Nielsen
Brandt	Drake	Kreamer	Oakley
Branstad	Egenes	Lindeen	Schroeder
Byerly	Evans	Lipsky	Stromer
Clark	Gentleman	McElroy	Tauke
Connors	Halvorson	Menke	Varley
Crabb	Hansen	Millen	Welden
Crawford	Hines	Miller, K. D.	

Absent or not voting, 6:

Brockett	Mennenga	Spear	Tofte
Higgins	Poncy		

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 1062)

Norland of Worth moved to reconsider the vote by which Senate File 1062 passed the House.

A non-record roll call was requested.

The ayes were 36, nays 52.

The motion lost.

The Speaker announced that, with the adoption of the conference committee report as adopted by the Senate, the following amendments which were not disposed of earlier are out of order:

H—6224 filed by West of Marshall on April 8, 1976.

H—6237 filed by Bennett of Ida on April 8, 1976.

H—6253 filed by Miller of Buchanan on April 12, 1976.

H—6259 filed by Stromer of Hancock on April 12, 1976.

H—6264 filed by Junker of Woodbury on April 13, 1976.

H—6265 filed by Junker of Woodbury on April 13, 1976.

H—6271 filed by Egenes of Story on April 13, 1976.

H—6272 filed by Egenes of Story on April 13, 1976.

H—6273 filed by Egenes of Story on April 13, 1976.

H—6275 filed by Crabb of Crawford on April 13, 1976.

OBJECTION TO VOTE

Patchett of Johnson asked for unanimous consent that Poncy of Wapello, in his absence, be permitted to vote "aye" on the conference committee report and Senate File 1062.

Objection was raised.

MOTION TO RECONSIDER
(House File 324)

I move to reconsider the vote by which House File 324 passed the House on April 12, 1976.

SCHROEDER of Pottawattamie

HOUSE RESOLUTION 117
By Miller of Calhoun

Whereas, the city of Rockwell City, Iowa, is nearing the centennial anniversary of its incorporation as a city; and

Whereas, the citizens of Rockwell City, Iowa are preparing for a centennial celebration June 23 through 26, 1976 to commemorate the one-hundredth anniversary of the city's incorporation; *Now, Therefore,*

Be It Resolved by the House of Representatives, That the membership of the House of Representatives of the Sixty-sixth General Assembly of the State of Iowa extends its heartiest congratulations to the city of Rockwell City, Iowa in commemoration of the centennial anniversary of its incorporation in this bicentennial year; and

Be It Further Resolved, That a copy of this resolution be forwarded to the mayor, the city council, and the citizens of Rockwell City who are in charge of making preparations for the centennial celebration.

Laid over under Rule 25.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of April, 1976: House Files 1217 and 1439.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

REPORTS OF COMMITTEES

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1556**, a bill for an act relating to the inspection of weights and measures and making an appropriation, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1557**, a bill for an act appropriating funds for programs under the administration of the department of agriculture and divisions of the department of agriculture, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1558**, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Norland of Worth, from the commitee on ways and means, submitted the following reports:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 1408**, a bill for an act relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision, begs leave to report it has had the same under consideration and has instructed me to report the same back to the

House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6281

Amend House File 1408, page 1, by inserting after line 19 the following:

"For the purposes of this section "competent evidence" means evidence, in addition to the testimony of the sender, sufficient or adequate to prove that the document was mailed on a specified date which evidence is credible and of such a nature to reasonably support the determination that the letter was mailed on a specified date."

NORLAND of Worth, Chair

Also:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 1484**, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6280

Amend House File 1484 as follows:

1. Page 1, line 4, by striking the words "two or more".

2. Page 1, line 5, by striking the word "and" and inserting in lieu thereof the words ", or portions thereof, townships or".

3. Page 2, by striking lines 17, 18, and 19 and inserting in lieu thereof the following:

"The council of".

4. Page 3, by inserting after line 1 the following section:

"Sec. ..... CITY REMOVAL FROM DISTRICT. The city council of a city located in a unified law enforcement district, upon the receipt of a petition signed by at least five percent of the qualified electors residing in the city, shall submit a proposition at any city election for the city to remove itself from the unified law enforcement district. If a majority of the qualified electors voting on the proposition approve the city's removal from the unified law enforcement district, the city shall no longer be a part of the district effective at the beginning of the next succeeding fiscal year."

NORLAND of Worth, Chair

AMENDMENTS FILED

H—6277

Amend amendment H—6251 to House File 746 as follows:

1. Page 1, line 24, by inserting after the word "beer" the following: "and wine".

BINA of Scott

H—6276

Amend House File 1371 as follows:

1. Page 1, by inserting before line 1 the following section:

"Section 1. Section ninety-three point two (93.2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, chapter ninety-one (91), section one (1), is amended to read as follows:

93.2 ESTABLISHMENT. There is established an energy policy council which shall consist of [fifteen] *seventeen* members. Two members shall be appointed by the president of the senate from the membership of the senate with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house with no more than one member being appointed from the same political party. The governor shall appoint [five] *seven* members who shall be reasonably knowledgeable in the field of energy. Not more than [three] *four* of the governor's appointees shall be of the same political party. They shall be subject to confirmation by two-thirds of the membership of the senate. The state geologist, the secretary of agriculture, the chairman of the Iowa state commerce commission, the administrative officer of the state soil conservation committee, the director of transportation, [and] the executive director of environmental quality *and legislative members* shall serve as ex officio nonvoting members of the council. If [an] *a nonlegislative* ex officio nonvoting member is unable to attend a meeting of the council, the member shall designate a replacement who shall be authorized to represent the member at the meeting."

2. By renumbering the remaining sections and correcting internal references in accordance with this amendment.

3. Amend the title, line 1, by inserting after the word "status" the word ", membership,".

OAKLEY of Clinton

H—6282

Amend House File 1514 as follows:

1. Page 1, line 24, by inserting after the word "purposes" the words "including an amount, which shall be paid to any city in the state for use by that city's human rights commission, equal to the amount of any federal funds which would have been available to that city if cases had been waived by the Iowa state civil rights commission under the provisions of a contract between that city's human rights

commission and the United States equal employment opportunity commission".

2. Page 1, by inserting after line 35 the following:

"It is the intent of the general assembly that insofar as feasible complaints filed either with local humans rights commissions or with the Iowa state civil rights commission shall be handled at the local level."

3. Page 2, line 3, by inserting after the word "shall" the words ", at the request of local human rights commissions,".

CUSACK of Scott
CAFFREY of Polk
DEN HERDER of Sioux
HANSEN of O'Brien
HARGRAVE of Johnson
HIGGINS of Scott
HUSAK of Tama
LIPSKY of Linn

H—6278

Amend House File 1554, page 1, line 21, by inserting after the word "code" the words ", except that in areas of the county outside the incorporated limits of a city in a county which does not have a building code or housing code, the board of supervisors shall require that improvements comply with the minimum guidelines established for improvements by the farmers home administration".

COMMITTEE ON WAYS AND MEANS
NORLAND of Worth, Chair

H—6279

Amend House File 1555, page 1, by inserting after line 21 the following new section:

"Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Adams County Free Press, a newspaper published in Corning, Iowa, and in The Daily Gate City, a newspaper published in Keokuk, Iowa."

COMMITTEE ON WAYS AND MEANS
NORLAND of Worth, Chair

H—6283

Amend Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 20, strike the words "when tendered, and after it is signed by" and insert in lieu thereof the words "and teacher and".

2. Page 1, line 21, strike the words "the teacher the contract".

HANSEN of O'Brien

H—6264

Amend the Senate amendment H—6130, to the Report of the Second Conference Committee on Senate File 1062 as follows:

1. Page 6, by inserting after line 43 the following:

"..... Page 20, by inserting after line 26 the following **section:**

Sec. ..... The three installments of property taxes which became delinquent on April 1, 1974, October 1, 1974, and April 1, 1975, pursuant to the provisions of chapter four hundred forty-five (445) of the Code, were the property taxes for the period beginning January 1, 1973, and ending June 30, 1974.

The property taxes which became delinquent on October 1, 1975, and April 1, 1976, were the property taxes payable for the fiscal year beginning July 1, 1974, and ending June 30, 1975. For fiscal years beginning July first thereafter, the property taxes which become delinquent as of October first and April first shall be for prior fiscal years in a like manner.

The assessment date for property taxes due for the fiscal period beginning January 1, 1974, and ending June 30, 1975, was January 1, 1973. The assessment date for the property taxes due and payable for the fiscal period beginning July 1, 1975, and ending June 30, 1976, was January 1, 1974. Thereafter, the assessment date is January first for taxes due and payable for fiscal years beginning July first eighteen months later.

JUNKER of Woodbury

H—6265

Amend the Halvorson, et al., amendment H—6167 to page 6 of Senate amendment H—6130, to the Report of the Second Conference Committee, on Senate File 1062, as follows:

1. Page 1, by inserting after line 38 the following:

"..... Page 20, by inserting after line 26 the following section:

Sec. ..... The three installments of property taxes which became delinquent on April 1, 1974, October 1, 1974, and April 1, 1975, pursuant to the provisions of chapter four hundred forty-five (445) of the Code, were the property taxes for the period beginning January 1, 1973, and ending June 30, 1974.

The property taxes which became delinquent on October 1, 1975, and April 1, 1976, were the property taxes payable for the fiscal year beginning July 1, 1974, and ending June 30, 1975. For

fiscal years beginning July first thereafter, the property taxes which become delinquent as of October first and April first shall be for prior fiscal years in a like manner.

The assessment date for property taxes due for the fiscal period beginning January 1, 1974, and ending June 30, 1975, was January 1, 1973. The assessment date for the property taxes due and payable for the fiscal period beginning July 1, 1975, and ending June 30, 1976, was January 1, 1974. Thereafter, the assessment date is January first for taxes due and payable for fiscal years beginning July first eighteen months later.

JUNKER of Woodbury

H—6271

Amend the Senate amendment, H—6130, to the Report of the Second Conference Committee on Senate File 1062, page 6, by inserting after line 43 the following:

"..... Page 20, by striking lines 1 through 21.

..... Page 20, lines 22 and 23, by striking the words ", thirty (30), and thirty-one (31)" and inserting in lieu thereof the words "and thirty (30)"."

EGENES of Story

H—6272

Amend the Senate amendment, H—6130, to the Report of the Second Conference Committee on Senate File 1062, page 6, by striking lines 47 through 50, and page 7, by striking lines 1 through 28 and inserting in lieu thereof the following:

"Sec. 33. TASK FORCE CREATED. There is created a task force composed of twelve members, who are interested and knowledgeable in affairs of local government. All members shall be appointed by the governor to serve at his pleasure. The governor shall appoint two members from each congressional district who shall not be members of the same political party. No member shall hold any other state elected or appointed office. Any vacancy in the membership of the task force shall be filled by appointment in the same manner as the original appointments.

The members of the task force shall receive their actual and necessary expenses to be audited by the state comptroller."

EGENES of Story

H—6273

Amend the Senate amendment, H—6130, to the Report of the Second Conference Committee on Senate File 1062, page 7, by inserting after line 28 the following:

"..... Page 22, by striking lines 3 through 12 and inserting in lieu thereof the following:

"Sec. 36. REPORT OF TASK FORCE. The governor

shall transmit the recommendations of the task force accompanied by proposed legislation necessary to carry out the recommendations to the Sixty-seventh General Assembly no later than September 15, 1977. Copies of the recommendations and of the recommended legislation shall be transmitted to the president of the senate and the speaker of the house of representatives who shall, not later than ten days following the convening of the 1978 Session of the Sixty-seventh General Assembly, assign the proposed legislation to the appropriate standing committee." "

EGENES of Story

H—6275

Amend the Senate amendment H—6130, to the Report of the Second Conference Committee on Senate File 1062 as follows:

1. Page 6, line 48, by striking the word "sixteen" and inserting in lieu thereof the word "twelve".
2. Page 6, line 49, by striking the word "sixteen" and inserting in lieu thereof the word "twelve".
3. Page 7, by striking line 1.
4. Page 7, by striking from line 2, the words "and twelve members".
5. Page 7, line 4, by striking the words "governor. Of" and inserting in lieu thereof "governor, and there shall be, and he shall appoint, an equal number from each political party."
6. Page 7, by striking lines 5 through 15.
7. Page 7, by striking from line 16, the words "of the same political party."
8. Page 7, by striking from line 21, the word "nonlegislative".
9. Page 7, by striking from line 23, the words "Members of the".
10. Page 7, by striking lines 24 through 26.

CRABB of Crawford

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 8:52 p.m. until 9:00 a.m., Wednesday, April 14, 1976.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day—Sixty-second Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, APRIL 14, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Doctor Howard Palmer, pastor of the Ventura United Methodist Church, Methodist Camp, Clear Lake, Iowa.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Beckman, Kalona, Iowa.

CORRECTION OF JOURNAL

The House gave attention to the correction of the Journal of April 13, 1976.

Oakley of Clinton asked and received unanimous consent that the orders of the day be printed in the Journal of April 13, 1976.

Oakley of Clinton objected to the House members' names on page 1918 of the House Journal.

The Speaker ruled that the names were in order.

Oakley of Clinton asked and received unanimous consent that a record of dissent be inserted in the Journal.

Varley of Adair requested that the motion on page 1899 be amended to read as follows: "Fitzgerald of Webster moved to suspend the rules for the consideration of the second conference committee report as amended and adopted by the Senate to Senate File 1062."

Objection was raised by Fitzgerald of Webster.

Fitzgerald of Webster moved that the Journal of Tuesday, April 13, 1976, as corrected, be approved.

A non-record roll call was requested.

The ayes were 54, nays 35.

The motion prevailed.

EXPLANATION OF VOTE

April 14, 1976

The undersigned members of the minority caucus voted "no" on approval of the House Journal of Tuesday, April 13, 1976, as corrected, for the following reasons:

1. The Report of the Second Conference Committee on Senate File 1062 (House Journal pages 1901-1918) is not a true and accurate recording of what the House had under consideration as it incorporates House amendment H—6130 (House Journal page 1560) directly into the text of the Report with no depositive action being indicated in the Journal.

2. The signatures of the majority party members appearing on the Report of the Second Conference Committee on Senate File 1062 as recorded in the House Journal of April 13, 1976 (House Journal page 1918), are not in order as the conference committee was never reconvened for the purpose of adopting, as an amendment to the Report, the Senate amendment to the Report.

3. All attempts to correct references to the Second Conference Committee Report to Senate File 1062, which was under consideration by the House on April 13, 1976, as being an amended conference committee report and not the same Second Conference Committee Report previously considered and adopted by the House (House Journal page 1282), were rejected.

4. In spite of the suspension of Chapter 72, Section 769, paragraph 2 of Mason's Manual of Legislative Procedure (House Journal page 1899) relative to non-amendability of conference committee reports, the Speaker ruled out of order amendments filed by the Republican caucus to amendment H—6130, whether the latter was a part of the Report or not.

5. There being no other method to express our general objections to procedures employed in the consideration of the Report of the Second Conference Committee on Senate File 1062 (House Journal pages 1901-1918), we state, for the record, that the minority party was prevented from consideration of and votes on its alternative property tax proposals by parliamentary methods.

If that denial had been rendered by established rules of the House for the purpose of facilitating legislative business, we could accept that decision. However, to make a shambles of our rules, without any plausible parliamentary basis, is to establish a dangerous precedent and exact from this body as a price, the destruction of the concept of the minority serving as the loyal opposition.

Respectfully submitted,
MILLEN of Van Buren
KREAMER of Polk
STROMER of Hancock
CRAWFORD of Story
TAUKE of Dubuque
CRABB of Crawford
GENTLEMAN of Polk
LAGESCHULTE of Bremer

DANKER of Pottawattamie
DAGGETT of Adams
LINDEEN of Henry
VARLEY of Adair
OAKLEY of Clinton
WULFF of Black Hawk
BITTLE of Polk
HARVEY of Scott
HANSEN of O'Brien
BENNETT of Ida
BROCKETT of Marshall
EVANS of Grundy
HALVORSON of Clayton
READINGER of Polk
TOFTE of Winneshiek
DEN HERDER of Sioux
NEALSON of Muscatine
CLARK of Lee
DRAKE of Muscatine
BRANSTAD of Winnebago
EGENES of Story
LIPSKY of Linn
MENKE of O'Brien
SCHROEDER of Pottawattamie
WELDEN of Hardin
BORTELL of Madison
PELLETT of Cass
JUNKER of Woodbury
WEST of Marshall
McELROY of Fremont

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Twenty twelfth grade students from Stanton High School, Stanton, Iowa, accompanied by Don Hicks. By Daggett of Adams.

Twenty-nine senior students from East Monona Junior-Senior High School, Moorhead, Iowa, accompanied by Rex Wesack. By Crabb of Crawford.

Forty fifth grade students from West Marshall Community School, State Center, Iowa, accompanied by Mrs. Speers and Mrs. Quick. By West of Marshall.

Fifty-five sixth grade students from Greenfield Elementary School, Greenfield, Iowa, accompanied by Mrs. Pickrell and Mrs. Killen. By Bortell of Madison.

Forty government class students from Danville Junior-Senior

High School, Danville, Iowa, accompanied by Bob Heffelfinger. By Spear of Lee.

Thirty-five senior students from Armstrong High School, Armstrong, Iowa, accompanied by Ken Fisher and Don Klink. By Branstad of Winnebago.

Thirty senior government class students from Walnut High School, Walnut, Iowa, accompanied by Allen DeGraaf. By Danker of Pottawattamie.

Twenty-two students from Ogden High School, Ogden, Iowa, accompanied by Phil Stone. By Lonergan of Boone.

Thirty-five eighth grade students from Cardinal Stritch High School, Keokuk, Iowa, accompanied by Nila Jobe. By Clark of Lee.

A class of sixteen students from Graceland College, Lamoni, Iowa. By Hullinger of Decatur.

Twenty-nine members of the Wesley Methodist Church Confirmation Class, Sioux City, Iowa, accompanied by Reverend Tanaka. By Junker of Woodbury.

Thirty-seven students from Marshalltown Community School of Nursing, Marshalltown, Iowa, accompanied by Barb Douglas. By Husak of Tama.

HOUSE CONCURRENT RESOLUTION 129

By Brandt, Middleton, Brunow, Norland, Bina, Danker, and Miller of Buchanan

Whereas, rising property values result in increasing property tax payments which are particularly burdensome to low-income and elderly persons with fixed incomes; and

Whereas, the General Assembly has provided some property tax relief to elderly persons maintaining their own residences; and

Whereas, the General Assembly has not provided similar relief to low-income and elderly persons residing in public or private nonprofit housing projects; and

Whereas, low-income and elderly persons residing in public or private nonprofit housing projects pay property tax indirectly through rent; and

Whereas, property tax assessment procedures are not uniformly applied throughout the state to reflect the plight of low-income and elderly persons residing in public or private nonprofit

housing projects; *Now, Therefore,*
Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is urged to appoint a bipartisan study committee composed of members of both houses or to authorize a bipartisan joint subcommittee of the standing committees on ways and means to study the property tax plight of low-income and elderly persons residing in public or private nonprofit housing projects; to consider alternatives, including the creation of credits, partial exemptions, full exemptions, payments to local governments in lieu of taxes, and uniform assessment procedures; and to report its findings and recommendations to the legislative council and to the Sixty-seventh General Assembly meeting in 1977.

Laid over under Rule 25.

SPECIAL RECOGNITION

Daggett of Adams rose on a point of personal privilege to announce that Nancy Gray, the Speaker's Page from Bedford, Iowa, has won an REC Youth to Washington Contest. The contest consisted of an essay, speech and interview and Nancy has been awarded a trip to Washington, D. C. in June.

The House rose and congratulated Nancy for this honor.

POINT OF PERSONAL PRIVILEGE

Perkins of Greene rose on a point of personal privilege and extended his thanks and gratitude to the House for House Resolution 114 and their expressions of sympathy in the loss of his father, noting that a memorial had been donated to the cancer research fund.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hutchins of Guthrie for the morning session on request of Perkins of Greene.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 1556, 1557, 1558, 1408 and 1484, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 12, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1139, a bill for an act providing discharged and paroled inmates with clothing, money and transportation.

Also: That the Senate has on April 13, 1976, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 1192, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy.

Also: That the Senate has on April 12, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1263, a bill for an act relating to fees which certain municipal corporations charge milk plants and receiving stations.

STEVEN C. CROSS, Secretary

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

The Speaker announced that with the adoption of amendment H—6085, the following amendments to page 225A are out of order:

H—5037 filed by Spear of Lee on January 22, 1976, and found on page 106 of the House Journal.

H—5564 filed by Bennett of Ida on March 5, 1976, and found on page 986 of the House Journal.

H—5705 filed by Bennett of Ida on March 10, 1976, and found on page 1086 of the House Journal.

Gentleman of Polk offered the following amendment H—5936 filed by the subcommittee on the criminal code revision:

H—5936

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 225B, by striking lines 38 and 39.

Kreamer of Polk asked for unanimous consent to amend Senate File 85, page 225B, by striking the word "may" in lines 38 and 39 and inserting the word "shall".

Objection was raised.

Kreamer of Polk moved that the rules be suspended to amend Senate File 85, page 225B.

A non-record roll call was requested.

The ayes were 29, nays 43.

The motion lost.

Gentleman of Polk moved the adoption of amendment H—5936.

Roll call was requested by Kreamer of Polk and Branstad of Winnebago.

Rule 70 was invoked.

On the question "Shall amendment H—5936 be adopted?"

The ayes were, 46:

Avenson	Fitzgerald	Koogler	Patchett
Baker	Gentleman	Krause	Pavich
Bina	Gilloon	Lipsky	Poncy
Binneboese	Griffee	Mennenga	Readinger
Brandt	Hargrave	Middleswart	Rinas
Byerly	Hennessey	Miller, A. V.	Scheelhaase
Caffrey	Higgins	Monroe	Small
Clark	Hines	Newhard	Spradling
Cusack	Hinkhouse	Norland	Tauke
Dieleman	Horn	Oakley	Walter
Doyle	Jesse	O'Halloran	Mr. Speaker
Dunton	Jochum		

The nays were, 44:

Anderson	Den Herder	Junker	Schroeder
Bennett	Drake	Kreamer	Spencer
Bortell	Dyrland	Lageschulte	Stromer
Branstad	Egenes	Lindeen	Svoboda
Brockett	Evans	McElroy	Tofte
Brunow	Hansen	Menke	Varley
Connors	Harper	Millen	Welden
Crabb	Harvey	Miller, K. D.	West
Crawford	Howell	Miller, O. L.	Woods
Daggett	Husak	Nealson	Wulff
Danker	Jordan	Pellett	Wyckoff

Absent or not voting, 10:

Bittle	Hutchins	Nielsen	Spear
Halvorson	Lonergan	Perkins	Wells
Hullinger	Middleton		

Amendment H—5936 was adopted.

Oakley of Clinton offered the following amendment H—5165 filed by Spear of Lee:

H—5165

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 227A, by striking lines 5 through 9 and inserting in lieu thereof the following:

"Sec. 608. *NEW SECTION.* When an inmate is discharged, paroled, or placed on work release residing away from the institution, the warden or superintendent shall furnish the inmate, at state expense, transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan, appropriate clothing, and money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.

2. Upon being placed on work release residing away from the institution, fifty dollars.

3. Upon being discharged or paroled from an educational work release residing away from the institution, fifty dollars.

Those inmates receiving payment under subsections two (2) or three (3) of this section shall not be eligible for payment under subsection one (1) of this section unless they are returned to the institution. The warden or superintendent shall maintain an account of all funds expended pursuant to this section."

2. Page 421, line 32, by inserting after the figure "(223.3)," the words "two hundred forty-five point fourteen (245.14),".

3. Page 421, line 34, by inserting after the figure "(246.23)," the words "two hundred forty-six point forty-four (246.44),".

Small of Johnson in the chair at 10:27 a.m.

Oakley of Clinton asked and received unanimous consent to offer the following amendment H—6255, to amendment H—5165, filed by Spear of Lee from the floor and moved its adoption:

H—6255

Amend the Spear amendment H—5165 to page 227A of Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. By striking lines 5 through 18 and inserting in lieu thereof the following:

"Sec. 608. *NEW SECTION.* When an inmate is discharged, paroled, or placed on work release, the warden or superintendent shall furnish the inmate, at state expense, appropriate clothing and transportation to the place in this state indicated in

the inmate's discharge, parole, or work release plan. When an inmate is discharged, paroled, or placed on work release, the warden or superintendent shall provide the inmate, at state expense, money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.

2. Upon being placed on work release, fifty dollars.

3. Upon going from an educational work release to parole or discharge, fifty dollars."

Amendment H—6255 was adopted.

Oakley of Clinton moved the adoption of amendment H—5165, as amended.

Amendment H—5165, as amended, was adopted.

With the adoption of amendment H—5165, as amended, the following amendment was out of order:

H—5576 filed by Welden of Hardin on March 5, 1976, and found on page 988 of the House Journal.

Gentleman of Polk offered the following amendment H—5937 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5937

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 227A, by striking lines 18 through 23.

Roll call was requested by Branstad of Winnebago and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—5937 be adopted?"

The ayes were, 48:

Anderson	Gentleman	Koogler	Pavich
Avenson	Gilloon	Lipsky	Poncy
Bina	Griffee	Lonergan	Readinger
Binneboese	Hargrave	Middleton	Rinas
Brandt	Hennessey	Miller, A. V.	Scheelhaase
Byerly	Higgins	Monroe	Spradling
Cochran	Hines	Newhard	Tauke
Crawford	Hinkhouse	Nielsen	Varley
Cusack	Horn	Norland	Walter
Doyle	Jesse	Oakley	Wells
Dunton	Jochum	O'Halloran	Mr. Speaker (Small)
Egenes	Jordan	Patchett	
Fitzgerald			

The nays were, 46:

Baker	Dieleman	Kreamer	Pellett
Bennett	Dyrland	Lageschulte	Perkins
Bortell	Evans	Lindeen	Spencer
Branstad	Halvorson	McElroy	Stromer
Brockett	Hansen	Menke	Svoboda
Brunow	Harper	Mennenga	Tofte
Clark	Harvey	Middleswart	Welden
Connors	Howell	Millen	West
Crabb	Hullinger	Miller, K. D.	Woods
Daggett	Husak	Miller, O. L.	Wulff
Danker	Junker	Nealson	Wyckoff
Den Herder	Krause		

Absent or not voting, 6:

Bittle	Drake	Schroeder	Spear
Caffrey	Hutchins		

Amendment H—5937 was adopted.

With the adoption of amendment H—5937, the following amendment was out of order:

H—6077 (to page 227A) filed by Kreamer of Polk on March 31, 1976, and found on page 1516 of the House Journal.

Gentleman of Polk offered the following amendment H—5378 filed by Spear of Lee and moved its adoption:

H—5378

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 228, lines 19 and 20, by striking the words "AND RESTORATION OF CIVIL RIGHTS".

2. Page 228, lines 30 through 32, by striking the words ", and shall have the effect of restoring the right to vote and hold public office, and the certification of discharge shall so state".

3. Page 422, line 20, by striking the words "two hundred forty-eight point three (248.3),".

Amendment H—5378 was adopted.

Junker of Woodbury offered the following amendment H—6053 filed by him and Wyckoff of Benton:

H—6053

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 230, by inserting after line 3 the following new subparagraph:

"..... The offense is a felony other than a class D felony."

Kreamer of Polk asked for unanimous consent to amend amendment H—6053, by adding the words "C or" after the word "class" in line 6.

Objection was raised.

Kreamer of Polk moved that amendment H—6053 be amended by inserting in line 6 after the word "class" the words "C or".

A non-record roll call was requested.

The ayes were 32, nays 57.

The motion lost.

Junker of Woodbury moved the adoption of amendment H—6053.

Roll call was requested by Junker of Woodbury and Kreamer of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—6053 be adopted?"

The ayes were, 30 :

Bennett	Dyrland	Lindeen	Pellett
Bortell	Evans	McElroy	Spencer
Branstad	Halvorson	Menke	Tofte
Brockett	Hansen	Mennenga	Welden
Crabb	Harper	Millen	West
Daggett	Junker	Miller, K. D.	Woods
Danker	Kreamer	Newhard	Wyckoff
Den Herder	Lageschulte		

The nays were, 60:

Anderson	Dunton	Jesse	Poncy
Avenson	Fitzgerald	Jochum	Readinger
Baker	Gentleman	Jordan	Rinas
Bina	Gilloon	Krause	Scheelhaase
Binneboese	Griffee	Lipsky	Schroeder
Brandt	Hargrave	Lonergan	Spradling
Brunow	Harvey	Middleswart	Stromer
Byerly	Hennessey	Miller, A. V.	Svoboda
Clark	Higgins	Miller, O. L.	Tauke
Cochran	Hines	Monroe	Varley
Connors	Hinkhouse	Nielsen	Walter
Crawford	Horn	O'Halloran	Wells
Cusack	Howell	Patchett	Wulff
Dieleman	Hullinger	Pavich	Mr. Speaker
Doyle	Husak	Perkins	(Small)
Drake			

Absent or not voting, 10:

Bittle	Hutchins	Nealson	Oakley
Caffrey	Koogler	Norland	Spear
Egenes	Middleton		

Amendment H—6053 lost.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Small of Johnson in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed fifty-seven members present, forty-three absent.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

Koogler of Mahaska offered the following House Memorial Resolution 106 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 106

Whereas, The Honorable Carroll L. Brown of Mahaska County, who was a member of the Fifty-second, Fifty-second Extra, Fifty-third, Fifty-fourth and Fifty-fifth sessions of the General Assembly, passed away on April 12, 1976; *Now, Therefore,*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Koogler of Mahaska, Dunton of Keokuk and Dieleman of Marion.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Gentleman of Polk asked and received unanimous consent to suspend the rules for the consideration of the following amendment filed by her from the floor and moved its adoption:

H—6256

Amend Senate File 85 as follows:

1. Page 230, line 5, by striking the word

and figure "seven (907)" and inserting in lieu thereof the word and figure "eight (908)".

Amendment H—6256 was adopted.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—6078 (to page 230) filed by him on March 31, 1976, and found on pages 1516 and 1517 of the House Journal.

Branstad of Winnebago offered the following amendment H—6088 filed by him and moved its adoption:

H—6088

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 230, line 15, by striking the word "two" and inserting in lieu thereof the word "one".

Roll call was requested by Branstad of Winnebago and Nealson of Muscatine.

On the question "Shall amendment H—6088 be adopted?"

The ayes were, 38:

Avenson	Dieleman	Lageschulte	Scheelhaase
Bennett	Dunton	Lindeen	Spencer
Bittle	Dyrland	Menke	Stromer
Bortell	Halvorson	Mennenga	Tofte
Branstad	Hansen	Middleswart	Welden
Brockett	Harper	Millen	West
Crabb	Husak	Miller, O. L.	Woods
Daggett	Junker	Nealson	Wulff
Danker	Koogler	Pellett	Wyckoff
Den Herder	Kreamer		

The nays were, 50:

Anderson	Fitzgerald	Jesse	Perkins
Baker	Gentleman	Jochum	Poncy
Bina	Gilloon	Jordan	Readinger
Binneboese	Griffee	Krause	Rinas
Brandt	Hargrave	Lipsky	Schroeder
Brunow	Harvey	Lonergan	Spradling
Byerly	Hennessey	Miller, A. V.	Svoboda
Caffrey	Higgins	Newhard	Tauke
Clark	Hines	Nielsen	Walter
Crawford	Hinkhouse	Oakley	Wells
Cusack	Horn	O'Halloran	Mr. Speaker (Small)
Doyle	Howell	Patchett	
Drake	Hullinger	Pavich	

Absent or not voting, 12:

Cochran	Evans	Middleton	Norland
Connors	Hutchins	Miller, K. D.	Spear
Egenes	McElroy	Monroe	Varley

Amendment H—6088 lost.

Branstad of Winnebago offered the following amendment H—6089 filed by him and moved its adoption:

H—6089

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 230, line 19, by striking the word "within".

2. Page 230, by striking lines 20 and 21.

3. Page 230, line 22, by striking the word "offense".

Roll call was requested by Branstad of Winnebago and Kreamer of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—6089 be adopted?"

The ayes were, 42:

Avenson	Drake	Kreamer	Pellett
Bennett	Dunton	Lageschulte	Perkins
Bittle	Dyrland	Lindeen	Spencer
Bortell	Evans	Menke	Stromer
Branstad	Halvorson	Mennenga	Tofte
Clark	Hansen	Middleswart	Welden
Crabb	Harper	Millen	West
Daggett	Harvey	Miller, K. D.	Woods
Danker	Husak	Miller, O. L.	Wulff
Den Herder	Hutchins	Nealson	Wyckoff
Dieleman	Junker		

The nays were, 44:

Anderson	Gentleman	Jordan	Poncy
Baker	Gilloon	Koogler	Readinger
Bina	Griffee	Krause	Rinas
Binneboese	Hargrave	Lipsky	Scheelhaase
Brandt	Hennessey	Lonergan	Spradling
Brunow	Hines	Miller, A. V.	Svoboda
Byerly	Hinkhouse	Newhard	Tauke
Caffrey	Horn	Oakley	Walter
Crawford	Hullinger	O'Halloran	Wells
Doyle	Jesse	Patchett	Mr. Speaker
Egenes	Jochum	Pavich	(Small)
Fitzgerald			

Absent or not voting, 14:

Brockett	Higgins	Monroe	Schroeder
Cochran	Howell	Nielsen	Spear
Connors	McElroy	Norland	Varley
Cusack	Middleton		

Amendment H—6089 lost.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—6039 filed by him on March 30, 1976, and found on page 1489 of the House Journal.

Gentleman of Polk offered the following amendment H—5948 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5948

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 237, by striking lines 26 through 35.

Amendment H—5948 was adopted.

Branstad of Winnebago offered the following amendment H—6040 filed by him and moved its adoption:

H—6040

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:
1. Page 237, by inserting after line 35 the following:
"Sec. ..... *NEW SECTION.* JAIL SENTENCE DISCRETIONARY. Notwithstanding the other sections in this division, if a person is granted a deferred judgment, suspended sentence or probation, the court may, in its discretion, commit such person to the county jail for a period not to exceed thirty days."
2. Renumber the bill sections accordingly.

A non-record roll call was requested.

The ayes were 24, nays 47.

Amendment H—6040 lost.

Wyckoff of Benton offered the following amendment H—5578 filed by him and moved its adoption:

H—5578

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:
1. Page 238A, line 4, by inserting after the word "officer" the words "or any peace officer".

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 43, nays 49.

Amendment H—5578 lost.

Speaker Cochran in the chair at 3:48 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Polk for the remainder of the day on request of Byerly of Polk; Lipsky of Linn for the remainder of the day and April 15 on request of Clark of Lee.

Gentleman of Polk offered the following amendment H—5953 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5953

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 238A, line 4, by striking the words "reasonable grounds" and inserting in lieu thereof the words "probable cause".

Amendment H—5953 was adopted.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—6091 (to page 238A), filed by him on April 1, 1976, and found on page 1546 of the House Journal.

The House resumed consideration of amendment H—5985 filed by Kreamer of Polk as follows:

H—5985

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 166A, by striking line 1 and inserting in lieu thereof the word "appeal".

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5985.

Kreamer of Polk offered the following amendment H—6060 filed by him and moved its adoption:

H—6060

Amend Senate File 85 as follows:

1. Page 166A, by striking line 1 and inserting in lieu thereof the word "appeal".

2. Page 238A, lines 17 through 19, by striking the words ", shall be advised of his right to appointed counsel under rule twenty-six (26) of the rules of criminal procedure,".

Roll call was requested by Kreamer of Polk and Tauke of Dubuque.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Branstad of Winnebago refrained from voting.

On the question "Shall amendment H—6060 be adopted?"

The ayes were, 37:

Bennett	Evans	Junker	Pellett
Bittle	Griffee	Krause	Spencer
Bortell	Halvorson	Kreamer	Stromer
Crabb	Hansen	Lageschulte	Tofte
Daggett	Harper	Lindeen	Varley
Danker	Harvey	Menke	Welden
Dieleman	Hullinger	Middleswart	West
Drake	Husak	Miller, K. D.	Woods
Dunton	Jordan	Nealson	Wyckoff
Egenes			

The nays were, 49:

Anderson	Doyle	Jesse	Perkins
Avenson	Dyrland	Jochum	Poncy
Baker	Gentleman	Lonergan	Readinger
Bina	Gilloon	Mennenga	Rinas
Binneboese	Hargrave	Miller, A. V.	Scheelhaase
Brandt	Hennessey	Miller, O. L.	Spradling
Brunow	Higgins	Monroe	Svoboda
Byerly	Hines	Newhard	Tauke
Caffrey	Hinkhouse	Oakley	Walter
Clark	Horn	O'Halloran	Wells
Connors	Howell	Patchett	Wulff
Crawford	Hutchins	Pavich	Mr. Speaker
Cusack			

Absent or not voting, 14:

Branstad	Koogler	Millen	Schroeder
Brockett	Lipsky	Nielsen	Small
Den Herder	McElroy	Norland	Spear
Fitzgerald	Middleton		

Amendment H—6060 lost.

Kreamer of Polk offered the following amendment H—6076 filed by him:

H—6076

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 238A, by striking lines 12 through 28.

Gentleman of Polk rose on a point of order that amendment H—6076 was not in order.

The Speaker ruled the point not well taken and amendment H—6076 in order.

Kreamer of Polk moved the adoption of amendment H—6076.

Roll call was requested by Kreamer of Polk and Nealson of Muscatine.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6076 be adopted?"

The ayes were, 36:

Bennett	Evans	Lindeen	Spencer
Bittle	Griffee	Menke	Stromer
Bortell	Halvorson	Middleswart	Tofte
Branstad	Hansen	Millen	Varley
Crabb	Harvey	Miller, O. L.	Welden
Daggett	Hullinger	Nealson	West
Danker	Junker	Pellett	Woods
Dieleman	Kreamer	Poncy	Wulff
Dunton	Lageschulte	Schroeder	Wyckoff

The nays were, 51:

Anderson	Fitzgerald	Jesse	Patchett
Avenson	Gentleman	Jochum	Pavich
Baker	Gilloon	Jordan	Perkins
Bina	Hargrave	Koogler	Readinger
Binneboese	Harper	Krause	Rinas
Brandt	Hennessey	Lonergan	Scheelhaase
Brunow	Higgins	Mennenga	Small
Caffrey	Hines	Miller, A. V.	Spradling
Connors	Hinkhouse	Miller, K. D.	Svoboda
Crawford	Horn	Monroe	Walter
Cusack	Howell	Newhard	Wells
Doyle	Husak	Oakley	Mr. Speaker
Dyrland	Hutchins	O'Halloran	

Absent or not voting, 13:

Brockett	Drake	McElroy	Norland
Byerly	Egenes	Middleton	Spear
Clark	Lipsky	Nielsen	Tauke
Den Herder			

Amendment H—6076 lost.

Kreamer of Polk asked and received unanimous consent to withdraw the following amendments filed by him:

H—6075 filed on March 31, 1976, and found on page 1515 of the House Journal.

H—6074 filed on March 31, 1976, and found on page 1515 of the House Journal.

Branstad of Winnebago offered the following amendment H—6090 filed by him and moved its adoption:

H—6090

Amend Senate File 85, as amended, passed, and reprinted by the Senate, page 240, by striking lines 8 and 9 and inserting in lieu thereof the following: "shall notify in writing the alleged violator, his attorney of record, if any, and the department of social services of such hearing and the claimed violation of parole. The alleged violator".

Amendment H—6090 was adopted.

Kreamer of Polk offered amendment H—6073 filed by him and requested division as follows:

H—6073

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

H—6073A

1. Page 241, line 15, by striking the words "reasonable grounds" and inserting in lieu thereof the words "probable cause".

H—6073B

2. Page 241, line 25, by striking the words "initial appearance and".

3. Page 241, line 27, by striking the word "initial".

4. Page 241, line 28, by striking the word "appearance,".

5. Page 241, line 28, by striking the word "hearing," and inserting in lieu thereof the word "hearing".

On motion by Kreamer of Polk, amendment H—6073A was adopted.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—6073B.

Jesse of Polk asked and received unanimous consent to defer action on amendments H—5866 and H—6014 filed by Lipsky of Linn to page 243.

(Senate File 85 pending at adjournment and placed under unfinished business.)

MOTION TO RECONSIDER

(Amendment H—6266 to Senate File 85)

I move to reconsider the vote by which amendment H—6266, to amendment H—6080B (which lost), to amendment H—5658 (which lost), to page 225A of Senate File 85, was adopted by the House on April 13, 1976.

OAKLEY of Clinton

EXPLANATION OF VOTE

I was in attendance in the House chamber the total day of April 13, 1976, leaving at 5:00 p.m. to fulfill a long standing obligation of a meeting of the Ottumwa Low Rent Housing Commission, on which I serve as a Commissioner.

When I left the chamber, I left with the Speaker of the House my written request to be recorded as voting "aye" on Senate File 1062. Representative Laverne Schroeder objected to my vote being so recorded.

Had I been present, I would have voted "aye" on the Conference Committee Report and final passage on Senate File 1062.

PONCY of Wapello

AMENDMENTS FILED

H—6286

Amend House File 1371 as follows:

1. Page 2, by inserting after line 22 the following:

"NEW SUBSECTION. Develop a program in each congressional district of the state to annually recognize unique and innovative energy conservation projects in the following categories:

a. Individual;

b. Group;

c. Agricultural;

d. Government;

e. Industrial, including public utilities; and

f. Commercial."

HOWELL of Floyd

H—6293

Amend House File 1438 as follows:

1. Page 7, by inserting after line 17 the following:

"Sec. 23. Notwithstanding the provisions of section five hundred four A point four (504A.4) of the Code, the corporation shall expire on June 30, 1979. This Act is repealed effective June 30, 1979. The second session of the Sixty-seventh General Assembly meeting in the year 1978 shall review the activities and performance of the corporation and shall not later than July 1, 1978 make a determination concerning the status and duties of the corporation."

CUSACK of Scott

H—6294

Amend House File 1450 as follows:

1. Page 3, by inserting after line 3 the following:

"Sec. 8. This Act is repealed effective June 30, 1979. The second session of the Sixty-seventh General Assembly meeting in the year 1978 shall review the activities and performance of the commission and shall not later than July 1, 1978 make a determination concerning the status and duties of the commission."

CUSACK of Scott

H—6288

Amend amendment H—6239 to House File 1480 as follows:

Page 16, line 8, by inserting after the word "crossing", the word "surface".

KRAUSE of Palo Alto

H—6285

Amend amendment H—6173 to House File 1482, page 5, by inserting after line 5 the following:

"Sec. ..... Section ninety-three point seven (93.7), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Develop a program in each congressional district of the state to annually recognize unique and innovative energy conservation projects in the following categories:

a. Individual;
b. Group;
c. Agricultural;
d. Government;
e. Industrial, including public utilities; and
f. Commercial."

HOWELL of Floyd

H—6292

Amend H—6173 to House File 1482 as follows:

1. Page 3, line 18, by striking the word "and" and by striking lines 19, 20, 21 and 22 and inserting in lieu thereof a period.

PERKINS of Greene

H—6297

Amend House File 1502 as follows:

Page 2, by striking line 7.

DIELEMAN of Marion

H—6296

Amend House File 1522 as follows:

1. Page 4, by striking lines 17 through 22 and inserting in lieu thereof the following: "as it deems desirable."

2. Page 4, by inserting after line 17 the following:

"Sec. 10. This Act is repealed effective June 30, 1979. The second session of the Sixty-seventh General Assembly meeting in the year 1978 shall review the activities and performance of the state council and district councils and shall not later than July 1, 1978 make a determination concerning the status and duties of the councils."

CUSACK of Scott

H—6291

Amend House File 1558 as follows:

1. Page 3, by inserting after line 30 the following:

"Sec. ..... Chapter one hundred eleven (111), Code 1975, is amended by adding the following new section:

NEW SECTION. USER FEES FOR PARKS AND PRESERVES. The commission may by rule establish user fees for patrons of state parks and preserves. Persons who

are sixty-five years of age or older or who are receiving public assistance pursuant to chapters two hundred thirty-nine (239), two hundred thirty-nine A (239A) or two hundred forty-nine A (249A) of the Code shall be exempt from the payment of user fees established pursuant to this section."

2. Amend the title, line 1, by striking the words "appropriating funds for" and inserting in lieu thereof the words "relating to the financing of".

3. Amend the title, line 4, by inserting after the word "commission" the words "and making appropriations".

MILLER of Buchanan
TOFTE of Winneshiek

H—6295

Amend House File 1538 as follows:

1. Page 11, line 31, by striking the word "longitudinally".

2. Page 11, line 32, by striking the words "highways or at other than an approximate" and inserting in lieu thereof the word "highway".

3. Page 11, line 33, by striking the words "right angle to this railroad track or public highways".

4. Page 11, line 34, by striking the words "highway commission" and inserting in lieu thereof the words "state department of transportation".

SMALL of Johnson

H—6284

Amend Senate File 205, as amended, passed and reprinted by the Senate as follows:

1. Page 2, lines 19 and 20 by striking the words "persistent or substantial neglect of duty" and inserting in lieu thereof the words "inattention to duty".

2. Page 7, by striking from lines 4 and 5 the words "persistent or substantial neglect of duty" and insert in lieu thereof the words "or inattention to duty".

LIPSKY of Linn

H—6290

Amend the education committee amendment, H—5285, to Senate File 205 as passed and reprinted by the Senate as follows:

1. Page 4, line 34, by striking the words "seven days" and inserting in lieu thereof the words "ten school days or fourteen calendar days, whichever is shorter,".

EVANS of Grundy

H—6298

Amend Senate File 205, as amended, passed

and reprinted by the Senate, as follows:

1. Page 5, by striking lines 20 and 21 and inserting in lieu thereof the following: "of available arbitrators who shall have knowledge of the educational systems of the state. The public employment relations board shall maintain a separate list for the specific purpose of administering this section. The school board".

EGENES of Story

H—6287

Amend the Evans amendment H—6168 to page 1 of Senate File 1207 as passed by the Senate and reprinted as follows:

1. Line 4, by striking the figure "17" and inserting in lieu thereof the figure "14".

EVANS of Grundy

H—6299

Amend Senate File 1207 as follows:

1. Page 1, by inserting after line 28 the following lettered paragraph:

"..... The construction of all sewer systems and the review of the necessary plans and specifications pertaining to such construction in each governmental subdivision of the state."

2. Page 2, by inserting after line 18 the following unnumbered paragraph:

"The rules adopted which directly pertain to the construction of sewer systems and the review of plans and specifications for such construction shall be known as the Iowa Standards for Sewage Systems and shall be applicable in each governmental subdivision of the state notwithstanding section nine (9) of this Act."

3. Page 2, by inserting after line 34 the following subsection:

"..... "Disposal system" means a system for disposing of sewage, industrial waste, and other wastes and includes sewer systems, treatment works, and dispersal systems."

4. Page 3, line 6, by inserting after the word "buildings" the words "and sewers".

5. Page 3, line 14, by inserting after the word "buildings" the words "and sewers".

6. Page 3, by inserting after line 34 the following subsections:

"..... "Sewer System" means pipelines or conduits, pumping stations, force mains, and all other construction, devices, and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to the point of ultimate disposal.

..... "Sewer Extensions" means pipelines or conduits constituting lateral sewers or trunk sewers or interceptor sewers of a size smaller than a twenty-

four inch diameter used for conducting sewage or industrial waste or other wastes to a larger interceptor sewer and eventually to a point of ultimate disposal.

..... "Treatment Works" means any plant, disposal field, lagoon, holding or flow-regulating basin, pumping station, or other works installed for the purpose of treating, stabilizing, or disposing of sewage, industrial waste, or other wastes."

7. Page 7, by inserting after line 33 the following subsection:

"..... The council shall formulate and adopt specific and detailed statewide standards for review of plans and specifications and the construction of waste water

Page 2

disposal systems and parts and extensions of such systems not later than October 1, 1977. The standards shall be based on criteria contained in the "Recommended Standards for Sewage Works" (Ten States Standards) as adopted by the Great Lakes-Upper Mississippi River board of state sanitary engineers, design manuals published by the council, applicable federal guidelines and standards, standard textbooks, current technical literature, and applicable safety standards."

8. Page 8, line 2, by inserting after the number "(413)" the words "and four hundred fifty-five B (455B)".

9. Page 8, line 4, by inserting after the word "notice" the words "in accordance with chapter seventeen A (17A) of the Code".

10. Page 8, by inserting after line 18 the following lettered paragraph:

"..... Conduct random inspections of work done by local enforcement agencies and local public works departments to ensure such local agencies are complying with this Act. If a county or city agency is not complying with this section in reviewing plans and specifications or in granting permits or both, the department shall perform these functions in that jurisdiction until the local agency is able to perform them."

11. Page 12, by inserting after line 13 the following subsection:

"..... Beginning as soon as the council has formulated and adopted sewer standards pursuant to section eight (8) of this Act, plans and specifications for sewer extensions shall be submitted to the city or county public works department for approval if the local public works department has a registered engineer who reviews the plans and specifications using the specific statewide standards contained in the Iowa standards for sewage systems. The local agency shall issue a written permit to construct if

the submitted plans and specifications meet these standards. However, no permit shall be required for any new disposal system or extension or addition to any existing disposal system that receives only domestic or sanitary sewage from a building or house occupied by fifteen persons or less.

If it is necessary or desirable to make material changes in such plans or specifications, revised plans or specifications together with reasons for the proposed changes must be submitted to the city or county public works department for a supplemental

Page 3

written permit. City and county public works departments that meet the requirements of this section must notify the council of this fact and of the fact that they will be reviewing plans and specifications for sewer extensions and will be issuing permits for construction.

Local public works departments which are reviewing plans and specifications and issuing permits must submit semiannual reports to the executive director of the department of environmental quality relating to such matters as capacity of the local treatment plant due to any new sewer extensions or changes in the sewer system.

In governmental subdivisions which do not meet the requirements of this section, enforcement of the Iowa standards for sewage systems shall be provided by the council. The council shall submit semiannual reports to the executive director of the department of environmental quality relating to such matters as the capacity of local treatment works."

12. Page 17, by inserting after line 30 the following new sections:

"Sec. ..... Section four hundred fifty-five B point thirty (455B.30), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Sewer Extensions" means pipelines or conduits constituting lateral sewers or trunk sewers or interceptor sewers of a size smaller than a twenty-four inch diameter used for conducting sewage or industrial waste or other wastes to a larger interceptor sewer and eventually to a point of ultimate disposal.

Sec. ..... Section four hundred fifty-five B point thirty-three (455B.33), subsection two (2), Code 1975, is amended to read as follows:

2. Approve or disapprove of plans and specifications for disposal systems or any part thereof *except those sewer extensions that comply with the Iowa standards for sewer systems and are subject to review and approval by applicable local agencies or the Iowa building code council.*

Sec. ..... Section four hundred fifty-five B point

forty-five (455B.45), subsection one (1), Code 1975, is amended to read as follows:

1. The construction, installation, or modification of any disposal system or part thereof or any extension or addition thereto *except those sewer extensions that comply with the Iowa standards for sewer systems and are subject to review and approval by applicable local agencies or the Iowa building code council.*

Page 4

Sec. ..... Section four hundred fifty-five B point sixty-six (455B.66), Code 1975, is amended to read as follows:

455B.66 INSPECTION OF PLANTS. The executive director shall inspect the public water supplies, sewer systems *except sewer extensions the plans and specifications for which were reviewed by a local public works department as provided in this Act,* and sewage treatment plants, and direct the method of installation and operation of the same."

13. By renumbering sections, subsections, paragraphs, and internal references necessary to comply with this amendment.

HARVEY of Scott

H—6289

Amend Senate File 1210, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 33 the following section:

"Sec. ..... Chapter twenty-eight E (28E), Code 1975, is amended by adding the following new section:

NEW SECTION. DURATION OF AGREEMENTS FOR LAW ENFORCEMENT PURPOSES. An agreement under this chapter to provide joint or cooperative services or facilities for law enforcement purposes shall not be executed for less than a three-year period."

2. Amend the title, line 1, by striking the words "funds available for".

3. Amend the title, line 1, by inserting after the word "enforcement" a comma.

4. Amend the title, line 2, by striking the words "purposes, including" and inserting in lieu thereof the words "including the duration of agreements,".

5. By renumbering sections as necessary.

MILLER of Buchanan

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:18 p.m. until 10:00 a.m., Thursday, April 15, 1976.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day—Sixty-third Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, APRIL 15, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend H. LaVern Kinzel, pastor of the Capitol Hill Christian Church, Des Moines, Iowa.

The Journal of Wednesday, April 14, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall on request of West of Marshall; Kreamer of Polk on request of Welden of Hardin.

PRESENTATION OF VISITORS

Krause of Palo Alto presented to the House the Honorable John P. Kibbie, former member of the House during the Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies and former member of the Senate during the Sixty-first and Sixty-second General Assemblies, representing Emmet, Palo Alto and Pocahontas Counties.

Lageschulte of Bremer presented to the House Miss Elizabeth Kolsto, an AFS student from Norway, attending Waverly-Shell Rock High School, Waverly, Iowa. She is a guest of Mr. and Mrs. John Hartleman.

Millen of Van Buren presented to the House Mr. and Mrs. Mostafa Emami Nejad and their two children from Tehran, Iran. Mr. Nejad is a civil engineer and oil and paint manufacturer.

The Speaker announced the following visitors were present in the House chamber:

Eighty sixth grade students from Newburg Elementary School, Grinnell, Iowa, accompanied by Mrs. Erskine, Mrs. Thilsa, Mrs. Teideman and Mr. Nyswander. By Husak of Tama.

Twenty-five senior students from Galva High School, Galva, Iowa, accompanied by Ron Kock. By Bennett of Ida.

Thirty eighth grade students from Oskaloosa Christian School, Oskaloosa, Iowa, accompanied by Calvin Stam and Del Vanden Berg. By Dieleman of Marion and Koogler of Mahaska.

Fifty-nine eighth grade students from Pella Christian Elementary School, Pella, Iowa, accompanied by Elroy Vander Lay and Dale Slings. By Dieleman of Marion.

Forty-four sixth grade students from Villisca Attendance Center at Nodaway, Iowa, accompanied by Mrs. E. E. Simpson. By Daggett of Adams.

One hundred fourteen fourth, fifth and sixth grade students from Westridge Elementary School, Waterloo, Iowa, accompanied by Betty Olsen, Carolyn Koon, Harold Asmus and Kevin Kelly. By Brandt of Black Hawk and O'Halloran of Black Hawk.

Eighty-two sixth grade students from Newburg Elementary School, Grinnell, Iowa, accompanied by Phyllis Meredith, Dorothy Meredith, Doug Cameron and Larry Rosenou. By Husak of Tama.

PETITIONS FILED

The following petitions were received and placed on file:

By Brandt of Black Hawk from twenty-one constituents favoring House File 1111, relating to an appropriation to the Iowa Veterans Home.

By Howell of Floyd from twenty constituents favoring House File 1111, relating to funding for the Iowa Veterans Home at Marshalltown.

By Crabb of Crawford from thirteen citizens of Monona County in support of the amendment exempting all rural homes and buildings from the Housing Code bill Senate File 1207.

INTRODUCTION OF BILL

House File 1559, by committee on ways and means, a bill for an act relating to the amount of indebtedness which may be contracted for by a school corporation without a petition for an election.

Read first time and **placed on the ways and means calendar.**

SENATE MESSAGES CONSIDERED

Senate File 1132, a bill for an act relating to the computation of benefit increases for certain persons retired under the Iowa public employees' retirement system.

Read first time and **passed on file.**

Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department.

Read first time and referred to committee on **appropriations.**

Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund.

Read first time and **passed on file.**

Senate File 1287, a bill for an act relating to ancient remains and subjecting violators to a penalty.

Read first time and **passed on file.**

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 352

To the Speaker of the House of Representatives and President of the Senate:

We, the undersigned members of the conference committee appointed to consider the differences between the House of Representatives and the Senate on House File 352, a bill for an Act relating to dissolution of marriage, respectfully submit the following report:

1. That the Senate recede from its amendment, H—4312, to House File 352, as amended, passed, and reprinted by the House.

2. That House File 352, as amended, passed, and reprinted by the House, be amended as follows:

1. Page 2, by striking lines 8 through 20 and inserting in lieu thereof the following:

"Upon the application of the petitioner in the petition or by the respondent in the responsive pleading thereto or, within twenty days of appointment, of an attorney appointed under section five hundred ninety-eight point twelve (598.12) of the Code, the court shall require the parties to participate in conciliation efforts for a period of sixty days from the issuance of an order setting forth the conciliation procedure and the conciliator.

At any time upon its own motion or upon the application of a party the court may require the parties to participate

in conciliation efforts for sixty days or less following the issuance of such an order."

2. Page 5, by striking lines 1 and 2 and inserting in lieu thereof the following:

"Sec. 11. Sections five hundred ninety-eight point ten (598.10), five hundred ninety-eight point twenty-seven (598.27), and five hundred ninety-eight point thirty-three (598.33), Code 1975, are repealed."

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
DONALD V. DOYLE, Chair	MINNETTE F. DODERER, Chair
DIANE BRANDT	PHILIP B. HILL
SCOTT D. NEWHARD	C. JOSEPH COLEMAN
BRICE C. OAKLEY	ELIZABETH SHAW
HORACE DAGGETT	CHARLES P. MILLER

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 14, 1976, concurred in the House amendment to the Senate amendment to and passed the following bill in which the concurrence of the Senate was asked:

House File 1011, a bill for an act amending the election laws of the State of Iowa.

Also: That the Senate has on April 13, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 488, a bill for an act relating to the political affiliation of persons serving on boards, commissions and councils.

Also: That the Senate has on April 13, 1976, refused to concur in lines 3 and 4 of the House amendment, concurred in lines 5, 6, 7, and 8 of the House amendment, amended and concurred in as amended lines 9 through 27 of the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 488

H—6310

Amend the House amendment S—5480, as passed by the House, to Senate File 488, as amended and passed by the Senate as follows:

1. Page 1, by inserting after line 2 the following:

"1. Page 1, line 3, by inserting after the word

"state" the words "established by the Code".

2. Page 1, line 6, by inserting after the word "council" the words "established by the Code".

3. Page 1, line 11, by inserting after the word "council" the words "established by the Code" ".

. 2. Page 1, line 3, by striking the figure "1" and inserting in lieu thereof the figure "4".

3. Page 1, line 6, by striking the figure "2" and inserting in lieu thereof the figure "5".

4. Page 1, by inserting after line 20 the following:

"Sec. ..... Section one hundred seventy-three point four (173.4), Code 1975, is amended to read as follows:

173.4 VOTING POWER. On all questions arising for determination by the convention, each member present shall be entitled to but one vote, and no proxies shall be recognized by the convention. *However, a member who is also a board director at large or a board congressional director shall not be entitled to vote for a successor to each of the three directors at large or a successor to each congressional director on the board.*"

5. Page 1, by inserting after line 37 the following:

"Sec. ..... Section six hundred five point twenty-six (605.26), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

605.26 COMMISSION ON JUDICIAL QUALIFICATIONS. A "Commission on Judicial Qualifications" is hereby created consisting of one district court judge and two members who are practicing attorneys in Iowa licensed under the provisions of chapter 610 *and are not of the same political affiliation,* appointed by the chief justice of the supreme court, and four electors of the state who are not attorneys, no more than two of whom shall belong to the same political party, to be appointed by the governor and subject to confirmation by a vote of two-thirds of the membership of the senate. The commission members shall serve for six-year terms, shall be ineligible for a second term, shall hold no other office of and shall not be employed by the United States or the state of Iowa or of its political subdivisions, except for the judicial member. The first commission members shall take office January 1, 1974. Initially, two

Page 2

members shall serve for two years, two for four years, and three for six years, as shall be determined by lot among the first commission members. Vacancies shall be filled by appointment by the chief justice or governor as the case may be, for the unexpired portion of the term of the previous commission member."

6. Page 1, line 38, by striking the figure "3" and inserting in lieu thereof the figure "6".

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1067

H—6309

Amend the House amendment S—5472 to Senate File 1067 as amended and passed by the Senate as follows:

1. Line 20, by inserting after the word "Establishing" the word "advisory".

2. Line 21, by striking the words "which must" and inserting in lieu thereof the word "to".

3. Line 22, by striking the word "followed" and inserting in lieu thereof the word "considered".

4. Line 23, by striking the words "in complying with" and inserting in lieu thereof the words "which elect to proceed under".

REFERRED TO COMMITTEE ON WAYS AND MEANS
(Senate File 356)

The Speaker announced that **Senate File 356,** previously passed on file, was referred to the committee on **ways and means.**

SENATE AMENDMENTS CONSIDERED

Baker of Buena Vista called up for consideration **House File 1277,** a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, and amendment H—6095 received from the Senate on April 1, 1976, and found on pages 1528 through 1532 of the House Journal.

Hutchins of Guthrie offered the following amendment H—6096, to the Senate amendment H—6095, filed by him and moved its adoption:

H—6096

Amend Senate amendment H—6095 to House File 1277 as follows:

1. Page 3, line 5 by inserting after the numerals "1975," the following: "as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ten (10), section four (4),".

Amendment H—6096 was adopted.

Baker of Buena Vista moved that the House concur in the Senate amendment H—6095, as amended.

The motion lost and the House refused to concur in the Senate amendment H—6095, as amended.

Higgins of Scott called up for consideration **House File 1162,** a bill for an act to provide that children may not be prosecuted

as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committed to the state training school for boys or the state training school for girls, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6131

Amend House File 1162, as passed by the House, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred ninety-nine point eleven (299.11), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The truancy officer shall promptly institute criminal proceedings against any person violating any of the provisions of [the truancy law] *sections two hundred ninety-nine point one (299.1) through two hundred ninety-nine point five (299.5) of the Code.*

Sec. 2. Section two hundred ninety-nine point thirteen (299.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

299.13. If the child is placed in a school other than a public school and does not maintain proper conduct, the board may cause the child's removal to an appropriate school or class. If a child placed in a public school fails to attend or to maintain proper conduct, the board may place that child in an appropriate school or class."

The motion prevailed and the House concurred in the Senate amendment H—6131.

Higgins of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1162)

The ayes were, 92:

Anderson	Brunow	Dieleman	Griffee
Avenson	Byerly	Doyle	Halvorson
Baker	Caffrey	Drake	Hansen
Bennett	Clark	Dunton	Hargrave
Bina	Connors	Dyrland	Harper
Binneboese	Crabb	Egenes	Harvey
Bittle	Crawford	Evans	Hennessey
Bortell	Cusack	Fitzgerald	Higgins
Brandt	Danker	Gentleman	Hines
Branstad	Den Herder	Gilloon	Hinkhouse

Horn	Lonergan	Nielsen	Spencer
Howell	McElroy	Norland	Spradling
Hullinger	Menke	Oakley	Stromer
Husak	Mennenga	O'Halloran	Svoboda
Hutchins	Middleswart	Patchett	Tofte
Jesse	Middleton	Pavich	Varley
Jochum	Millen	Pellett	Walter
Jordan	Miller, A. V.	Perkins	Welden
Junker	Miller, K. D.	Poncy	Wells
Koogler	Miller, O. L.	Rinas	West
Krause	Monroe	Scheelhaase	Woods
Lageschulte	Nealson	Schroeder	Wyckoff
Lindeen	Newhard	Small	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brockett	Kreamer	Readinger	Tauke
Daggett	Lipsky	Spear	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Patchett of Johnson called up for consideration **House File 200,** a bill for an act relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6242

Amend House File 200 as amended, passed and reprinted by the House as follows:

1. Page 2, line 7, by striking the words "a substantial" and inserting in lieu thereof the words "an actual".

2. Page 4, line 8, by inserting after the word "dispensed" the words ", unless the substitution is one required by subsection one (1), unnumbered paragraph two (2), of this section".

3. Page 4, by inserting after line 10 the following:

"3. If substitution of a generically equivalent drug product for the designated brand or trade name drug product prescribed is made under this section, the pharmacist making the substitution shall note that fact and the name of the manufacturer of the selected drug on the prescription presented by the patient or the patient's representative, or the substitution shall be reduced to writing by the pharmacist pursuant to section one hundred fifty-five point thirty-three (155.33), subsection two (2) of the Code.".

4. Page 4, line 27 by inserting after the words "manufacturer[,] *and*" the words *"if different, the name*

and place".

2. Page 5, line 13 by inserting before the words "the name" the words "if different,".

5. Page 5, by striking lines 23 through 31.

The motion prevailed and the House concurred in the Senate amendment H—6242.

Patchett of Johnson moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 200)

The ayes were, 89:

Anderson	Egenes	Junker	Pavich
Avenson	Fitzgerald	Koogler	Pellett
Baker	Gentleman	Krause	Perkins
Bennett	Gilloon	Lageschulte	Poncy
Bina	Griffee	Lindeen	Readinger
Binneboese	Halvorson	Lonergan	Rinas
Bortell	Hansen	McElroy	Scheelhaase
Brandt	Hargrave	Menke	Schroeder
Branstad	Harper	Mennenga	Small
Brunow	Harvey	Middleswart	Spencer
Byerly	Hennessey	Middleton	Spradling
Clark	Higgins	Millen	Stromer
Connors	Hines	Miller, A. V.	Svoboda
Crabb	Hinkhouse	Miller, K. D.	Tofte
Crawford	Horn	Miller, O. L.	Varley
Cusack	Howell	Monroe	Walter
Danker	Hullinger	Newhard	Welden
Den Herder	Husak	Nielsen	Wells
Dieleman	Hutchins	Norland	West
Doyle	Jesse	Oakley	Woods
Drake	Jochum	O'Halloran	Wyckoff
Dunton	Jordan	Patchett	Mr. Speaker
Dyrland			

The nays were, 3:

Bittle	Nealson	Wulff

Absent or not voting, 8:

Brockett	Daggett	Kreamer	Spear
Caffrey	Evans	Lipsky	Tauke

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Middleton of Black Hawk called up for consideration **House File 614**, a bill for an act relating to termination of parental rights and adoption and providing penalties, and Senate amendment H—6243 received from the Senate on April 9, 1976, and found on pages 1822 through 1845 of the House Journal.

The motion lost and the House refused to concur in the Senate amendment H—6243.

Gilloon of Dubuque called up for consideration **House File 91,** a bill for an act relating to fees for posting business signs on specific information panels and advertising permits, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6270

Amend House File 91 as amended, passed, and reprinted by the House, page 1, by striking lines 17 through 22 and inserting in lieu thereof the word *"posting."*

The motion prevailed and the House concurred in the Senate amendment H—6270.

Gilloon of Dubuque moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 91)

The ayes were, 64:

Baker	Evans	Jochum	Pavich
Bennett	Gentleman	Jordan	Poncy
Binneboese	Gilloon	Koogler	Readinger
Bittle	Griffee	Krause	Rinas
Brandt	Halvorson	Lageschulte	Scheelhaase
Brunow	Hansen	Lonergan	Schroeder
Byerly	Hargrave	Mennenga	Spencer
Caffrey	Harper	Middleswart	Spradling
Clark	Hennessey	Middleton	Svoboda
Cusack	Higgins	Miller, A. V.	Tofte
Danker	Hines	Miller, O. L.	Varley
Dieleman	Hinkhouse	Monroe	Welden
Doyle	Horn	Newhard	Wells
Drake	Howell	Norland	West
Dunton	Hullinger	Oakley	Wyckoff
Dyrland	Hutchins	Patchett	Mr. Speaker

The nays were, 25:

Anderson	Harvey	Millen	Perkins
Avenson	Husak	Miller, K. D.	Small
Bina	Jesse	Nealson	Stromer
Bortell	Junker	Nielsen	Walter
Branstad	McElroy	O'Halloran	Woods
Crawford	Menke	Pellett	Wulff
Egenes			

Absent or not voting, 11:

Brockett	Daggett	Kreamer	Spear
Connors	Den Herder	Lindeen	Tauke
Crabb	Fitzgerald	Lipsky	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Rinas of Linn called up for consideration **House File 1403**, a bill for an act relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6268

Amend House File 1403 as follows:
1. Page 2, line 2, by striking the words *"by check"*.

The motion prevailed and the House concurred in the Senate amendment H—6268.

Rinas of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Bittle of Polk refrained from voting.

On the question "Shall the bill pass?" (H.F. 1403)

The ayes were, 87:

Anderson	Evans	Koogler	Perkins
Avenson	Gentleman	Krause	Poncy
Baker	Gilloon	Lageschulte	Readinger
Bennett	Griffee	Lindeen	Rinas
Bina	Halvorson	Lonergan	Scheelhaase
Binneboese	Hansen	McElroy	Schroeder
Bortell	Hargrave	Menke	Small
Brandt	Harper	Mennenga	Spencer
Branstad	Harvey	Middleswart	Spradling
Byerly	Hennessey	Middleton	Stromer
Caffrey	Higgins	Millen	Svoboda
Clark	Hines	Miller, A. V.	Tofte
Crawford	Hinkhouse	Miller, K. D.	Varley
Cusack	Horn	Miller, O. L.	Walter
Danker	Howell	Nealson	Welden
Den Herder	Hullinger	Newhard	Wells
Dieleman	Husak	Nielsen	West
Doyle	Hutchins	Norland	Woods
Drake	Jesse	Oakley	Wulff
Dunton	Jochum	O'Halloran	Wyckoff
Dyrland	Jordan	Patchett	Mr. Speaker
Egenes	Junker	Pavich	

The nays were, none.

Absent or not voting, 13:

Bittle	Crabb	Kreamer	Pellett
Brockett	Daggett	Lipsky	Spear
Brunow	Fitzgerald	Monroe	Tauke
Connors			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Patchett of Johnson called up for consideration **House File 1436**, a bill for an act relating to the state psychopathic hospital, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6267

Amend House File 1436 as passed by the House as follows:

1. Page 9, line 30, by striking the words "[medical director of the]" and inserting in lieu thereof the words "medical director of the".

2. Page 9, line 33, by striking the words "[director] *hospital*" and inserting in thereof the word "director".

3. Page 9, line 35 by striking the words "[by the director]" and inserting in lieu thereof the words "by the director".

4. Page 10, lines 11 and 12, by striking the words and numerals "two hundred twenty-five point four (225.4),".

The motion lost and the House refused to concur in the Senate amendment H—6267.

Small of Johnson called up for consideration **House File 1492**, a bill for an act relating to liability insurance for hospitals, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6269

Amend House File 1492, as passed by the House, as follows:

1. Page 1, by inserting after line 14 the following new section:

"Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Daily Gate City, a newspaper published in Keokuk, Iowa, and in the Cherokee Daily Times, a newspaper published in Cherokee, Iowa."

The motion prevailed and the House concurred in the Senate amendment H—6269.

Small of Johnson moved that the bill, as amended by the Sen-

ate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1492)

The ayes were, 86:

Anderson	Evans	Lageschulte	Pellett
Avenson	Gentleman	Lindeen	Perkins
Baker	Gilloon	Lonergan	Poncy
Bennett	Griffee	McElroy	Readinger
Bina	Halvorson	Menke	Rinas
Binneboese	Hansen	Mennenga	Scheelhaase
Bittle	Hargrave	Middleswart	Small
Bortell	Harper	Middleton	Spencer
Branstad	Harvey	Millen	Spradling
Brunow	Hennessey	Miller, A. V.	Stromer
Byerly	Higgins	Miller, K. D.	Svoboda
Caffrey	Hines	Miller, O. L.	Tofte
Clark	Hinkhouse	Monroe	Varley
Crawford	Horn	Nealson	Walter
Cusack	Hullinger	Newhard	Welden
Danker	Husak	Nielsen	Wells
Dieleman	Hutchins	Norland	West
Doyle	Jesse	Oakley	Woods
Drake	Jochum	O'Halloran	Wulff
Dunton	Jordan	Patchett	Wyckoff
Dyrland	Junker	Pavich	Mr. Speaker
Egenes	Koogler		

The nays were, none.

Absent or not voting, 14:

Brandt	Daggett	Krause	Schroeder
Brockett	Den Herder	Kreamer	Spear
Connors	Fitzgerald	Lipsky	Tauke
Crabb	Howell		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RECEDES AND CONCURS
(House File 292)

Higgins of Scott called up for consideration **House File 292**, a bill for an act to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities, and Senate amendments H—5316A and H—5316B, which the House refused to concur in, and the Senate insisted.

Higgins of Scott moved that the House recede from its position and concur in the Senate amendments H—5316A and H—5316B as follows: Page 2, lines 30, 31 and 32; page 3, lines 24 and 25; page 4, lines 40, 41, 42 and 43; and page 5, lines 5, 6, 7 and 8.

The motion prevailed and the House receded from its position and concurred in the Senate amendments H—5316A and H—5316B.

Higgins of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 292)

The ayes were, 88:

Anderson	Dyrland	Junker	Patchett
Avenson	Egenes	Koogler	Pavich
Baker	Evans	Krause	Pellett
Bennett	Gentleman	Lageschulte	Perkins
Bina	Gilloon	Lindeen	Poncy
Binneboese	Griffee	Lonergan	Rinas
Bittle	Halvorson	McElroy	Scheelhaase
Bortell	Hansen	Menke	Schroeder
Brandt	Hargrave	Mennenga	Small
Branstad	Harper	Middleswart	Spencer
Brunow	Harvey	Middleton	Spradling
Caffrey	Hennessey	Millen	Stromer
Clark	Higgins	Miller, A. V.	Svoboda
Crawford	Hines	Miller, K. D.	Tofte
Cusack	Hinkhouse	Miller, O. L.	Varley
Daggett	Horn	Monroe	Walter
Danker	Howell	Nealson	Wells
Den Herder	Husak	Newhard	West
Dieleman	Hutchins	Nielsen	Woods
Doyle	Jesse	Norland	Wulff
Drake	Jochum	Oakley	Wyckoff
Dunton	Jordan	O'Halloran	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Brockett	Crabb	Kreamer	Spear
Byerly	Fitzgerald	Lipsky	Tauke
Connors	Hullinger	Readinger	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

WAYS AND MEANS CALENDAR

House File 121, a bill for an act relating to the taxation of coin-operated laundries, with report of committee recommending passage, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—6300 filed by him and Harper of Davis from the floor:

H—6300

House File 121 is amended to read as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred twenty-two point forty-three (422.43), unnumbered paragraph nine (9), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, Chapter five (5), section three (3), is amended to read as follows:

The following enumerated services shall be subject to the tax herein imposed on gross taxable services: Alteration and garment repair; armored car; automobile repair; battery, tire and allied; investment counseling (excluding investment services of trust departments); bank service charges; barber and beauty; boat repair; car wash and wax; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dry cleaning, pressing, dyeing, and laundering, *except coin-operated laundries;* electrical repair and installation; engraving, photography, and retouching; equipment rental; excavating and grading; farm implement repair of all kinds; flying service; except agricultural aerial application services and aerial commercial and charter transportation services; furniture, rug, upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; house and building moving; household appliance, television, and radio repair; jewelry and watch repair; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking lots; pipe fitting and plumbing; wood preparation; private employment agencies; printing and binding; sewing and stitching; shoe repair and shoeshine; storage warehouse and storage locker; telephone answering service; test laboratories; termite, bug, roach, and pest eradicators; tin and sheet metal repair; turkish baths, massage, and reducing salons; vulcanizing, recapping, and retreading; warehouse; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl and vegetables; wrecking service; wrecker and towing."

Brandt of Black Hawk offered the following amendment H—6301, to amendment H—6300, filed by her from the floor:

H—6301

Amend amendment H—6300 to House File 121 by inserting after line 43 the following:

"Sec. 2. Section four hundred twenty-two point forty-two (422.42), subsection three (3), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Notwithstanding the foregoing provisions of this subsection, the sale of newsprint and ink [delivered after the effective date of this Act] to any person[, firm or corporation] to be incorporated in or used in the printing of any newspaper, free newspaper or shoppers guide for publication in this state shall be considered as a sale at retail and such person[, firm or corporation] shall be deemed to be the consumer of such newsprint and ink and subject to the payment of sales tax. *The sale of foods exempt from the sales tax under section four hundred twenty-two point forty-five (422.45), subsection twelve (12), of the Code to any person to be sold by vending machines shall be considered as a sale at retail and such person shall be deemed the consumer of such foods and subject to the payment of sales tax.*

Sec. 3. Section four hundred twenty-two point forty-five (422.45), subsection twelve (12), Code 1975, is amended to read as follows:

12. Gross receipts from the sale of all foods for human consumption which are eligible for purchase with food coupons issued by the United States department of agriculture pursuant to regulations in effect on July 1, 1974, regardless of whether the retailer from which the foods are purchased is participating in the food stamp program. However, as used in this subsection, "foods" does not include meals prepared for immediate consumption on or off the premises of the retailer[, and does not include foods sold through vending machines].

Sec. 4. Section four hundred twenty-two point twenty-five (422.25), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred eleven (211), is amended by adding the following new subsection:

NEW SUBSECTION. Gross receipts from the sale of foods exempt from the sales tax under subsection twelve (12) of this section when dispensed by a vending machine."

2. Amend the title by striking the words "taxation of coin-operated laundries" and inserting in lieu thereof the words "retail sales tax".

Schroeder of Pottawattamie rose on a point of order that amendment H—6301 was not germane.

The Speaker ruled the point well taken and amendment H—6301 not germane.

Junker of Woodbury offered the following amendment H—6302, to amendment H—6300, filed by him from the floor:

H—6302

Amend amendment H—6300 to House File 121 as follows:

1. Page 1, by inserting after line 43 the following:

"Sec. ..... Section four hundred twenty-two point forty-five (422.45), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Gross receipts from the sale of admission tickets by any public school district or nonpublic school for any function sanctioned and conducted by the public school district or nonpublic school."

Wyckoff of Benton rose on a point of order that amendment H—6302 was not germane.

The Speaker ruled the point well taken and amendment H—6302 not germane.

Stromer of Hancock moved that the rules governing germaneness be suspended for the consideration of amendment H—6302.

Roll call was requested by Stromer of Hancock and Junker of Woodbury.

On the question "Shall the rules be suspended to consider amendment H—6302?"

The ayes were, 38:

Bennett	Drake	Lindeen	Readinger
Binneboese	Dyrland	Lonergan	Rinas
Bittle	Egenes	McElroy	Schroeder
Brandt	Evans	Miller, K. D.	Spencer
Branstad	Gilloon	Miller, O. L.	Spradling
Crabb	Halvorson	Nealson	Stromer
Crawford	Harvey	Patchett	Tofte
Daggett	Junker	Pavich	Varley
Danker	Krause	Pellett	Wulff
Den Herder	Lageschulte		

The nays were, 49:

Anderson	Hargrave	Jochum	Norland
Avenson	Harper	Jordan	O'Halloran
Baker	Hennessey	Koogler	Perkins
Bina	Higgins	Menke	Poncy
Bortell	Hines	Mennenga	Small
Caffrey	Hinkhouse	Middleswart	Svoboda
Clark	Horn	Middleton	Walter
Connors	Howell	Millen	Welden
Cusack	Hullinger	Miller, A. V.	Wells
Dieleman	Husak	Monroe	Woods
Gentleman	Hutchins	Newhard	Wyckoff
Griffee	Jesse	Nielsen	Mr. Speaker
Hansen			

Absent or not voting, 13:

Brockett	Dunton	Lipsky	Spear
Brunow	Fitzgerald	Oakley	Tauke
Byerly	Kreamer	Scheelhaase	West
Doyle			

The motion lost.

Bennett of Ida offered the following amendment H—6303, to amendment H—6300, filed by him from the floor:

H—6303

Amend amendment H—6300 to House File 121 as follows:

Page 1, line 15, by striking the words "car wash and wax;" and inserting in lieu thereof the words "[car wash and wax;]".

Nielsen of Polk rose on a point of order that amendment H—6303 was not germane.

The Speaker ruled the point well taken and amendment H—6303 not germane.

Bennett of Ida moved that the rules governing germaneness be suspended for the consideration of amendment H—6303.

A non-record roll call was requested.

The ayes were 21, nays 55.

The motion lost.

Schroeder of Pottawattamie moved the adoption of amendment H—6300.

Amendment H—6300 was adopted.

With the adoption of amendment H—6300, the following amendments are out of order:

H—3048 filed by Harper of Davis on February 7, 1975, and found on page 237 of the House Journal.

H—3820 filed by Junker of Woodbury on May 9, 1975, and found on page 1692 of the House Journal.

H—5182 filed by Brandt of Black Hawk on February 11, 1976, and found on pages 358 and 359 of the House Journal.

H—5184 filed by Bennett of Ida and Egenes of Story on February 11, 1976, and found on page 359 of the House Journal.

H—5209 filed by Lipsky of Linn on February 12, 1976, and found on page 382 of the House Journal.

RULE 48 SUSPENDED

Avenson of Fayette asked and received unanimous consent to suspend Rule 48 for Connors of Polk and Drake of Muscatine and

that they be permitted to vote on any votes taken while absent. The votes were so recorded.

Harper of Davis asked and received unanimous consent to withdraw Stephens of Plymouth as a sponsor of House File 121.

Harper of Davis moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

Under the provisions of Rule 71, Hutchins of Guthrie and Jesse of Polk refrained from voting.

On the question "Shall the bill pass?" (H.F. 121)

The ayes were, 73:

Anderson	Doyle	Husak	Pellett
Avenson	Drake	Koogler	Perkins
Baker	Dunton	Krause	Poncy
Bina	Dyrland	Lageschulte	Readinger
Binneboese	Evans	Lindeen	Scheelhaase
Bortell	Gentleman	Lonergan	Schroeder
Branstad	Gilloon	McElroy	Spencer
Brunow	Halvorson	Menke	Stromer
Byerly	Hansen	Middleswart	Svoboda
Caffrey	Harper	Middleton	Tauke
Clark	Harvey	Millen	Tofte
Connors	Hennessey	Miller, A. V.	Walter
Crabb	Higgins	Miller, O. L.	Welden
Crawford	Hines	Newhard	Wells
Cusack	Hinkhouse	Nielsen	West
Daggett	Horn	Oakley	Woods
Danker	Howell	O'Halloran	Wulff
Den Herder	Hullinger	Pavich	Wyckoff
Dieleman			

The nays were, 16:

Bennett	Jordan	Monroe	Small
Brandt	Junker	Norland	Spradling
Egenes	Mennenga	Patchett	Varley
Hargrave	Miller, K. D.	Rinas	Mr. Speaker

Absent or not voting, 11:

Bittle	Griffee	Jochum	Nealson
Brockett	Hutchins	Kreamer	Spear
Fitzgerald	Jesse	Lipsky	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 121)

Harper of Davis moved to reconsider the vote by which House File 121 passed the House on April 15, 1976.

A non-record roll call was requested.

The ayes were 14, nays 52.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brunow of Appanoose for the remainder of the day on request of Menke of O'Brien.

On motion by Avenson of Fayette, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Cusack of Scott in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed fifty-three members present, forty-seven absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie for the remainder of the day on request of Pellett of Cass; Den Herder of Sioux for the remainder of the day on request of Bortell of Madison.

CONSIDERATION OF BILLS

WAYS AND MEANS CALENDAR

House File 909, a bill for an act relating to the platting of land, with the report of committee recommending amendment and passage, was taken up for consideration.

Bittle of Polk offered the following amendment H—5310 filed by the committee on ways and means and moved its adoption:

H—5310

Amend House File 909 as follows:

1. Page 1, line 4, by striking the word "land,"

and inserting in lieu thereof the word "land[,]".

2. Page 1, line 8, by striking the word "*cities*"

and inserting in lieu thereof the words "*a city*".

3. Page 1, line 10, by striking the words "has subdivided, or shall hereafter" and inserting in lieu thereof the words "[has subdivided, or] shall [hereafter]".

4. Page 1, line 11, by striking the words "[three] *two*" and inserting in lieu thereof the word "three".

5. Page 1, line 14, by striking the word "subdivisions" and inserting in lieu thereof the words "[subdivisions] ***subdivision***".

6. Page 1, line 17, by striking the words "a lot or block in said city" and inserting in lieu thereof the words "[a lot or block in said city] *the subdivision*".

7. Page 1, lines 18 and 19, by striking the words "said city, or addition" and inserting in lieu thereof the words "[said city, or addition] *it*".

8. Page 2, line 3, by inserting after the word "*its*" the word "*political*".

9. Page 4, line 10, by striking the words "county surveyor" and inserting in lieu thereof the words "[county surveyor] *registered land surveyor*".

10. Page 4, line 18, by striking the words "or village" and inserting in lieu thereof the words "[or village]".

11. Page 4, line 32, by striking the word "village," and inserting in lieu thereof the word "[village,]".

12. Page 5, line 12, by striking the words and figures "nine (9) through eleven (11)" and inserting in lieu thereof the words and figures "ten (10) through twelve (12)".

13. Page 7, lines 23 and 24, by striking the words "or its approving agent".

14. Page 10, by inserting after line 16 the following new section:

"Sec. ..... *NEW SECTION.* APPLICABILITY. The provisions of this chapter shall not be applicable to parcels of land divided solely by the conveyance of land for right-of-way purposes to the state or any of its political subdivisions or other person having the power of eminent domain."

15. Page 13, line 4, by inserting after the word "its" the word "political".

16. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

Amendment H—5310 was adopted.

Brandt of Black Hawk offered the following amendment H—6008 filed by her and moved its adoption:

H—6008

Amend House File 909 as follows:

1. Page 5, by inserting after line 10 the

following:

"Sec. ..... Section four hundred nine point forty-five (409.45), Code 1975, is amended to read as follows:

409.45 SALE OR LEASE WITHOUT PLAT. Any person who shall dispose of or offer for sale or lease any lots in any city or addition to any city, until the plat thereof has been acknowledged and recorded as provided in this chapter, shall forfeit and pay [fifty] *five hundred* dollars for each lot and part of lot sold or disposed of, leased, or offered for sale."

2. By renumbering remaining sections and correcting internal references in accordance with this amendment.

A non-record roll call was requested.

The ayes were 17, nays 49.

Amendment H—6008 lost.

Bittle of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 909)

The ayes were, 88:

Anderson	Evans	Junker	Perkins
Avenson	Fitzgerald	Koogler	Poncy
Baker	Gentleman	Krause	Readinger
Bennett	Gilloon	Lageschulte	Rinas
Bina	Griffee	Lindeen	Scheelhaase
Binneboese	Halvorson	Lonergan	Schroeder
Bittle	Hansen	McElroy	Small
Bortell	Hargrave	Menke	Spencer
Brandt	Harper	Mennenga	Spradling
Branstad	Harvey	Middleswart	Stromer
Byerly	Hennessey	Millen	Svoboda
Caffrey	Higgins	Miller, A. V.	Tauke
Clark	Hines	Miller, K. D.	Tofte
Cochran	Hinkhouse	Miller, O. L.	Varley
Crabb	Horn	Newhard	Walter
Crawford	Howell	Nielsen	Welden
Daggett	Hullinger	Norland	Wells
Dieleman	Husak	Oakley	West
Doyle	Hutchins	O'Halloran	Wulff
Drake	Jesse	Patchett	Wyckoff
Dunton	Jochum	Pavich	Mr. Speaker (Cusack)
Dyrland	Jordan	Pellett	
Egenes			

The nays were, 1:

Woods

Absent or not voting, 11:

Brockett	Danker	Lipsky	Nealson
Brunow	Den Herder	Middleton	Spear
Connors	Kreamer	Monroe	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1107, a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases, with report of committee recommending passage, was taken up for consideration.

Walter of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1107)

The ayes were, 86:

Anderson	Fitzgerald	Krause	Readinger
Avenson	Gentleman	Lageschulte	Rinas
Baker	Gilloon	Lindeen	Scheelhaase
Bennett	Griffee	Lonergan	Schroeder
Bina	Halvorson	McElroy	Small
Binneboese	Hansen	Menke	Spencer
Bittle	Hargrave	Mennenga	Spradling
Bortell	Harper	Middleswart	Stromer
Brandt	Harvey	Millen	Svoboda
Branstad	Hennessey	Miller, A. V.	Tauke
Caffrey	Higgins	Miller, K. D.	Tofte
Clark	Hines	Miller, O. L.	Varley
Crabb	Hinkhouse	Newhard	Walter
Crawford	Horn	Nielsen	Welden
Daggett	Howell	Norland	Wells
Dieleman	Hullinger	Oakley	West
Doyle	Husak	O'Halloran	Woods
Drake	Hutchins	Patchett	Wulff
Dunton	Jesse	Pavich	Wyckoff
Dyrland	Jochum	Pellett	Mr. Speaker (Cusack)
Egenes	Jordan	Perkins	
Evans	Koogler	Poncy	

The nays were, none.

Absent or not voting, 14:

Brockett	Connors	Kreamer	Monroe
Brunow	Danker	Lipsky	Nealson
Byerly	Den Herder	Middleton	Spear
Cochran	Junker		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer for the remainder of the day on request of Pellett of Cass.

House File 1555, a bill for an act relating to the township tax levy for fire protection purposes, with report of committee recommending amendment and passage, was taken up for consideration.

Hutchins of Guthrie offered the following amendment H—6279 filed by the committee on ways and means:

H—6279

Amend House File 1555, page 1, by inserting after line 21 the following new section:

"Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Adams County Free Press, a newspaper published in Corning, Iowa, and in The Daily Gate City, a newspaper published in Keokuk, Iowa."

Gilloon of Dubuque asked for unanimous consent to temporarily defer action on House File 1555.

Objection was raised.

Hutchins of Guthrie moved the adoption of amendment H—6279.

A non-record roll call was requested.

The ayes were 57, nays 15.

Amendment H—6279 was adopted.

Hutchins of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1555)

The ayes were, 83:

Anderson	Cochran	Gilloon	Husak
Avenson	Connors	Griffee	Hutchins
Baker	Crawford	Halvorson	Jesse
Bennett	Daggett	Hansen	Jochum
Bina	Dieleman	Hargrave	Jordan
Binneboese	Doyle	Harper	Koogler
Bittle	Drake	Harvey	Krause
Bortell	Dunton	Hennessey	Lindeen
Brandt	Dyrland	Higgins	Lonergan
Branstad	Egenes	Hines	McElroy
Byerly	Evans	Hinkhouse	Menke
Caffrey	Fitzgerald	Horn	Mennenga
Clark	Gentleman	Howell	Middleswart

Middleton	O'Halloran	Scheelhaase	Walter
Millen	Patchett	Spencer	Welden
Miller, A. V.	Pavich	Spradling	West
Miller, K. D.	Pellett	Stromer	Woods
Miller, O. L.	Perkins	Svoboda	Wulff
Newhard	Poncy	Tauke	Wyckoff
Norland	Readinger	Tofte	Mr. Speaker (Cusack)
Oakley	Rinas	Varley	

The nays were, 2:

Hullinger	Monroe

Absent or not voting, 15:

Brockett	Den Herder	Lipsky	Small
Brunow	Junker	Nealson	Spear
Crabb	Kreamer	Nielsen	Wells
Danker	Lageschulte	Schroeder	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 1555)

Hutchins of Guthrie moved to reconsider the vote by which House File 1555 passed the House on April 15, 1976.

A non-record roll call was requested.

The ayes were 15, nays 56.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford and Junker of Woodbury for the remainder of the day on request of Wyckoff of Benton.

Speaker Cochran in the chair at 3:20 p.m.

MOTION TO RECONSIDER PENDING
(House File 863 Deferred)

Hargrave of Johnson called up for consideration the motion to reconsider House File 863, filed on February 26, 1976.

Schroeder of Pottawattamie moved that action on House File 863 be deferred until Monday, April 19, 1976, at 10:30 a.m.

Roll call was requested by McElroy of Fremont and Schroeder of Pottawattamie.

On the question "Shall House File 863 be deferred until Monday, April 19, 1976, at 10:30 a.m.?"

The ayes were, 36:

Baker	Egenes	Lindeen	Readinger
Bennett	Evans	McElroy	Schroeder
Bittle	Gentleman	Menke	Stromer
Bortell	Halvorson	Middleton	Tofte
Branstad	Hansen	Millen	Varley
Clark	Harper	Miller, K. D.	Welden
Crawford	Harvey	Miller, O. L.	West
Daggett	Husak	Pellett	Wulff
Dieleman	Koogler	Perkins	Wyckoff

The nays were, 49:

Anderson	Fitzgerald	Jochum	Pavich
Avenson	Gilloon	Jordan	Poncy
Bina	Griffee	Krause	Rinas
Binneboese	Hargrave	Lonergan	Scheelhaase
Brandt	Hennessey	Mennenga	Small
Byerly	Higgins	Middleswart	Spencer
Caffrey	Hines	Miller, A. V.	Svoboda
Connors	Hinkhouse	Monroe	Tauke
Cusack	Horn	Newhard	Walter
Doyle	Howell	Norland	Wells
Drake	Hutchins	O'Halloran	Woods
Dunton	Jesse	Patchett	Mr. Speaker
Dyrland			

Absent or not voting, 15:

Brockett	Den Herder	Lageschulte	Oakley
Brunow	Hullinger	Lipsky	Spear
Crabb	Junker	Nealson	Spradling
Danker	Kreamer	Nielsen	

The motion lost.

Fitzgerald of Webster asked and received unanimous consent that House File 863 be deferred and the House take up for consideration House Files 1408 and 1484.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Griffee of Chickasaw for the remainder of the day on request of Speaker Cochran.

CONSIDERATION OF BILLS

WAYS AND MEANS CALENDAR

House File 1408, a bill for an act relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision, with report of committee recommending amendment and passage, was taken up for consideration.

Dieleman of Marion asked and received unanimous consent to withdraw amendment H—6225 filed by him on April 8, 1976, and found on page 1764 of the House Journal.

Dieleman of Marion offered the following amendment H—6281 filed by the committee on ways and means and moved its adoption:

H—6281

Amend House File 1408, page 1, by inserting after line 19 the following:

"For the purposes of this section "competent evidence" means evidence, in addition to the testimony of the sender, sufficient or adequate to prove that the document was mailed on a specified date which evidence is credible and of such a nature to reasonably support the determination that the letter was mailed on a specified date."

Amendment H—6281 was adopted.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1408)

The ayes were, 86:

Anderson	Evans	Krause	Perkins
Avenson	Fitzgerald	Lindeen	Poncy
Baker	Gentleman	Lonergan	Readinger
Bennett	Gilloon	McElroy	Rinas
Bina	Halvorson	Menke	Scheelhaase
Binneboese	Hansen	Mennenga	Schroeder
Bittle	Hargrave	Middleswart	Small
Bortell	Harper	Middleton	Spencer
Brandt	Harvey	Millen	Spradling
Branstad	Hennessey	Miller, A. V.	Stromer
Byerly	Higgins	Miller, K. D.	Tauke
Caffrey	Hines	Miller, O. L.	Tofte
Clark	Hinkhouse	Monroe	Varley
Connors	Horn	Newhard	Walter
Crawford	Howell	Nielsen	Welden
Cusack	Hullinger	Norland	Wells
Daggett	Husak	Oakley	West
Dieleman	Hutchins	O'Halloran	Woods
Doyle	Jesse	Patchett	Wulff
Drake	Jochum	Pavich	Wyckoff
Dunton	Jordan	Pellett	Mr. Speaker
Dyrland	Koogler		

The nays were, 1:

Egenes

Absent or not voting, 13:

Brockett	Den Herder	Kreamer	Nealson
Brunow	Griffee	Lageschulte	Spear
Crabb	Junker	Lipsky	Svoboda
Danker			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth for the remainder of the day on request of Newhard of Jones; Hines of Story for the remainder of the day on request of Caffrey of Polk.

SENATE FILE 1210 SUBSTITUTED FOR HOUSE FILE 1484

Hutchins of Guthrie asked and received unanimous consent to substitute Senate File 1210 for House File 1484.

Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund, was taken up for consideration.

Miller of Buchanan offered the following amendment H—6289 filed by him and moved its adoption:

H—6289

Amend Senate File 1210, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 33 the following section:

"Sec. ..... Chapter twenty-eight E (28E), Code 1975, is amended by adding the following new section:

NEW SECTION. DURATION OF AGREEMENTS FOR LAW ENFORCEMENT PURPOSES. An agreement under this chapter to provide joint or cooperative services or facilities for law enforcement purposes shall not be executed for less than a three-year period."

2. Amend the title, line 1, by striking the words "funds available for".

3. Amend the title, line 1, by inserting after the word "enforcement" a comma.

4. Amend the title, line 2, by striking the words "purposes, including" and inserting in lieu thereof the words "including the duration of agreements,".

5. By renumbering sections as necessary.

Amendment H—6289 was adopted.

Hutchins of Guthrie offered the following amendment H—6308 filed by him and West of Marshall from the floor:

H—6308

Amend Senate File 1210 as follows:

1. Page 3, by inserting after line 33 the following section:

"Sec. ..... CITY REMOVAL FROM DISTRICT. The city council of a city located in a unified law enforcement district, upon the receipt of a petition signed by at least five percent of the qualified electors residing in the city, shall submit a proposition at any city election for the city to remove itself from the unified law enforcement district. If a majority of the qualified electors voting on the proposition approve the city's removal from the unified law enforcement district, the city shall no longer be a part of the district effective at the beginning of the next succeeding fiscal year."

Hutchins of Guthrie asked and received unanimous consent to withdraw amendment H—6308.

Monroe of Des Moines offered the following amendment H—6315 filed by him from the floor:

H—6315

Amend Senate File 1210, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by striking line 27 and inserting in lieu thereof:

"affirmative vote of qualified electors of the city in the manner".

By unanimous consent the following corrective amendment H—6318, to amendment H—6315, filed by Gilloon of Dubuque from the floor was adopted:

H—6318

Amend amendent H—6315 to Senate File 1210 as follows:

1. Page 1, line 5 by inserting after the word "city" the word "voting".

Monroe of Des Moines moved the adoption of amendment H—6315, as amended.

Amendment H—6315, as amended, was adopted.

Bennett of Ida offered the following amendment H—6316 filed by him from the floor and moved its adoption:

H—6316

Amend Senate File 1210 as follows:

1. Page 3, by striking lines 7 through 13 and inserting in lieu thereof the word "district".

Amendment H—6316 lost.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed sixty-seven members present, thirty-three absent.

Hutchins of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 1210)

The ayes were, 57:

Avenson	Gilloon	Lindeen	Perkins
Baker	Halvorson	Lonergan	Poncy
Bina	Hansen	McElroy	Readinger
Bortell	Harper	Mennenga	Rinas
Brandt	Harvey	Middleswart	Scheelhaase
Branstad	Hennessey	Millen	Small
Byerly	Horn	Miller, A. V.	Spradling
Caffrey	Howell	Miller, K. D.	Stromer
Connors	Hullinger	Miller, O. L.	Svoboda
Daggett	Husak	Monroe	Tauke
Dieleman	Hutchins	Newhard	Varley
Doyle	Jesse	Norland	West
Dyrland	Jochum	O'Halloran	Wyckoff
Fitzgerald	Krause	Pellett	Mr. Speaker
Gentleman			

The nays were, 14:

Bennett	Evans	Pavich	Walter
Clark	Menke	Schroeder	Welden
Crawford	Nielsen	Spencer	Woods
Egenes	Oakley		

Absent or not voting, 29:

Anderson	Den Herder	Hinkhouse	Middleton
Binneboese	Drake	Jordan	Nealson
Bittle	Dunton	Junker	Patchett
Brockett	Griffee	Koogler	Spear
Brunow	Hargrave	Kreamer	Tofte
Crabb	Higgins	Lageschulte	Wells
Cusack	Hines	Lipsky	Wulff
Danker			

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

HOUSE FILE 1484 WITHDRAWN

Hutchins of Guthrie asked and received unanimous consent to withdraw **House File 1484** from further consideration by the House.

MOTIONS TO RECONSIDER

I move to reconsider the vote by which Senate File 1210 passed the House on April 15, 1976.

HUTCHINS of Guthrie

I move to reconsider the vote by which Senate File 1210 passed the House on April 15, 1976.

CONNORS of Polk

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the votes were taken on amendments H—6053, H—6060, and H—6076 to Senate File 85. Had I been present, I would have voted "aye" on H—6053, and "nay" on H—6060 and H—6076.

KOOGLER of Mahaska

I was necessarily absent from the House chamber when the vote was taken on House File 1277. Had I been present I would have voted "aye."

CAFFREY of Polk

Due to my attendance at a funeral, I was absent from the House chamber the afternoon of April 13 when the votes were taken on the following questions: "Shall the motion to challenge the ruling of the Chair be tabled?" and "Shall the rules be suspended to consider the second conference committee report as adopted by the Senate?". Had I been present, I would have voted "aye" on these questions. Had I been present, I would have voted "nay" on the following two questions: "Shall the rules be suspended for the consideration of amendment H—6258?" and "Shall the rules be suspended for the consideration of amendment H—6274?"

DIELEMAN of Marion

I was necessarily absent from the House chamber when the votes were taken on House Files 909 and 1107. Had I been present, I would have voted "aye" on both of these.

MIDDLETON of Black Hawk

UNANIMOUS CONSENT CALENDAR
(House Resolution 117)

We hereby request that House Resolution 117, filed on Tuesday, April 13, 1976, and found on page 1926 of the House Journal, be placed on the unanimous consent calendar.

MILLER of Calhoun
PERKINS of Greene
KRAUSE of Palo Alto

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 132 Ways and means
To exempt private banks from securities registration requirements for deposits and other evidences of indebtedness.

SUBCOMMITTEE ASSIGNMENTS

Senate File 1279
Ways and Means
Wyckoff, Chair
Bittle
Danker

Senate File1291
Ways and Means
Wyckoff, Chair
Bittle
Danker
Hutchins

SUBCOMMITTEE ADDITIONAL ASSIGNMENTS

House File 1442
Ways and Means
Add: Readinger

House File 1519
Ways and Means
Add: Dyrland

House File 1547
Ways and Means
Add: Dyrland

Senate File 1269
Ways and Means
Add: Readinger
Delete: Bittle

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of April, 1976: House Files 114, 1106, 1298, 1363, 1401 and 1457.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 1217, an act appropriating funds to the General Services Department for a central energy plant.

House File 1439, an act relating to birds of prey.

Senate File 1122, an act relating to the employment rights of second deputy sheriffs.

Senate File 1249, an act relating to vehicles used by sheriffs and deputies.

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1190**, a bill for an act relating to the financing and administration of the office of the attorney general and making an appropriation, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass**:

H—6313

Amend Senate File 1190, as passed by the Senate, as follows:

1. Page 2, line 23, by inserting after the word *"If"* the word *"sufficient"*.

2. Page 2, line 24, by inserting after the word *"if"* the word *"sufficient"*.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1252**, a bill for an act making appropriations to the bureau of labor and the Iowa merit employment department, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass**:

H—6314

Amend Senate File 1252, as passed by the Senate, page 1, line 10, by striking the figure "891,637" and inserting in lieu thereof the figure "847,458".

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1275**, a bill for an act appropriating and allocating funds to the state board of regents to supplement funds appropriated for the 1975-1976 fiscal year, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6311

Amend amendment H—6239 to House File 1480 as follows:

1. Page 32, by striking line 8, and inserting in lieu thereof the following: "policy of the state of Iowa and the objective of this chapter to allow citizens to act in the public interest".

2. Page 32, line 9, by striking the words "an area".

3. Page 32, line 10, by inserting after the word "railroad." the following: "The establishment of such a district is in all respects for the benefit

of the people of the state of Iowa for the improvement and promotion of the economy, which is a public purpose."

4. Page 32, line 16, by inserting after the word "years." the following: "All of the purposes stated in this chapter are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned or granted."

5. Page 36, by inserting after line 16 the following new section:

Sec. ..... *NEW SECTION.* If any part or provision of this Act or the application thereof to any person or circumstances is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other parts or provisions or applications of the Act which can be given effect without the invalid or unenforceable parts or provisions or application, and to this end the parts and provisions of this Act are declared to be severable.

KRAUSE of Palo Alto
DRAKE of Muscatine
RINAS of Linn
BRUNOW of Appanoose
TAUKE of Dubuque

H—6312

Amend amendment H—6239 to House File 1480 as follows:

1. Page 15, line 33, by striking the words "[may] *shall*" and inserting in lieu thereof the word "may".

2. Page 16, line 39, by striking the words "railroad surface crossing" and inserting in lieu thereof the words "grade crossing surface".

3. Page 16, line 40, by inserting after the words "to the board" the following: "if prior to disagreement both parties have filed a statement with the department to the effect that they have entered into negotiations on grade crossing surface repair and maintenance of a particular crossing".

KRAUSE of Palo Alto
RINAS of Linn
DRAKE of Muscatine

H—6317

Amend House File 1518 as follows:

1. Page 1, line 7, by striking the word "one" and inserting in lieu thereof the word ", one".

2. Page 1, by striking lines 8 through 11 and inserting in lieu thereof the words "of whom shall be experienced in the practice of criminal law, and the remaining members shall be appointed from".

3. Page 1, line 12, by striking the words "members of".

4. Page 1, line 14, by striking the words "initial appointment" and inserting in lieu thereof the words "initial appointments".

5. Page 1, line 16, by striking the words "the members of" and inserting in lieu thereof the words "two of the members chosen from".

6. Page 1, line 17, by striking the word "Appointments" and inserting in lieu thereof the word "Appointees".

COMMITTEE ON HUMAN RESOURCES
HIGGINS of Scott, Chair

H—6304

Amend the committee on education amendment, H—5285, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 5, by striking the word ", assistant" and inserting in lieu thereof the words "and assistant".

2. Page 1, by striking line 6 and inserting in lieu thereof the word "superintendents" ".

HORN of Linn
PATCHETT of Johnson
DYRLAND of Clayton
BYERLY of Polk
MENNENGA of Clinton
WULFF of Black Hawk
CLARK of Lee
HALVORSON of Clayton
AVENSON of Fayette
JORDAN of Linn
CONNORS of Polk
WALTER of Pottawattamie
WELLS of Linn
BINA of Scott
ANDERSON of Jasper
HARGRAVE of Johnson
NEWHARD of Jones
RINAS of Linn
MONROE of Des Moines
KRAUSE of Palo Alto
PONCY of Wapello

H—6307

Amend Senate File 1111 as follows:

1. Page 1, line 7, by inserting after the word "dentistry," the words "*physical therapist,*".

HENNESSEY of Delaware

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:35 p.m. until 10:00 a.m., Monday, April 19, 1976.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day—Sixty-fourth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, APRIL 19, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by Father Cletus Hawes, pastor of the Visitation Catholic Church, Stacyville, Iowa.

The Journal of Thursday, April 15, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Frank Downs, Resident, Broadlawns Polk County Hospital, Des Moines, Iowa.

The House paused for a moment of silent prayer for Representative Spear.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spear of Lee for an indefinite period on request of Caffrey of Polk; Junker of Woodbury on request of Wyckoff of Benton; Readinger of Polk and Lageschulte of Bremer for the morning session on request of Tauke of Dubuque; Millen of Van Buren for the morning session and Branstad of Winnebago for April 19 and 20 on request of Stromer of Hancock; Middleton of Black Hawk on request of Hargrave of Johnson; Doyle of Woodbury on request of Scheelhaase of Woodbury.

SPECIAL PRESENTATION

Lipsky of Linn presented to the House seventeen-year-old Cynthia Ann Kirby, State Poster Citizen of the Iowa Association for Retarded Citizens.

The daughter of Mr. and Mrs. James Kirby of Fairfield, Cindy is mildly retarded as a result of a metabolic disorder called phenylKetonuria or PKV. The Guthrie Test makes it possible to recognize PKV when a baby is only a few days old and a special diet can eliminate retardation. The Kirbys have been instru-

mental in seeing that the Guthrie Test is now performed on every newborn infant at the Jefferson County Hospital.

Cindy is a student at Hope Haven in Rock Valley, Iowa, where she lives in a private foster home and enjoys her school program of academics, home living, crafts and vocational development. Throughout the year she will be promoting public awareness, interest and support for the needs of eighty-four thousand Iowans who are mentally retarded.

The House rose and welcomed Cynthia.

PRESENTATION OF VISITORS

Hutchins of Guthrie presented to the House Miss Miriam Gratta, an AFS student from Brazil, and Miss Petra Hitschfeld, an AFS student from West Berlin, Germany, both attending Guthrie Center High School, Guthrie Center, Iowa. Miriam is a guest in the Derald Middleton home and Petra is a guest in the Keith Jennings home.

The Speaker announced the following visitors were present in the House chamber:

Ten Cub Scouts from Lincoln School, Ottumwa, Iowa, accompanied by Carol Williams. By Harper of Davis and Poncy of Wapello.

PETITION

The following petition was received and placed on file.

By O'Halloran of Black Hawk from two hundred ninety-three constituents opposing House File 1286, relating to part of the fees raised from hunting, fishing and trapping licenses and state duck stamps being transferred into the state general fund, and Senate File 1161, relating to changes in hunting and fishing seasons.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committee on Senate Files 1190, 1252 and 1275, under Rule 36.

HOUSE CONCURRENT RESOLUTION 130

By Welden, Dunton, Kreamer, Millen, Halvorson, Middleswart, Wyckoff, Husak, McElroy, Jordan Miller of Buchanan, Baker, Crabb, Evans, Bortell, Spradling, Woods, Koogler, Miller of Cerro Gordo, Walter, Bina, Wells, Horn, Daggett, West, Brunow,

Dyrland, Den Herder, Danker, Wulff, Bennett, Branstad, Stromer, Schroeder, Tofte, Pellett and Harper

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, and constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, Article V of the Constitution of the United States provides that amendments to the constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, and we believe such action is vital; *Now Therefore*,

Page 2

Be It Resolved by the House of Representatives, the Senate Concurring, That Congress is urged to adopt a resolution proposing an amendment to the Constitution of the United States to require that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all federal revenues for the previous fiscal year.

Be It Further Resolved, that the Clerk of the House is directed to send copies of this resolution to the presiding officer of both houses of the legislature of each of the other states in the union, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and to all members of Congress from the State of Iowa.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 131

By Svoboda and Daggett

Whereas, a local government task force is created in Senate File 1062, as passed by the Sixty-sixth General Assembly, 1976 Session, for the purpose of studying and recommending solutions to problems in the delivery and financing of local government; and

Whereas, an important aspect of the local government task force study relates to the equitable assessment and equalization of property for taxing purposes; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the local government task force, created under Senate File 1062, is urged to give full consideration during its study of the valuation of taxable property to the concept of basing the assessed value of taxable property on an average of the fair and reasonable exchange value of the property established for the four years preceding the date of assessment; and

Be It Further Resolved, That the local government task force include in its final report to the Sixty-seventh General Assembly pertinent information relating to its consideration of the concept of basing the assessed value of taxable property on an average of the fair and reasonable exchange value of such property and its recommendation on the concept; and

Be It Further Resolved, That the Chief Clerk of the House of Representatives transmit a copy of this resolution to the chairperson of the local government task force upon its convening.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 132

By Koogler, Krause, Middleswart, Brunow, Halvorson, Gilloon, Tauke, Higgins, Hargrave, Schroeder, Poncy, Lindeen, Brockett, Hinkhouse, Hutchins, Perkins, Caffrey, Oakley, O'Halloran, Welden, Hansen, Pellett, Newhard, Rinas, Jordan, Baker, Nielsen of Polk and Scheelhaase

Whereas, section 6049 of the Internal Revenue Code requires every person who makes payments of interest aggregating ten dollars or more to file a return setting forth the aggregate amount of the payments and the name and address of the person to whom paid; and

Whereas, the ten dollar provision has not been adjusted to reflect the inflation occurring in costs of materials and labor, the postal rate increases, and the increase in interest rates; and

Whereas, the present law creates additional administrative problems for persons required to file the form 1099 reports; and

Whereas, the Congress of the United States has not reviewed the provisions of section 6049 of the Internal Revenue Code for several years; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the General Assembly of the State of Iowa recommends that the Congress of the United States amend the present law to increase from ten dollars to twenty-five dollars the amount of payments of interest

which are required to be reported under section 6049 of the Internal Revenue Code; and

Be It Further Resolved, That the Chief Clerk of the House of Representatives be directed to send a copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Iowa congressional delegation.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate respectfully requests that the House of Representatives return to the Senate House File 1011, a bill for an act amending the election laws of the State of Iowa.

Also: That the Senate has on April 14, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1226, a bill for an act relating to loans made by a credit union to its director.

Also: That the Senate has on April 14, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1361, a bill for an act relating to short-term loans of cities.

Also: That the Senate has on April 14, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1495, a bill for an act relating to bedding sanitation in hotels, motels and motor inns.

Also: That the Senate has on April 14, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1509, a bill for an act relating to certification for applicators of restricted use of pesticides.

STEVEN C. CROSS, Secretary

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Lipsky of Linn asked and received unanimous consent to withdraw amendment H—5866 (to page 243) filed by her and

Gilloon of Dubuque on March 18, 1976, and found on pages 1285 through 1292 of the House Journal.

Lipsky of Linn offered the following amendment H—6014 filed by her and Gilloon of Dubuque:

H—6014

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 243, by inserting after line 25 the following:

"DIVISION X

COMPENSATION FOR VICTIMS OF CRIME

Section 1001. *NEW SECTION.* As used in this Act, unless the context otherwise requires:

1. "Board" means the state appeals board as defined in section twenty-three point one (23.1) of the Code.

2. "Claimant" means the person filing a claim pursuant to this Act.

3. "Crime" means an act committed in this state which would, if committed by a mentally competent criminally responsible adult, who has no legal exemption or defense, constitute a crime as defined in and prescribed by the penal law, provided, however, that no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purposes of this Act unless the injuries were intentionally inflicted through the use of a vehicle.

4. "Family", when used with reference to a person, means any person related to such person within the third degree of consanguinity or affinity, any person maintaining a sexual relationship with such person, or any person residing in the same household with such person.

5. "Victim" means a person who suffers personal physical injury as a direct result of a crime.

Sec. 1002. *NEW SECTION.* The attorney general shall appoint a special assistant attorney general who shall serve as the secretary of the board as provided in section twenty-five point four (25.4) of the Code.

Sec. 1003. *NEW SECTION.* The board shall have the following powers and duties:

1. To request from the department of public safety, from county or municipal police departments and agencies and from any other state or municipal department or agency, or public authority, and the same are hereby authorized to provide, such assistance and data as will enable the board to carry out its functions and duties.

2. To direct medical examination of victims.

3. To hold hearings, administer oath or affirmations, examine any person under oath or affirmation and to issue subpoenas requiring the attendance and giving of testimony of witnesses and

require the production of any books, papers, documentary or other evidence. The powers provided

Page 2

in this subsection may be delegated by the board to any member or employee thereof.

4. To take or cause to be taken affidavits or depositions within or without the state.

5. To render each year to the general assembly a written report of its activities and recommendations for awards.

Sec. 1004. *NEW SECTION.*

1. Except as provided in subsection two (2) of this section, the following persons shall be eligible for awards pursuant to this Act:

a. A victim of a crime;

b. A surviving spouse, parent or child of a victim of a crime who died as a direct result of such crime; and

c. Any other person dependent for his principal support upon a victim of a crime who died as a direct result of such crime.

2. A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person or a member of the family of such persons shall not be eligible to receive an award with respect to such claim.

Sec. 1005. *NEW SECTION.*

1. A claim may be filed by a person eligible to receive an award, as provided in section one thousand four (1004) of this Act, or, if such person is a minor, by his parent or guardian.

2. A claim must be filed by the claimant not later than ninety days after the occurrence of the crime upon which such claim is based, or not later than ninety days after the death of the victim, provided, however, that upon good cause shown, the board may extend the time for filing for a period not exceeding one year after such occurrence.

3. Claims shall be filed in the office of the secretary of the board in person or by mail. The secretary of the board shall accept for filing all claims submitted by persons eligible under subsection one (1) of this section and alleging the jurisdictional requirements set forth in this Act and meeting the requirements as to form in the rules of the board.

4. Upon filing of a claim pursuant to this Act, the board shall promptly notify the county attorney of the county wherein the crime is alleged to have occurred. If, within ten days after such notification, such county attorney advises the board that a criminal prosecution is pending upon the same alleged crime and requests that action by the board be deferred, the board shall defer all proceedings under this Act

Page 3

until such time as such criminal prosecution has been concluded and shall so notify such county attorney and the claimant. When such criminal prosecution has been concluded, such county attorney shall promptly so notify the board. Nothing in this section shall limit the authority of the board to grant emergency awards pursuant to this Act.

Sec. 1006. *NEW SECTION.* No award shall be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of one hundred dollars or has lost at least two continuous weeks earnings or support. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based.

Sec. 1007. *NEW SECTION.*

1. The board shall cause an investigation to be conducted into the validity of each claim. Such investigation shall include, but not be limited to, an examination of police, court and official records and reports concerning the crime and an examination of medical and hospital reports relating to the injury upon which such claim is based.

2. Claims shall be investigated and determined, regardless of whether the alleged criminal has been apprehended or prosecuted for or convicted of any crime based upon the same incident, or has been acquitted, or found not guilty of the crime in question owing to criminal irresponsibility or other legal exemption.

3. The board may decide such claim in favor of a claimant in the amount claimed on the basis of the papers filed in support thereof and the report of the investigation of such claim. If the board is unable to decide such claim upon the basis of such papers and such report, he shall order a hearing. At such hearing any relevant evidence, not legally privileged, shall be admissible.

4. After examining the papers filed in support of such claim and the report of investigation, and after a hearing, if any, the board shall make a decision either granting an award or deny the claim.

5. The board shall file with the secretary a written report setting forth such decision and reasons therefor. The secretary shall thereupon notify the claimant and furnish him a copy of such report.

Sec. 1008. *NEW SECTION.* Notwithstanding the provisions of section one thousand seven (1007) of this Act, if it appears to the board prior to taking

Page 4

action upon such claim, that such claim is one with

respect to which an award probably will be made, and undue hardship will result to the claimant if immediate payment is not made, the board may make an emergency award to the claimant pending a final decision in the case, provided, however, that the amount of such emergency award shall not exceed five hundred dollars, the amount of such emergency award shall be deducted from any final award made to the claimant, and the excess of the amount of such emergency award over the amount of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the board.

Sec. 1009. ***NEW SECTION.***

1. No award shall be made unless the board finds that a crime was committed, such crime directly resulted in personal physical injury to, or death of, the victim, and police records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the police records show that such report was made more than forty-eight hours after the occurrence of such crime unless the board, for good cause shown, finds the delay to have been justified.

2. Any award made pursuant to this Act shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based, together with loss of earnings or support resulting from such injury.

3. Any award made for loss of earnings or support shall, unless reduced pursuant to other provisions **of this Act, be in an amount equal to the actual loss** sustained, provided, however, that no such award shall exceed one hundred dollars for each week of lost earnings or support, and provided further that the aggregate award for such loss shall not exceed fifteen thousand dollars. If there are two or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the award shall be apportioned by the board among the claimants.

4. Any award made pursuant to this Act shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury from or on behalf of the person who committed the crime, under insurance programs mandated by law, from public funds, under any contract of insurance wherein the claimant is the insured or beneficiary, or as an emergency award pursuant to section one

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thousand eight (1008) of this Act.

5. In determining the amount of an award, the board shall determine whether, because of his conduct,

the victim of such crime contributed to the infliction of his injury, and the board shall reduce the amount of the award or reject the claim altogether, in accordance with such determination; provided, however, that the board may disregard for this purpose the responsibility of the victim for his own injury where the record shows that such responsibility was attributable to efforts by the victim to prevent a crime or an attempted crime from occurring in his presence or to apprehend a person who had committed a crime in his presence or had in fact committed a felony.

6. If the board finds that the claimant will not suffer serious financial hardship, as a result of the loss of earnings or support and the out-of-pocket expenses incurred as a result of the injury, if not granted financial assistance pursuant to this Act to meet such loss of earnings, support or out-of-pocket expenses, the board or board members shall deny an award. In determining such serious financial hardship, the board shall consider all of the financial resources of the claimant. The board shall establish specific standards by rule for determining such serious financial hardship.

Sec. 1010. *NEW SECTION.* The award shall be paid in a lump sum, except that in the case of death or protracted disability the award may provide for periodic payments to compensate for loss of earnings or support. No award made pursuant to this Act shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis for the claim.

Sec. 1011. *NEW SECTION.* Acceptance of an award made pursuant to this Act shall subrogate the state, to the extent of such award, to any right or right of action accruing to the claimant or the victim to recover payments on account of losses resulting from the crime with respect to which the award is made.

Sec. 1012. *NEW SECTION.* The comptroller shall pay to the claimant from funds appropriated by the general assembly for such purposes any initial emergency award granted by the board or a board member within five days after receipt of notice from the board of the emergency award.

Sec. 1013. *NEW SECTION.* The provisions of chapter twenty-five (25) of the Code shall be applicable unless inconsistent with this division of this Act.

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Sec. 1014. This division of this Act applies only to injuries, including those resulting in death, which are inflicted after the effective date of this Act."

Nielsen of Polk rose on a point of order that amendment H—6014 was not germane.

The Speaker ruled the point well taken and amendment H—6014 not germane.

Lipsky of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H—6014.

Roll call was requested by Nealson of Muscatine and Kreamer of Polk.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6014?"

The ayes were, 32:

Bennett	Drake	Lindeen	Schroeder
Bittle	Gentleman	Lipsky	Stromer
Bortell	Gilloon	McElroy	Tauke
Brockett	Halvorson	Menke	Tofte
Clark	Hansen	Middleswart	Varley
Crawford	Harvey	Miller, K. D.	West
Danker	Krause	Nealson	Wulff
Den Herder	Kreamer	Pellett	Wyckoff

The nays were, 53:

Anderson	Doyle	Husak	Oakley
Avenson	Dunton	Hutchins	Pavich
Baker	Dyrland	Jesse	Perkins
Bina	Fitzgerald	Jochum	Poncy
Binneboese	Hargrave	Jordan	Rinas
Brandt	Harper	Koogler	Scheelhaase
Brunow	Hennessey	Lonergan	Spencer
Byerly	Higgins	Mennenga	Spradling
Caffrey	Hines	Miller, A. V.	Svoboda
Connors	Hinkhouse	Miller, O. L.	Walter
Crabb	Horn	Newhard	Wells
Cusack	Howell	Nielsen	Woods
Daggett	Hullinger	Norland	Mr. Speaker
Dieleman			

Absent or not voting, 15:

Branstad	Junker	Monroe	Small
Egenes	Lageschulte	O'Halloran	Spear
Evans	Middleton	Patchett	Welden
Griffee	Millen	Readinger	

The motion lost.

Krause of Palo Alto offered the following amendment H—5700 filed by him and Monroe of Des Moines and moved its adoption:

H—5700

Amend Senate File 85 as follows:

1. Page 247, by striking lines 22 through 35.

2. Page 248, by striking lines 1 through 18.

3. Page 424, line 13, by inserting after the word "Chapters" the words "thirty-eight (38),".

Amendment H—5700 was adopted.

Oakley of Clinton offered the following amendment H—5374 filed by Spear of Lee:

H—5374

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 251, by striking lines 32 through 35.

2. Page 252, by striking lines 1 through 6 and inserting in lieu thereof the following:

"53.35 [REFUSAL TO RETURN BALLOT] *VIOLATIONS.* Any person who[, having procured an official ballot or ballots, shall willfully neglect or refuse to cast or return the same in the manner provided, or who] shall willfully violate any provision of this chapter, shall, unless otherwise provided, be [fined not to exceed one hundred dollars, or imprisoned in the county jail not to exceed thirty days] *guilty of a simple misdemeanor.* Any person who applies for [a] *an official* ballot and willfully *violates any provision of this chapter* [neglects or refuses to return the same] shall be deemed to have committed an offense in the county to which such ballot was returnable."

Tauke of Dubuque asked for unanimous consent to defer action on amendment H—5374.

Objection was raised.

Oakley of Clinton moved the adoption of amendment H—5374.

A non-record roll call was requested.

The ayes were 23, nays 47.

Amendment H—5374 lost.

Oakley of Clinton offered the following amendment H—5105 filed by Spear of Lee and moved its adoption:

H—5105

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 257, line 35, by striking the word "contri-" and inserting in lieu thereof the word "[contri-]".

2. Page 258, lines 1 through 3, by striking the words "bute to the campaign fund of any political

party, or to the campaign fund of any person who is a candidate for election or appointment to any political office," and inserting in lieu thereof the words "[bute to the campaign fund of any political party, or to the campaign fund of any person who is a candidate for election or appointment to any political office,".

Amendment H—5105 was adopted.

Oakley of Clinton offered the following amendment H—5357 filed by Spear of Lee and moved its adoption:

H—5357

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 268, by striking all of lines 11 through 16.

2. Page 421, line 30, by inserting after the word "Sections" the words "ninety-eight point forty (98.40), ninety-eight point forty-one (98.41),".

Amendment H—5357 was adopted.

Krause of Palo Alto offered the following amendment H—5794 filed by him and moved its adoption:

H—5794

Amend Senate File 85 as follows:

1. Page 288, by striking lines 29 through 35.

2. Page 289, by striking lines 1 and 2.

3. Page 424, line 13, by inserting after the word "Chapters" the words "one hundred twenty-one (121),".

Amendment H—5794 was adopted.

Oakley of Clinton asked and received unanimous consent to defer action on amendment H—5961.

Oakley of Clinton asked and received unanimous consent to withdraw amendment H—5373 (to page 312) filed by Spear of Lee on February 27, 1976, and found on page 766 of the House Journal.

Woods of Polk offered the following amendment H—5701 filed by him and moved its adoption:

H—5701

Amend Senate File 85 as follows:

1. Page 317 by inserting the following after line 16:

NEW SECTION. MINIMUM SENTENCE. The court shall have the discretion of setting a minimum

period a person will be held in custody of up to one-half the maximum indeterminate sentence for persons convicted under sections A and B of Section 224 unless the drug sold is a substance included in Schedule III, or is marijuana, or the sale was made in accommodation.

Roll call was requested by Kreamer of Polk and Scheelhaase of Woodbury.

On the question "Shall amendment H—5701 be adopted?"

The ayes were, 85:

Anderson	Drake	Jochum	Perkins
Avenson	Dunton	Jordan	Poncy
Baker	Dyrland	Koogler	Rinas
Bennett	Egenes	Krause	Scheelhaase
Bina	Fitzgerald	Kreamer	Schroeder
Binneboese	Gilloon	Lindeen	Small
Bittle	Griffee	Lipsky	Spencer
Bortell	Halvorson	Lonergan	Spradling
Brandt	Hansen	McElroy	Stromer
Brockett	Hargrave	Menke	Svoboda
Brunow	Harper	Mennenga	Tauke
Byerly	Harvey	Middleswart	Tofte
Caffrey	Hennessey	Miller, A. V.	Varley
Clark	Higgins	Miller, O. L.	Walter
Connors	Hines	Nealson	Welden
Crabb	Hinkhouse	Newhard	Wells
Crawford	Horn	Nielsen	West
Cusack	Howell	Norland	Woods
Daggett	Hullinger	Patchett	Wulff
Danker	Husak	Pavich	Wyckoff
Den Herder	Hutchins	Pellett	Mr. Speaker
Dieleman			

The nays were, none.

Absent or not voting, 15:

Branstad	Jesse	Millen	O'Halloran
Doyle	Junker	Miller, K. D.	Readinger
Evans	Lageschulte	Monroe	Spear
Gentleman	Middleton	Oakley	

Amendment H—5701 was adopted.

The Speaker announced that amendment H—5575 was temporarily deferred.

Krause of Palo Alto offered the following amendment H—5762 filed by him:

H—5762

Amend Senate File 85 as follows:

1. Page 322, by inserting after line 10 the following new section.

SEC. ..... Chapter two hundred ten (210), Code 1975, is amended by adding the following new sections:

NEW SECTION. RECOGNITION AND USE OF SYSTEMS. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other or a combination of these systems shall be used for all commercial purposes in this state. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the National Bureau of Standards, are recognized and shall govern weighing and measuring equipment and transactions in this state.

NEW SECTION. CONTRACTS, DEALINGS, AND COURT PLEADINGS. A contract or dealing shall not be deemed invalid and a pleading in court shall not be open to objection because weights or measures are stated in terms of the metric system. Contracts made within this state containing references to a weight or measure shall be construed according to the system of weights and measures in customary use in the United States or according to the weights and measures of the metric system, as the contract provides.

2. By re-numbering sections and correcting internal references to conform with this amendment.

Kreamer of Polk rose on a point of order that amendment H—5762 was not germane.

The Speaker ruled the point well taken and amendment H—5762 not germane.

Krause of Palo Alto offered the following amendment H—5777 filed by him and moved its adoption:

H—5777

Amend Senate File 85 as follows:

1. Page 323, by striking lines 27 through 35.

2. Page 324, by striking lines 1 through 4.

3. Page 424, line 13, by inserting after the word "Chapters" the words "two hundred sixteen (216),".

Amendment H—5777 was adopted.

Jesse of Polk offered the following amendment H—5538 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5538

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 328, by inserting after line 11 the following:

"Sec. ..... Chapter two hundred forty-five (245),

Code 1975, is amended by adding the following new section:

NEW SECTION. FEDERAL PRISONERS. Convicts sentenced for any term by any court of the United States may be received by the superintendent into the women's reformatory and there kept in pursuance of their sentences. Convicts at the women's reformatory may also be transferred to the federal bureau of prisons."

2. Page 328, by inserting after line 21, the following:

"Sec. ..... Section two hundred forty-six point eleven (246.11), Code 1975, is amended to read as follows:

246.11 FEDERAL PRISONERS. Convicts sentenced for any term [at hard labor] by any court of the United States may be received by the warden into the penitentiary or the men's reformatory and there kept in pursuance of their sentences. *Convicts at either the penitentiary or men's reformatory may also be transferred to the federal bureau of prisons."*

3. By renumbering the remaining section to accord with this amendment.

Amendment H—5538 was adopted.

Oakley of Clinton offered the following amendment H—5358 filed by Spear of Lee and moved its adoption:

H—5358

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 330, by striking all of lines 30 through 35.

2. Page 331, by striking all of lines 1 through 7.

3. Page 422, line 21, by inserting after "(252.19)," the words "two hundred eighty-seven point four (287.4),".

Amendment H—5358 was adopted.

Krause of Palo Alto offered the following amendment H—5813 filed by him:

H—5813

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 332, by inserting after line 11 the following:

"Sec. ..... Chapter three hundred five A (305A), Code 1975, is amended by adding sections _____ through _____ of this Act.

Sec. ..... *NEW SECTION.* It is the purpose of this chapter to preserve and protect archaeological resources. The state recognizes that although private

persons may finance research or collect artifacts, no one owns exclusive rights to an archaeological object or archaeological data. The state encourages persons with private archaeological collections to confine their collecting activities to the surface of the ground, to report archaeological finds to the state archaeologist, to keep separate objects from different localities, to maintain records on the sources of the collections, to make collections available for study, and to preserve the collections as a unit.

Sec. ..... *NEW SECTION.* All historical objects found on or in land or waters belonging to the state of Iowa or its political subdivisions are declared to be the property of the state and under the juridiction of the state archaeologist. A person shall not salvage, remove or deface historical objects belonging to the state without a permit from the state archaeologist.

Sec. ..... *NEW SECTION.*

1. A person other than those authorized by **subsection two (2) of this section shall not commence archaeological investigations and excavations on a site in this state without the prior approval of the state archaeologist. Copies of any contract for the archaeological work shall be filed with the state archaeologist. The state archaeologist may require** the applicant to provide a statement of professional **qualifications and professional references.**

2. The departments of archaeology of the university of Iowa, and Iowa state university of science and **technology, and state agencies which employ an** archaeological research staff and have facilities **for laboratory analysis, storage, and publication** of reports or departments of other colleges and **universities which have been designated by the state archaeologist are authorized to conduct archaeological investigations and excavations upon giving notice** of the particular project to the state archaeologist.

3. The state archaeologist shall provide examples

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of site record forms to be used and, if historical objects are to be placed in the state repository, instructions on the use of the state cataloging system. **All site and accession numbers shall be assigned by the state archaeologist. At the conclusion of the** investigation, a final report containing complete **site information and historical object catalog sheets shall be filed with the state archaeologist and the director of the division of historic preservation** of the state historical department.

Sec. ..... *NEW SECTION.* Historical objects **recovered by archaeological investigations may be** submitted to and accepted by the state archaeologist

for preservation. The office of the state archaeologist shall be the official repository for historical objects and records.

Sec. ..... *NEW SECTION.* Any person discovering historical objects shall report the discovery promptly to the state archaeologist and shall take all reasonable precautions to preserve the discovery until it can be investigated by the state archaeologist or a designee. A person shall not without lawful authority disturb an aboriginal cemetery or possess human remains which exceed one hundred and fifty years in age.

Sec. ..... *NEW SECTION.* Any person violating the provisions of sections _____ through _____ of this Act shall be guilty of a simple misdemeanor.

Sec. ..... Section three hundred five A point four (305A.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

As used in [sections 305A.5 and 305A.6] *this chapter:*

2. The chief clerk is authorized to insert section numbers and complete cross references as necessary.

3. By renumbering section numbers of the bill.

Nielsen of Polk rose on a point of order that amendment H—5813 was not germane.

The Speaker ruled the point well taken and amendment H—5813 not germane.

Action on amendments H—5971 and H—6049 was deferred.

Krause of Palo Alto offered the following amendment H—5927 filed by him and moved its adoption:

H—5927

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 369, by striking lines 26 through 29 and inserting in lieu thereof the words "who shall willfully obstruct [it or its members] *the department or board* in the performance of their duties, or who shall refuse to give any information within [his] *the person's* possession that may be required by [it within the line of its duty] *the department or board for the performance of their duties,* shall be [fined not to exceed]".

2. Page 370, by striking lines 9 through 18 and inserting in lieu thereof the following:

"477.15 VIOLATIONS. Any *railroad* corporation, [company, or person] operating [a railroad in this state and using a locomotive engine, or running a train of cars,] or using *in this state* any *train, engine,* freight, *car* [way], *caboose,* or other car contrary to

the provisions of sections 477.12 to [477.14] *four hundred seventy-seven point thirteen (477.13) of the Code* shall be guilty of a *serious* misdemeanor[, and shall be subject to a fine of not less than five hundred nor more than one thousand dollars for each and every offense; but such penalties shall not apply to companies hauling cars belonging to railroads other than those of this state which are engaged in interstate traffic]."

3. Page 370, by striking lines 21 and 22 and inserting in lieu thereof the following:

"477.19 VIOLATIONS. Any [person,] railway [company, terminal transfer, or other] corporation [or company who] *which* violates".

4. Page 371, by striking lines 2 through 4 and inserting in lieu thereof the following:

"477.24 VIOLATIONS. Any [person, firm, or] *railroad* corporation owning such line of railway or the equipment operated thereon, [who] *which* shall cause or permit any locomotive, power vehicle, power".

5. Page 371, line 31, by striking the word "company" and inserting in lieu thereof the words "[company] *corporation*".

6. Page 373, by striking lines 1 through 9.

7. Page 373, line 12, by inserting after the word "railroad" the word "*corporation*".

8. Page 373, line 26, by inserting after the word "railroad" the word "*corporation*".

9. Page 373, by striking lines 33 through 35 and page 374 by striking lines 1 and 2 and inserting in lieu thereof the following:

"478.10 FAILURE TO FENCE—GENERAL PENALTY. If the *railroad* corporation[, officer thereof or lessee

Page 2

owning or engaged in the operation of any railroad in the state] refuses or neglects to comply with any provisions of this chapter relating to the fencing of the tracts, such *railroad* corporation[, officer, or lessee]".

10. Page 374, line 11, by striking the word "company" and inserting in lieu thereof the words "[company] *corporation*".

11. Page 374, by striking lines 25 through 35 and page 375, by striking lines 1 through 7.

12. Page 377, by striking lines 13 through 25.

13. Page 422, line 32, by inserting after the numeral "(474.41)," the words and numerals "four hundred seventy-seven point fifty-eight (477.58), four hundred seventy-seven point fifty-nine (477.59), four hundred seventy-seven point sixty (477.60), four hundred seventy-nine point nineteen (479.19), four hundred seventy-nine point one hundred nine (479.109), four hundred seventy-nine point one hundred ten (479.110), four hundred seventy-nine point one hundred

eleven (479.111), four hundred seventy-nine point one hundred twelve (479.112), four hundred seventy-nine point one hundred thirteen (479.113), four hundred seventy-nine point one hundred fourteen (479.114), four hundred seventy-nine point one hundred fifteen (479.115),".

14. By renumbering sections.

A non-record roll call was requested.

The ayes were 36, nays 44.

Amendment H—5927 lost.

Oakley of Clinton asked and received unanimous consent to withdraw amendment H—5347 filed by Spear of Lee on February 26, 1976, and found on page 710 of the House Journal.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed seventy members present, thirty absent.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Higgins of Scott offered the following amendment H—5575 filed by the subcommittee on the criminal code revision:

H—5575

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 318, by inserting after line 6, the fol-

lowing new section:

"Sec. ..... Section two hundred four point four hundred one (204.401), Code 1975, is amended by striking subsection three (3) and inserting in lieu thereof the following:

3. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who is convicted of a violation of this subsection shall be punished as follows:

a. If the controlled substance is a controlled substance which is not marijuana, the person shall be guilty of a serious misdemeanor.

b. If the controlled substance is marijuana in an amount in excess of one ounce, the person shall be guilty of a simple misdemeanor.

c. If the controlled substance is marijuana in an amount of one ounce or less the person shall be subject to a civil fine of not to exceed one hundred dollars. Any person who violates the provisions of this subsection shall be issued a citation and be treated as provided in chapter two (2), division five (V) of this Act. Any person who possesses one ounce of marijuana or less shall be conclusively presumed to possess the marijuana for personal use and not for manufacture or delivery.

All or any part of a sentence imposed pursuant to this section may be suspended and the person placed on probation upon such terms and conditions as the court may impose including the active participation by such person in a drug treatment, rehabilitation or education program approved by the court."

Avenson of Fayette moved to suspend the rules for the consideration of amendment H—6322, to amendment H—5575, filed by Halvorson, Avenson, Welden, Schroeder, Clark, Hargrave, Brunow, Tofte, Krause, Griffee, Wulff, and Dyrland from the floor as follows:

H—6322

Amend amendment H—5575 to page 318 of Senate File 85 as follows:

1. Page 1, line 25, by striking the word "civil".

2. Page 1, by inserting after line 32 the following:

"All records pertaining to arrests and prosecutions under this paragraph shall be expunged three years after the date of final judgment. A public agency shall not deny or limit any license or privilege to any person as a result of an arrest or prosecution for a violation of this paragraph."

Roll call was requested by Kreamer of Polk and Bina of Scott.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6322, to amendment H—5575?

The ayes were, 60:

Anderson	Dyrland	Hutchins	Pavich
Avenson	Egenes	Koogler	Perkins
Baker	Fitzgerald	Krause	Poncy
Bina	Gentleman	Lageschulte	Readinger
Bortell	Gilloon	Lindeen	Schroeder
Brockett	Griffee	Lonergan	Small
Brunow	Halvorson	McElroy	Spencer
Caffrey	Hansen	Menke	Stromer
Clark	Hargrave	Mennenga	Svoboda
Connors	Harper	Miller, A. V.	Tofte
Cusack	Harvey	Miller, K. D.	Walter
Daggett	Hennessey	Miller, O. L.	Welden
Danker	Higgins	Nielsen	West
Den Herder	Hines	Norland	Wulff
Drake	Husak	O'Halloran	Wyckoff

The nays were, 29:

Bennett	Hinkhouse	Kreamer	Rinas
Binneboese	Horn	Lipsky	Scheelhaase
Bittle	Howell	Middleswart	Spradling
Brandt	Hullinger	Nealson	Tauke
Byerly	Jesse	Newhard	Wells
Crabb	Jochum	Patchett	Woods
Crawford	Jordan	Pellett	Mr. Speaker
Dieleman			

Absent or not voting, 11:

Branstad	Evans	Millen	Spear
Doyle	Junker	Monroe	Varley
Dunton	Middleton	Oakley	

The motion prevailed and the rules were suspended.

By unanimous consent the rules were suspended and the following corrective amendment H—6323, to amendment H—6322, to amendment H—5575, filed by Halvorson of Clayton from the floor was adopted:

H—6323

Amend amendment H—6322, to amendment H—5575 to page 318 of Senate File 85, as follows:

1. Page 1, by striking line 5 and inserting in lieu thereof the following:

"2. Page 1, line 32, by inserting after the word "delivery." the".

Halvorson of Clayton moved the adoption of amendment H—6322, as amended, to amendment H—5575.

Roll call was requested by Rinas of Linn and Kreamer of Polk.

On the question "Shall amendment H—6322, as amended to amendment H—5575, be adopted?"

The ayes were, 44:

Avenson	Evans	Lageschulte	Readinger
Baker	Fitzgerald	Lindeen	Schroeder
Bennett	Gilloon	Mennenga	Small
Brockett	Griffee	Millen	Stromer
Brunow	Halvorson	Miller, A. V.	Svoboda
Clark	Hargrave	Miller, K. D.	Tofte
Connors	Hullinger	Nealson	Walter
Crabb	Husak	Norland	Welden
Drake	Hutchins	O'Halloran	Woods
Dunton	Koogler	Pavich	Wulff
Dyrland	Krause	Perkins	Wyckoff

The nays were, 51:

Anderson	Dieleman	Jochum	Patchett
Bina	Egenes	Jordan	Pellett
Binneboese	Gentleman	Kreamer	Poncy
Bittle	Hansen	Lipsky	Rinas
Bortell	Harper	Lonergan	Scheelhaase
Brandt	Harvey	McElroy	Spencer
Byerly	Hennessey	Menke	Spradling
Caffrey	Higgins	Middleswart	Tauke
Crawford	Hines	Miller, O. L.	Varley
Cusack	Hinkhouse	Monroe	Wells
Daggett	Horn	Newhard	West
Danker	Howell	Nielsen	Mr. Speaker
Den Herder	Jesse	Oakley	

Absent or not voting, 5:

Branstad	Junker	Middleton	Spear
Doyle			

Amendment H—6322, as amended, lost.

Hutchins of Guthrie in the chair at 4:48 p.m.

Speaker Cochran in the chair at 5:03 p.m.

Cusack of Scott moved to reconsider the vote by which amendment H—6322, as amended, to amendment H—5575, failed to be adopted by the House.

Tauke of Dubuque moved to defer action on amendment H—6322, as amended.

A non-record roll call was requested.

The ayes were 56, nays 35.

The motion prevailed and amendment H—6322, as amended, was deferred.

Schroeder of Pottawattamie moved to suspend the rules for the consideration of an amendment, to amendment H—5575.

A non-record roll call was requested.

The ayes were 24, nays 61.

The motion lost.

Higgins of Scott moved the adoption of amendment H—5575.

Roll call was requested by Kreamer of Polk and Hines of Story.

Rule 70 was invoked.

On the question "Shall amendment H—5575 be adopted?"

The ayes were, 34:

Anderson	Gentleman	Jesse	Newhard
Avenson	Gilloon	Jochum	Norland
Bina	Griffee	Jordan	Patchett
Binneboese	Hargrave	Krause	Readinger
Brandt	Hennessey	Lipsky	Rinas
Byerly	Higgins	Lonergan	Small
Crawford	Hines	Mennenga	Spradling
Cusack	Horn	Monroe	Tauke
Egenes	Howell		

The nays were, 60:

Baker	Dyrland	McElroy	Scheelhaase
Bennett	Evans	Menke	Schroeder
Bittle	Fitzgerald	Middleswart	Spencer
Bortell	Halvorson	Millen	Stromer
Brockett	Hansen	Miller, A. V.	Svoboda
Brunow	Harper	Miller, K. D.	Tofte
Caffrey	Harvey	Miller, O. L.	Varley
Clark	Hinkhouse	Nealson	Walter
Connors	Hullinger	Nielsen	Welden
Daggett	Husak	Oakley	Wells
Danker	Hutchins	O'Halloran	West
Den Herder	Koogler	Pavich	Woods
Dieleman	Kreamer	Pellett	Wulff
Drake	Lageschulte	Perkins	Wyckoff
Dunton	Lindeen	Poncy	Mr. Speaker

Absent or not voting, 6:

Branstad	Doyle	Middleton	Spear
Crabb	Junker		

Amendment H—5575 lost.

Hargrave of Johnson offered the following amendment H—6086 filed by him.

H—6086

Amend Senate File 85 as follows:

1. Page 415, by inserting after line 15 the following new section:

"Sec. ..... Any person who willfully violates sections six hundred one A point six (601A.6), subsection one (1), six hundred one A point seven (601A.7), subsection one (1), or six hundred A point eight (601A.8), of the Code, shall, upon conviction be guilty of a class "D" felony."

Cusack of Scott in the chair at 7:06 p.m.

Dyrland of Clayton offered the following amendment H—6093, to amendment H—6086, filed by him:

H—6093

Amend amendment H—6086, to page 415 of Senate File 85, as follows:

1. Page 1, line 3, by striking the words "new section".

2. Page 1, by inserting after line 9 the following:

"Sec. ..... Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or **causes to be subjected, any citizen of the United** States or other person within the jurisdiction **thereof to the deprivation of any rights, privileges, or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."**

Kreamer of Polk rose on a point of order that amendment H—6093 was not germane.

The Speaker ruled the point well taken and amendment H—6093 not germane.

Nielsen of Polk rose on a point of order that amendment H—6086 was not germane.

The Speaker ruled the point not well taken and amendment H—6086 germane.

Hargrave of Johnson moved the adoption of amendment H—6086.

Roll call was requested by Hargrave of Johnson and Patchett of Johnson.

On the question "Shall amendment H—6086 be adopted?"

The ayes were, 61:

Anderson	Halvorson	Lageschulte	Rinas
Avenson	Hansen	Lindeen	Scheelhaase
Bina	Hargrave	Lipsky	Small
Binneboese	Harper	Lonergan	Spencer
Brandt	Higgins	Menke	Spradling
Brunow	Hines	Mennenga	Stromer
Byerly	Hinkhouse	Miller, A. V.	Svoboda
Caffrey	Horn	Miller, O. L.	Tauke
Cochran	Howell	Monroe	Tofte
Crawford	Hullinger	Newhard	Walter
Dieleman	Hutchins	O'Halloran	Wells
Dyrland	Jesse	Patchett	West
Fitzgerald	Jochum	Perkins	Wulff
Gentleman	Jordan	Poncy	Mr. Speaker (Cusack)
Gilloon	Koogler	Readinger	
Griffee	Krause		

The nays were, 27:

Baker	Danker	Middleswart	Pellett
Bennett	Drake	Millen	Schroeder
Bittle	Dunton	Miller, K. D.	Varley
Bortell	Evans	Nealson	Welden
Clark	Harvey	Nielsen	Woods
Connors	Hennessey	Oakley	Wyckoff
Daggett	Kreamer	Pavich	

Absent or not voting, 12:

Branstad	Den Herder	Husak	Middleton
Brockett	Doyle	Junker	Norland
Crabb	Egenes	McElroy	Spear

Amendment H—6086 was adopted.

Speaker Cochran in the chair at 7:22 p.m.

Oakley of Clinton offered the following amendment H—5511 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5511

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 417, by inserting after line 8 the following:

"Sec. ..... Section six hundred nine point twenty-six (609.26), Code 1975, is amended to read as follows:

609.26 **MAXIMUM SERVICE PERMITTED. [No]** ***Except as provided in Rule three (3), subsection three (3),*** *paragraph a of the rules of criminal procedure, no* person on the list of grand jurors shall be eligible to serve as a grand juror except for one calendar year of the biennial period for which the list is made."

Amendment H—5511 was adopted.

Scheelhaase of Woodbury asked and received unanimous consent to withdraw amendment H—5838 (to page 418) filed by Doyle of Woodbury on March 17, 1976, and found on pages 1244 and 1245 of the House Journal.

Nielsen of Polk offered amendment H—5512 filed by Doyle of Woodbury on March 3, 1976, and found on pages 898 through 911 of the House Journal.

Nielsen of Polk offered the following amendment H—5837, to amendment H—5512, filed by Doyle of Woodbury and moved its adoption:

H—5837

Amend the Doyle amendment, H—5512, to Senate File 85, as amended, passed and reprinted by the

Senate as follows:

1. Page 1, line 48, by inserting after the word "safety" the words "*and the state conservation director, acting jointly,*".

2. Page 3, by striking line 2 and inserting in lieu thereof the following:

"*4. The commissioner of public safety and the state conservation director, acting jointly, shall design*".

3. Page 3, line 5, by striking the words "*the commissioner of public safety deems*" and inserting in lieu thereof the words "*they deem*".

4. Page 3, line 10, by inserting after the word "*safety*" the words "*and out of the budget of the conservation commission, each budget being liable for half of those costs*".

5. Page 4, line 16, by striking the word "section" and inserting in lieu thereof the words and numerals "sections one hundred eleven point thirty-eight (111.38) or".

6. Page 6, line 1, by inserting after the word "sections" the words and numerals "one hundred eleven point thirty-six (111.36),".

7. Page 10, line 12, by striking the words "one hundred six point twenty (106.20),".

8. Page 10, line 15, by striking the word "five" and inserting in lieu thereof the word "ten".

9. Page 11, line 9, by striking the word "five" and inserting in lieu thereof the word "ten".

10. Page 11, by inserting after line 44, the following new subsection:

"6. VIOLATIONS RELATING TO THE USE AND MISUSE OF PARKS AND PRESERVES.

a. For violations under sections one hundred eleven point thirty-nine (111.39), one hundred eleven point forty-four (111.44), one hundred eleven point forty-five (111.45), one hundred eleven point forty-eight (111.48) and one hundred eleven point fifty (111.50) of the Code, the scheduled fine is ten dollars.

b. For violations under sections one hundred eleven point forty (111.40), one hundred eleven point forty-three (111.43), one hundred eleven point forty-six (111.46) and one hundred eleven point forty-nine (111.49) of the Code, the scheduled fine is fifteen dollars.

11. Page 11, line 45, by striking the numeral "6" and inserting in lieu thereof the numeral "7".

Page 2

12. Page 14, by inserting after line 31 the following:

"Sec. ..... Notwithstanding any effective date which may be specified elsewhere in this Act, sections seven hundred fifty-three point nine (753.9),

seven hundred fifty-three point thirteen (753.13), seven hundred fifty-three point fourteen (753.14), seven hundred fifty-three point fifteen (753.15), seven hundred fifty-three point sixteen (753.16), seven hundred fifty-three point seventeen (753.17), seven hundred fifty-three point eighteen (753.18), seven hundred fifty-three point nineteen (753.19), and seven hundred fifty-three point twenty (753.20) of the Code as amended by this Act shall take effect on July 1, 1976."

A non-record roll call was requested.

The ayes were 58, nays 27.

Amendment H—5837 was adopted.

Nielsen of Polk offered the following amendment H—5891, to amendment H—5512, filed by Doyle of Woodbury and moved its adoption:

H—5891

Amend amendment H—5512 to page 421 of Senate File 85 as follows:

1. Page 3, by striking lines 30 and 31 and inserting in lieu thereof the words "[nonmoving scheduled violations applicable to commercial carriers] *which otherwise may be mailed or delivered to a violations office pursuant to section seven hundred fifty-three point sixteen (753.16) of the Code.* The collection".

Amendment H—5891 was adopted.

Avenson of Fayette moved to suspend the rules for the consideration of amendment H—6329, to amendment H—5512, filed by Nielsen of Polk from the floor as follows:

H—6329

Amend the Doyle amendment, H—5512, to page 421 of Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 11, lines 32 and 33, by striking the words and numerals "one hundred nine point seventy-six (109.76),".

2. Page 11, lines 35 and 36, by striking the words and numerals "one hundred nine point ninety-three (109.93),".

3. Page 11, lines 37 and 38, by striking the words and numerals "one hundred nine point one hundred twenty (109.120),".

4. Page 11, lines 40 and 41, by striking the words and numerals ", and one hundred ten point twenty-four (110.24)".

A non-record roll call was requested.

The ayes were 66, nays 5.

The motion prevailed and the rules were suspended.

Nielsen of Polk moved the adoption of amendment H—6329, to amendment H—5512.

Amendment H—6329 was adopted.

(Senate File 85 and amendment H—5512, as amended, pending at adjournment and placed under unfinished business.)

MOTIONS TO RECONSIDER

(Amendment H—5927 to Senate File 85)

I move to reconsider the vote by which amendment H—5927 to Senate File 85 failed to be adopted by the House.

STROMER of Hancock

(Amendment H—5575 to Senate File 85)

I move to reconsider the vote by which amendment H—5575 to Senate File 85 failed to be adopted by the House.

DYRLAND of Clayton

(Amendment H—5575 to Senate File 85)

I move to reconsider the vote by which amendment H—5575 to Senate File 85 failed to be adopted by the House.

FITZGERALD of Webster

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the votes were taken on House Files 909, 1107, 1555 and 1408 and Senate File 1210. Had I been present, I would have voted "aye" on all bills except House File 909, on which I would have voted "nay."

BRUNOW of Appanoose

I was necessarily absent from the House chamber when the votes were taken on the motion to suspend the rules to consider H—6014 to Senate File 85, and on H—5701 to Senate File 85. Had I been present, I would have voted "aye" on both of these.

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber when the vote was taken on Senate File 1210. Had I been present, I would have voted "nay."

KOOGLER of Mahaska

I was necessarily absent from the House chamber, April 15, 1976, when the vote was taken on House Files 1162, 1403, 1492, and 91. Had I been present I would have voted "aye." Had I been present on the vote for House File 200, I would have voted "nay."

DAGGETT of Adams

I was necessarily absent from the House chamber when the vote was taken on amendment H—5701 to Senate File 85. Had I been present, I would have voted "aye."

MILLER of Buchanan

GOVERNOR'S VETO MESSAGE
(House File 1457)

A copy of the following communication was received and placed on file:

April 19, 1976

The Honorable Dale M. Cochran
Speaker of the House of Representatives
Sixty-sixth General Assembly
State Capitol Building
Local

Dear Representative Cochran:

House File 1457, an Act relating to the compensation of the Beer and Liquor Control Council, is hereby disapproved and returned to the House of Representatives in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 1457 would change the compensation for the members of the Iowa Beer and Liquor Control Council from an annual salary of $2500 to a per diem of $40.

The explanation of the bill states that the reason for this change is to remove an apparent compensation inequity that exists among the five Council members. One member of the Council, who is designated by the Council to serve on the Department of Beer and Liquor Control's hearing board, serves approximately twice as often in one year as other Council members yet receives no extra compensation. A per diem salary supposedly would give recognition to this increased amount of service.

A closer examination of the service performed by members of the Council indicates that such corrective action is unnecessary. While service on the hearing board is an extra duty, it is an extra duty that is eventually shared by all five Council members. Service on the hearing board is on a rotation basis for a year at a time. Since the term of appointment to the Beer and Liquor Control Council is for five years, each member of the Council is given the opportunity to serve on the hearing board. Thus, in a five year period each Council member performs approximately the same amount of service.

While House File 1457 will remove no inequity, it will result in a negative corollary. Council members presently meet every month in regular session and additional times throughout the year. While the per diem provision of House File 1457 will result in a cut in compensation for Council members, it may also make it difficult to secure the type of appointees needed for this sensitive position.

The Governor's Economy Committee in 1969 recognized the contribution of management ability and experience that business executives could make to the operation of the State liquor monopoly. To help secure the participation of top-level business executives on the Beer and Liquor Control Council, the Governor's Economy Committee recommended an annual

salary of between $2000 and $3000 instead of a per diem. That recommendation was followed and has proved to be successful. The reduction in compensation of Council members contained in House File 1457 seems to be an unnecessary and unwise departure for a system that is working well.

For the reasons I have outlined above, I hereby respectfully disapprove of this House File 1457.

Sincerely,
ROBERT D. RAY
Governor

REPORTS OF COMMITTEE

Norland of Worth, from the committee on ways and means, submitted the following reports:

MR. SPEAKER: Your committee on ways and means to whom was referred **Senate File 1269**, a bill for an act to legalize and validate an election upon the proposition to authorize the board of directors of the Saydel Consolidated School District to sell and convey, or lease, or otherwise dispose of certain real estate, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

NORLAND of Worth, Chair

Also:

MR. SPEAKER: Your committee on ways and means to whom was referred **Senate File 1291**, a bill for an act to legalize the incorporation of the city of Yale, Iowa, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

NORLAND of Worth, Chair

AMENDMENTS FILED

H—6320

Amend House File 1477 as follows:

1. Page 6, by inserting after line 17 the following:

"*NEW SUBSECTION.* Prepare for each rule proposed under this section after the effective date of this Act an estimate of the economic impact of the proposed rule upon all persons affected by it and upon the department. The department shall make copies of the estimate available to the public."

WEST of Marshall

H—6324

Amend Senate File 205 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 12, by striking the word "including".

2. Page 1, by striking lines 13 through 15 and by inserting in lieu thereof the following:
"which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized. The contract".

HARVEY of Scott

H—6325

Amend amendment H—5285 to Senate File 205 as amended, passed, and reprinted by the Senate, as follows:

Page 1, by striking lines 7 through 20, and inserting in lieu thereof the following:
"2. Page 1, line 12, by striking the word "including".
3. Page 1, by striking lines 13 through 15 and by inserting in lieu thereof the following:
"which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized. The contract".

HARVEY of Scott

H—6327

Amend H—5285, the committee on education amendment, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, by inserting after line 41 the following amendments:
"..... Page 5, line 4, by striking the words "an arbitrator" and inserting in lieu thereof the words "a panel of three arbitrators".
..... Page 5, line 10, by striking the word "may" and inserting in lieu thereof the words "shall each".
..... Page 5, line 11, by striking the words "merged area" and inserting in lieu thereof the words "the state. The two parties shall then select a third arbitrator who is not required to possess residency requirements. The third arbitrator shall serve as chairperson of the panel of arbitrators. The parties shall immediately notify the secretary of the board of the selection of the panel and the names and addresses of the persons selected. If the third".
..... Page 5, by striking line 12.
..... Page 5, line 19, by striking the word "three" and inserting in lieu thereof the word "five".
..... Page 5, by striking line 23 and inserting in lieu thereof the words "only one name remains. If the remaining person is unacceptable to the two parties, the two parties may request an additional list of three names of available arbitrators from lists maintained by the public employment relations board. Names shall be stricken in the manner provided in this subsection."
..... Page 5, line 24, by striking the words "as the arbitrator".

..... Page 5, lines 27 and 28, by striking the words "the second" and inserting in lieu thereof the word "each".

..... Page 5, line 29, by striking the words "one of the two" and inserting in lieu thereof the words "each of the".

..... Page 5, line 33, by striking the word "arbitrator" and inserting in lieu thereof the words "arbitration panel".

..... Page 6, line 3, by striking the word "arbitrator" and inserting in lieu thereof the words "arbitration panel".

..... Page 6, line 4, by striking the words "The arbitrator" and inserting in lieu thereof the words "The chairperson of the arbitration panel may act as a mediator to bring the parties together to effectuate a settlement. If after five days, the mediation is not successful, the arbitration panel".

Page 2

..... Page 6, line 7, by striking the word "arbitrator" and inserting in lieu thereof the words "arbitration panel".

..... Page 6, line 9, by striking the word "arbirator" and inserting in lieu thereof the words "arbitration panel"."

2. Page 2, line 45, by striking the word "arbitrator" and inserting in lieu thereof the words "arbitration panel".

3. Page 2, by inserting after line 46 the following amendments:

"..... Page 6, line 11, by striking the word "arbitrator" and inserting in lieu thereof the words "arbitration panel".

..... Page 6, line 12, by inserting after the word "documents," the words "hold a private conference,".

..... Page 6, line 14, by inserting after the word "hearing." the words "The determination of the panel of arbitrators shall be by majority vote and shall be final and binding subject to appeal by the courts. The report of the panel of arbitrators shall be written by the chairperson."

..... Page 6, line 14, by striking the word "arbitrator" and inserting in lieu thereof the words "arbitration panel"."

4. Page 2, by inserting after line 49 the following amendment:

"..... Page 6, line 22, by striking the word "arbitrator's" and inserting in lieu thereof the words "arbitration panel's"."

5. Page 3, line 8, by striking the word "arbitrator's" and inserting in lieu thereof the words "arbitration panel's".

6. Page 3, line 12, by striking the word "arbitrator's and inserting in lieu thereof the words

"arbitration panel's".

7. Page 3, line 14, by striking the word "arbitrator" and inserting in lieu thereof the words "arbitration panel".

8. Page 3, line 15, by striking the word "arbitrator's" and inserting in lieu thereof the words "arbitration panel's".

9. Page 3, line 16, by striking the word "arbitrator's" and inserting in lieu thereof the words "arbitration panel's".

10. Page 3, line 18, by striking the word "arbitrator's" and inserting in lieu thereof the words "arbitration panel's".

GRIFFEE of Chickasaw
HOWELL of Floyd
HUTCHINS of Guthrie
MILLER of Cerro Gordo
HUSAK of Tama
LONERGAN of Boone

H—6321

Amend Senate File 546 as amended and passed by the Senate as follows:

1. Page 1, by inserting after line 17 the following:

"Sec. ..... Chapter one hundred forty (140), Code 1975, is amended by adding the following new section:

NEW SECTION. **If the commissioner determines that** an unmarked vehicle should be used by state department of health employees for venereal disease investigation the commissioner may either assign or request the assignment of unmarked publicly-owned vehicles to the employees for use in the performance of their official duties or may request that the employees use their personal vehicles in the performance of their official duties. Any employee required to use a personal vehicle for conducting venereal disease investigations shall receive a mileage reimbursement at the rate of fifteen cents per mile for mileage incurred in the performance of the employee's official duties."

2. Amend the title, line 1, by striking everything after the word "Act" and inserting in lieu thereof the words "relating to the use of unmarked motor vehicles for venereal disease investigations."

3. By renumbering the remaining sections and correcting internal references in accordance with this amendment.

MONROE of Des Moines
WYCKOFF of Benton

H—6326

Amend Senate File 1124 as follows:

1. Page 1, line 2, by striking the word "seventy" and inserting "thirty".

2. Page 1, line 3, by striking the figure "70,000" and inserting the figure "30,000".

DUNTON of Keokuk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 8:03 p.m. until 9:00 a.m., Tuesday, April 20, 1976.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day—Sixty-fifth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, APRIL 20, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by Father Phillip Schmitt, pastor of the St. Peter and Paul Church, Springbrook, Iowa.

The Journal of Monday, April 19, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. A. W. Owca, Centerville, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury on request of Scheelhaase of Woodbury.

SPECIAL PRESENTATION

Middleswart of Warren presented to the House the Honorable Larry Young, a member of the Maryland House of Delegates from Baltimore City, Maryland. Representative Young is a member of the House Environmental Matters Committee and Director of the Urban Environmental Committee of the Izaak Walton League.

The House rose and extended its welcome.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Ninety fifth grade students from Northwest Elementary School, Ankeny, Iowa, accompanied by Miss Bond, Mrs. Smith and Steve Rue. By Byerly of Polk.

Six students from St. Ansgar High School, St. Ansgar, Iowa, accompanied by Mrs. Gerald Schotanus. By Norland of Worth.

Forty students from Dow City Junior High School, Dow City, Iowa, accompanied by Mr. Ray. By Crabb of Crawford.

Sixteen students from Olin High School, Olin, Iowa, accompanied by Mark Farland and Leroy Kester. By Newhard of Jones.

Fifty-five eighth grade students from Panora-Linden Middle School, Panora, Iowa, accompanied by Mary Jane Carson and Hal Rossow. By Varley of Adair.

Sixty-five fifth grade students from Orchard Hill School, Cedar Falls, Iowa, accompanied by Kathy Krull and Mr. Barnhouse. By Brandt of Black Hawk and O'Halloran of Black Hawk.

Fifty-five fifth grade students from St. Augustin's School, Des Moines, Iowa, accompanied by Mrs. Bess, Mrs. Joynte and Mrs. Diehl. By Gentleman of Polk and Bittle of Polk.

Forty sixth grade students from Everett Elementary School, Sioux City, Iowa, accompanied by Pamela Coad and Leon Koster. By Junker of Woodbury.

Sixty sixth grade students from Southeast Elementary School, Ankeny, Iowa, accompanied by Mrs. Ranney and Mr. Bell. By Byerly of Polk.

PETITION FILED

The following petition was received and placed on file:

By Wulff of Black Hawk from sixty constituents favoring House File 1111, relating to construction at Iowa Veterans Home.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on Senate Files 1269 and 1291, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 15, 1976, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 1063, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons.

Also: That the Senate has on April 15, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1494, a bill for an act relating to agricultural credit transactions from application of consumer credit code provisions.

STEVEN C. CROSS, Secretary

HOUSE RESOLUTION 118

By Pavich and Walter of Pottawattamie

Whereas, the Council Bluffs Community School District is sponsoring a Model Congress on May 6 and 7; and

Whereas, the Ninth Grade Social Studies students in the Council Bluffs Community School District are participating in this Model Congress; and

Whereas, this project will promote interest in good government and community affairs; *Now, Therefore,*

Be It Resolved by the House of Representatives, That the membership of the House of Representatives of the Sixty-sixth General Assembly of the State of Iowa extends its best wishes to the ninth grade students in social studies for participating in this Model Congress; and

Be It Further Resolved, That a copy of this resolution be sent to Warren K. Weber, Social Studies Coordinator of the Council Bluffs Community School District, and the principals of the junior high schools of the Council Bluffs Community School District.

Laid over under Rule 25.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 107

Howell of Floyd offered the following House Memorial Resolution 107 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 107

Whereas, The Honorable Allert G. Olson of Mitchell County, who was a member of the Fifty-first, Fifty-second, Fifty-third and Fifty-fourth sessions of the General Assembly, passed away on April 11, 1976; *Now, Therefore,*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Howell of Floyd, Norland of Worth and Griffee of Chickasaw.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of Senate File 85, a bill for

an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of the laws of the state to accord with the revised classifications, and amendment H—5512, as amended, filed by Doyle of Woodbury on March 3, 1976, and found on pages 898 through 911 of the House Journal.

By unanimous consent the rules were suspended and the following corrective amendment H—6330, to amendment H—5512, filed by Nielsen of Polk from the floor, was adopted:

H—6330

Amend amendment H—5512, to page 421 of Senate File 85, as follows:

1. Page 9, line 1, by striking the word "ten" and inserting in lieu thereof the word "twenty".

By unanimous consent the rules were suspended and the following corrective amendment H—6331, to amendment H—5512, filed by Krause of Palo Alto from the floor, was adopted:

H—6331

Amend amendment H—5512, to page 421 of Senate File 85, as follows:

1. Page 9, line 10, by striking the word "ten" and inserting in lieu thereof the word "twenty".

By unanimous consent the rules were suspended and the following corrective amendment H—6332, to amendment H—5512, filed by Schroeder of Pottawattamie from the floor, was adopted:

H—6332

Amend amendment H—5512, to page 421 of Senate File 85, as follows:

1. Page 9, line 7, by striking the word "sections" and inserting in lieu thereof the word "section".

2. Page 9, lines 8 and 9, by striking the words and numerals "and three hundred twenty-six point twenty-four (326.24)".

Nielsen of Polk moved the adoption of amendment H—5512, as amended.

A non-record roll call was requested.

The ayes were 53, nays 36.

Amendment H—5512, as amended, was adopted.

Jesse of Polk offered the following amendment H—5938 filed by the subcommittee on the criminal code revision and moved its adoption:

H—5938

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 421, by striking line 31.

2. Page 421, line 32, by striking the words and figure "three point three (223.3),".

Amendment H—5938 was adopted.

With the adoption of amendment H—5938, amendment H—5113 (to page 421) filed by Evans of Grundy on February 3, 1976, and found on pages 247 and 248 of the House Journal, was out of order.

Action on amendment H—5892 was temporarily deferred.

Kreamer of Polk offered the following amendment H—5574 filed by him and Spencer of Clay and moved its adoption:

H—5574

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 424, line 20, by striking the words "seven hundred" after the words "seven hundred one (701),".

2. Page 424, line 21 by striking the word and figures "two (702),".

Roll call was requested by Kreamer of Polk and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5574 be adopted?"

The ayes were, 40:

Bennett	Evans	Lageschulte	Nielsen
Binneboese	Halvorson	Lindeen	Pellett
Bortell	Hansen	McElroy	Scheelhaase
Brockett	Harvey	Mennenga	Schroeder
Crabb	Howell	Middleswart	Spencer
Daggett	Hullinger	Millen	Stromer
Danker	Hutchins	Miller, A. V.	Tofte
Den Herder	Junker	Miller, K. D.	Wells
Dieleman	Koogler	Miller, O. L.	Wulff
Dunton	Kreamer	Nealson	Wyckoff

The nays were, 49:

Anderson	Bittle	Caffrey	Cusack
Avenson	Brandt	Clark	Dyrland
Baker	Brunow	Connors	Egenes
Bina	Byerly	Crawford	Fitzgerald

Gentleman	Jochum	O'Halloran	Spradling
Gilloon	Jordan	Patchett	Svoboda
Griffee	Krause	Pavich	Tauke
Hargrave	Lipsky	Perkins	Varley
Harper	Lonergan	Poncy	Walter
Hennessey	Newhard	Readinger	Welden
Higgins	Norland	Rinas	Woods
Horn	Oakley	Small	Mr. Speaker
Jesse			

Absent or not voting, 11:

Branstad	Hines	Menke	Spear
Doyle	Hinkhouse	Middleton	West
Drake	Husak	Monroe	

Amendment H—5574 lost.

Nielsen of Polk offered the following amendment H—5892 filed by Doyle of Woodbury and moved its adoption:

H—5892

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 424, line 13, by inserting after the word "Chapters" the words and figure "two hundred twenty-five A (225A),".

Amendment H—5892 was adopted.

Small of Johnson in the chair at 11:24 a.m.

Horn of Linn offered the following amendment H—6094 filed by Horn, et al.:

H—6094

Amend Senate File 85 as amended, passed and reprinted by the Senate, as follows:

1. Page 425, by inserting after line 29 the following:

"Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-three (183), is amended by adding the following:

Sec. ..... *NEW SECTION.* The provisions of sections one (1) and three (3) of this Act shall not be applicable to persons eighteen years of age or older subsequent to the date that the federal law and regulations no longer mandate that a state's law require motorcyclists eighteen years of age and older when operating or riding a motorcycle to wear a motorcycle helmet as a prerequisite to approval of the state's highway safety program as provided in the Highway Safety Act of 1966, 23 U.S.C. 402."

2. Renumber the sections and correct internal references in conformance with this amendment.

Dieleman of Marion rose on a point of order that amendment H—6094 was not germane.

The Speaker ruled the point not well taken and amendment H—6094 germane.

By unanimous consent the rules were suspended and the following corrective amendment H—6336, to amendment H—6094, filed by Horn of Linn from the floor was adopted:

H—6336

Amend amendment H—6094, to page 425 of Senate File 85, as follows:

"Page 1, line 3, by striking the numerals "29" and inserting in lieu thereof the numerals "30".

Horn of Linn moved the adoption of amendment H—6094, as amended.

Roll call was requested by Krause of Palo Alto and Baker of Buena Vista.

Rule 70 was invoked.

On the question "Shall amendment H—6094, as amended, be adopted?"

The ayes were, 64:

Bina	Dyrland	Kreamer	Pavich
Binneboese	Egenes	Lageschulte	Pellett
Bortell	Evans	Lindeen	Poncy
Brandt	Gentleman	Lonergan	Rinas
Brockett	Gilloon	McElroy	Schroeder
Brunow	Halvorson	Menke	Spencer
Byerly	Hansen	Mennenga	Spradling
Caffrey	Hargrave	Middleswart	Tofte
Clark	Harvey	Middleton	Walter
Connors	Hines	Millen	Welden
Crabb	Horn	Miller, A. V.	Wells
Cusack	Husak	Miller, K. D.	West
Daggett	Jesse	Monroe	Woods
Danker	Jordan	Newhard	Wulff
Den Herder	Junker	Nielsen	Wyckoff
Dunton	Koogler	O'Halloran	Mr. Speaker

The nays were, 30:

Anderson	Fitzgerald	Krause	Perkins
Avenson	Griffee	Lipsky	Readinger
Baker	Hennessey	Miller, O. L.	Scheelhaase
Bennett	Higgins	Nealson	Stromer
Bittle	Howell	Norland	Svoboda
Crawford	Hullinger	Oakley	Tauke
Dieleman	Hutchins	Patchett	Varley
Drake	Jochum		

Absent or not voting, 6:

Branstad	Harper	Small	Spear
Doyle	Hinkhouse		

Amendment H—6094, as amended, was adopted.

(Senate File 85 pending at recess.)

On motion by Avenson of Fayette, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed sixty-eight members present, thirty-two absent.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Horn of Linn asked and received unanimous consent to withdraw amendment H—5513 filed by him on March 3, 1976, and found on page 911 of the House Journal.

Nielsen of Polk offered the following amendment H—5665 filed by him:

H—5665

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 426, after line 29, by inserting the following:

"Sec. ..... This Act shall take effect January 1, 1978."

Horn of Linn asked and received unanimous consent to withdraw amendment H—6092, to amendment H—5665 (to page 426), filed by him on April 1, 1976, and found on pages 1546 and 1547 of the House Journal.

Horn of Linn asked for unanimous consent to consider amendments H—6333 and H—6334.

Objection was raised.

Horn of Linn moved to suspend the rules for the consideration of amendment H—6333, to amendment H—5665, and amendment H—6334.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 61, nays 29.

The motion prevailed and the rules were suspended for consideration of amendments H—6333 and H—6334.

Horn of Linn offered the following amendment H—6333, to amendment H—5665, filed by him from the floor and moved its adoption:

H—6333

Amend H—5665 to Senate File 85 as follows:
1. Page 1, by striking lines 5 and 6 and inserting in lieu thereof the following:
"Sec. ..... Except as otherwise specifically provided, the provisions of this act shall take effect January 1, 1978."

A non-record roll call was requested.

The ayes were 48, nays 27.

Amendment H—6333 was adopted.

Nielsen of Polk moved the adoption of amendment H—5665, as amended.

Amendment H—5665, as amended, was adopted.

Horn of Linn offered the following amendment H—6334 filed by him from the floor and moved its adoption:

H—6334

Amend Senate File 85 as follows:
1. Page 426, by inserting after line 29, the following:
"Sec. ..... The provisions of this act amending Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-three (183), shall take effect July 1, 1976."

A non-record roll call was requested.

The ayes were 55, nays 26.

Amendment H—6334 was adopted.

Junker of Woodbury offered the following amendment H—5971 filed by him:

H—5971

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 337, by striking lines 7 through 28 and inserting in lieu thereof the following:

"Sec. ..... Section three hundred twenty-one point two hundred eighty-one (321.281), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321.281 OPERATING UNDER THE INFLUENCE.

1. Whoever operates a motor vehicle upon the public highways of this state under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or having alcohol in their blood above the limits prescribed by this section shall be guilty of a public offense.

2. Any person who operates a motor vehicle upon the public highways of this state having ten or more hundredths of one per centum by weight of alcohol in the blood shall upon a plea of guilty or conviction be guilty of a simple misdemeanor and shall be imprisoned in the county jail for not less than seven days.

3. Any person who operates a motor vehicle upon the public highways of this state having fifteen or more hundredths of one per centum by weight of alcohol in the blood shall upon a plea of guilty or conviction be guilty of a serious misdemeanor.

4. Any person who operates a motor vehicle upon the public highways of this state having more than nineteen hundredths of one per centum by weight of alcohol in the blood shall upon a plea of guilty or conviction be guilty of a serious misdemeanor and, upon a third offense of this section, be guilty of an aggravated misdemeanor.

5. Any person who violates the provisions of subsection one (1) of this section and is not subject to the provisions of subsections two (2), three (3), or four (4) of this section shall upon a plea of guilty or conviction be guilty of a serious misdemeanor for the first offense, be guilty of an aggravated misdemeanor for the second violation of this section, and be guilty of a class "D" felony for the third violation of this section.

6. The court in pronouncing sentence shall provide as to the period during which a new license to operate a motor vehicle shall not be issued to the defendant. Notwithstanding the provisions of section three hundred twenty-one point two hundred twelve (321.212) of the Code, the period for violation of subsection two (2) of this section shall not be less than one hundred

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twenty days, the period for violation of subsection three (3) of this section shall be one year, the period for violation of subsection four (4) of this section shall be five years, and the periods for violation of subsection five (5) of this section shall be not less than one hundred twenty days for the first violation and shall be one year for the second violation of this section; and upon a third violation of this section the defendant shall never be issued a new license. All periods of license ineligibility shall be consecutive. The clerk of the court shall forthwith certify to the department a true copy of the judgment sentencing the defendant under this section. The department may receive an application for and shall grant a new license at the expiration of the period provided in the judgment of the court notwithstanding the provisions of sections three hundred twenty-one point one hundred seventy-seven (321.177) and three hundred twenty-one point two hundred twelve (321.212) of the Code.

7. The court shall after pronouncing sentence cause the clerk to certify a true copy of the judgment to the Iowa liquor control commission. Said commission upon receipt of such copy shall cause notice of such conviction and judgment to be sent to the manager of each liquor store in the state which notice shall be posted therein.

8. This section shall not apply to a person operating a motor vehicle while under the influence of a narcotic, hypnotic or other drug if such substances were prescribed for such person and have been taken under such prescription and in accordance with the directions of a reputable doctor of medicine, provided however there is no evidence of the consumption of alcohol and further provided said doctor of medicine has not directed such person to refrain from operating a motor vehicle.

9. In lieu of, or prior to imposition of, the punishment above described for the first and second offense, the court upon hearing may commit the defendant for treatment of alcoholism or drug addiction or dependency to any hospital or institution in Iowa providing such treatment. The court may prescribe the length of time for such treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from his addiction, dependency or tendency to chronically abuse alcohol or drugs. A person committed under this

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section shall be considered a state patient."

2. Page 340, by inserting after line 6 the

following:

"Sec. ..... Section three hundred twenty-one B point seven (321B.7), Code 1975, is amended to read as follows:

321B.7 REFUSAL TO SUBMIT. If a person under arrest refuses to submit to the chemical testing, no test shall be given, but the director, upon the receipt of a sworn report of the peace officer that he had reasonable grounds to believe the arrested person to have been operating a motor vehicle upon a public highway of this state while under the influence of an alcoholic beverage, that he had placed such person under arrest for the offense of operating a motor vehicle while under the influence of an alcoholic beverage and that the person had refused to submit to the chemical testing, shall, *notwithstanding the provisions of section three hundred twenty-one point two hundred twelve (321.212) of the Code,* revoke his license or permit to drive and any nonresident operating privilege for a period of not less than one hundred twenty days nor more than one year *if the person does not have a prior conviction of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code, for a period of one year if the person has a prior conviction of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code, and permanently if the person has two prior convictions of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code*; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit within one year from the date of the alleged violation, subject to review as hereinafter provided. The effective date of any such revocation shall be twenty days after the director has mailed notice of such revocation to such person by registered or certified mail."

3. By renumbering the sections in accordance with this amendment.

Junker of Woodbury offered the following amendment H—6049, to amendment H—5971, filed by him and moved its adoption:

H—6049

Amend amendment H—5971 to page 337 of Senate File 85 as follows:

1. Page 3, line 24, by inserting after the word "*conviction*" the words "*under the provisions*".

2. Page 3, line 27, by inserting after the word "*conviction*" the words "*under the provisions*".

3. Page 3, line 30, by inserting after the word"*convictions*" the words "*under the provisions*".

Amendment H—6049 was adopted.

By unanimous consent, the rules were suspended and the following corrective amendment H—6338, to amendment H—5971, filed by Koogler of Mahaska from the floor, was adopted:

H—6338

Amend amendment H—5971, to page 337 of Senate File 85, as follows:

1. Page 2, by striking lines 21 through 27.

Small of Johnson in the chair at 2:57 p.m.

Speaker Cochran in the chair at 3:00 p.m.

Junker of Woodbury moved the adoption of amendment H—5971, as amended.

Roll call was requested by Danker of Pottawattamie and Kreamer of Polk.

On the question "Shall amendment H—5971, as amended, be adopted?"

The ayes were, 75:

Anderson	Drake	Krause	Pellett
Avenson	Dunton	Kreamer	Readinger
Bennett	Dyrland	Lageschulte	Rinas
Bina	Egenes	Lindeen	Scheelhaase
Binneboese	Evans	Lipsky	Schroeder
Bittle	Gentleman	McElroy	Small
Bortell	Griffee	Menke	Spencer
Brandt	Halvorson	Mennenga	Stromer
Brockett	Hansen	Middleswart	Svoboda
Brunow	Harper	Millen	Tauke
Caffrey	Harvey	Miller, A. V.	Tofte
Clark	Hennessey	Miller, O. L.	Varley
Crabb	Hinkhouse	Nealson	Welden
Crawford	Howell	Newhard	Wells
Cusack	Hullinger	Norland	West
Daggett	Husak	Oakley	Wulff
Danker	Jordan	O'Halloran	Wyckoff
Den Herder	Junker	Patchett	Mr. Speaker
Dieleman	Koogler	Pavich	

The nays were, 20:

Baker	Hargrave	Jesse	Perkins
Byerly	Higgins	Jochum	Poncy
Connors	Hines	Lonergan	Spradling
Fitzgerald	Horn	Miller, K. D.	Walter
Gilloon	Hutchins	Monroe	Woods

Absent or not voting, 5:

Branstad	Middleton	Nielsen	Spear
Doyle			

Amendment H—5971, as amended, was adopted.

Connors of Polk asked and received unanimous consent to suspend the rules to substitute amendment H—6335 filed by him from the floor as follows:

H—6335

Amend Senate File 85 as follows:

1. Page 12, by inserting after line 15 the following new section:

"Sec. ..... *NEW SECTION.* TERMINATION OF LIFE SUPPORT SERVICES. Upon the concurrence of the guardian and family of a comatose hospital patient, should the responsible attending physicians conclude that there is no reasonable possibility of the patient's ever emerging from a present comatose condition to a cognitive, sapient state and that the life-support apparatus now being administered the patient should be discontinued, they shall consult with the hospital "Ethics Committee" or like body of the institution in which the patient is then hospitalized. If that consultative body agrees that there is no reasonable possibility of the patient's ever emerging from a present comatose condition to a cognitive, sapient state, the present life-support system may be withdrawn and said action shall be without any civil or criminal liability therefor, on the part of any participant, whether guardian, physician, hospital or others."

Connors of Polk moved the adoption of amendment H—6335.

Amendment H—6335 was adopted.

With the adoption of amendment H—6335, amendment H—6087, filed by Connors of Polk on April 1, 1976, and found on pages 1545 and 1546 of the House Journal, was out of order.

Junker of Woodbury offered the following amendment H—5926 filed by him and moved its adoption:

H—5926

Amend Senate File 85 as follows:

1. Page 13C by inserting after line 73 the following new section:

Sec. ..... *NEW SECTION.* No person who injures the aggressor through application of reasonable force in defense of his or her person or property may be held civilly liable for such injury.

No person who injures the aggressor through application of reasonable force in defense of a second person may be held civilly liable for such injury.

Amendment H—5926 was adopted.

Jesse of Polk asked and received unanimous consent to withdraw amendment H—5684 filed by the subcommittee on the criminal code revision on March 9, 1976, and found on page 1054 of the House Journal.

Kreamer of Polk offered the following amendment H—5846 filed by Branstad of Winnebago and moved its adoption:

H—5846

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 57A, by inserting after line 6 the following new section:

"Sec. ..... *NEW SECTION.* HUSBAND OR WIFE MAY BE WITNESS. In all prosecutions under section two thousand six hundred three (2603) of this Act, the husband or wife shall be a competent witness for the state and may testify to any relevant acts or communications between them, anything in previous statutes to the contrary notwithstanding, provided, however, that no husband or wife shall be called or compelled to testify against the other under section two thousand six hundred three (2603) of this Act except upon consent of such witness."

Amendment H—5846 was adopted.

Lipsky of Linn offered the following amendment H—5566 filed by her and Higgins of Scott:

H—5566

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 57B, by adding after line 41 the following:

"A person having responsibility for operation of a health care facility licensed under chapter one hundred thirty-five C (135C) of the Code who knowingly allows another person to violate this section commits a serious misdemeanor.

Sec. ..... *NEW SECTION.* MISTREATMENT OF RESIDENT OF HEALTH CARE FACILITY.

1. A person who willfully, wantonly, or maliciously mistreats any resident of a health care facility as defined in chapter one hundred thirty-five C (135C) of the Code commits a class D felony.

2. As used in this section the word "mistreat" means treatment or lack of treatment to such an extent that the physical or mental health of a resident is adversely affected, including but not limited to the following:

a. Willful failure to follow a physician's orders.

b. Willful and repeated violations of statutes and rules regarding the care of residents of health care facilities.

c. Failure to properly clothe, feed, groom or clean residents.

d. Transfer of residents between facilities without the permission of the resident's physician.

3. Any person having responsibility for operation of a health care facility licensed under chapter one hundred thirty-five C (135C) of the Code who willfully, wantonly, or maliciously allows another person to violate this section shall commit a class D felony."

By unanimous consent the rules were suspended and the following corrective amendment H—6349, to amendment H—5566, filed by Lipsky of Linn from the floor was adopted:

H—6349

Amend amendment H—5566, to page 57B of Senate File 85, as follows:

1. Page 1, by striking lines 27 and 28.

Lipsky of Linn asked for unanimous consent to strike lines 29 and 30 of amendment H—5566, as amended.

Objection was raised.

Lipsky of Linn moved that the rules be suspended to offer the following amendment H—6348, to amendment H—5566 as amended, filed by her from the floor and moved its adoption:

H—6348

Amend amendment H—5566, to page 57B of Senate File 85, as follows:

1. Page 1, by striking lines 29 and 30.

A non-record roll call was requested.

The ayes were 68, nays 7.

The motion prevailed and amendment H—6348, to amendment H—5566, as amended, was adopted.

Small of Johnson in the chair at 4:35 p.m.

Lipsky of Linn moved the adoption of amendment H—5566, as amended.

Amendment H—5566, as amended, lost.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5712 filed by him and Harper of Davis on March 10, 1976, and found on page 1087 of the House Journal.

Halvorson of Clayton offered the following amendment H—5865 filed by Halvorson, et al., and moved its adoption:

H—5865

Amend Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 57B, by inserting after line 41 the following new section:

"Sec. ..... *NEW SECTION.* SODOMY. Whoever shall have carnal copulation in any opening of the body except sexual parts, with another human being, or shall have carnal copulation with a beast, shall be guilty of sodomy. Sodomy is a class "D" felony."

Roll call was requested by Spencer of Clay and Wyckoff of Benton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5865 be adopted?"

The ayes were, 39:

Bennett	Evans	Kreamer	Pellett
Bortell	Halvorson	Lageschulte	Poncy
Brockett	Hansen	Lindeen	Scheelhaase
Caffrey	Harper	McElroy	Schroeder
Crabb	Harvey	Menke	Spencer
Daggett	Hinkhouse	Mennenga	Tofte
Danker	Howell	Middleswart	Welden
Den Herder	Hullinger	Miller, A. V.	Woods
Dieleman	Junker	Miller, K. D.	Wyckoff
Dunton	Koogler	Nielsen	

The nays were, 54:

Avenson	Egenes	Jordan	Readinger
Baker	Fitzgerald	Krause	Rinas
Bina	Gentleman	Lipsky	Spradling
Binneboese	Gilloon	Lonergan	Stromer
Bittle	Griffee	Middleton	Svoboda
Brandt	Hargrave	Millen	Tauke
Brunow	Hennessey	Monroe	Varley
Clark	Higgins	Newhard	Walter
Cochran	Hines	Norland	Wells
Connors	Horn	Oakley	West
Crawford	Husak	O'Halloran	Wulff
Cusack	Hutchins	Patchett	Mr. Speaker (Small)
Drake	Jesse	Pavich	
Dyrland	Jochum	Perkins	

Absent or not voting, 7:

Anderson	Byerly	Miller, O. L.	Spear
Branstad	Doyle	Nealson	

Amendment H—5865 lost.

Oakley of Clinton offered amendment H—5106 filed by Spear of Lee. Division was requested as follows:

H—5106

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

H—5106A

1. Page 58, line 19, by striking the word "no" and inserting in lieu thereof the word "nor".

H—5106B

2. Page 58, line 25, by striking the words "town or the trustees of any township" and inserting in lieu thereof the words "the county board of supervisors".

3. Page 58, line 29, by striking the words ", town, or township authorities" and inserting in lieu thereof the words "or such county board of supervisors".

On motion by Oakley of Clinton, amendment H—5106A was adopted.

Oakley of Clinton moved the adoption of amendment H—5106B.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 40, nays 36.

Amendment H—5106B was adopted.

Junker of Woodbury offered the following amendment H—5645 filed by him and moved its adoption:

H—5645

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 58, line 21, by inserting after the word "mercury" the words "nor caps used in cap pistols".

Amendment H—5645 was adopted.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5807 filed by him on March 16, 1976, and found on pages 1199 through 1209 of the House Journal.

Hansen of O'Brien offered the following amendment H—5736 filed by him:

H—5736

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 60, by inserting after line 27 the following:

"Sec. ..... *NEW SECTION.* TRANSACTING BUSINESS

WITHOUT A LICENSE. If any person carry on or transact any business or occupation without license for it, when such license is required by any law of the state, he shall be fined not exceeding one hundred dollars or imprisoned in the county jail not exceeding thirty days."

By unanimous consent the rules were suspended and the following corrective amendment H—6352, to amendment H—5736, filed by Hansen of O'Brien from the floor, was adopted:

H—6352

Amend H—5736 to page 60 of Senate File 85 as follows:

1. Page 1, by striking lines 8, 9, and 10 and inserting in lieu thereof the following:

"commits a simple misdemeanor."

Hansen of O'Brien moved the adoption of amendment H—5736, as amended.

Amendment H—5736, as amended, was adopted.

Krause of Palo Alto asked and received unanimous consent to withdraw amendment H—5792 (to page 60) filed by Krause, et al., on March 16, 1976, and found on pages 1198 and 1199 of the House Journal.

(Senate File 85 pending at adjournment and placed under unfinished business.)

MOTIONS TO RECONSIDER

(Amendment H—6086 to Senate File 85)

I move to reconsider the vote by which amendment H—6086 to page 415 of Senate File 85 was adopted by the House.

WEST of Marshall

(Amendment H—5106B to Senate File 85)

I move to reconsider the vote by which amendment H—5106B to Senate File 85 was adopted by the House on April 20, 1976.

SCHROEDER of Pottawattamie

UNANIMOUS CONSENT CALENDAR

(House Concurrent Resolution 132)

We hereby request that House Concurrent Resolution 132, filed on April 19, 1976, and found on pages 1997-1998 of the House Journal, be placed on the unanimous consent calendar.

KOOGLER of Mahaska
BAKER of Buena Vista
HALVORSON of Clayton

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the votes were taken on House Files 1555, 1408 and Senate File 1210 and also when the vote was taken on amendment H—5701 to Senate File 85. Had I been present I would have voted "aye" on all bills and the amendment except Senate File 1210, on which I would have voted "nay."

LAGESCHULTE of Bremer

I was necessarily absent from the House chamber when the votes were taken on House amendments H—5575, H—5701 and H—6322, to Senate File 85. Had I been present, I would have voted "nay" on amendments H—5575 and H—6322 and "aye" on H—5701.

JUNKER of Woodbury

I was necessarily absent from the House chamber when the vote was taken on amendment H—6904 to Senate File 85. Had I been present, I would have voted "aye."

HINKHOUSE of Cedar

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 19, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 114, an act to modify certain accounting procedures of the office of Auditor of State.

House File 1106, an act relating to membership in the Iowa Public Employees' Retirement System for certain employees of the General Assembly.

House File 1298, an act relating to the prohibition of toxic extinguishers.

House File 1363, an act relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances.

House File 1401, an act to authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the act retroactive.

Senate File 1055, an act to legalize and validate the proceedings of the Board of Supervisors of Jasper County, Iowa.

REPORTS OF COMMITTEE

Norland of Worth, from the committee on ways and means, submitted the following reports:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 1442**, a bill for an act to legalize and validate the proceedings of the board of directors of the Des Moines Area Community College (merged Area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, and the Polk County Commissioner of

Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6346

Amend House File 1442, page 2, by striking lines 13 through 18 and inserting in lieu thereof the following:

"Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Pella Chronicle, a newspaper published in Pella, Iowa, and in the Patriot-Chronicle, a newspaper published in What Cheer, Iowa."

NORLAND of Worth, Chair

Also:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 1547,** a bill for an act to legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School in the counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winneshiek, State of Iowa, and the Dubuque County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6347

Amend House File 1547, page 2, by striking lines 9 through 14 and inserting in lieu thereof the following:

"Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Decorah Public Opinion, a newspaper published in Decorah, Iowa, and in The Clayton County Register, a newspaper published in Elkader, Iowa, without expense to the state."

NORLAND of Worth, Chair

AMENDMENTS FILED

H—6340

Amend House File 1485, page 2, line 34, by striking the word "books" and inserting in lieu thereof the word "system".

SPRADLING of Sioux

H—6339

Amend House File 1554, page 8, by striking lines

16, 17, and 18 and inserting in lieu thereof the following:

"The provisions of this Act shall become applicable in any city which has a city assessor when adopted by resolution of the city council for those properties within that assessor jurisdiction. The provisions of this Act shall become applicable in a city in which the property is assessed by a county assessor when adopted by resolution of the city council and the board of supervisors of the county in which the city is located. The provisions of this Act shall become applicable in a county in which all property in the county is included within the same assessor jurisdiction when adopted by resolution by the board of supervisors for all properties within the county."

BINA of Scott
CUSACK of Scott

H—6341

Amend Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 3, line 31, by striking the words "the superintendent" and inserting in lieu thereof the following: "a person designated by the board".

LAGESCHULTE of Bremer

H—6342

Amend H—5285, filed by the committee on education, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 32, by striking the words "the superintendent" and inserting in lieu thereof the following: "a person designated by the board".

LAGESCHULTE of Bremer

H—6344

Amend H—6257, filed by Oakley of Clinton, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 5 through 50.
2. Page 2, by striking lines 1 through 50.
3. Page 3, by striking lines 1 through 50.
4. Page 4, by striking lines 1 through 50.
5. Page 5, by striking lines 1 through 50.
6. Page 6, by striking lines 1 through 32 and inserting in lieu thereof the following:

"Section 1. Section two hundred seventy-nine point thirteen (279.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.13 CONTRACTS WITH TEACHERS—AUTOMATIC CONTINUATION.

1. Contracts with teachers, which for the purpose of this section means all certificated employees of

a school district and nurses employed by the board, excluding superintendents and assistant superintendents, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon, including but not limited to educational leaves and reimbursement for tuition paid by the teacher for courses approved by the board of directors, and which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

For the purpose of this section "educational leave" means a leave granted to an employee for the purpose of study including study in areas outside of a teacher's area of specialization, travel, or other reasons deemed by the board to be of value to the school system. The contract is invalid if the teacher is under contract with another board of directors to teach during the same time period until a release from the other contract is achieved. The contract shall be signed by the president of the board when tendered, and after it is signed by the teacher, the contract shall be filed with the secretary of the board before the teacher enters into performance under the contract.

2. If the teacher has been employed at least two consecutive years as a teacher in the same school district, the contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods except as modified or terminated by mutual agreement of the board of directors and the teacher or as

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terminated in accordance with the provisions specified in this chapter. A contract shall not be offered by the employing board to a teacher under its jurisdiction prior to March first of any year. A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs first. However, a teacher shall not be required to return a contract to the board less than twenty-one days after the contract has been offered.

3. The board, following the recommendation of the superintendent to consider termination, by a majority vote, may consider terminating the contract with the teacher. If such action is taken, the following procedure shall be followed. Within five days following school board action to consider terminat-

ing a teacher's contract, but no later than February fifteenth, the teacher shall be notified in writing, either by receipted personal service or mailed by certified mail, that the board has voted to consider termination of the contract. If the notice has been by certified mail, the notice shall be complete upon mailing. The notice shall state the specific reasons for considering the termination, which shall be any just cause affecting performance of duties which may include incompetency, persistent or substantial neglect of duty, inadequate performance, physical or mental disability or sickness which interferes with performance of duty as shown by competent medical evidence and following a leave of absence of one year, or factors which require a reduction of staff. However, a notice of intent to terminate shall not be issued until a member of the school administrative staff has provided the teacher with all written and documented evidence of any alleged deficiencies in performance of contracted duties and has allowed the teacher a definite reasonable time as determined by the board to correct the deficiencies. Evaluation procedures shall be established by each school district.

The teacher's complete personnel file shall be available, which file shall contain a record of all periodic reviews between the teacher and appropriate supervisors.

4. Within five days following receipt of the

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written notice that the board has voted to consider termination of a contract, the teacher may request in writing to the secretary of the board a private conference with the board. The private conference shall not be subject to chapter twenty-eight A (28A) of the Code and shall be held no sooner than ten days and no later than twenty days following the receipt of the request. The secretary of the board shall notify the teacher in writing of the date, time and location of the private conference. The conference shall be attended by members of the board and their legal representatives if any, the superintendent or the superintendent's representative, the teacher and the teacher's representatives if any, not to exceed five, and the teacher's immediate supervisor and the supervisor's representatives, if any. The discussion at the conference shall be limited to the specific reasons stated in the notice to consider termination. Any material removed from the teacher's personnel file or other material to be introduced at the conference shall be provided the teacher no less than five days preceding the conference. No participant in the conference shall be liable for any damages to any person if any statement at the conference

is determined to be erroneous as long as the statement was made in good faith.

5. Within three days following the conference, the superintendent shall make a written recommendation to the board. Within three days after the conference, the teacher may send a statement in writing to the board members. The school board shall meet within five days after the private conference is held, or after the time has passed to request a private conference, to determine the continuance or discontinuance of the contract. If a private conference has been held, the school board shall consider at the meeting the written recommendation submitted by the superintendent and the written statement of the teacher if one has been submitted. The board action shall be by roll call vote. A complete record of the meeting to determine the continuance or discontinuance of the contract shall be kept and made available to the teacher. The secretary of the board shall mail to the teacher notices of the board's action by certified mail, which shall be mailed promptly, and not later than March twentieth.

6. If the teacher has been employed at least two years as a teacher, the teacher may appeal the action of the board to terminate a contract. In case of the termination of employment or discharge of a teacher

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under the provisions of either this section or section two hundred seventy-nine point twenty-four (279.24) of the Code, the teacher may appeal the decision to a panel of three arbitrators within twenty days. The notice of appeal shall be sent to the secretary of the board whose decision is being appealed. Within five days following receipt by the secretary of the notice of appeal, the board or its legal representative if any and the teacher or the teacher's representative if any shall each select an arbitrator who resides within the boundaries of the state. The two parties shall then select a third arbitrator who is not required to possess residency requirements. The third arbitrator shall serve as chairperson of the panel of arbitrators. The parties shall immediately notify the secretary of the board of the selection of the panel and the names and addresses of the persons selected. If the third arbitrator cannot be mutually agreed upon within the five-day period, notice shall be sent by the secretary of the board to the chairperson of the public employment relations board by certified mail. Within ten days following receipt of the notice, the chairperson of the public employment relations board shall submit to the school board and the teacher a list of five names of available arbitrators from lists maintained by the public employee relations board. The school board and the teacher

shall remove names from the list until only one name remains. If the remaining person is unacceptable to the two parties, the two parties may request an additional list of three names of available arbitrators from lists maintained by the public employment relations board. Names shall be stricken in the manner provided in this subsection. The party entitled to remove the first name shall be determined by lot. The party having the right to remove the first name shall do so within two days of receipt of the list and each party shall have one additional day to remove each of the remaining names. The secretary of the board shall inform the chairperson of the public employee relations board of the name of the arbitrator selected. Within ten days following the selection of the third arbitrator, the arbitration panel shall request in writing from the secretary of the board of the school district all records and transcripts of the proceedings relating to the termination of the teacher's contract. The records and transcripts shall be delivered to the arbitration panel within five days after the secretary receives the request.

The chairperson of the arbitration panel may act

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as a mediator to bring the parties together to effectuate a settlement. If after five days the mediation is not successful, the arbitration panel shall send written notice to the teacher and the board of the school district of the date, time, and location of a hearing. The arbitration panel shall hear the matter de novo and shall take testimony at a time and place set by the arbitration panel, but no later than forty days following selection of the arbitration panel or receipt of the appeal by the chairperson of the public employment relations board. The arbitration panel may subpoena witnesses and documents and hold a private conference, and shall render a decision on the appeal within ten days following the hearing. The determination of the panel of arbitrators shall be by majority vote and shall be final and binding, subject to appeal to the courts. The report of the panel of arbitrators shall be written by the chairperson. The arbitration panel may reinstate the teacher and award back pay. A complete transcript of the arbitration panel's hearings shall be kept and made available upon request by the interested parties. A copy of the decision shall be sent by certified mail to the teacher and school board secretary. All costs of the appeal shall be shared equally by the teacher and school board.

7. If either party is aggrieved by the arbitration panel's decision, the decision may be appealed within twenty days to the district court in the county in which the hearing was held. Notice of the appeal

shall be made in writing to the other party when the appeal is filed. The arbitration panel's award may be modified, reversed, or set aside if the court determines that the arbitration panel acted without or in excess of the arbitration panel's authority or that the arbitration panel's findings of fact are not supported by a preponderance of the competent evidence on the record considered as a whole, or that the arbitration panel's award was procured by fraud or is contrary to law. The assessments of costs and attorney fees in such appeals shall be at the discretion of the court.

8. The first two consecutive years of employment of a teacher in the same school district are a probationary period. However, a board of directors may waive the probationary period for any teacher who previously has served a probationary period in another school district. If the board is considering termination of a probationary teacher's contract, the board shall notify the probationary teacher in writing,

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listing any alleged deficiencies and providing the probationary teacher with a definite reasonable time to correct the deficiencies. If the deficiencies are not corrected to the board's satisfaction, the contract of a probationary status teacher may be terminated at the end of the contract period upon written notice to that effect prior to April first of any year. The written notice shall state the reasons for termination. Following receipt of the written notice, the probationary teacher may request a private conference with the board, which shall be held in accordance with the provisions of subsection four (4) of this section. Within three days following the private conference, the superintendent shall make a written recommendation to the board. The board, at its next meeting, shall, by roll call vote, decide the retention or termination of the probationary teacher. The board's decision shall be final and binding unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section twenty point ten (20.10) of the Code.

Sec. 2. Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.24 DISCHARGE OF TEACHER. The board may, by a majority vote, discharge any teacher for any just cause which may include incompetency or persistent or substantial neglect of duty. Prior to the discharge, the board shall conduct, at a meeting of the board held for that purpose, a complete and impartial

investigation of the specific reasons for the proposed action. The teacher shall receive three days written notice of the time and place of such meeting, a specification of the alleged causes for discharge and a list of the witnesses proposed to be called by the board, together with a brief summary of their expected testimony. The teacher and the teacher's representatives, if any, not to exceed five, shall be allowed to be present at the meeting, to call and cross-examine witnesses, and to otherwise make a defense. A record of the meeting shall be made and kept. Following the board decision to discharge the teacher, the teacher shall be notified promptly in writing, stating the specific reasons for the action.

Within twenty days following receipt of the decision of the board, the teacher may appeal the decision following the procedure stated in section two hundred

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seventy-nine point thirteen (279.13) of the Code. However, the superintendent may suspend a teacher for any of the reasons listed in this section and recommend that the board discharge the teacher. The superintendent shall immediately notify the board of the suspension. The board shall meet within seven days of receipt of the notice to consider discharging the teacher and shall conduct a complete and impartial investigation of the specific reasons for the recommended discharge in the same manner as if the teacher had not been suspended. The teacher shall be notified by personal service of the time and place of the meeting immediately after the meeting time and place have been set. If the board votes not to discharge the teacher, the teacher shall be reinstated and the board shall award back pay for the period during which the teacher was suspended."

PATCHETT of Johnson
DYRLAND of Clayton
WULFF of Black Hawk
GRIFFEE of Chickasaw
BINA of Scott

H—6351

Amend H—5285, filed by the committee on education, to Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 3, line 19, by striking the words "fraud or is contrary to law." and inserting in lieu thereof the words "fraud, is contrary to law or is in violation of constitutional or statutory provisions."

EGENES of Story

H—6350

Amend Senate File 1203 as follows:

1. Page 1, line 10, by striking the word

"*five*" and inserting in lieu thereof the word "*two*".

2. Page 1, line 11, by inserting after the word "*dollars*" the words "*may be let without bids*".

3. Page 1, line 11, by inserting after the comma the words "*where the probable cost is more than two thousand and one dollars but less than five thousand dollars, contracts*".

HUTCHINS of Guthrie

H—6343

Amend Senate File 1210, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 33 the following section:

"Sec. ..... *NEW SECTION.* CITY CIVIL SERVICE AND RETIREMENT. The inclusion of a city in a unified law enforcement district shall not affect the prior establishment of a civil service system under chapter four hundred (400) of the Code or a pension or retirement system under either chapter four hundred ten (410) or four hundred eleven (411) of the Code."

2. By numbering sections as necessary.

CONNORS of Polk
HUTCHINS of Guthrie

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:48 p.m. until 9:00 a.m., Wednesday, April 21, 1976.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day—Sixty-sixth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, APRIL 21, 1976

The House met pursuant to adjournment, Small of Johnson in the chair.

Prayer was offered by the Reverend Kenneth Thiele, pastor of the American Zion Lutheran Church, LaPorte City, Iowa.

The Journal of Tuesday, April 20, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hubiak, Odebolt, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury on request of Scheelhaase of Woodbury; Lonergan of Boone on request of Crabb of Crawford.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

One hundred sixteen fifth grade students from Audubon Community Elementary School, Audubon, Iowa, accompanied by Jackie Hiatt, Esther Severien, Carma Hutchins and Carol Kalbeson. By Hutchins of Guthrie.

Seventy-five fifth grade students from McKinley Elementary School, Muscatine, Iowa, accompanied by Mary Lick and Clyde Evans. By Drake of Muscatine.

Sixty sixth grade students from Southeast Elementary School, Ankeny, Iowa, accompanied by Miss Allen and Miss Kopacek. By Byerly of Polk.

Seventy-one sixth grade students from Corning Elementary

School, Corning, Iowa, accompanied by Marvin Steffen, Mrs. Vera Kimball, Mrs. Wilma Hanna and Mrs. Sherry Lindberg. By Daggett of Adams and Pellett of Cass.

Twenty Y-Teens from Clarinda High School, Clarinda, Iowa, accompanied by Mrs. Doretta Youngman. By Daggett of Adams.

Thirty-five government class students from West Branch Community School, West Branch, Iowa, accompanied by Dan Wilson. By Hinkhouse of Cedar.

Sixty-one students from Zion Lutheran School and St. Rose of Lima School, Denison, Iowa, accompanied by LaVern Venzke and Sister Mary Jane. By Crabb of Crawford.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committee on House Files 1442 and 1547, under Rule 36.

QUORUM CALL

Roll call was requested by Stromer of Hancock and Bennett of Ida to determine that a quorum was present.

Present were, 68:

Anderson	Dyrland	Koogler	Poncy
Baker	Evans	Krause	Readinger
Bennett	Fitzgerald	Kreamer	Scheelhaase
Bina	Gilloon	Lageschulte	Schroeder
Binneboese	Halvorson	Lindeen	Spradling
Brandt	Hansen	McElroy	Stromer
Brockett	Harper	Menke	Tauke
Brunow	Hennessey	Middleswart	Tofte
Byerly	Hinkhouse	Millen	Varley
Caffrey	Horn	Miller, K. D.	Welden
Connors	Howell	Miller, O. L.	Wells
Crabb	Hullinger	Nealson	West
Crawford	Husak	Norland	Woods
Cusack	Hutchins	Oakley	Wulff
Daggett	Jochum	Pavich	Wyckoff
Danker	Jordan	Pellett	Mr. Speaker (Small)
Dieleman	Junker	Perkins	
Drake			

Absent were, 32:

Avenson	Dunton	Jesse	Nielsen
Bittle	Egenes	Lipsky	O'Halloran
Bortell	Gentleman	Lonergan	Patchett
Branstad	Griffee	Mennenga	Rinas
Clark	Hargrave	Middleton	Spear
Cochran	Harvey	Miller, A. V.	Spencer
Den Herder	Higgins	Monroe	Svoboda
Doyle	Hines	Newhard	Walter

UNIFINISHED BUSINESS

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85,** a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Tauke of Dubuque offered the following amendment H—5834 filed by him and Wells of Linn:

H—5834

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 61, line 1, by striking the words "with respect to what is suitable material".

2. Page 61, line 2, by striking the words "for minors".

3. Page 61, by striking line 20.

4. Page 61, by striking lines 27 through 35 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* UNLAWFUL TRANSACTIONS IN OBSCENITY. Any person who distributes, exhibits, manufactures, produces, reproduces, imports, or possesses with the intent to distribute or exhibit, or advertises for distribution any obscene matter, is guilty of a serious misdemeanor."

5. Page 62, by striking lines 1 through 5.

6. Page 62, line 10, by striking the words "to minors".

7. Page 62, line 20, by striking the words "in which the minor is".

8. Page 62, line 21, by striking the word "participating" and the word "the".

9. Page 62, line 22, by striking the words "of minors".

10. Page 62, lines 25 through 27 by striking the words and figures "section two thousand eight hundred two (2802) or two thousand eight hundred three (2803) of this chapter" and inserting in lieu thereof the words "this division".

11. Page 62, line 32, by striking the word "section".

12. Page 62, by striking lines 33 and 34 and inserting in lieu thereof the words "this division".

13. Page 63, line 1, by striking the words and figure "section two thousand eight hundred two (2802)".

14. Page 63, by striking line 2 and inserting in lieu thereof the words "this division".

15. Page 63, by striking lines 14 through 35.

16. By renumbering sections and subsections and internal references to conform with this amendment.

Gilloon of Dubuque asked for unanimous consent to consider amendment H—6345, to amendment H—5834.

Objection was raised.

Gilloon of Dubuque moved to suspend the rules for the consideration of amendment H—6345, to amendment H—5834:

Roll call was requested by Gilloon of Dubuque and Bina of Scott.

On the question "Shall the rules be suspended to consider amendment H—6345, to amendment H—5834?"

The ayes were, 57:

Anderson	Dyrland	Husak	Newhard
Baker	Egenes	Hutchins	Oakley
Bennett	Evans	Jesse	O'Halloran
Bina	Gilloon	Jochum	Pellett
Binneboese	Griffee	Junker	Poncy
Bittle	Halvorson	Krause	Readinger
Bortell	Hansen	Kreamer	Rinas
Brandt	Hargrave	Lipsky	Schroeder
Brunow	Harper	Middleswart	Spencer
Caffrey	Harvey	Middleton	Spradling
Clark	Hennessey	Miller, A. V.	Tofte
Connors	Higgins	Miller, K. D.	Welden
Crabb	Hinkhouse	Miller, O. L.	Wells
Cusack	Howell	Nealson	Wyckoff
Danker			

The nays were, 30:

Avenson	Dunton	Menke	Varley
Brockett	Gentleman	Mennenga	Walter
Byerly	Horn	Patchett	West
Crawford	Jordan	Pavich	Woods
Daggett	Koogler	Perkins	Wulff
Den Herder	Lageschulte	Scheelhaase	Mr. Speaker (Small)
Dieleman	Lindeen	Stromer	
Drake	McElroy	Tauke	

Absent or not voting, 13:

Branstad	Hines	Millen	Norland
Cochran	Hullinger	Monroe	Spear
Doyle	Lonergan	Nielsen	Svoboda
Fitzgerald			

The motion prevailed and the rules were suspended.

Gilloon of Dubuque offered the following amendment H—6345, to amendment H—5834, filed by him from the floor:

H—6345

Amend amendment H—5834, to page 61 of Senate File 85, as follows:

1. Page 1, by striking lines 3 through 39 and inserting in lieu thereof the following:

"1. Page 62, by inserting after line 5 the following:

Sec. ..... *NEW SECTION.* Any person who knowingly sells, gives, delivers, exhibits or displays, to any adult, material depicting sado-masochistic abuse, excretory functions, a sex act involving a minor, or a sex act involving any person and an animal which the average adult taking the material as a whole and applying contemporary community standards would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political or artistic value, shall upon conviction be guilty of a serious misdemeanor."

Brunow of Appanoose in the chair at 9:54 a.m.

Gilloon of Dubuque moved the adoption of amendment H—6345, to amendment H—5834.

Roll call was requested by Kreamer of Polk and Spencer of Clay.

On the question "Shall amendment H—6345, to amendment H—5834, be adopted?"

The ayes were, 82:

Anderson	Dyrland	Krause	Poncy
Avenson	Egenes	Kreamer	Readinger
Baker	Evans	Lageschulte	Rinas
Bina	Fitzgerald	Lindeen	Scheelhaase
Binneboese	Gilloon	Lipsky	Schroeder
Bittle	Griffee	McElroy	Spencer
Bortell	Halvorson	Menke	Spradling
Brandt	Hansen	Mennenga	Stromer
Brockett	Hargrave	Middleswart	Svoboda
Caffrey	Harper	Middleton	Tofte
Cochran	Harvey	Millen	Varley
Connors	Hennessey	Miller, A. V.	Walter
Crabb	Higgins	Miller, K. D.	Welden
Crawford	Hinkhouse	Miller, O. L.	Wells
Cusack	Horn	Nealson	West
Daggett	Hutchins	Norland	Woods
Danker	Jesse	Oakley	Wulff
Den Herder	Jochum	O'Halloran	Wyckoff
Dieleman	Jordan	Patchett	Mr. Speaker (Brunow)
Drake	Junker	Pavich	
Dunton	Koogler	Pellett	

The nays were, 7:

Bennett	Clark	Howell	Tauke
Byerly	Gentleman	Perkins	

Absent or not voting, 11:

Branstad	Hullinger	Monroe	Small
Doyle	Husak	Newhard	Spear
Hines	Lonergan	Nielsen	

Amendment H—6345 was adopted.

Tauke of Dubuque moved the adoption of amendment H—5834, as amended.

Roll call was requested by Tauke of Dubuque and Lageschulte of Bremer.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5834, as amended, be adopted?"

The ayes were, 84:

Anderson	Egenes	Krause	Poncy
Avenson	Evans	Kreamer	Readinger
Baker	Fitzgerald	Lageschulte	Rinas
Bennett	Gilloon	Lindeen	Scheelhaase
Bina	Griffee	Lipsky	Schroeder
Binneboese	Halvorson	McElroy	Spencer
Bittle	Hansen	Menke	Spradling
Bortell	Hargrave	Mennenga	Stromer
Brockett	Harper	Middleswart	Svoboda
Byerly	Harvey	Millen	Tauke
Caffrey	Hennessey	Miller, A. V.	Tofte
Cochran	Higgins	Miller, K. D.	Varley
Connors	Hinkhouse	Miller, O. L.	Walter
Crabb	Horn	Nealson	Welden
Cusack	Howell	Norland	Wells
Daggett	Hullinger	Oakley	West
Danker	Hutchins	O'Halloran	Woods
Den Herder	Jochum	Patchett	Wulff
Dieleman	Jordan	Pavich	Wyckoff
Drake	Junker	Pellett	Mr. Speaker (Brunow)
Dunton	Koogler	Perkins	
Dyrland			

The nays were, 6:

Brandt	Crawford	Jesse	Middleton
Clark	Gentleman		

Absent or not voting, 10:

Branstad	Husak	Newhard	Small
Doyle	Lonergan	Nielsen	Spear
Hines	Monroe		

Amendment H—5834, as amended, was adopted.

By unanimous consent the rules were suspended and the following corrective amendment H—6356, filed by Jesse of Polk from the floor, was adopted:

H—6356

Amend Senate File 85 as follows:

1. Page 61, line 9, by striking the word "statute" and inserting in lieu thereof the word "statue".

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—5586 (to page 63) filed by him on March 5, 1976, and found on page 990 of the House Journal.

Kreamer of Polk offered the following amendment H—5618 filed by him and moved its adoption:

H—5618

Amend Senate File 85, as amended and passed by the Senate and reprinted, as follows:

1. Page 61, line 21 by inserting after the word "simulated," the words "either natural or deviate,".

2. Page 61, line 22 by striking the words "either natural or deviate,".

Amendment H—5618 was adopted.

Oakley of Clinton offered the following amendment H—5223 filed by Spear of Lee and moved its adoption:

H—5223

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 61, line 24, by inserting after the word "mouth" the words "or tongue".

Amendment H—5223 was adopted.

Oakley of Clinton offered the following amendment H—5311 filed by Spear of Lee and moved its adoption:

H—5311

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 61, line 25, by inserting after the word "anus," the words "or by contact between a finger of one person and the genitalia of another person".

Amendment H—5311 was adopted.

Kreamer of Polk asked for unanimous consent to withdraw amendment H—5088.

Objection was raised.

Kreamer of Polk moved to withdraw amendment H—5088 (to page 63) filed by Spear, et al., on January 30, 1976, and found on pages 211 and 212, of the House Journal.

Roll call was requested by Spencer of Clay and Dieleman of Marion.

On the question "Shall amendment H—5088 be withdrawn?"

The ayes were, 62:

Anderson	Dunton	Koogler	Readinger
Baker	Egenes	Krause	Scheelhaase
Bennett	Fitzgerald	Lipsky	Spradling
Bina	Gentleman	McElroy	Stromer
Binneboese	Gilloon	Menke	Svoboda
Bittle	Griffee	Middleswart	Tofte
Brandt	Hargrave	Middleton	Varley
Brockett	Harper	Millen	Walter
Byerly	Hennessey	Miller, O. L.	Welden
Caffrey	Higgins	Nealson	Wells
Clark	Hullinger	Norland	West
Connors	Hutchins	Oakley	Wulff
Crabb	Jesse	O'Halloran	Wyckoff
Crawford	Jochum	Patchett	Mr. Speaker (Brunow)
Den Herder	Jordan	Pavich	
Drake	Junker	Poncy	

The nays were, 18:

Bortell	Evans	Howell	Pellett
Daggett	Halvorson	Lageschulte	Spencer
Danker	Hansen	Mennenga	Tauke
Dieleman	Harvey	Miller, A. V.	Woods
Dyrland	Hinkhouse		

Absent or not voting, 20:

Avenson	Hines	Lonergan	Perkins
Branstad	Horn	Miller, K. D.	Rinas
Cochran	Husak	Monroe	Schroeder
Cusack	Kreamer	Newhard	Small
Doyle	Lindeen	Nielsen	Spear

The motion prevailed and amendment H—5088 was withdrawn.

The House resumed consideration of amendment H—5475 filed by the subcommittee on the criminal code revision as follows:

H—5475

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 137, by striking lines 29 through 35.

2. Page 138, by striking lines 1 through 3.

3. Page 138, line 4, by striking the letter "c" and inserting in lieu thereof the figure "4".

4. Page 138, line 8, by striking the letter "d" and inserting in lieu thereof the figure "5".

Jesse of Polk moved the adoption of amendment H—5475.

Amendment H—5475 was adopted.

The House resumed consideration of amendment H—5949 filed by the subcommittee on the criminal code revision as follows:

H—5949

Amend Senate File 85, as amended, passed, and re-

printed by the Senate, as follows:

1. Page 153, by striking lines 18 through 23.

Speaker Cochran in the chair at 11:53 a.m.

Oakley of Clinton moved the adoption of amendment H—5949.

A non-record roll call was requested.

The ayes were 59, nays 23.

Amendment H—5949 was adopted.

(Senate File 85 pending at recess.)

RULE 32 INVOKED
(House File 610)

Avenson of Fayette invoked Rule 32 on **House File 610.** House File 610, presently on the regular calendar, was rereferred to the committee on **ways and means.**

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Small of Johnson in the chair.

QUORUM CALL

Roll call was requested by Walter of Pottawattamie and Spencer of Clay to determine that a quorum was present.

Present were, 78:

Avenson	Dyrland	Jordan	Poncy
Baker	Evans	Junker	Readinger
Bennett	Fitzgerald	Koogler	Rinas
Bina	Gentleman	Krause	Scheelhaase
Binneboese	Gilloon	Lageschulte	Schroeder
Bittle	Griffee	Lipsky	Spencer
Bortell	Halvorson	Menke	Spradling
Brockett	Hansen	Mennenga	Stromer
Brunow	Hargrave	Middleswart	Svoboda
Caffrey	Harvey	Miller, A. V.	Tauke
Cochran	Hennessey	Miller, K. D.	Tofte
Crabb	Higgins	Miller, O. L.	Walter
Crawford	Hines	Nealson	Welden
Cusack	Hinkhouse	Newhard	Wells
Daggett	Horn	Norland	Woods
Danker	Howell	Oakley	Wulff
Den Herder	Hullinger	O'Halloran	Wyckoff
Dieleman	Hutchins	Patchett	Mr. Speaker (Small)
Drake	Jesse	Pellett	
Dunton	Jochum	Perkins	

Absent, 22:

Anderson	Doyle	Lonergan	Nielsen
Brandt	Egenes	McElroy	Pavich
Branstad	Harper	Middleton	Spear
Byerly	Husak	Millen	Varley
Clark	Kreamer	Monroe	West
Connors	Lindeen		

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform wour honorable body that the Senate has on April 21, 1976, reconsidered House File 1011, concurred in the House amendment S—5529 to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 1011, a bill for an act relating to the election laws of the state of Iowa.

Also: That the Senate has on April 14, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1280, a bill for an act correcting erroneous, inconsistent and obsolete sections of the Code.

STEVEN C. CROSS, Secretary

HOUSE RESOLUTION 119

By Connors

Whereas, the Big Band Era featuring band leaders such as Tommy and Jimmy Dorsey, Benny Goodman, Wayne King, Artie Shaw, Stan Kenton, Harry James, Louie Armstrong, Paul Whiteman, Duke Ellington, Jan Garber, Les Brown, Lawrence Welk, Dick Jurgens, Ted Weems, Kay Kyser, Gene Krupa, Lionel Hampton, Guy Lombardo, Count Basie, Woody Herman, and others thrilled and were enjoyed by thousand of Iowans and millions of other people representing all states of the United States and countries of the world; and

Whereas, there remain very few such band leaders who are still active and entertaining the people of the world and specifically the people of Iowa; and

Whereas, Woody Herman and his Thundering Herd, now known as the Thundering Young Herd, is still appearing in Iowa on a consistent basis and providing the finest of big band music; and

Whereas, Woody Herman is celebrating his fortieth year as a band leader; *Now, Therefore,*

Be It Resolved by the House of Representatives, That Woody Herman be extended the congratulations of the House on this his fortieth year as a band leader and be recognized as an entertainer exemplifying a person who continues to provide the finest of music and entertainment; and

Be It Further Resolved, That a copy of this resolution be forwarded to Woody Herman and his Thundering Young Herd.

Laid over under Rule 25.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Kreamer of Polk offered the following amendment H—6084 filed by Branstad of Winnebago:

H—6084

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

1. Page 214, by striking lines 22 through 31 and inserting in lieu thereof the following: "After receiving and examining all pertinent information, including the pre-sentence investigation report, if any, the court shall consider the sentencing options authorized by this chapter for the offense, and of the authorized sentences, which of them or which combination of them, in the discretion of the court, will provide maximum opportunity for the rehabilitation of the defendant, and for the protection of the community."

2. Page 214, by striking lines 34 and 35.

3. Page 215, by striking lines 1 through 12.

By unanimous consent the rules were suspended and the following corrective amendment H—6359, to amendment H—6084, filed by Kreamer of Polk from the floor, was adopted:

H—6359

Amend amendment H—6084, to page 214 of Senate File 85, as follows:

1. Line 15, by striking the numeral and word "34 and" and inserting in lieu thereof the numeral and word "32 through".

Kreamer of Polk asked and received unanimous consent to defer action on amendment H—6084, as amended:

The House resumed consideration of amendment H—6062 filed by Kreamer of Polk and Hansen of O'Brien as follows:

H—6062

Amend Senate File 85, as amended, passed and reprinted by the Senate, page 221, by inserting after

line 21 the following:

"DIVISION .....

HABITUAL CRIMINAL INMATE

Section 1. *NEW SECTION.* HABITUAL CRIMINAL INMATE DEFINED. Whoever has been convicted of a crime, sentenced to serve a term of imprisonment in this state, any other state, or the United States and who is confined in a penal institution of this state shall be, upon conviction of a new offense, deemed to be a habitual criminal inmate. This section shall not apply to:

1. An inmate serving less than a life sentence if the new crime is that of escape; or,

2. Any inmate who at the time of commission of the new offense is on parole under chapter two hundred forty-seven (247) of the Code, is engaging in a work release program under chapter two hundred forty-seven A (247A) of the Code, or is participating in a furlough program under section two hundred seventeen point fourteen (217.14) of the Code.

Sec. 2. *NEW SECTION.* INCARCERATION. Upon conviction of a new offense under section one (1) of this division, any incarceration ordered by the sentencing court shall commence immediately upon judgment being rendered as though service of time on any previous sentence was suspended. Any incarceration ordered by the sentencing court shall be within the maximum security unit of the penitentiary or reformatory. Reduction of sentence provisions shall not be calculated as provided in section two hundred forty-six point forty-two (246.42) of the Code, but shall be calculated separately and the provisions of section two hundred forty-six point forty-three (246.43) of the Code shall not apply. Provisions for work release, parole, and furlough shall not apply to a person convicted under section one (1) of this division.

Sec. 3. *NEW SECTION.* EVIDENCE. A duly authenticated copy of the former judgment and commitment from any court in which such judgment and commitment was had or a copy of either this former judgment or a mittimus from the records of the institution in which the individual is confined shall be competent and prima facie evidence of the former judgment and commitment and may be used in evidence against this individual."

Kreamer of Polk asked and received unanimous consent to suspend the rules for the consideration of the following amendment H—6354, to amendment H—6062, filed by him from the floor, and moved its adoption:

H—6354

Amend amendment H—6062, to page 221 of Senate

File 85, as follows:

1. Page 1, line 11, by striking the words "new offense" and inserting in lieu thereof the words "forcible felony".

2. Page 1, line 12, by striking the word "section" and inserting in lieu thereof the word "division".

3. Page 1, by striking lines 13 through 22 and inserting in lieu thereof the following: "not apply to any inmate who at the time of commission of the forcible felony is on parole under chapter three (3) of this Act, is engaging in a work release program under chapter two hundred forty-seven A (247A) of the Code, or is participating in a furlough program under section two hundred seventeen point fourteen (217.14) of the Code."

4. Page 1, line 24, by striking the words "new offense" and inserting in lieu thereof the words "forcible felony".

Amendment H—6354 was adopted.

Kreamer of Polk moved the adoption of amendment H—6062, as amended.

A non-record roll call was requested.

The ayes were 36, nays 41.

Amendment H—6062 lost.

Speaker Cochran in the chair at 2:26 p.m.

Kreamer of Polk asked and received unanimous consent to suspend the rules and offer the following amendment H—6358 filed by him from the floor and moved its adoption:

H—6358

Amend Senate File 85 as follows:

1. Page 214, by striking from lines 24 and 25 the words "in the order presented below".

A non-record roll call was requested.

The ayes were 46, nays 19.

Amendment H—6358 was adopted.

The House resumed consideration of amendment H—6084.

Kreamer of Polk asked and received unanimous consent to withdraw amendment H—6084 (to page 214), as amended.

The House resumed consideration of amendment H—5928 filed by Middleton of Black Hawk. Division was requested as follows:

H—5928

Amend Senate File 85, as amended, passed and reprinted by the Senate, as follows:

H—5928G

1. Page 215, line 21, by striking the words "of confinement for more than ninety days,".

H—5928A

2. Page 215, line 23, by inserting after the word "corrections" the words "or to a local agency established under chapter two hundred seventeen (217) of the Code".

3. Page 215, line 28, by inserting after the word "director" the words "or the local corrections agency".

H—5928B

4. Page 223, by striking lines 14 through 19 and inserting in lieu thereof the following:

"Section 501. *NEW SECTION.* PROBATION AND PAROLE SERVICE. Pursuant to designation by the court, parole and probation services shall be provided by the department of social services or by a local agency established under chapter two hundred seventeen (217) of the Code. Parole and probation officers shall perform the duties assigned to them by law and by the director of the agency by which they are employed."

H—5928C

5. Page 223, line 20, by inserting after the word "PAROLE" the words "AND PROBATION".

6. Page 223, line 20, by inserting after the word "Parole" the words "and probation".

7. Page 223, line 23, by inserting after the word "Parole" the words "and probation".

H—5928D

8. Page 223, line 27, by striking the word "the".

9. Page 223, line 28, by striking the word "his" and inserting in lieu thereof the words "each person's".

10. Page 223, line 29, by striking the word "him" and inserting in lieu thereof the word "that person".

11. Page 223, line 29, by inserting after the word "his" the words "or her".

12. Page 223, line 30, by striking the word "and" and inserting in lieu thereof the word "or".

13. Page 223, line 30, by inserting after the word "Parole" the words "and probation".

14. Page 223, line 35, by inserting after the word "agencies" the words "which offer services of a corrective nature".

H—5928E

15. Page 224, by striking lines 19 through 27 and inserting in lieu thereof the following:

"Section 504. *NEW SECTION.* COOPERATION BY STATE AND LOCAL PAROLE AND PROBATION SERVICES.

1. Any district court which designates persons or agencies established under chapter two hundred seventeen (217) of the Code to provide probation and parole services to any person shall receive and distribute a proportionate share of the moneys

Page 2

appropriated for community-based corrections by the legislature. Moneys received by a court shall be determined by the workload assumed by community-based persons and agencies pursuant to the court's designation. Workloads shall be determined as follows:

a. Each parolee or probationer assigned to the person or agency represents one unit.

b. Each person receiving pre-trial supervision represents three units.

c. Each pre-sentence investigation represents one unit.

2. State and local parole and probation agencies shall cooperate in the use of facilities established within the community for local correctional treatment and shall cooperatively share the benefits received from the establishment of contracts for services funded by legislative appropriations and provided by private agencies."

H—5928F

16. Page 229, line 12, by striking the words "by the probation" and inserting in lieu thereof the words "by probation".

17. Page 229, line 13, by striking the word "service" and inserting in lieu thereof the word "services".

18. Page 232, by inserting after line 24 the following:

"2. Of any local agency established under chapter two hundred seventeen (217); or".

19. Page 232, line 25, by striking the figure "2" and inserting in lieu thereof the figure "3".

20. Page 234, by striking lines 3 through 6.

21. Page 234, line 7, by striking the words "prescribe. The".

22. Page 234, line 7, by striking the word "such" and inserting in lieu thereof the word "any".

23. Page 234, line 8, by inserting after the word "person" the words "assigned to a local correctional agency".

24. Page 234, line 8, by striking the word "he" and inserting in lieu thereof the words "that person".

25. Page 234, line 13, by striking the word "him" and inserting in lieu thereof the words "the person".

26. Page 241, line 14, by striking the words and

figures "section five hundred four (504)" and inserting in lieu thereof the words and figures "sections one hundred eight (108) and five hundred one (501)".
27. By correcting internal references.

Middleton of Black Hawk asked and received unanimous consent to withdraw amendment H—5928G.

Middleton of Black Hawk moved the adoption of amendment H—5928A.

A non-record roll call was requested.

The ayes were 44, nays 32.

Amendment H—5928A was adopted.

Middleton of Black Hawk moved the adoption of amendment H—5928B.

A non-record roll call was requested.

The ayes were 43, nays 32.

Amendment H—5928B was adopted.

Middleton of Black Hawk moved the adoption of amendment H—5928C.

Amendment H—5928C was adopted.

Middleton of Black Hawk moved the adoption of amendment H—5928D.

Amendment H—5928D was adopted.

Middleton of Black Hawk asked and received unanimous consent to withdraw amendment H—5928E.

Middleton of Black Hawk moved the adoption of amendment H—5928F.

Amendment H—5928F was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk for the remainder of the day on request of Woods of Polk.

Oakley of Clinton asked and received unanimous consent to withdraw his motion to reconsider amendment H—5399 filed by him on March 9, 1976.

Drake of Muscatine asked and received unanimous consent to withdraw his motion to reconsider amendment H—5399 filed by him on March 9, 1976.

Bennett of Ida called up for consideration the motion to reconsider amendment H—5418 filed by him and moved to reconsider the vote by which amendment H—5418 was adopted by the House on March 10, 1976.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 38, nays 50.

The motion lost.

Kreamer of Polk called up for consideration the motions to reconsider amendment H—5664 filed by Branstad of Winnebago and Nielsen of Polk and moved to reconsider the vote by which amendment H—5664 was adopted by the House on March 10, 1976.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 49, nays 43.

The motion prevailed and the House reconsidered amendment H—5664 as follows:

H—5664

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 10, line 15, by inserting after the word "force" the words ", including deadly force".

Branstad of Winnebago moved the adoption of amendment H—5664.

Roll call was requested by Kreamer of Polk and Lageschulte of Bremer.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5664 be adopted?"

The ayes were, 46:

Avenson	Dieleman	Kreamer	Perkins
Baker	Drake	Lageschulte	Poncy
Bennett	Dunton	Lindeen	Spencer
Bortell	Evans	McElroy	Stromer
Branstad	Halvorson	Menke	Tofte
Caffrey	Hansen	Middleswart	Welden
Clark	Harper	Millen	West
Connors	Harvey	Miller, K. D.	Woods
Crabb	Hullinger	Miller, O. L.	Wulff
Daggett	Husak	Nealson	Wyckoff
Danker	Hutchins	Pellett	Mr. Speaker
Den Herder	Junker		

The nays were, 48:

Anderson	Gilloon	Koogler	Pavich
Bina	Griffee	Krause	Readinger
Binnebo**ese**	Hargrave	Lipsky	Rinas
Bittle	Hennessey	Mennenga	Scheelhaase
Brandt	Higgins	Middleton	Schroeder
Brunow	Hines	Miller, A. V.	Small
Crawford	Hinkhouse	Monroe	Spradling
Cusack	Horn	Nielsen	Svoboda
Dyrland	Howell	Norland	Tauke
Egenes	Jesse	Oakley	Varley
Fitzgerald	Jochum	O'Halloran	Walter
Gentleman	Jordan	Patchett	Wells

Absent or not voting, 6:

Brockett	Doyle	Newhard	Spear
Byerly	Lonergan		

Amendment H—5664 lost.

Oakley of Clinton called up for consideration the motion to reconsider amendment H—5312 filed by Spear of Lee and moved to reconsider the vote by which amendment H—5312, as amended, was adopted by the House on March 11, 1976.

The motion lost.

Branstad of Winnebago called up for consideration the motion to reconsider amendment H—5430 filed by Kreamer of Polk and moved to reconsider the vote by which amendment H—5430 was adopted by the House on March 11, 1976.

The motion prevailed and the House reconsidered amendment H—5430 as follows:

H—5430

Amend Senate File 85 as amended, passed, and reprinted by the Senate as follows:

1. Page 11, by striking lines 25 through 35.

2. Page 12, by striking lines 1 through 15.

3. Page 181, by striking lines 23 through 25.

4. By renumbering the remaining sections and internal references to accord with this amendment.

Branstad of Winnebago moved the adoption of amendment H—5430.

Amendment H—5430 lost.

Junker of Woodbury asked and received unanimous consent to withdraw his motion to reconsider amendment H—5344B (to page 15B) filed by him on March 15, 1976.

Oakley of Clinton asked and received unanimous consent to

withdraw his motion to reconsider amendment H—5682 (to page 18) filed by him on March 15, 1976.

Wyckoff of Benton called up for consideration the motion to reconsider amendment H—5697 filed by him and moved to reconsider the vote by which amendment H—5697 was adopted by the House on March 16, 1976.

The motion prevailed.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—5697 (to page 30).

Motions to reconsider amendment H—5697 filed by Oakley of Clinton and Perkins of Greene are out of order.

Jesse of Polk called up for consideration the motion to reconsider amendment H—5821B filed by Patchett of Johnson and moved to reconsider the vote by which amendment H—5821B failed to be adopted by the House on March 16, 1976.

Roll call was requested by Harper of Davis and Perkins of Greene.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H—5821B failed to be adopted by the House be reconsidered?"

The ayes were, 45:

Avenson	Hargrave	Junker	Patchett
Bina	Hennessey	Lipsky	Pavich
Binneboese	Higgins	Middleswart	Readinger
Brandt	Hines	Middleton	Rinas
Crawford	Hinkhouse	Miller, A. V.	Scheelhaase
Cusack	Horn	Monroe	Small
Drake	Howell	Newhard	Spradling
Egenes	Hullinger	Nielsen	Tofte
Fitzgerald	Jesse	Norland	Varley
Gentleman	Jochum	Oakley	Wells
Gilloon	Jordan	O'Halloran	Mr. Speaker
Griffee			

The nays were, 48:

Anderson	Danker	Koogler	Poncy
Baker	Den Herder	Krause	Schroeder
Bennett	Dieleman	Lageschulte	Spencer
Bittle	Dunton	Lindeen	Stromer
Bortell	Dyrland	McElroy	Svoboda
Branstad	Evans	Menke	Tauke
Brunow	Halvorson	Mennenga	Walter
Caffrey	Hansen	Millen	Welden
Clark	Harper	Miller, K. D.	West
Connors	Harvey	Miller, O. L.	Woods
Crabb	Husak	Pellett	Wulff
Daggett	Hutchins	Perkins	Wyckoff

Absent or not voting, 7:

Brockett	Doyle	Lonergan	Spear
Byerly	Kreamer	Nealson	

The motion lost.

Wyckoff of Benton asked and received unanimous consent to suspend the rules to reconsider the vote by which the following amendment H—5463 was adopted by the House on March 17, 1976:

H—5463

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 52, by inserting after line 4 the following new subsection:

"5. When the commissioner reasonably determines from competent evidence that the applicant constitutes a danger to himself or others."

Wyckoff of Benton asked and received unanimous consent to suspend the rules to offer the following amendment H—6357, to amendment H—5463, filed by him from the floor and moved its adoption:

H—6357

Amend amendment H—5463 to page 52 of Senate File 85 as follows:

1. Page 1, line 5, by striking the words "When the Commissioner" and inserting in lieu thereof the words "The issuing officer".

2. Page 1, line 6, by striking the word "constitutes" and inserting in lieu thereof the words "does not constitute".

Amendment H—6357 was adopted.

Wyckoff of Benton moved the adoption of amendment H—5463, as amended.

Amendment H—5463, as amended, was adopted.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—5870A filed by him and Spear of Lee and moved to reconsider the vote by which amendment H—5870A was adopted by the House on March 19, 1976.

Roll call was requested by Branstad of Winnebago and Harvey of Scott.

On the question "Shall the vote by which amendment H—5870A was adopted by the House be reconsidered?"

The ayes were, 48:

Anderson	Drake	Hutchins	Nielsen
Avenson	Dyrland	Jesse	Norland
Baker	Egenes	Jochum	Oakley
Bina	Fitzgerald	Jordan	O'Halloran
Bittle	Gentleman	Krause	Patchett
Brandt	Gilloon	Lindeen	Perkins
Brunow	Hargrave	Lipsky	Poncy
Caffrey	Harper	Menke	Readinger
Clark	Hennessey	Middleton	Rinas
Connors	Higgins	Miller, A. V.	Small
Crawford	Hinkhouse	Monroe	Varley
Cusack	Horn	Newhard	Mr. Speaker

The nays were, 36:

Bennett	Dunton	Lageschulte	Spencer
Binneboese	Evans	McElroy	Spradling
Bortell	Griffee	Mennenga	Stromer
Branstad	Hansen	Middleswart	Tauke
Crabb	Harvey	Miller, K. D.	Tofte
Daggett	Howell	Miller, O. L.	Walter
Danker	Hullinger	Pavich	West
Den Herder	Husak	Pellett	Wulff
Dieleman	Junker	Schroeder	Wyckoff

Absent or not voting, 16:

Brockett	Hines	Millen	Svoboda
Bverly	Koogler	Nealson	Welden
Doyle	Kreamer	Scheelhaase	Wells
Halvorson	Lonergan	Spear	Woods

The motion prevailed and the House reconsidered amendment H—5870A.

(Senate File 85 and amendment H—5870A pending at adjournment.)

MOTION TO RECONSIDER

(Amendment H—5928A to Senate File 85)

I move to reconsider the vote by which amendment H—5928A, to page 215 of Senate File 85, was adopted by the House on April 21, 1976.

DRAKE of Muscatine
VARLEY of Adair

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on Senate File 85, amendment H—5865. Had I been present, I would have voted "nay."

ANDERSON of Jasper

UNANIMOUS CONSENT CALENDAR

(House Concurrent Resolution 130)

We hereby request that House Concurrent Resolution 130, filed on April

19, 1976, and found on page 1996 of the House Journal, be placed on the unanimous consent calendar.

WELDEN of Hardin
MILLEN of Van Buren
WYCKOFF of Benton

REPORT OF COMMITTEE

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **Senate File 1279**, a bill for an act to legalize and validate the proceedings of the Polk County Commissioner of Elections in connection with an election in and for the City of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass**:

H—6355

Amend Senate File 1279 as follows:
1. Page 1, by striking lines 31 through 35 and inserting in lieu thereof the following:
"Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Cedar Valley Daily Times, a newspaper published in Vinton, Iowa, and the Neola Gazette-Reporter, a newspaper published in Neola, Iowa."
2. Page 2, by striking line 1.

NORLAND of Worth, Chair

AMENDMENTS FILED

H—6362

Amend House File 1477 as follows:
1. Page 9, by striking lines 25 through 30, and inserting in lieu thereof "was committed or such final order was entered."

KOOGLER of Mahaska

H—6367

Amend House File 1558 as follows:
1. Page 2, by inserting after line 16 the following:
"Sec. ..... Section four hundred sixty-seven A point seven (467A.7), Code 1975, is amended by adding the following new subsection:
NEW SUBSECTION. The commissioners shall, as a condition for the receipt of any cost share funds for permanent soil conservation practices which are not constructed pursuant to sections four hundred sixty-seven A point forty-seven (467A.47) and four hundred sixty-seven A point forty-eight (467A.48) of the Code, require the landowner to covenant

an agreement which shall be filed with the county recorder that if the project is removed, altered, or modified so as to lessen its effectiveness without the consent of the state soil conservation committee for a period of ten years after the date of receiving payment, the landowner shall refund to the department of soil conservation the public funds used for the project. Such refunds shall be reallocated to the district from which they were refunded to be used for conservation cost sharing. It shall be the duty of the commissioners to assist the state soil conservation committee in the enforcement of this subsection."

WYCKOFF of Benton
AVENSON of Fayette
MIDDLESWART of Warren
WELDEN of Hardin
TOFTE of Winneshiek
HALVORSON of Clayton
PERKINS of Greene

H—6366

Amend Senate File 356, as amended, passed, and reprinted by the Senate, page 2, lines 26 through 29, by striking the words "A self-supported municipal improvement district shall not be comprised of any property in districts which are zoned for any use other than commercial or industrial." and inserting in lieu thereof the words "A self-supported municipal improvement district shall only include property in districts which are zoned commercial or industrial. A self-supported municipal improvement district shall not include any parcels of property which qualify for the homestead tax credit as claimed pursuant to chapter four hundred twenty-five (425) of the Code."

BINA of Scott

H—6361

Amend Senate File 1207, as passed by the Senate and reprinted, as follows:

Page 18 by striking lines 4 through 29.

WOODS of Polk
MILLER of Buchanan

H—6365

Amend Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 6, line 31, by striking the words "and existing".

EVANS of Grundy

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:48 p.m. until 9:00 a.m., Thursday, April 22, 1976.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day—Sixty-seventh Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, APRIL 22, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Robert Ruppert, pastor of St. Luke's United Methodist Church, Dubuque, Iowa.

The Journal of Wednesday, April 21, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John L. Bailey, Anamosa, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury on request of Scheelhaase of Woodbury.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Sixty-five government class students from Rockford High School, Rockford, Iowa, accompanied by Dennis Haller, Marlene Marsh and Robert Sinclair. By Howell of Floyd.

Thirty senior students from Corwith-Wesley High School, Corwith, Iowa, accompanied by Mike and Diana Pearson, Jim and Eileen Blain, and Robert and Bonnie Bassett. By Branstad of Winnebago.

Fifty-five students from Lutheran Inter-Parish School, Williamsburg, Iowa, accompanied by Lois Klein, Marvin Muhlenbruck and Neil Koch. By Svoboda of Iowa.

Thirty-nine eighth grade and senior students from Arnolds Park Consolidated School, Arnolds Park, Iowa, accompanied by Mildren Anderson and James Van Pelt. By Hansen of O'Brien and Spencer of Clay.

Eighteen senior class government students from Steamboat Rock High School, Steamboat Rock, Iowa, accompanied by Kay Rolfsema. By Welden of Hardin.

One hundred Campfire girls from District 3 (Northeast Iowa) accompanied by Marlene Miller. By Lipsky of Linn.

Twenty-five Girl Scouts from Victor, Iowa, accompanied by Vivian Kalambaheti. By Svoboda of Iowa.

Thirty-five fourth grade students from the Ar-We-Va Community School District, Arcadia, Westside and Vail, Iowa, accompanied by their principal and instructors. By Bennett of Ida and Perkins of Greene.

Forty-eight Hiawatha Camp Fire Girls from Cedar Rapids and Marion, Iowa, accompanied by Marlene Miller. By Lipsky of Linn.

INTRODUCTION OF BILLS

House File 1560, by committee on ways and means, a bill for an act relating to the imposition of the inheritance tax on a power of appointment.

Read first time and **placed on the ways and means calendar.**

House File 1561, by committee on ways and means, a bill for an act relating to the deduction of debts and property taxes for inheritance tax purposes.

Read first time and **placed on the ways and means calendar.**

House File 1562, by committee on ways and means, a bill for an act relating to the reporting of stock transfers for inheritance tax purposes.

Read first time and **placed on the ways and means calendar.**

House File 1563, by committee on human resources, a bill for an act relating to the composition of the board of parole and providing that certain inmates be granted an annual interview with the board of parole.

Read first time and **placed on the calendar.**

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 1279, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1359, a bill for an act relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides.

Also: That the Senate has on April 21, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 552, a bill for an act relating to the payment of services rendered to a state institution by a county medical examiner.

Also: That the Senate has on April 20, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1288, a bill for an act relating to the economic impact of an administrative rule.

Also: That the Senate has on April 20, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1303, a bill for an act relating to the definition of a nonresident employer.

Also: That the Senate has on April 20, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1304, a bill for an act relating to the administration of workmen's compensation claims of state employees.

STEVEN C. CROSS, Secretary

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Lageschulte of Bremer to determine that a quorum was present.

Rules 69 and 70 were invoked.

Present were, 85:

Anderson	Dyrland	Koogler	Perkins
Baker	Egenes	Krause	Poncy
Bennett	Evans	Kreamer	Readinger
Bina	Fitzgerald	Lageschulte	Rinas
Binneboese	Gentleman	Lindeen	Scheelhaase
Bortell	Gilloon	Lipsky	Schroeder
Brandt	Halvorson	McElroy	Small
Branstad	Hansen	Menke	Spencer
Brockett	Harper	Mennenga	Spradling
Brunow	Harvey	Middleswart	Stromer
Caffrey	Hennessey	Millen	Tauke
Clark	Higgins	Miller, A. V.	Tofte
Connors	Hines	Miller, K. D.	Varley
Crabb	Hinkhouse	Miller, O. L.	Walter
Crawford	Horn	Nealson	Welden
Cusack	Howell	Newhard	Wells
Daggett	Husak	Norland	West
Danker	Hutchins	Oakley	Woods
Den Herder	Jesse	Patchett	Wulff
Dieleman	Jordan	Pavich	Wyckoff
Drake	Junker	Pellett	Mr. Speaker
Dunton			

Absent were, 15:

Avenson	Griffee	Lonergan	O'Halloran
Bittle	Hargrave	Middleton	Spear
Byerly	Hullinger	Monroe	Svoboda
Doyle	Jochum	Nielsen	

BUSINESS PENDING AT ADJOURNMENT

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, and amendment H—5870A filed by Schroeder of Pottawattamie as follows and reconsidered by the House on April 21, 1976:

H—5870A

1. Page 56, by inserting after line 3 the following new section:

"Sec. 2504A. *NEW SECTION.* PUBLIC INDECENT EXPOSURE. A holder of a liquor license or beer permit or any owner, manager, or person who exercises direct control over any licensed premises defined in section one hundred twenty-three point three (123.3), subsection thirty-one (31) of the Code shall be guilty of an aggravated misdemeanor under any of the following circumstances:

1. If such person allow or permit the actual or simulated performance of any sex act upon or in such licensed premises.

2. If such person allow or permit the exposure of the genitals or buttocks or female breast nipple of any person who acts as a waiter, waitress, or entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

3. If such person allow or permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, buttocks, pubic hair or anus.

4. If such person allow or permit the displaying of films or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

Provided that the provisions of this section shall not apply to a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances and any of the circumstances contained

in this section were permitted or allowed as part of such performances."

Schroeder of Pottawattamie moved the adoption of amendment H—5870A.

Roll call was requested by Danker of Pottawattamie and Schroeder of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5870A be adopted?"

The ayes were, 52:

Bennett	Griffee	McElroy	Schroeder
Binneboese	Halvorson	Menke	Spencer
Bortell	Hansen	Mennenga	Spradling
Branstad	Harper	Middleswart	Stromer
Brockett	Hinkhouse	Millen	Svoboda
Crabb	Howell	Miller, A. V.	Tauke
Daggett	Hullinger	Miller, K. D.	Tofte
Danker	Husak	Miller, O. L.	Walter
Den Herder	Junker	Nealson	Wells
Dieleman	Koogler	Norland	West
Dunton	Kreamer	Pavich	Wulff
Dyrland	Lageschulte	Pellett	Wyckoff
Evans	Lindeen	Scheelhaase	Mr. Speaker

The nays were, 42:

Anderson	Drake	Hutchins	O'Halloran
Avenson	Egenes	Jesse	Patchett
Baker	Fitzgerald	Jochum	Perkins
Bina	Gentleman	Jordan	Poncy
Brandt	Gilloon	Krause	Readinger
Brunow	Hargrave	Lipsky	Rinas
Caffrey	Harvey	Monroe	Small
Clark	Hennessey	Newhard	Varley
Connors	Higgins	Nielsen	Welden
Crawford	Hines	Oakley	Woods
Cusack	Horn		

Absent or not voting, 6:

Bittle	Doyle	Middleton	Spear
Byerly	Lonergan		

Amendment H—5870A was adopted.

With the adoption of amendment H—5870A, amendment H—5961 (to page 289), filed by Spear of Lee on March 24, 1976, and found on pages 1396 and 1397 of the House Journal, was out of order.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw his motion to reconsider amendment H—5106B (to page 58) filed by him on April 20, 1976.

Kreamer of Polk called up for consideration the motion to

reconsider amendment H—5825 (to page 71) filed by him and moved to reconsider the vote by which amendment H—5825 failed to be adopted by the House on March 24, 1976.

A non-record roll call was requested.

The ayes were 38, nays 48.

The motion lost.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—5956 (to page 74) filed by him and moved to reconsider the vote by which amendment H—5956 was adopted by the House on March 24, 1976.

Roll call was requested by Kreamer of Polk and Branstad of Winnebago.

On the question "Shall the vote by which amendment H—5956 was adopted be reconsidered?"

The ayes were, 40:

Anderson	Dyrland	Lageschulte	Readinger
Bennett	Evans	Lindeen	Schroeder
Bortell	Halvorson	McElroy	Spencer
Branstad	Hansen	Menke	Stromer
Connors	Harper	Millen	Tofte
Crabb	Harvey	Miller, K. D.	Welden
Daggett	Jordan	Nealson	West
Danker	Junker	Pellett	Woods
Den Herder	Krause	Perkins	Wulff
Dieleman	Kreamer	Poncy	Wyckoff

The nays were, 51:

Avenson	Fitzgerald	Jesse	O'Halloran
Baker	Gentleman	Jochum	Patchett
Bina	Gilloon	Koogler	Pavich
Binneboese	Griffee	Lipsky	Rinas
Brandt	Hargrave	Mennenga	Scheelhaase
Brunow	Hennessey	Middleswart	Small
Caffrey	Higgins	Middleton	Spradling
Clark	Hines	Miller, A. V.	Svoboda
Crawford	Hinkhouse	Miller, O. L.	Tauke
Cusack	Horn	Monroe	Walter
Drake	Howell	Newhard	Wells
Dunton	Husak	Nielsen	Mr. Speaker
Egenes	Hutchins	Oakley	

Absent or not voting, 9:

Bittle	Doyle	Lonergan	Spear
Brockett	Hullinger	Norland	Varley
Byerly			

The motion lost.

Brunow of Appanoose in the chair at 11:25 a.m.

Oakley of Clinton called up for consideration the motions to

reconsider amendment H—5510 filed by him and Wyckoff of Benton and moved to reconsider the vote by which amendment H—5510 was adopted by the House on March 30, 1976.

Roll call was requested by Branstad of Winnebago and Harvey of Scott.

On the question "Shall the vote by which amendment H—5510 was adopted be reconsidered?"

The ayes were, 50:

Bennett	Halvorson	Menke	Spencer
Bittle	Hansen	Middleswart	Stromer
Bortell	Harvey	Millen	Tauke
Branstad	Hines	Miller, K. D.	Tofte
Brockett	Hinkhouse	Miller, O. L.	Walter
Crawford	Howell	Nealson	Welden
Daggett	Hullinger	Newhard	West
Danker	Husak	Norland	Woods
Den Herder	Junker	Pavich	Wulff
Dieleman	Kreamer	Pellett	Wyckoff
Evans	Lageschulte	Perkins	Mr. Speaker (Brunow)
Gilloon	Lindeen	Readinger	
Griffee	McElroy	Scheelhaase	

The nays were, 40:

Anderson	Cusack	Hutchins	Miller, A. V.
Baker	Dunton	Jesse	Monroe
Bina	Dyrland	Jochum	Nielsen
Binneboese	Egenes	Jordan	Oakley
Brandt	Fitzgerald	Koogler	Patchett
Byerly	Gentleman	Krause	Poncy
Caffrey	Hargrave	Lipsky	Schroeder
Clark	Harper	Lonergan	Small
Cochran	Higgins	Mennenga	Spradling
Connors	Horn	Middleton	Wells

Absent or not voting, 10:

Avenson	Drake	Rinas	Svoboda
Crabb	Hennessey	Spear	Varley
Doyle	O'Halloran		

The motion prevailed and the House reconsidered amendment H—5510 filed by the subcommittee on the criminal code revision as follows:

H—5510

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 130A, by striking lines 16 through 35.
2. By striking lines 130B through 135B.
3. Page 136, by striking lines 1 through 34 and inserting in lieu thereof the following:

"Rule 12. DEPOSITIONS. A defendant in a criminal case, either after preliminary information, indictment, or information, may examine witnesses conditionally or on notice or commission, in the same manner and with like effect as in civil actions.

Rule 13. PERPETUATING TESTIMONY. A person apprehensive of a criminal prosecution may perpetuate testimony in his or her favor in the same manner, and with like effect, as may be done in apprehension of any civil action."

Speaker Cochran in the chair at 11:40 a.m.

Oakley of Clinton moved the adoption of amendment H—5510.

Roll call was requested by Nealson of Muscatine and Branstad of Winnebago.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5510 be adopted?"

The ayes were, 48:

Anderson	Drake	Hutchins	Oakley
Avenson	Dyrland	Jesse	O'Halloran
Baker	Egenes	Jochum	Patchett
Bina	Fitzgerald	Jordan	Pavich
Brandt	Gentleman	Koogler	Poncy
Brunow	Gilloon	Lipsky	Rinas
Byerly	Griffee	Lonergan	Schroeder
Caffrey	Hargrave	Mennenga	Spradling
Clark	Harper	Middleton	Svoboda
Connors	Hennessey	Miller, A. V.	Walter
Crawford	Higgins	Monroe	Wells
Cusack	Horn	Nielsen	Mr. Speaker

The nays were, 45:

Bennett	Hansen	Lindeen	Readinger
Binneboese	Harvey	Menke	Scheelhaase
Bittle	Hines	Middleswart	Spencer
Bortell	Hinkhouse	Millen	Stromer
Branstad	Howell	Miller, K. D.	Tauke
Brockett	Hullinger	Miller, O. L.	Tofte
Daggett	Husak	Nealson	Welden
Danker	Junker	Newhard	West
Den Herder	Krause	Norland	Woods
Dieleman	Kreamer	Pellett	Wulff
Evans	Lageschulte	Perkins	Wyckoff
Halvorson			

Absent or not voting, 7:

Crabb	Dunton	Small	Varley
Doyle	McElroy	Spear	

Amendment H—5510 was adopted.

(Senate File 85 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:45 p.m.

AFTERNOON SESSION

The House reconvened, Cusack of Scott in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed sixty-nine members present, thirty-one absent.

BUSINESS PENDING

SPECIAL ORDER CONTINUED

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Kreamer of Polk called up for consideration the motion to reconsider amendment H—5474 (to page 137) filed by him and moved to reconsider the vote by which amendment H—5474 was adopted by the House on March 30, 1976.

The motion lost.

Kreamer of Polk called up for consideration the motions to reconsider amendment H—5982 filed by him, Nielsen of Polk and Fitzgerald of Webster and moved to reconsider the vote by which amendment H—5982 was adopted by the House on March 30, 1976.

Roll call was requested by Kreamer of Polk and Branstad of Winnebago.

Rule 69 was invoked.

On the question "Shall the vote by which amendment H—5982 was adopted be reconsidered?"

The ayes were, 54:

Anderson	Gentleman	Krause	Poncy
Bina	Hargrave	Lipsky	Readinger
Binneboese	Harper	Lonergan	Rinas
Bittle	Hennessey	Mennenga	Scheelhaase
Brandt	Higgins	Middleton	Schroeder
Brunow	Hinkhouse	Miller, A. V.	Small
Byerly	Howell	Newhard	Spradling
Caffrey	Hullinger	Nielsen	Svoboda
Clark	Husak	Norland	Tauke
Connors	Hutchins	Oakley	Walter
Crawford	Jesse	O'Halloran	Wells
Dunton	Jochum	Patchett	Mr. Speaker
Egenes	Jordan	Pavich	(Cusack)
Fitzgerald	Koogler	Perkins	

The nays were, 28:

Bortell	Dieleman	Kreamer	Nealson
Branstad	Drake	Lageschulte	Pellett
Brockett	Dyrland	Lindeen	Spencer
Crabb	Evans	McElroy	Stromer
Daggett	Hansen	Menke	Tofte
Danker	Hines	Millen	Welden
Den Herder	Junker	Miller, O. L.	Wyckoff

Absent or not voting, 18:

Avenson	Gilloon	Middleswart	Varley
Baker	Griffee	Miller, K. D.	West
Bennett	Halvorson	Monroe	Woods
Cochran	Harvey	Spear	Wulff
Doyle	Horn		

The motion prevailed and the House reconsidered amendment H—5982 filed by Kreamer of Polk as follows:

H—5982

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 143, by striking lines 33, 34, and 35 and inserting in lieu thereof the words: "waive the making of such statement."

Kreamer of Polk moved the adoption of amendment H—5982.

Roll call was requested by Kreamer of Polk and Branstad of Winnebago.

Rule 69 was invoked.

On the question "Shall amendment H—5982 be adopted?"

The ayes were: 45:

Anderson	Evans	Lonergan	Small
Bennett	Gilloon	McElroy	Spencer
Bortell	Halvorson	Menke	Stromer
Branstad	Hansen	Middleswart	Svoboda
Brockett	Hennessey	Millen	Tauke
Brunow	Hines	Miller, K. D.	Tofte
Crabb	Hinkhouse	Monroe	Welden
Daggett	Junker	Nealson	West
Danker	Kreamer	Pellett	Woods
Den Herder	Lageschulte	Perkins	Wulff
Dieleman	Lindeen	Readinger	Wyckoff
Dyrland			

The nays were, 48:

Avenson	Connors	Higgins	Koogler
Baker	Crawford	Horn	Krause
Bina	Drake	Howell	Lipsky
Binneboese	Dunton	Hullinger	Mennenga
Bittle	Egenes	Husak	Middleton
Brandt	Fitzgerald	Hutchins	Miller, A. V.
Byerly	Gentleman	Jesse	Newhard
Caffrey	Hargrave	Jochum	Nielsen
Clark	Harper	Jordan	Norland

Oakley	Poncy	Schroeder	Wells
O'Halloran	Rinas	Spradling	Mr. Speaker
Patchett	Scheelhaase	Walter	(Cusack)
Pavich			

Absent or not voting, 7:

Cochran	Griffee	Miller, O. L.	Varley
Doyle	Harvey	Spear	

Amendment H—5982 lost.

Branstad of Winnebago called up for consideration the motion to reconsider amendment H—5983 filed by him and moved to reconsider the vote by which amendment H—5983 failed to be adopted by the House on March 30, 1976.

The motion prevailed and amendment H—5983 as follows was reconsidered:

H—5983

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 144, by striking lines 19, 20, and 21.

On motion by Branstad of Winnebago, amendment H—5983 was adopted.

Kreamer of Polk asked and received unanimous consent to withdraw his motion to reconsider amendment H—5482 (to page 166B).

Harvey of Scott called up for consideration the motion to reconsider amendment H—6051 filed by him and asked and received unanimous consent to reconsider the vote by which the following amendment H—6051 failed to be adopted by the House on March 31, 1976:

H—6051

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 200, by striking lines 12 through 35 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* CONVICTION OR ACQUITTAL—WHEN A BAR. A conviction or acquittal by a judgment upon a verdict shall bar another prosecution for the same offense, notwithstanding a defect in form or substance in the indictment on which the conviction or acquittal took place.

Sec. ..... *NEW SECTION.* PROSECUTIONS BARRED. When a defendant has been convicted or acquitted upon an indictment for an offense consisting of different degrees, the conviction or acquittal shall be a bar to another indictment for the same offense charged in

the former or for any lower degree of that offense,
or for an offense necessarily included therein."
2. Page 201, by striking lines 1 through 35.
3. Page 202, by striking lines 1 through 7.

Kreamer of Polk moved the adoption of amendment H—6051.

Amendment H—6051 was adopted.

Drake of Muscatine called up for consideration the motion to reconsider amendment H—5928A filed by him and Varley of Adair to reconsider the vote by which amendment H—5928A was adopted by the House on April 21, 1976.

Middleton of Black Hawk asked and received unanimous consent to temporarily defer action on the motion to reconsider amendment H—5928A.

Gentleman of Polk asked and received unanimous consent to withdraw the motions to reconsider amendment H—6052 (to page 216A) filed by her and Kreamer of Polk on April 1, 1976.

Drake of Muscatine called up for consideration the motion to reconsider amendment H—6041 filed by him and moved to reconsider the vote by which amendment H—6041 failed to be adopted by the House on April 1, 1976.

A non-record roll call was requested.

The ayes were 37, nays 40.

The motion lost.

With the above motion having failed to prevail, amendment H—6083 (to page 218), filed by Halvorson of Clayton on April 1, 1976, and found on page 1544 of the House Journal, was out of order.

Den Herder of Sioux called up for consideration the motion to reconsider amendment H—5965A (to page 221) filed by him and moved to reconsider the vote by which amendment H—5965A was adopted by the House on April 12, 1976.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 43, nays 46.

The motion lost.

Oakley of Clinton asked and received unanimous consent to

withdraw his motion to reconsider amendment H—6266 (to page 225A) filed by him on April 14, 1976.

Action on the motion to reconsider amendment H—5575 temporarily deferred.

Krause of Palo Alto called up for consideration the motion to reconsider amendment H—5927 filed by Stromer of Hancock and moved to reconsider the vote by which amendment H—5927 failed to be adopted by the House on April 19, 1976.

The motion prevailed and the House reconsidered amendment H—5927 found on pages 2012 through 2014 of the House Journal.

Krause of Palo Alto moved the adoption of amendment H—5927.

A non-record roll call was requested.

The ayes were 55, nays 19.

Amendment H—5927 was adopted.

West of Marshall called up for consideration the motion to reconsider amendment H—6086 filed by him and moved to reconsider the vote by which amendment H—6086 was adopted by the House on April 19, 1976.

The motion prevailed and the House reconsidered amendment H—6086 as follows:

H—6086

Amend Senate File 85 as follows:

1. Page 415, by inserting after line 15 the following new section:

"Sec. ..... Any person who willfully violates sections six hundred one A point six (601A.6), subsection one (1), six hundred one A point seven (601A.7), subsection one (1), or six hundred one A point eight (601A.8), of the Code, shall, upon conviction be guilty of a class "D" felony" .

Hargrave of Johnson moved the adoption of amendment H—6086.

Roll call was requested by Hargrave of Johnson and Dyrland of Clayton.

Rule 70 was invoked.

On the question "Shall amendment H—6086 be adopted?"

The ayes were, 39:

Anderson	Dyrland	Jochum	O'Halloran
Avenson	Fitzgerald	Jordan	Patchett
Bina	Gentleman	Koogler	Rinas
Binneboese	Gilloon	Krause	Small
Brandt	Griffee	Lipsky	Spradling
Brunow	Hargrave	Lonergan	Svoboda
Byerly	Higgins	Mennenga	Walter
Caffrey	Hines	Middleton	Wells
Cochran	Howell	Miller, A. V.	Mr. Speaker (Cusack)
Crawford	Jesse	Monroe	

The nays were, 55:

Baker	Dunton	Lageschulte	Readinger
Bennett	Egenes	Lindeen	Scheelhaase
Bittle	Evans	McElroy	Schroeder
Bortell	Halvorson	Menke	Spencer
Branstad	Hansen	Middleswart	Stromer
Brockett	Harper	Millen	Tauke
Clark	Harvey	Miller, K. D.	Tofte
Connors	Hennessey	Miller, O. L.	Varley
Crabb	Hinkhouse	Nealson	Welden
Daggett	Horn	Nielsen	West
Danker	Hullinger	Oakley	Woods
Den Herder	Husak	Pavich	Wulff
Dieleman	Hutchins	Pellett	Wyckoff
Drake	Junker	Perkins	

Absent or not voting, 6:

Doyle	Newhard	Poncy	Spear
Kreamer	Norland		

Amendment H—6086 lost.

The House resumed consideration of the motion to reconsider amendment H—5928A.

Drake of Muscatine moved to reconsider the vote by which amendment H—5928A was adopted by the House on April 21, 1976.

The motion prevailed and the House reconsidered amendment H—5928A as follows:

H—5928A

2. Page 215, line 23, by inserting after the word "corrections" the words "or to a local agency established under chapter two hundred seventeen (217) of the Code".

3. Page 215, line 28, by inserting after the word "director" the words "or the local corrections agency".

Middleton of Black Hawk asked and received unanimous consent to suspend the rules to offer the following amendment H—6374, to amendment H—5928A, filed by him and Drake of Muscatine from the floor and moved its adoption:

H—6374

Amend amendment H—5928, to page 215, Senate File 85 as follows:

1. Page 1, line 10 by striking the word "agency"." and inserting in lieu thereof the following "agency. The court shall retain jurisdiction over the terms, conditions, and length of commitment of any person committed to a local correctional agency established pursuant to chapter two hundred seventeen (217) of the Code."

Amendment H—6374 was adopted.

Middleton of Black Hawk moved the adoption of amendment H—5928A, as amended.

Roll call was requested by Middleton of Black Hawk and Drake of Muscatine.

On the question "Shall amendment H—5928A, as amended, be adopted?"

The ayes were, 26:

Avenson	Gilloon	Miller, A. V.	Perkins
Brandt	Hines	Miller, K. D.	Rinas
Byerly	Howell	Monroe	Schroeder
Caffrey	Hutchins	Oakley	Spradling
Dyrland	Jesse	O'Halloran	Wells
Fitzgerald	Jochum	Patchett	Wulff
Gentleman	Middleton		

The nays were, 60:

Anderson	Den Herder	Jordan	Readinger
Baker	Dieleman	Junker	Scheelhaase
Bennett	Drake	Koogler	Small
Bina	Dunton	Krause	Spencer
Binneboese	Egenes	Lageschulte	Stromer
Bittle	Evans	Lindeen	Tauke
Bortell	Griffee	Lipsky	Tofte
Branstad	Halvorson	Lonergan	Varley
Brockett	Hansen	McElroy	Walter
Brunow	Harper	Menke	Welden
Clark	Hennessey	Mennenga	West
Connors	Higgins	Miller, O. L.	Woods
Crabb	Hinkhouse	Nealson	Wyckoff
Crawford	Horn	Pavich	Mr. Speaker (Cusack)
Daggett	Husak	Pellett	
Danker			

Absent or not voting, 14:

Cochran	Hullinger	Newhard	Poncy
Doyle	Kreamer	Nielsen	Spear
Hargrave	Middleswart	Norland	Svoboda
Harvey	Millen		

Amendment H—5928A, as amended, lost.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules to consider the following amendments: H—6375 to amendment H—5684, H—6373, H—6371 and H—6369.

Jesse of Polk asked and received unanimous consent to reconsider the action by which amendment H—5684 was withdrawn and to reoffer amendment H—5684 and requested division as follows:

H—5684

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

H—5684A

1. Page 28B, by inserting after line 38 the following:

"4. The theft of property exceeding fifty dollars in value but not exceeding one hundred dollars in value is theft in the fourth degree. Theft in the fourth degree is punishable by imprisonment for not to exceed sixty days or by a fine of not to exceed two hundred dollars, or both such fine and imprisonment."

2. Page 28B, line 39, by striking the words "one hundred" and by inserting in lieu thereof the word "fifty".

3. Page 28B, line 40, by striking the word "fourth" and by inserting in lieu thereof the word "fifth".

4. Page 28B, line 41, by striking the word "fourth" and by inserting in lieu thereof the word "fifth".

H—5684B

5. Page 220A, line 14, by striking the word "dollars;" and by inserting in lieu thereof the word "dollars."

6. Page 220A, by striking lines 15 through 19.

Jesse of Polk asked and received unanimous consent to withdraw amendment H—5684B.

Jesse of Polk offered the following amendment H—6375, to amendment H—5684A, filed by him and West of Marshall from the floor and moved its adoption:

H—6375

Amend amendment H—5684, to page 28B, to Senate File 85 as follows:

1. By striking all of lines 8 through 11, and **inserting in lieu thereof the following:**

"Theft in the fourth degree is a serious misdemeanor."

Amendment H—6375 was adopted.

Jesse of Polk moved the adoption of amendment H—5684A, as amended.

Amendment H—5684A, as amended, was adopted.

Schroeder of Pottawattamie offered the following amendment H—6373 filed by Schroeder, Hargrave, Jesse and Monroe from the floor and moved its adoption:

H—6373

Amend Senate File 85 as follows:

1. Page 44, line 28 by striking the word "serious" and inserting in lieu thereof the word "aggravated".

2. Page 44, line 35 by striking the word "serious" and inserting in lieu thereof the word "aggravated".

Amendment H—6373 was adopted.

Jesse of Polk offered the following amendment H—6371 filed by him from the floor and moved its adoption:

H—6371

Amend Senate File 85 as amended, passed and reprinted by the Senate, as follows:

1. Page 74, after line 30, insert the following:

"Sec. ..... *NEW SECTION.* RECEIPT GIVEN. When money or other property is taken from the defendant arrested on a charge of a public offense, the officer taking it shall, at the time, give duplicate receipts therefor, specifying particularly the amount of money and the kind of property taken; one of which receipts he must deliver to the defendant, and the other he must forthwith file with the clerk of the district court of the county where the depositions and statements are to be sent by the magistrate."

2. Page 83, line 19, by deleting the words "crime or".

3. Page 83, line 20, by deleting the words "a crime or" and inserting in lieu thereof the word "an".

4. Page 84, line 27, by striking the word "shall" and inserting in lieu thereof the word "may".

5. Page 85, by striking lines 34 and 35.

6. Page 86, by striking lines 1 through 4 and inserting in lieu thereof the following:

"Sec. 809. *NEW SECTION.* SAFE-KEEPING OF SEIZED PROPERTY. Property of an evidentiary nature seized in the execution of a search warrant shall be safely kept, subject to the orders of any court having jurisdiction to try any offense involved therewith, so long as reasonably necessary to enable its production at trials. The disposition of such property

shall be in accordance with chapter two (2), division nine (IX) of this Act."

7. Page 86, after line 11 insert the following:

"Sec..... *NEW SECTION.* TRANSMISSION OF PAPERS TO DISTRICT COURT CLERK. The magistrate who has issued a search warrant shall attach to the warrant a copy of the return, inventory and all other papers in connection therewith and shall file them with the clerk of the district court for the county in which the property was seized."

8. Page 86, line 12, by inserting the following:

"DIVISION IX
DISPOSITION OF SEIZED PROPERTY

Sec. 901. *NEW SECTION.* SEIZED PROPERTY. For the purposes of this division, "seized property" means all property or any part thereof seized in the execution of a search warrant, arrest warrant, or arrest without warrant; and includes the following:

a. Property which has been obtained in violation

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of law.

b. Property, the possession of which is unlawful.

c. Property used or possessed with the intent to be used as the means of committing a public offense or concealed to prevent the offense from being discovered.

d. Property subject to forfeiture except such property described in chapters one hundred twenty-seven (127) and two hundred four (204), Code 1975.

e. Other property relevant and material as evidence in a criminal prosecution.

Sec. 902. *NEW SECTION.* NOTICE OF HEARING. The clerk of court shall issue a notice of a hearing, containing a reasonable description of the property and the time, place, and cause of its seizure, within forty-eight hours of the time of its seizure. Such notice shall be reasonably calculated to apprise affected persons of the pendency of the hearing.

Sec. 903. *NEW SECTION.* CLAIMANT. Any person claiming the right to possession of seized property may make application for its return in the office of the clerk of court for the county in which it was seized.

Sec. 904. *NEW SECTION.* HEARING. All claims made for the return of the seized property shall be set for hearing and such hearing shall be held not less than five nor more than thirty days after the filing of the first claim.

Sec. 905. *NEW SECTION.* RETURN.

1. Property not required for evidence or use in further investigation may be returned by the officer to the person from whom it was seized without the

requirement of a hearing, providing that that person's right of possession is not prohibited by law.

2. In the event that the finding of the right to possess is in favor of a claimant, other than the state, the magistrate shall order the return of the property, providing that:

a. Possession of such property by the claimant is not prohibited by law; and

b. The property is not needed as evidence in any judicial procedings; or, if needed, satisfactory arrangements have been made for its return for subsequent use as evidence. If such proceedings have not been completed, the magistrate shall make satisfactory arrangements for return of the property upon their completion.

Sec. 906. *NEW SECTION.* OTHER DISPOSITION.

1. Forfeiture. Unless otherwise specified by

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law, the magistrate shall order the immediate destruction of all forfeited property of an illegal nature or character. When the forfeited property is not of an illegal nature or character, the magistrate shall order all such property or the proceeds of its sale to be applied to the court fund of the county.

2. No claimant. Where there is no claimant or where the right to possession cannot be determined, nonperishable property shall be held for a period of six months from the date of filing of the return, pending claim. Thereafter, the magistrate or other officer having the property in his or her custody shall, on payment of the necessary expenses incurred for its preservation, deliver it to the treasurer of the county, to be credited to the court fund.

Sec. 907. *NEW SECTION.* APPEAL. When the judgment of rightful possession or of forfeiture is not made by a district judge, appeal to a district judge may be made in the manner of other appeals from judgments of judicial magistrates. Such appeal shall be filed with the magistrate within two days of the judgment. The appellant, other than the state, shall post a bond in such a reasonable sum as the magistrate may fix and approve, conditioned to pay all costs of the proceedings in case the appellant is unsuccessful on appeal."

9. Page 128, line 25, by striking the words ";
DISPOSITION OF EVIDENCE".

10. Page 128, by striking line 26.

11. Page 129, by striking lines 18 through page 130A, line 9.

12. Page 278, by striking lines 10 through 17 and inserting in lieu thereof the following:

"Sec. 96. Sections one hundred ten point twenty (110.20) and one hundred ten point twenty-one (110.21),

Code 1975, are amended by striking the sections and inserting in lieu thereof the following:

110.20 DISPOSITION OF SEIZED PROPERTY. Disposition of seized property shall be made in accordance with chapter two (2), division nine (IX) of this Act."

13. Page 420, by inserting after line 25 the following:

"Sec. ..... Section seven hundred twenty-six point four (726.4), Code 1975, is amended to read as follows:

726.4 WAGERS—FORFEITURE. Property, whether real or personal, offered as a stake, or any moneys, property, or other thing of value staked, paid, bet, wagered, laid, or deposited in connection with or as a part of any game of chance, lottery, gambling

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scheme or device, gift enterprise, or other trade scheme unlawful under the laws of this state shall be forfeited to the state and said personal property may be seized and disposed of under [chapter 751] *division nine (IX) of chapter two (2) of this Act.*"

14. Page 424, line 13, by inserting after the word "Chapters" the words and figures "six hundred forty-five (645),".

15. By renumbering divisions and sections and correcting internal references as necessary.

Amendment H—6371 was adopted.

Oakley of Clinton offered the following amendment **H—6369** filed by him from the floor and moved its adoption:

H—6369

Amend Senate File 85 as follows:

1. Page 152, by striking lines 8 through 19 and inserting in lieu thereof the following:

"(3) The county attorney or the attorney general may elect to grant the witness either of the following forms of immunity:

a. The witness may be granted immunity from prosecution for any public offense concerning which he was compelled to give competent and relevant testimony or to produce competent and relevant evidence, or

b. The witness may be granted immunity such that no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal case.

However, neither of the preceding grants of immunity shall apply to any prosecution or proceeding for a perjury or a contempt of court committed in the course of or during the giving of such testimony.

(4) Upon consideration of the application for immunity the judge shall enter an order granting the witness such immunity."

Amendment H—6369 was adopted.

Jesse of Polk offered amendment H—5714 filed by the subcommittee on the criminal code revision and requested division as follows:

H—5714

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

H—5714B

1. Page 5, line 13 by striking the word "building" and inserting in lieu thereof the word "building,".

H—5714A

2. Page 6, line 22 by striking the word "artifical" and inserting in lieu thereof the word "artificial".

H—5714B

3. Page 15A, line 26, by striking the word "medine" and inserting in lieu thereof the word "medicine".

H—5714A

4. Page 20B, line 36, by striking the word "annus" and inserting in lieu thereof the word "anus".

H—5714B

5. Page 21A, line 13, by striking the word "veneral" and inserting in lieu thereof the word "venereal".

6. Page 65, line 15, by striking the words and figure "eighty point nine (80.9)" and inserting in lieu thereof the words and figure "ninety-seven A point one (97A.1),".

7. Page 65, lines 17 and 18, by striking the words and figure "section two hundred forty-seven point twenty (247.20) and".

8. Page 65, lines 23 and 24, by striking the words and figure "nineteen B point twelve (19B.12)" and inserting in lieu thereof the words and figure "eighteen point twelve (18.12)".

9. Page 65, lines 28 and 29, by striking the words and figure "eighty B point three (80B.3)" and inserting in lieu thereof the words and figure "one hundred seven point thirteen (107.13)".

H—5714A

10. Page 66A, line 33, by striking the word "theless" and inserting in lieu thereof the words "the less".

H—5714B

11. Page 73, line 12, by striking the words "FROM ARRESTING OFFICER".

H—5714A

12. Page 87, line 28, by striking the word "court".

13. Page 88, line 14, by striking the words and figure "one thousand three (1003)" and inserting in lieu thereof the words "one thousand four (1004)".

H—5714B

14. Page 103, line 33, by striking the word "division" and inserting in lieu thereof the word "section".

15. Page 104, line 2, by striking the word "court".

16. Page 104, line 4, by striking the words "district court judges".

17. Page 107, line 4, by striking the word "court".

18. Page 164, line 16, by inserting after the word "to" the words and figure "chapter two (2)".

19. Page 166B, by striking lines 54 through 63.

20. Page 183, line 9, by striking the words and figure "seven hundred fifty-three (753) of the Code" and inserting in lieu thereof the words and figures

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"two (2), division five (5) of this Act".

21. Page 215, lines 4 and 5, by striking the words and figures "two hundred seven (207) and two hundred nine (209)" and inserting in lieu thereof the words and figures "two hundred eight (208) and two hundred ten (210)".

22. Page 216A, line 27, by striking the words and figure "two hundred ten (210)" and inserting in lieu thereof the words and figure "two hundred eleven (211)".

H—5714A

23. Page 217B, line 48, by striking the words and figure "two hundred seven (207)" and inserting in lieu thereof the words and figure "two hundred eight (208)".

H—5714B

24. Page 230, line 8, by striking the words and figure "two hundred seven (207)" and inserting in lieu thereof the words and figure "two hundred eight (208)".

25. Page 248 by striking lines 27 through page 249 line 6 and inserting in lieu thereof the following:

"Sec. ..... Section forty-eight point five (48.5), subsection three (3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-nine (49) is amended to read as follows:

3. Neither the duplicate registration records open to public inspection nor any list obtained under subsection two (2) of this section shall be used for any purpose of any kind or nature, other than to

request a registrant's vote at a primary or general election, or any other bona fide political purpose. The commissioner shall keep a list of the name, address, telephone number, and social security number of each person who copies or obtains copies of the registration lists. Any person that uses such lists in violation of this section shall, upon conviction, be [imprisoned in the county jail, not to exceed one year, or be fined not to exceed one thousand dollars, or by both such fine and imprisonment, for each violation] *guilty of a serious misdemeanor.*"

26. Page 269, by striking lines 17 through page 270 line 1.

27. Page 307, by striking lines 21 through 28.

28. Page 326, by striking lines 11 through 22.

29. Page 345, by striking lines 9 through 27, and inserting in lieu thereof the following:

"Sec. ..... Section three hundred twenty-six point twenty-seven (326.27), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Section, chapter one hundred seventy-three (173), section nine

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(9) is amended to read as follows:

326.27 VIOLATIONS TO NEGATE AGREEMENTS. Operation of a commercial vehicle or vehicles in violation of the requirements of this chapter, the motor vehicle registration laws of this state, or the terms of any agreement negotiated by the department pursuant to this chapter may, after due notice and hearing, be grounds for denial of reciprocal or proportional registration privileges on the vehicle or vehicles of an owner so operated. Any owner denied such reciprocal or proportional registration privileges shall be subject to payment of full annual Iowa registration fees on any such vehicle operated on Iowa highways. In addition to denial of reciprocal or proportional registration privileges, it shall be a *simple* misdemeanor [punishable upon conviction by a fine of not more than one hundred dollars or imprisonment in the county jail for not more than thirty days], unless such act is declared under Iowa law to be a felony, for any person to operate under reciprocity or proportional registration in violation of any requirements of this chapter."

30. Page 353, by striking lines 11 and 12 and inserting in lieu thereof the following:

"Sec. ..... Section three hundred sixty-four point five (364.5), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred three (203), section thirteen (13) is amended to read as follows:"

31. Page 369, by striking line 32 through page 370, line 6.

32. Page 370, by striking lines 29 through 34.
33. Page 371, by striking lines 19 through 28.
34. Page 372, by striking lines 2 through 30.
35. Page 374, by striking lines 14 through 24.
36. Page 375, by striking lines 8 through 21,
and inserting in lieu thereof the following:
"Sec. ..... Section four hundred seventy-nine point twenty-nine (479.29), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy (170), section twenty-seven (27) is amended to read as follows:
479.29 PENALTY FOR DISCRIMINATION. Any such corporation guilty of extortion, or of making any unjust discrimination as to freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling or, delivering freights, shall[, upon conviction thereof, be fined in any sum not less than one thousand dollars nor more than five thousand dollars for the first offense, and for each

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subsequent offense not less than five thousand nor more than ten thousand dollars—such fine to be imposed in a criminal prosecution by indictment] *be guilty of an aggravated misdemeanor*; or shall be subject to the liability prescribed in section 479.30, to be recovered as therein provided."
37. Page 376, by striking line 2 through page 377 line 2.
38. Page 379, by striking line 29 through page 380 line 1.
39. Page 413, by striking line 5 through line 14.
40. Page 413, by striking line 15 through line 21, and inserting in lieu thereof the following:
"Sec. 492. Section five hundred ninety-five point nine (595.9), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred forty-four (244), section three (3), is amended to read as follows:
595.9 VIOLATIONS. If a marriage is solemnized without procuring a license, the parties married, and all persons aiding them, are guilty of a *simple* misdemeanor [and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days."
41. Page 421, by inserting after line 29 the following:
"Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-nine (99), section twenty-three (23), is amended to read as follows:
SEC. 23. Chapter seven hundred twenty-six (726), Code 1975, is amended by adding the following new section:

NEW SECTION. PENALTY. A person who commits an offense declared in this chapter or chapter ninety-nine B (99B) of the Code to be a misdemeanor shall be [subject to imprisonment in the county jail for a period not exceeding one year, or to a fine not exceeding one thousand dollars, or to both fine and imprisonment] *guilty of a serious misdemeanor.*

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-nine (99), section twenty-four (24) is amended to read as follows:

SEC. 24. Chapter seven hundred twenty-six (726), Code 1975, is amended by adding the following new sections:

NEW SECTION. PROTECTION MONEY PROHIBITED. Any officer or employee of this state, or of a county, city, or judicial district who asks for, receives

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or collects any money or other consideration for and with the understanding that the officer or employee will aid, exempt, or otherwise protect another person from detection, arrest or conviction of any violation of this chapter or chapter ninety-nine B (99B) of the Code commits [a felony punishable by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both fine and imprisonment] *an aggravated misdemeanor.*

NEW SECTION. COLLECTION SERVICE PROHIBITED. Any person who knowingly offers, gives or sells his or her services for use in collecting or enforcing any debt arising from gambling, whether or not lawful gambling, commits [a felony, punishable by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both fine and imprisonment] *an aggravated misdemeanor.*

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred (100), section one (1), unnumbered paragraph three (3) is amended to read as follows:

Any person violating the provisions of this Act is guilty of a *simple* misdemeanor [and shall, upon conviction, be subject to a fine not to exceed one hundred dollars or by imprisonment in the county jail for not more than thirty days, or be subject to both such fine and imprisonment].

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirteen (113), section four (4) is amended to read as follows:

SEC. 4. Chapter one hundred ten B (110B), Code 1975, is amended by adding the following new section:

NEW SECTION. PENALTY. Any person violating any of the provisions of this chapter shall be guilty of a *serious* misdemeanor [and, upon conviction, shall be fined not less than ten dollars nor more than one

hundred dollars or imprisoned in the county jail for not more than thirty days].

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-two (132), section six (6), is amended to read as follows:

SEC. 6. *NEW SECTION.* OFFENSES AND PENALTIES.

1. A person who is convicted of violating section two (2) of this Act [may be sentenced to a fine not to exceed one hundred dollars, or to imprisonment in the county jail for a period not to exceed thirty days, or both the fine and imprisonment] *is guilty of a simple misdemeanor.*

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2. A person who makes or utters a transportation certificate with knowledge that some or all of the information contained in the certificate is false, or a person who alters, forges, or counterfeits a transportation certificate, or the receipt prescribed in section four (4) of this Act, [commits a public offense and upon conviction may be sentenced to a term in the state penitentiary not to exceed ten years, to a fine not to exceed five thousand dollars, or to both the fine and imprisonment] *is guilty of a class C felony.*

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred forty-four (144), section ten (10), unnumbered paragraph one (1), is amended to read as follows:

A person who establishes, conducts, manages, or operates a center without a license shall be guilty of a *serious* misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, shall be considered a separate offense.

Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred fifty (250), section two (2), subsection four (4), is amended to read as follows:

4. A person who violates the provisions of this section is guilty of a *serious* misdemeanor."

44. Page 424, line 8, by inserting after the figure "(753.8)," the word "and".

45. Page 424, lines 9 through 11, by striking the words and figures "seven hundred eighty-two point nine (782.9), seven hundred eighty-two point ten (782.10), seven hundred eighty-two point eleven (782.11),".

46. Renumbering the remaining sections, subsections, and internal references to accord with this amendment.

Jesse of Polk asked and received unanimous consent to withdraw amendment H—5714A.

Krause of Palo Alto offered the following amendment H—5893, to amendment H—5714B, and moved its adoption:

H—5893

Amend amendment H—5714, to page 5, to Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 3, line 44, by striking the words "of extortion, or" and inserting in lieu thereof "[of extortion, or]".

Amendment H—5893 was adopted.

Krause of Palo Alto offered the following amendment H—5890, to amendment H—5714B, and moved its adoption:

H—5890

Amend amendment H—5714, to page 5 of Senate File 85, as follows:

1. Page 4, by inserting after line 8 the following:

"..... Page 377, by striking lines 26 through 35."

Amendment H—5890 was adopted.

Jesse of Polk moved the adoption of amendment H—5714B, as amended.

Amendment H—5714B, as amended, was adopted.

Jesse of Polk asked and received unanimous consent to suspend the rules to consider amendment H—6364 filed by him from the floor and moved its adoption:

H—6364

Amend Senate File 85 as passed, amended, and reprinted by the Senate as follows:

1. Page 1, line 17, by inserting after the word "his" the words "or her".

2. Page 1, line 21, by striking the word "he" and inserting in lieu thereof the words "the person".

3. Page 1, line 22, by striking the word "him" and inserting in lieu thereof the words "the person".

4. Page 1, line 23, by inserting after the word "he" the words "or she".

5. Page 1, line 29, by striking the first word "his" and inserting in lieu thereof the words "the person's" and by inserting after the second word "his" the words "or her".

6. Page 1, line 30, by striking the word "his" and inserting in lieu thereof the words "the person's".

7. Page 1, line 31, by striking the word "his" and inserting in lieu thereof the words "the person's".

8. Page 1, line 32, by striking the word "he" and inserting in lieu thereof the words "the person".

9. Page 2, line 7, by striking the word "he" and inserting in lieu thereof the words "the person".

10. Page 2, line 8, by inserting after the word "his" the words "or her".

11. Page 2, line 10, by striking the word "He" and inserting in lieu thereof the words "The person".

12. Page 2, line 11, by striking the word "him" and inserting in lieu thereof the words "the person".

13. Page 2, line 13, by striking the word "He" and inserting in lieu thereof the words "The person".

14. Page 2, line 15, by striking the word "him" and inserting in lieu thereof the words "the person".

15. Page 2, line 17, by striking the word "He" and inserting in lieu thereof the words "The person".

16. Page 2, line 19, by striking the word "him" and inserting in lieu thereof the words "the person".

17. Page 3, line 5, by striking the word "he" and inserting in lieu thereof the words "the person".

18. Page 4, line 32, by inserting after the word "he" the words "or she".

19. Page 5, line 24, by striking the word "he" and inserting in lieu thereof the words "the person".

20. Page 5, line 28, by striking the word "he" and inserting in lieu thereof the words "the person".

21. Page 6, line 13, by striking the word "he" and inserting in lieu thereof the words "the person".

22. Page 7, line 3, by striking the word "he" and inserting in lieu thereof the words "the person".

23. Page 7, line 4, by inserting after the word "himself" the words "or herself".

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24. Page 7, line 7, by striking the word "his" and inserting in lieu thereof the words "the person's".

25. Page 7, line 15, by inserting after the word "his" the words "or her".

26. Page 7, line 16, by striking the word "he" and inserting in lieu thereof the words "the person".

27. Page 7, line 17, by striking the word "he" and inserting in lieu thereof the words "the person".

28. Page 8, line 1, by striking the word "He" and inserting in lieu thereof the words "The person".

29. Page 8, line 3, by striking the word "He" and inserting in lieu thereof the words "The person".

30. Page 8, line 6, by striking the first word "He" and inserting in lieu thereof the words "The person" and by striking the second word "he" and inserting in lieu thereof the words "the person".

31. Page 8, line 22, by inserting after the word "*his*" the words "*or her*".

32. Page 9, line 8, by inserting after the word "his" the words "or her".

33. Page 9, line 24, by inserting after the word

"himself" the words ", or herself".

34. Page 10, line 2, by inserting after the word "himself" the words "or herself".

35. Page 10, line 5, by inserting after the word "himself" the words "or herself" and by inserting after the word "his" the words "or her".

36. Page 10, line 7, by striking the first word "he" and inserting in lieu thereof the words "the person" and by inserting after the second word "he" the words "or she".

37. Page 10, line 9, by striking the word "He" and inserting in lieu thereof the words "The person".

38. Page 10, line 10, by striking the word "he" and inserting in lieu thereof the words "the person".

39. Page 10, line 16, by striking the word "he" and inserting in lieu thereof the words "the person".

40. Page 10, line 20, by striking the word "he" and inserting in lieu thereof the words "the correctional officer or peace officer".

41. Page 10, line 34, by striking the word "he" and inserting in lieu thereof the words "the person".

42. Page 10, line 35, by inserting after the word "his" the words "or her".

43. Page 11, line 7, by inserting after the word "He" the words "or she".

44. Page 11, line 8, by inserting after the word "He" the words "or she".

45. Page 11, line 10, by inserting after the word "He" the words "or she" and by inserting after the

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word "his" the words "or her".

46. Page 11, line 11, by inserting after the word "his" the words "or her".

47. Page 11, line 13, by inserting after the word "His" the words "or her".

48. Page 12, line 5, by striking the word "him" and inserting in lieu thereof the words "the person".

49. Page 12, line 9, by striking the word "his" and inserting in lieu thereof the words "the person's".

50. Page 12, line 13, by striking the word "his" and inserting in lieu thereof the words "the person's".

51. Page 12, line 29, by striking the word "he" and inserting in lieu thereof the words "the person".

52. Page 12, line 30, by inserting after the word "he" the words "or she".

53. Page 12, line 31, by inserting after the word "he" the words "or she".

54. Page 13A, line 1, by striking the word "he" and inserting in lieu thereof the words "the person".

55. Page 13A, line 9, by striking the word "he" and inserting in lieu thereof the words "the person".

56. Page 16, line 1, by striking the word "his" and inserting in lieu thereof the words "the person's", by striking the first word "he" and inserting in lieu

thereof the words "the person" and by inserting after the second word "he" the words "or she".

57. Page 16, line 7, by striking the word "his" and inserting in lieu thereof the words "the actor's".

58. Page 16, line 8, by striking the word "him" and inserting in lieu thereof the words "the actor".

59. Page 16, line 12, by striking the word "he" and inserting in lieu thereof the words "the person".

60. Page 17, line 5, by striking the word "he" and inserting in lieu thereof the words "the person".

61. Page 17, line 6, by striking the word "he" and inserting in lieu thereof the words "the person".

62. Page 17, line 13, by striking the word "his" and inserting in lieu thereof the words "the other person's".

63. Page 17, line 20, by inserting after the word "his" the words "or her".

64. Page 17, line 23, by inserting after the word "his" the words "or her".

65. Page 17, line 27, by striking the word "he" and inserting in lieu thereof the words "the person".

66. Page 18, line 4, by striking the word "he" and inserting in lieu thereof the words "the person".

67. Page 18, line 11, by striking the word "him" and inserting in lieu thereof the words "the other person".

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68. Page 19A, line 1, by striking the word "he" and inserting in lieu thereof the words "the person".

69. Page 19A, line 17, by striking the word "he" and inserting in lieu thereof the words "the person".

70. Page 19A, line 34, by striking the word "he" and inserting in lieu thereof the words "the person".

71. Page 20A, line 5, by striking the word "he" and inserting in lieu thereof the words "the person".

72. Page 21A, line 3, by inserting after the first word "his" the words "or her" and by inserting after the second word "his" the words "or her".

73. Page 21A, line 6, by striking the word "He" and inserting in lieu thereof the words "The person".

74. Page 21A, line 8, by striking the word "He" and inserting in lieu thereof the words "The person".

75. Page 21A, line 19, by inserting after the word "he" the words "or she".

76. Page 21A, line 20, by inserting after the word "he" the words "or she".

77. Page 21A, line 27, by striking the word "him" and inserting in lieu thereof the words "the person".

78. Page 22, line 1, by inserting after the word "he" the words "or she".

79. Page 22, line 2, by striking the word "he".

80. Page 22, line 5, by striking the word "he" and inserting in lieu thereof the words "the person".

81. Page 22, line 6, by striking the word "his"

and inserting in lieu thereof the words "the person's".

82. Page 22, line 16, by inserting after the first word "he" the words "or she" and by striking the second word "he" and inserting in lieu thereof the words "the person".

83. Page 22, line 17, by inserting after the word "his" the words "or her".

84. Page 22, line 18, by striking the word "his" and inserting in lieu thereof the words "the person's".

85. Page 22, line 24, by striking the word "he" and inserting in lieu thereof the words "the person".

86. Page 22, line 26, by striking the word "his" and inserting in lieu thereof the words "the person's".

87. Page 22, line 29, by striking the word "him" and inserting in lieu thereof the words "another".

88. Page 23, line 1, by striking the word "he" and inserting in lieu thereof the words "the person".

89. Page 23, line 10, by striking the word "he" and inserting in lieu thereof the words "the person".

90. Page 23, line 11, by striking the word "himself" and inserting in lieu thereof the word ", oneself,".

91. Page 23, line 29, by inserting after the word

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"he" the words "or she".

92. Page 23, line 31, by striking the word "he" and inserting in lieu thereof the words "the person".

93. Page 24, line 10, by striking the word "he" and inserting in lieu thereof the words "the defendant".

94. Page 24, line 13, by striking the word "he" and inserting in lieu thereof the words "the defendant" and by inserting after the word "his" the words "or her".

95. Page 24, line 19, by striking the word "he" and inserting in lieu thereof the words "the defendant".

96. Page 24, line 33, by striking the word "he" and inserting in lieu thereof the words "the defendant".

97. Page 25, line 1, by striking the word "he" and inserting in lieu thereof the words "the insurer".

98. Page 26, line 12, by striking the word "his" and inserting in lieu thereof the words "the person's".

99. Page 26, line 18, by striking the word "he" and inserting in lieu thereof the words "the person" and by inserting after the word "his" the words "or her".

100. Page 26, line 34, by striking the word "he" and inserting in lieu thereof the words "the person".

101. Page 27A, line 3, by striking the word "he" and inserting in lieu thereof the words "the person".

102. Page 27A, line 4, by striking the word "he" and inserting in lieu thereof the words "the person"

and by inserting after the word "his" the words "or her".

103. Page 27A, line 9, by inserting after the word "his" the words "or her".

104. Page 27A, line 10, by inserting after the word "him" the words "or her".

105. Page 27A, line 21, by striking the word "his" and inserting in lieu thereof the words "the person's".

106. Page 27A, line 23, by striking the word "he" and inserting in lieu thereof the words "the person".

107. Page 27A, line 25, by striking the word "he" and inserting in lieu thereof the words "the person".

108. Page 27A, line 29, by striking the word "he" and inserting in lieu thereof the words "the person".

109. Page 27B, line 36, by striking the word "he" and inserting in lieu thereof the words "the person".

110. Page 28A, line 1, by striking the word "his" and inserting in lieu thereof the words "the maker's".

111. Page 28A, line 10, by striking the word "*he*" and inserting in lieu thereof the words "*the person*".

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112. Page 29, line 9, by striking the word "he" and inserting in lieu thereof the words "the person".

113. Page 29, line 10, by inserting after the word "he" the words "or she".

114. Page 29, line 11, by striking the word "he" and inserting in lieu thereof the words "the person".

115. Page 29, line 16, by striking the word "he" and inserting in lieu thereof the words "the person".

116. Page 29, line 19, by striking the word "he" and inserting in lieu thereof the words "the person".

117. Page 29, line 24, by striking the word "he" and inserting in lieu thereof the words "the finder".

118. Page 31A, line 2, by inserting after the word "his" the words "or her".

119. Page 31A, lines 4 and 5, by striking the word "himself" and inserting in lieu thereof the word "oneself".

120. Page 32, line 18, by inserting after the word "he" the words "or she".

121. Page 32, line 27, by inserting after the word "he" the words "or she".

122. Page 32, line 31, by inserting after the word "he" the words "or she".

123. Page 32, line 35, by striking the word "he" and inserting in lieu thereof the words "the other person".

124. Page 33, line 2, by striking the word "he" and inserting in lieu thereof the words "the person".

125. Page 33, line 3, by striking the word "man" and inserting in lieu thereof the words "person".

126. Page 33, line 23, by inserting after the word "he" the words "or she".

127. Page 36, line 27, by striking the word "man"

and inserting in lieu thereof the word "person".

128. Page 37, line 6, by inserting after the word "himself" the words "or herself".

129. Page 37, line 20, by striking the word "his" and inserting in lieu thereof the words "the officer's or employee's".

130. Page 37, line 32, by striking the word "him" and inserting in lieu thereof the words "the person".

131. Page 38, line 2, by striking the word "he" and inserting in lieu thereof the words "the person".

132. Page 38, line 3, by inserting after the word "he" the words "or she".

133. Page 38, line 7, by striking the word "him" and inserting in lieu thereof the words "the magistrate or officer".

134. Page 38, line 23, by inserting after the word "himself" the words "or herself".

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135. Page 38, line 25, by inserting after the word "himself" the words "or herself" and by striking the word "he" and inserting in lieu thereof the words "the person".

136. Page 38, line 27, by inserting after the word "he" the words "or she".

137. Page 38, line 32, by striking the word "he" and inserting in lieu thereof the words "the person".

138. Page 38, line 34, by striking the word "he" and inserting in lieu thereof the words "the person".

139. Page 39, line 3, by striking the word "he" and inserting in lieu thereof the words "the person".

140. Page 39, line 5, by striking the word "he" and inserting in lieu thereof the words "the person".

141. Page 39, line 10, by inserting after the word "himself" the words "or herself" and by striking the word "he" and inserting in lieu thereof the words "the person".

142. Page 39, line 21, by striking the word "he" and inserting in lieu thereof the words "the person".

143. Page 40, line 29, by striking the word "he" and inserting in lieu thereof the words "the person".

144. Page 40, line 32, by striking the word "he" and inserting in lieu thereof the words "the person".

145. Page 41, line 7, by striking the word "he" and inserting in lieu thereof the words "the person".

146. Page 41, line 12, by inserting after the word "he" the words "or she".

147. Page 41, line 18, by inserting after the word "his" the words "or her".

148. Page 41, line 25, by striking the word "he" and inserting in lieu thereof the words "the person".

149. Page 41, line 30, by striking the word "him" and inserting in lieu thereof the words "the other person".

150. Page 41, line 33, by striking the word "he"

and inserting in lieu thereof the words "the person".

151. Page 42, line 4, by inserting after the word "his" the words "or her".

152. Page 42, line 21, by inserting after the word "him" the words "or her".

153. Page 42, line 24, by inserting after the word "him" the words "or her".

154. Page 42, line 26, by inserting after the word "him" the words "or her".

155. Page 42, line 27, by inserting after the word "his" the words "or her".

156. Page 42, line 28, by inserting after the word "he" the words "or she".

157. Page 42, line 30, by inserting after the

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word "his" the words "or her".

158. Page 42, line 31, by inserting after the word "him" the words "or her".

159. Page 43, line 2, by inserting after the word "him" the words "or her".

160. Page 43, line 10, by inserting after the word "his" the words "or her".

161. Page 44, line 3, by inserting after the word "his" the words "or her".

162. Page 44, line 14, by striking the word "he" and inserting in lieu thereof the words "the person".

163. Page 44, line 18, by striking the word "he" and inserting in lieu thereof the words "the person".

164. Page 44, line 25, by striking the word "his" and inserting in lieu thereof the words "the elector's".

165. Page 44, line 34, by inserting after the word "his" the words "or her".

166. Page 45A, line 6, by inserting before the word "not" the words "or herself".

167. Page 45A, line 12, by inserting after the first word "his" the words "or her" and by striking the second word "his" and inserting in lieu thereof the words "the voters".

168. Page 46, line 5, by inserting after the word "his" the words "or her".

169. Page 47, line 2, by striking the word "he" and inserting in lieu thereof the words "the person".

170. Page 47, line 12, by striking the word "he" and inserting in lieu thereof the words "the person".

171. Page 47, line 14, by striking the word "he" and inserting in lieu thereof the words "the person".

172. Page 47, line 32, by striking the word "he" and inserting in lieu thereof the words "the person".

173. Page 48, line 29, by inserting after the word "his" the words "or her".

174. Page 49, line 20, by inserting after the word "his" the words "or her".

175. Page 49, line 21, by striking the word "him"

and inserting in lieu thereof the words "the person".

176. Page 49, line 22, by inserting after the word "his" the words "or her" and by striking the word "him" and inserting in lieu thereof the words "the person".

177. Page 49, line 27, by inserting after the word "his" the words "or her".

178. Page 50, line 4, by inserting after the word "he" the words "or she".

179. Page 50, line 8, by inserting after the word "his" the words "or her".

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180. Page 50, line 10, by striking the word "him" and inserting in lieu thereof the words "the person".

181. Page 50, line 12, by striking the word "he" and inserting in lieu thereof the words "the person" and by inserting after the word "his" the words "or her".

182. Page 50, line 14, by striking the word "his" and inserting in lieu thereof the words "the person's".

183. Page 50, line 17, by inserting after the word "his" the words "or her".

184. Page 50, line 21, by striking the word "his" and inserting in lieu thereof the words "the person's".

185. Page 50, line 25, by inserting after the word "his" the words "or she".

186. Page 50, line 28, by inserting after the word "his" the words "or she".

187. Page 50, line 34, by inserting after the word "his" the words "or her".

188. Page 51, line 2, by inserting after the word "his" the words "or her".

189. Page 51A, line 29, by inserting after the word "he" the words "or she".

190. Page 51B, line 38, by striking the word "He" and inserting in lieu thereof the words "The person".

191. Page 52, line 1, by striking the word "He" and inserting in lieu thereof the words "The person".

192. Page 52, line 2, by striking the word "He" and inserting in lieu thereof the words "The person".

193. Page 52, line 4, by striking the word "He" and inserting in lieu thereof the words "The person".

194. Page 52, line 6, by striking the word "he" and inserting in lieu thereof the words "the person".

195. Page 52, line 12, by striking the word "he" and inserting in lieu thereof the words "the person".

196. Page 53, line 18, by striking the word "he" and inserting in lieu thereof the words "the person".

197. Page 53, line 26, by inserting after the word "his" the words "or her".

198. Page 53, line 27, by inserting after the word "his" the words "or her".

199. Page 53, line 35, by striking the word "he" and inserting in lieu thereof the words "the officer".

200. Page 54, line 4, by striking the word "he" and inserting in lieu thereof the words "the officer".
201. Page 54, line 5, by striking the word "he" and inserting in lieu thereof the words "the officer".
202. Page 56, line 7, by inserting after the word "his" the words "or her".
203. Page 56, line 17, by striking the word "he" and inserting in lieu thereof the words "the person".

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204. Page 56, line 19, by striking the word "He" and inserting in lieu thereof the words "The person".
205. Page 56, line 21, by striking the first word "He" and inserting in lieu thereof the words "The person" and by inserting after the second word "he" the words "or she".
206. Page 56, line 23, by striking the word "he" and inserting in lieu thereof the words "the person".
207. Page 56, line 28, by inserting after the word "he" the words "or she".
208. Page 57A, line 1, by inserting after the word "himself" the words "or herself".
209. Page 57A, line 4, by inserting after the word "himself" the words "or herself".
210. Page 57A, line 5, by striking the word "he" and inserting in lieu thereof the words "the person".
211. Page 57A, line 8, by inserting after the word "his" the words "or her".
212. Page 57A, line 13, by inserting after the word "him" the words "or her".
213. Page 57A, line 14, by inserting after the word "him" the words "or her".
214. Page 57A, line 21, by striking the word "he" and inserting in lieu thereof the words "the person".
215. Page 57A, line 23, by striking the word "He" and inserting in lieu thereof the words "The person".
216. Page 57A, line 30, by striking the word "He" and inserting in lieu thereof the words "The person" and by inserting after the word "himself" the words "or herself".
217. Page 58, line 3, by striking the word "he" and inserting in lieu thereof the words "the person".
218. Page 59, line 19, by striking the word "his" and inserting in lieu thereof the words "the person's".
219. Page 59, line 34, by striking the word "he" and inserting in lieu thereof the words "the person".
220. Page 62, line 10, by inserting after the word "his" the words "or her" and by striking the word "he" and inserting in lieu thereof the words "the county attorney".
221. Page 62, line 27, by striking the word "his" and inserting in lieu thereof the words "the person's".
222. Page 62, line 28, by striking the word "him" and inserting in lieu thereof the words "the person".

223. Page 65, line 1, by inserting after the word "his" the words "or her".

224. Page 66A, line 3, by inserting after the word "he" the words "or she".

225. Page 66B, line 37, by inserting after the

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word *"himself"* the words *"or herself"*.

226. Page 66B, line 43, by inserting after the word "his" the words "or her".

227. Page 67, line 28, by striking the word "he" and inserting in lieu thereof the words "the person".

228. Page 67, line 29, by striking the word "his" and inserting in lieu thereof the words "the person's".

229. Page 68, line 20, by striking the word "he" and inserting in lieu thereof the words "the defendant".

230. Page 69, line 31, by inserting after the word "his" the words "or her".

231. Page 70, line 5, by striking the word "he" and inserting in lieu thereof the words "the person".

232. Page 70, line 13, by striking the word "he" and inserting in lieu thereof the words "the magistrate".

233. Page 70, line 22, by striking the word "his" and inserting in lieu thereof the words "the magistrates".

234. Page 70, line 34, by inserting after the word "his" the words "or her".

235. Page 71, line 8, by striking the word "him" and inserting in lieu thereof the words "the peace officer".

236. Page 71, line 9, by striking the word "his" and inserting in lieu thereof the words "the peace officer's".

237. Page 71, line 12, by striking the word "he" and inserting in lieu thereof the words "the peace officer".

238. Page 71, line 14, by striking the word "he" and inserting in lieu thereof the words "the peace officer".

239. Page 71, line 18, by striking the word "he" and inserting in lieu thereof the words "the peace officer".

240. Page 71, line 22, by striking the word "him" and inserting in lieu thereof the words "the peace officer".

241. Page 71, line 33, by striking the word "his" and inserting in lieu thereof the words "the person's".

242. Page 71, line 35, by striking the word "he" and inserting in lieu thereof the words "the person".

243. Page 72, line 5, by striking the word "he" and inserting in lieu thereof the words "the peace officer".

244. Page 72, line 7, by striking the words

"himself or another" and inserting in lieu thereof the words "any person".

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245. Page 72, line 8, by striking the word "he" and inserting in lieu thereof the words "the peace officer".

246. Page 72, line 9, by inserting after the word "he" the words "or she".

247. Page 72, line 10, by striking the words "himself or another" and inserting in lieu thereof the words "any person".

248. Page 72, line 11, by striking the word "he" and inserting in lieu thereof the words "the peace officer".

249. Page 72, line 17, by striking the word "his" and inserting in lieu thereof the words "the person's".

250. Page 72, line 20, by striking the word "he" and inserting in lieu thereof the words "the peace officer".

251. Page 72, line 21, by striking the word "he" and inserting in lieu thereof the words "the peace officer".

252. Page 72, line 26, by striking the word "he" and inserting in lieu thereof the words "the person".

253. Page 72, line 27, by striking the word "he" and inserting in lieu thereof the words "the person".

254. Page 72, line 29, by inserting after the word "he" the words "or she".

255. Page 72, line 30, by inserting after the word "he" the words "or she".

256. Page 72, line 31, by striking the words "himself or another" and inserting in lieu thereof the words "any person".

257. Page 72, line 34, by striking the word "himself".

258. Page 73, line 2, by striking the word "he" and inserting in lieu thereof the words "the person".

259. Page 73, line 6, by inserting after the word "himself" the word ", herself," and by striking the word "he" and inserting in lieu thereof the words "the person".

260. Page 73, line 9, by striking the word "he" and inserting in lieu thereof the words "the person".

261. Page 73, line 13, by inserting after the word "his" the words "or her".

262. Page 73, line 15, by inserting after the first word "he" the words "or she" and by inserting after the second word "he" the words "or she".

263. Page 73, line 19, by inserting after the word "him" the words "or her".

264. Page 73, line 20, by striking the word "his" and inserting in lieu thereof the words "the person's"

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and by inserting after the word "he" the words "or she".

265. Page 73, line 21, by inserting after the word "him" the words "or her" and by striking the word "his" and inserting in lieu thereof the words "the person's".

266. Page 73, line 26, by inserting after the word "his" the words "or her".

267. Page 73, line 27, by striking the word "he" and inserting in lieu thereof the words "the officer".

268. Page 73, line 29, by inserting after the word "his" the words "or her".

269. Page 73, line 30, by striking the word "he" and inserting in lieu thereof the words "the officer".

270. Page 73, line 34, by striking the word "he" and inserting in lieu thereof the words "the officer".

271. Page 73, line 35, by striking the word "he" and inserting in lieu thereof the words "the officer".

272. Page 74, line 1, by inserting after the word "himself" the words "or herself" and by inserting after the word "he" the words "or she".

273. Page 74, line 10, by striking the word "he" and inserting in lieu thereof the words "the officer".

274. Page 74, line 25, by striking the word "he" and inserting in lieu thereof the words "the officer" and by inserting after the word "him" the words "or her".

275. Page 74, line 27, by striking the word "He" and inserting in lieu thereof the words "Any person".

276. Page 74, line 29, by striking the word "he" and inserting in lieu thereof the words "the arrested person" and by inserting after the word "his" the words "or her".

277. Page 75, line 18, by striking the word "his" and inserting in lieu thereof the words "the officer's".

278. Page 75, line 19, by striking the word "him" and inserting in lieu thereof the words "the officer" and by inserting after the word "his" the words "or **her".**

279. Page 75, line 23, by striking the word "his" and inserting in lieu thereof the words "the **defendant's".**

280. Page 75, line 26, by inserting after the word "his" the words "or her".

281. Page 75, line 33, by inserting after the word "his" the words "or her".

282. Page 76, line 7, by striking the word "his" and inserting in lieu thereof the words "the complainant's".

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283. Page 76, line 10, by inserting after the word "his" the words "or her" and by striking the

word "he" and inserting in lieu thereof the words "the magistrate".

284. Page 76, line 13, by striking the word "he" and inserting in lieu thereof the words "the magistrate".

285. Page 76, line 18, by inserting after the word "his" the words "or her".

286. Page 76, line 22, by striking the word "him" and inserting in lieu thereof the words "the arrested person".

287. Page 76, line 23, by striking the word "him" and inserting in lieu thereof the words "the arrested person".

288. Page 77, line 3, by inserting after the word "he" the words "or she" and by striking the word "him" and inserting in lieu thereof the words "the officer".

289. Page 77, line 7, by inserting after the word "his" the words "or her".

290. Page 77, line 8, by inserting after the word "his" the words "or her".

291. Page 77, line 19, by striking the word "his" and inserting in lieu thereof the words "the sheriff's".

292. Page 77, line 20, by inserting after the word "him" the words "or her".

293. Page 78, line 18, by striking the word "he" and inserting in lieu thereof the words "the officer".

294. Page 78, line 24, by inserting after the word "he" the words "or she".

295. Page 79, line 8, by striking the word "him" and inserting in lieu thereof the words "the person" and by striking the word "he" and inserting in lieu thereof the words "the person".

296. Page 79, line 13, by striking the word "he" and inserting in lieu thereof the words "the person".

297. Page 79, line 18, by striking the word "he" and inserting in lieu thereof the words "the officer".

298. Page 79, line 22, by striking the word "he" and inserting in lieu thereof the words "the magistrate".

299. Page 79, line 25, by striking the word "him" and inserting in lieu thereof the words "the person".

300. Page 79, line 26, by striking the word "he" and inserting in lieu thereof the words "the magistrate".

301. Page 80, line 18, by striking the word "him" and inserting in lieu thereof the words "the magistrate".

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302. Page 80, line 19, by striking the word "him" and inserting in lieu thereof the words "the magistrate".

303. Page 81, line 8, by striking the word "him" and inserting in lieu thereof the words "the

magistrate".

304. Page 81, line 22, by inserting after the word "him" the words "or her" and by inserting after the word "his" the words "or her".

305. Page 83, line 5, by inserting after the word "him" the words "or her".

306. Page 83, line 28, by striking the word "his" and inserting in lieu thereof the words "the person's".

307. Page 84, line 2, by striking the word "he" and inserting in lieu thereof the words "the magistrate".

308. Page 84, line 4, by striking the word "he" and inserting in lieu thereof the words "the magistrate".

309. Page 84, line 5, by inserting after the word "his" the words "or her".

310. Page 84, line 9, by striking the word "his" and inserting in lieu thereof the words "or her".

311. Page 84, line 14, by striking the word "him" and inserting in lieu thereof the words "the magistrate" and by inserting after the word "his" the words "or her".

312. Page 84, line 15, by striking the word "him" and inserting in lieu thereof the words "the person".

313. Page 84, line 18, by striking the word "him" and inserting in lieu thereof the words "the magistrate".

314. Page 84, line 26, by striking the word "he" and inserting in lieu thereof the words "the authorized person".

315. Page 85, line 2, by striking the word "his" and inserting in lieu thereof the words "the officer's".

316. Page 85, line 4, by striking the word "his" and inserting in lieu thereof the words "the officer's".

317. Page 85, line 8, by striking the word "his" and inserting in lieu thereof the words "the officer's".

318. Page 85, line 9, by striking the word "him" and inserting in lieu thereof the words "the officer".

319. Page 85, line 15, by inserting after the word "himself" the words "or herself".

320. Page 85, line 28, by inserting after the word "his" the words "or her".

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321. Page 85, line 30, by striking the word "his" and inserting in lieu thereof the words "the officer's".

322. Page 86, line 9, by inserting after the word "his" the words "or her".

323. Page 86, line 25, by striking the word "he" and inserting in lieu thereof the words "the inspector".

324. Page 88, line 34, by striking the word "him" and inserting in lieu thereof the words "the person".

325. Page 89, lines 4 and 5, by striking the words "delivery of a copy to him personally" and inserting in lieu thereof the words "personal service".

326. Page 89, line 21, by inserting after the word "his" the words "or her".

327. Page 89, line 27, by striking the word "his" and inserting in lieu thereof the words "the person's".

328. Page 89, line 28, by inserting after the word "he" the words "or she".

329. Page 90, line 7, by striking the word "he" and inserting in lieu thereof the words "the person".

330. Page 91, line 10, by inserting after the word "his" the words "or her".

331. Page 91, line 19, by striking the word "him" and inserting in lieu thereof the words "the defendant".

332. Page 92, line 2, by inserting after the word "his" the words "or her".

333. Page 92, line 12, by inserting after the word "his" the words "or her".

334. Page 92, line 13, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

335. Page 92, line 14, by inserting after the word "his" the words "the defendant's".

336. Page 92, line 18, by striking the word "he" and inserting in lieu thereof the words "the defendant".

337. Page 92, line 20, by inserting after the word "he" the words "or she".

338. Page 92, line 29, by striking the word "he" and inserting in lieu thereof the words "the defendant".

339. Page 93, line 5, by inserting after the word "his" the words "or her" and by striking the word "him" and inserting in lieu thereof the words "the defendant".

340. Page 93, line 6, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

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341. Page 93, line 10, by inserting after the word "his" the words "or her".

342. Page 93, line 18, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

343. Page 93, line 18, by striking the word "him" and inserting in lieu thereof the words "the defendant".

344. Page 93, line 19, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

345. Page 93, line 29, by striking the word "he" and inserting in lieu thereof the words "the defendant".

346. Page 94, line 13, by striking the word "his" and inserting in lieu thereof the words "the person's" and by inserting after the word "he" the words "or she".

347. Page 94, line 18, by striking the word "he" and inserting in lieu thereof the words "the defendant".

348. Page 94, line 20, by striking the word "he" and inserting in lieu thereof the words "the person".

349. Page 94, line 26, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

350. Page 96, line 11, by striking the word "he" and inserting in lieu thereof the words "the defendant".

351. Page 96, line 16, by inserting after the word "himself" the words "or herself".

352. Page 96, line 21, by striking the word "he" and inserting in lieu thereof the words "the defendant".

353. Page 96, line 29, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

354. Page 96, line 30, by inserting after the word "his" the words "or her".

355. Page 96, line 31, by inserting after the word "himself" the words "or herself".

356. Page 96, line 33, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

357. Page 97, line 3, by inserting after the word "his" the words "or her".

358. Page 97, line 11, by striking the word "he" and inserting in lieu thereof the words "the clerk".

359. Page 97, line 12, by inserting after the word "his" the words "or her".

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360. Page 97, line 16, by inserting after the word "himself" the words "or herself".

361. Page 97, line 17, by inserting after the word "his" the words "or her".

362. Page 97, line 18, by striking the word "him" and inserting in lieu thereof the words "the defendant".

363. Page 97, line 20, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

364. Page 97, line 25, by striking the word "he" and inserting in lieu thereof the words "the defendant".

365. Page 98, line 11, by striking the word "his"

and inserting in lieu thereof the words "the defendant's".

366. Page 98, line 13, by inserting after the word "himself" the words "or herself".

367. Page 99, line 7, by striking the word "his" and inserting in lieu thereof the words "the person's".

368. Page 99, line 16, by striking the word "he" and inserting in lieu thereof the words "the person".

369. Page 100, line 3, by inserting after the word "he" the words "or she".

370. Page 100, line 5, by inserting after the word "his" the words "or her".

371. Page 100, line 32, by inserting after the word "his" the words "or her".

372. Page 102, line 12, by striking the word "he" and inserting in lieu thereof the words "the person".

373. Page 102, line 31, by striking the word "him" and inserting in lieu thereof the words "the defendant" and by inserting after the word "his" the words "or her".

374. Page 103, line 4, by striking the first word "his" and inserting in lieu thereof the words "the accused's" and by inserting after the second word "his" the words "or her".

375. Page 103, line 6, by inserting after the word "him" the words "or her".

376. Page 103, line 16, by striking the word "he" and inserting in lieu thereof the words "the accused" and by inserting after the word "his" the words "or her".

377. Page 103, line 19, by striking the word "him" and inserting in lieu thereof the words "the accused" and by inserting after the word "he" the words "or she".

378. Page 103, line 21, by striking the word "him" and inserting in lieu thereof the words "the accused".

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379. Page 103, line 23, by striking the word "he" and inserting in lieu thereof the words "the accused".

380. Page 103, line 25, by striking the word "him" and inserting in lieu thereof the words "the accused".

381. Page 103, line 26, by inserting after the word "his" the words "or her".

382. Page 104, line 22, by striking the word "His" and inserting in lieu thereof the words "The magistrate's".

383. Page 104, line 25, by striking the word "him" and inserting in lieu thereof the words "the magistrate".

384. Page 104, line 26, by striking the word "him" and inserting in lieu thereof the words "the defendant".

385. Page 104, line 27, by striking the first word "his" and inserting in lieu thereof the words

"the defendant's" and by striking the second word "his" and inserting in lieu thereof the words "the defendant's".

386. Page 104, line 28, by striking the word "he" and inserting in lieu thereof the words "the defendant".

387. Page 104, line 29, by striking the word "he" and inserting in lieu thereof the words "the defendant".

388. Page 104, line 30, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

389. Page 104, line 31, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

390. Page 104, line 32, by inserting after the word "he" the words "or she".

391. Page 104, line 33, by striking the first word "him" and inserting in lieu thereof the words "the defendant" and by inserting after the second word "him" the words "or her".

392. Page 105, line 13, by inserting after the word "he" the words "or she".

393. Page 105, line 14, by striking the word "he" and inserting in lieu thereof the words "the defendant".

394. Page 105, line 15, by striking the word "him" and inserting in lieu thereof the words "the defendant" and by inserting after the word "he" the words "or she".

395. Page 105, line 17, by striking the word "him" and inserting in lieu thereof the words "the defendant".

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396. Page 105, line 22, by inserting after the word "he" the words "or she".

397. Page 105, line 30, by striking the word "him" and inserting in lieu thereof the words "the defendant".

398. Page 106, line 4, by inserting after the word "him" the words "or her".

399. Page 106, line 5, by inserting after the word "his" the words "or her".

400. Page 106, line 12, by striking the word "his" and inserting in lieu thereof the words "the magistrate's".

401. Page 106, line 14, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

402. Page 106, line 35, by inserting after the word "his" the words "or her".

403. Page 107, line 2, by inserting after the word "his" the words "or her".

404. Page 107, line 5, by striking the word "his"

and inserting in lieu thereof the words "the defendant's".

405. Page 107, line 10, by inserting after the word "he" the words "or she".

406. Page 108, line 23, by striking the word "He" and inserting in lieu thereof the words "The juror".

407. Page 108, line 28, by striking the word "He" and inserting in lieu thereof the words "The juror".

408. Page 108, line 30, by striking the word "He" and inserting in lieu thereof the words "The juror".

409. Page 108, line 32, by striking the word "He" and inserting in lieu thereof the words "The juror".

410. Page 109A, line 2, by striking the word "He" and inserting in lieu thereof the words "The juror".

411. Page 109A, line 3, by striking the word "He" and inserting in lieu thereof the words "The juror".

412. Page 109A, line 4, by striking the word "him" and inserting in lieu thereof the words "the juror".

413. Page 109A, line 26, by striking the word "him" and inserting in lieu thereof the words "the sheriff".

414. Page 111, line 16, by inserting after the word "his" the words "or her".

415. Page 112A, line 6, by inserting after the word "him" the words "or her".

416. Page 112A, line 10, by striking the word "he" and inserting in lieu thereof the words "the witness".

417. Page 112A, line 11, by striking the word "he" and inserting in lieu thereof the words "the

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judge".

418. Page 112A, line 12, by inserting after the word "he" the words "or she" and by inserting after the word "his" the words "or her".

419. Page 112A, line 13, by striking the word "him" and inserting in lieu thereof the words "the witness".

420. Page 114, line 12, by inserting after the word "his" the words "or her".

421. Page 114, line 14, by inserting after the word "his" the words "or her".

422. Page 114, line 27, by striking the word "he" and inserting in lieu thereof the words "the accused".

423. Page 115, line 18, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

424. Page 115, line 23, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

425. Page 116, line 6, by inserting after the word "his" the words "or her".

426. Page 116, line 10, by striking the word "he" and inserting in lieu thereof the words "the

prosecuting attorney".

427. Page 120, line 22, by striking the word "he" and inserting in lieu thereof the words "the defendant".

428. Page 120, line 23, by inserting after the word "his" the words "or her".

429. Page 120, line 24, by inserting after the first word "he" the words "or she" and by inserting after the second word "he" the words "or she".

430. Page 120, line 25, by striking the word "him" and inserting in lieu thereof the words "the defendant".

431. Page 120, line 26, by striking the word "him" and inserting in lieu thereof the words "the defendant".

432. Page 120, line 30, by striking the word "him" and inserting in lieu thereof the words "the defendant".

433. Page 120, line 31, by striking the word "him" and inserting in lieu thereof the words "the defendant".

434. Page 120, line 33, by inserting after the word "he" the words "or she".

435. Page 120, line 35, by inserting after the first word "he" the words "or she", by inserting after the word "his" the words "or her", and by inserting after the second word "he" the words "or she".

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436. Page 121, line 1, by inserting after the word "his" the words "or her".

437. Page 121, line 2, by striking the word "him" and inserting in lieu thereof the words "the defendant".

438. Page 121, line 3, by inserting after the first word "he" the words "or she" and by striking the second word "he" and inserting in lieu thereof the words "the defendant".

439. Page 121, line 4, by inserting after the word "his" the words "or her" and by striking the word "he" and inserting in lieu thereof the words "the defendant".

440. Page 121, line 6, by striking the word "he" and inserting in lieu thereof the words "the defendant".

441. Page 121, line 7, by inserting after the word "his" the words "or her".

442. Page 121, line 9, by striking the word "him" and inserting in lieu thereof the words "the defendant".

443. Page 121, line 34, by striking the word "he" and inserting in lieu thereof the word "the defendant".

444. Page 122, line 2, by inserting after the word "him" the words "or her".

445. Page 123, line 4, by inserting after the word "his" the words "or her".
446. Page 123, line 5, by inserting after the word "he" the words "or she" and by inserting after the word "his" the words "or her".
447. Page 124, line 18, by inserting after the word "his" the words "or her".
448. Page 124, line 28, by striking the word "his" and inserting in lieu thereof the words "the county attorney's".
449. Page 126, line 7, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
450. Page 127A, line 29, by striking the word "he" and inserting in lieu thereof the words "the defendant".
451. Page 128, line 8, by striking the word "he" and inserting in lieu thereof the words "the defendant".
452. Page 128, line 18, by striking the word "he" and inserting in lieu thereof the words "the defendant".
453. Page 131, line 8, by striking the word "him" and inserting in lieu thereof the words "the

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defendant".
454. Page 131, line 30, by inserting after the word "his" the words "or her".
455. Page 131, line 34, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
456. Page 132, line 8, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
457. Page 132, line 12, by striking the word "him" and inserting in lieu thereof the word "the other party".
458. Page 132, line 23, by inserting after the word "his" the words "or her".
459. Page 132, line 31, by inserting after the word "his" the words "or her".
460. Page 132, line 33, by inserting after the word "his" the words "or her".
461. Page 133, line 6, by striking the word "him" and inserting in lieu thereof the words "the prosecuting attorney".
462. Page 134, line 2, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
463. Page 134, line 14, by inserting after the word "his" the words "or her".
464. Page 135A, line 10, by inserting after the word "his" the words "or her".
465. Page 136, line 25, by striking the word "him"

and inserting in lieu thereof the words "the witness".
466. Page 136, line 30, by inserting after the word "he" the words "or she".
467. Page 136, line 31, by striking the word "he" and inserting in lieu thereof the words "the juror".
468. Page 136, line 33, by striking the word "he" and inserting in lieu thereof the words "the juror".
469. Page 136, line 34, by inserting after the word "his" the words "or her".
470. Page 137, line 2, by inserting after the word "him" the words "or her".
471. Page 137, line 4, by inserting after the word "him" the words "or her".
472. Page 137, line 6, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
473. Page 137, line 11, by inserting after the word "him" the words "or her".
474. Page 137, line 12, by striking the word "his" and inserting in lieu thereof the words "witnesses".
475. Page 137, line 13, by inserting after the

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word "he" the words "or she".
476. Page 137, line 19, by inserting after the word "his" the words "or her".
477. Page 137, line 24, by inserting after the word "him" the words "or her" and by inserting after the word "himself" the words "or herself".
478. Page 137, line 27, by inserting after the word "his" the words "or her".
479. Page 138, line 31, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
480. Page 139, line 35, by striking the word "him" and inserting in lieu thereof the words "the juror".
481. Page 140, line 12, by inserting after the word "his" the words "or her".
482. Page 140, line 15, by striking the word "him" and inserting in lieu thereof the words "the defendant".
483. Page 140, line 27, by striking the word "him" and inserting in lieu thereof the words "the juror".
484. Page 140, line 30, by striking the word "his" and inserting in lieu thereof the words "the juror"
485. Page 140, line 32, by striking the word "he" and inserting in lieu thereof the words "the juror".
486. Page 140, line 35, by striking the word "he" and inserting in lieu thereof the words "the juror".
487. Page 141, line 4, by striking the word "he" and inserting in lieu thereof the words "the juror".
488. Page 141, line 7, by inserting after the word "his" the words "or her".
489. Page 141, line 10, by striking the word "he" and inserting in lieu thereof the words "the juror".

490. Page 141, line 13, by striking the word "his" and inserting in lieu thereof the words "the juror's".
491. Page 141, line 14, by inserting after the word "him" the words "or her".
492. Page 143, line 29, by inserting after the word "he" the words "or she".
493. Page 143, line 32, by inserting after the word "his" the words "or her" and by striking the word "he" and inserting in lieu thereof the words "the attorney for the defendant".
494. Page 143, line 33, by striking the word "he" and inserting in lieu thereof the words "the attorney for the defendant".
495. Page 144, line 3, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
496. Page 144, line 4, by striking the first word "his" and by inserting after the second word "his"

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the words "or her".
497. Page 144, line 13, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
498. Page 144, line 14, by striking the word "him" and inserting in lieu thereof the words "the defendant".
499. Page 144, line 28, by striking the word "his" and inserting in lieu thereof the words "the witness' ".
500. Page 144, line 31, by inserting after the word "he" the words "or she".
501. Page 144, line 32, by inserting after the word "he" the words "or she".
502. Page 145, line 2, by inserting after the word "he" the words "or she".
503. Page 145, line 3, by striking the word "he" and inserting in lieu thereof the words "the prosecutor".
504. Page 145, line 4, by striking the word "he" and inserting in lieu thereof the words "the prosecutor".
505. Page 145, line 14, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
506. Page 145, line 16, by inserting after the word "his" the words "or her".
507. Page 146, line 6, by inserting after the first word "he" the words "or she" and by striking the second word "he" and inserting in lieu thereof the words "the juror".
508. Page 148, line 3, by inserting after the word "himself" the words "or herself".
509. Page 148, line 33, by inserting after the word "his" the words "or her" and by striking the word "he" and inserting in lieu thereof the words

"the defendant".

510. Page 148, line 35, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

511. Page 149, line 8, by striking the word "he" and inserting in lieu thereof the words "the judge".

512. Page 149, line 15, by inserting after the word "he" the words "or she" and by inserting after the word "himself" the words "or herself".

513. Page 149, line 23, by inserting after the first word "he" the words "or she" and by inserting after the second word "he" the words "or she".

514. Page 149, line 24, by inserting after the word "he" the words "or she".

515. Page 149, line 25, by inserting after the

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word "his" the words "or her".

516. Page 150, line 5, by inserting after the word "his" the words "or her".

517. Page 150, line 17, by striking the word "he" and inserting in lieu thereof the words "the offender".

518. Page 150, line 18, by inserting after the word "he" the words " or she".

519. Page 150, line 19, by inserting after the word "he" the words "or she".

520. Page 150, line 20, by striking the first word "he" and inserting in lieu thereof the words "the offender" and by inserting after the second word "he" the words "or her".

521. Page 150, line 31, by striking the word "he" and inserting in lieu thereof the words "the offender".

522. Page 150, line 32, by inserting after the first word "he" the words "or she" and by striking the second word "he" and inserting in lieu thereof the words "the offender".

523. Page 151, line 5, by inserting after the word "his" the words "or her".

524. Page 151, line 6, by striking the word "he" and inserting in lieu thereof the words "the defendant".

525. Page 151, line 7, by inserting after the word "himself" the words "or herself" and by striking the word "he" and by inserting in lieu thereof the words "the defendant".

526. Page 151, line 19, by inserting after the first word "him" the words "or her", by inserting after the second word "him" the word "or her", and by inserting after the word "his" the words "or her".

527. Page 151, line 31, by inserting after the word "him" the words "or her".

528. Page 152, line 10, by striking the word "he" and inserting in lieu thereof the words "the witness".

529. Page 152, line 14, by striking the word "him" and inserting in lieu thereof the words "the witness".

530. Page 152, line 15, by striking the word "him" and inserting in lieu thereof the words "the witness".
531. Page 155, line 16, by striking the word "he" and inserting in lieu thereof the words "the defendant".
532. Page 155, line 31, by inserting after the word "his" the words "or her".
533. Page 156, line 16, by striking the word "he" and inserting in lieu thereof the words "the defendant".
534. Page 156, line 20, by striking the word "him" and inserting in lieu thereof the words "the

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defendant".
535. Page 156, line 23, by striking the word "him" and inserting in lieu thereof the words "the defendant".
536. Page 156, line 25, by inserting after the word "he" the words "or she".
537. Page 156, line 30, by striking the word "he" and inserting in lieu thereof the words "the defendant".
538. Page 156, line 34, by striking the word "he" and inserting in lieu thereof the words "the defendant".
539. Page 157, line 14, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
540. Page 157, line 19, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
541. Page 157, line 22, by striking the word "him" and inserting in lieu thereof the words "the defendant".
542. Page 157, line 23, by striking the word "him" and inserting in lieu thereof the words "the defendant".
543. Page 157, line 27, by inserting after the word "he" the words "or she".
544. Page 157, line 28, by inserting after the word "his" the words "or her".
545. Page 157, line 30, by inserting after the word "he" the words "or she".
546. Page 157, line 32, by striking the word "He" and inserting in lieu thereof the words "The defendant".
547. Page 157, line 33, by inserting after the word "he" the words "or she".
548. Page 158, line 1, by striking the word "he" and inserting in lieu thereof the words "the defendant".
549. Page 158, line 2, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
550. Page 158, line 3, by striking the word "he"

and inserting in lieu thereof the words "the defendant".

551. Page 158, line 15, by inserting after the word "his" the words "or her".

552. Page 159, line 34, by inserting after the word "his" the words "or her" and by striking the word "he" and inserting in lieu thereof the words "the defendant".

553. Page 161, line 8, by inserting after the

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word "he" the words "or she".

554. Page 161, line 13, by striking the word "him" and inserting in lieu thereof the words "the defendant".

555. Page 161, line 19, by striking the word "he" and inserting in lieu thereof the words "the defendant".

556. Page 161, line 20, by inserting after the word "his" the words "or her".

557. Page 162, line 8, by striking the word "he" and inserting in lieu thereof the words "the defendant".

558. Page 162, line 9, by inserting after the word "his" the words "or her".

559. Page 163, line 16, by inserting after the word "his" the words "or her".

560. Page 163, line 17, by striking the word "he" and inserting in lieu thereof the words "the sheriff".

561. Page 163, line 18, by striking the word "his" and inserting in lieu thereof the words "the sheriff's".

562. Page 164, line 4, by striking the word "him" and inserting in lieu thereof the words "the sheriff" and by inserting after the word "he" the words "or she".

563. Page 164, line 5, by striking the word "his" and inserting in lieu thereof the words "the sheriff's".

564. Page 164, line 12, by inserting after the word "he" the words "or she".

565. Page 164, line 33, by striking the word "he" and inserting in lieu thereof the words "the defendant".

566. Page 165A, line 2, by inserting after the word "himself" the words "or herself".

567. Page 165A, line 4, by striking the word "his" and inserting in lieu thereof the words "the defendant".

568. Page 165A, line 22, by striking the word "him" and inserting in lieu thereof the words "the defendant" and by inserting after the word "he" the words "or she".

569. Page 165A, line 23, by inserting after the

word "himself" the words "or herself".
570. Page 165A, line 24, by striking the first word "him" and inserting in lieu thereof the words "the defendant" and by striking the second word "him" and inserting in lieu thereof the words "the defendant".
571. Page 165A, line 26, by inserting after the

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word "his" the words "or her".
572. Page 165B, line 40, by inserting after the word "him" the words "or her" and by striking the word "his" and inserting in lieu thereof the words "the defendant's".
573. Page 166A, line 2, by striking the word "he" and inserting in lieu thereof the words "the defendant".
574. Page 166A, line 22, by striking the word *"him"* and inserting in lieu thereof the words *"the person"*.
575. Page 166B, line 53, by striking the word *"him"* and inserting in lieu thereof the words *"the defendant"*.
576. Page 171, line 35, by striking the word "him" and inserting in lieu thereof the words "such person".
577. Page 172, line 21, by striking the word "him" and inserting in lieu thereof the words "such person".
578. Page 172, line 32, by striking the word "him" and inserting in lieu thereof the words "such person".
579. Page 172, line 34, by striking the word "him" and inserting in lieu thereof the words "such person" and by striking the word "he" and inserting in lieu thereof the words "such person".
580. Page 173, line 15, by striking the word "him" and inserting in lieu thereof the words "such person".
581. Page 173, line 30, by striking the word "he" and inserting in lieu thereof the words "such person".
582. Page 174, line 4, by striking the word "he" and inserting in lieu thereof the words "such person".
583. Page 174, line 5, by striking the word "he" and inserting in lieu thereof the words "such person".
584. Page 174, line 25, by striking the word "him" and inserting in lieu thereof the words "such person".
585. Page 175, line 1, by striking the word "him" and inserting in lieu thereof the words "the officer" and by striking the word "his" and inserting in lieu thereof the words "the officer's".
586. Page 175, line 10, by striking the word "him" and inserting in lieu thereof the words "such person".
587. Page 175, line 10, by striking the word "him" and inserting in lieu thereof the words "such person".
588. Page 182, line 17, by striking the word "his" and inserting in lieu thereof the words "the clerk's".
589. Page 182, line 31, by striking the word "his" and inserting in lieu thereof the words "the

magistrate's".
590. Page 182, line 34, by striking the word "his" and inserting in lieu thereof the words "the clerk's".
591. Page 183, line 2, by striking the word "his"

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and inserting in lieu thereof the words "the clerk's".
592. Page 183, line 7, by striking the word "him" and inserting in lieu thereof the words "the defendant".
593. Page 183, line 16, by striking the word "him" and inserting in lieu thereof the words "the defendant".
594. Page 183, line 17, by inserting after the first word "him" the words "or her", by striking the second word "him" and inserting in lieu thereof the words "the defendant", and by striking the word "he" and inserting in lieu thereof the words "the defendant".
595. Page 183, line 18, by inserting after the word "he" the words "or she" and by inserting after the word "his" the words "or her".
596. Page 183, line 19, by inserting after the first word "he" the words "or she", by striking the second word "he" and inserting in lieu thereof the words "the defendant", and inserting after the word "his" the words "or her".
597. Page 183, line 20, by striking the word "he" and inserting in lieu thereof the words "the defendant".
598. Page 183, line 21, by inserting after the word "he" the words "or she".
599. Page 183, line 22, by inserting after the word "his" the words "or her" and by striking the word "he" and inserting in lieu thereof the words "the defendant".
600. Page 183, line 26, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
601. Page 183, line 27, by striking the word "he" and inserting in lieu thereof the words "the defendant".
602. Page 183, line 28, by striking the word "his" and inserting in lieu thereof the words "the defendant's".
603. Page 183, line 29, by inserting after the word "his" the words "or her".
604. Page 183, line 30, by striking the word "he" and inserting in lieu thereof the words "the defendant".
605. Page 183, line 31, by inserting after the word "he" the words "or she" and by inserting after the word "him" the words "or her".
606. Page 184, line 11, by striking the word "He"

and inserting in lieu thereof the words "The magistrate".

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607. Page 186, line 13, by inserting after the word "he" the words "or she".

608. Page 186, line 22, by inserting after the word "his" the words "or her".

609. Page 187, line 28, by inserting after the word "he" the words "or she".

610. Page 187, line 30, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

611. Page 188, line 1, by striking the word "his" and inserting in lieu thereof the words "the magistrate's".

612. Page 188, line 2, by striking the word "his" and inserting in lieu thereof the words "the magistrate's".

613. Page 189, line 5, by striking the word "him" and inserting in lieu thereof the words "the defendant".

614. Page 193, line 31, by inserting after the word "his" the words "or her".

615. Page 194, line 2, by striking the word "his" and inserting in lieu thereof the words "the clerk's".

616. Page 194, line 5, by inserting after the word "his" the words "or her".

617. Page 194, line 17, by inserting after the word "him" the words "or her".

618. Page 194, line 18, by inserting after the word "he" the words "or she".

619. Page 195, line 12, by striking the word "he" and inserting in lieu thereof the words "the defendant".

620. Page 195, line 14, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

621. Page 196, line 28, by striking the word "his" and inserting in lieu thereof the words "the defendant's" and by striking the word "he" and inserting in lieu thereof the words "the defendant".

622. Page 197, line 2, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

623. Page 197, line 3, by striking the word "him" and inserting in lieu thereof the words "the defendant".

624. Page 197, line 14, by striking the word "him" and inserting in lieu thereof the words "the clerk".

625. Page 197, line 32, by inserting after the word "his" the words "or her".

626. Page 198, line 21, by inserting after the word "his" the words "or her".

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627. Page 200, line 1, by striking the word "he" and inserting in lieu thereof the words "such attorney" and by inserting after the word "his" the words "or her".

628. Page 200, line 29, by striking the word "he" and inserting in lieu thereof the words "the defendant".

629. Page 202, line 23, by inserting after the word "he" the words "or she".

630. Page 203, line 10, by inserting after the word "him" the words "or her".

631. Page 204, line 15, by striking the word "his" and inserting in lieu thereof the words "the person's".

632. Page 204, line 19, by inserting after the word "his" the words "or her".

633. Page 204, line 21, by striking the word "his" and inserting in lieu thereof the words "the person's".

634. Page 204, line 29, by inserting after the word "his" the words "or her".

635. Page 204, line 34, by inserting after the word "his" the words "or her".

636. Page 205, line 33, by striking the word "him" and inserting in lieu thereof the words "the fugitive".

637. Page 205, line 34, by inserting after the word "his" the words "or her" and by inserting after the word "he" the words "or she".

638. Page 206, line 2, by striking the word "his" and inserting in lieu thereof the words "the fugitive's".

639. Page 206, line 3, by striking the word "his" and inserting in lieu thereof the words "the fugitive's".

640. Page 206, line 8, by inserting after the word "his" the words "or her".

641. Page 206, line 10, by striking the word "he" and inserting in lieu thereof the words "the fugitive".

642. Page 206, line 13, by striking the word "him" and inserting in lieu thereof the words "the fugitive".

643. Page 206, line 26, by striking the word "him" and inserting in lieu thereof the words "the agent".

644. Page 206, line 27, by striking the first word "him" and inserting in lieu thereof the words "the agent" and by striking the second word "him" and inserting in lieu thereof the words "the fugitive".

645. Page 207, line 10, by striking the first word "him" and inserting in lieu thereof the words "the fugitive", by striking the second word "him" and inserting in lieu thereof the words "the fugitive", and by inserting after the word "he" the words "or she".

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646. Page 207, line 17, by inserting after the word "his" the words "or her".

647. Page 207, line 21, by inserting after the word "he" the words "or she".

648. Page 207, line 33, by inserting after the word "his" the words "or her".

649. Page 208, line 7, by striking the word "he" and inserting in lieu thereof the words "the judge or magistrate" and by striking the word "his" and inserting in lieu thereof the words "the prisoner's".

650. Page 208, line 8, by striking the word "him" and inserting in lieu thereof the words "the judge or magistrate".

651. Page 208, line 9, by striking the word "his" and inserting in lieu thereof the words "the prisoner's".

652. Page 211, line 22, by striking the word "he" and inserting in lieu thereof the words "the judge".

653. Page 212, line 7, by striking the word "he" and inserting in lieu thereof the words "the witness".

654. Page 212, line 14, by striking the word "he" and inserting in lieu thereof the words "the witness" and by inserting after the word "his" the words "or her".

655. Page 212, line 16, by inserting after the word "he" the words "or she".

656. Page 212, line 19, by striking the word "him" and inserting in lieu thereof the words "the person".

657. Page 212, line 20, by striking the word "he" and inserting in lieu thereof the words "the person".

658. Page 212, line 22, by striking the word "his" and inserting in lieu thereof the words "the person's".

659. Page 212, line 26, by striking the word "he" and inserting in lieu thereof the words "the person".

660. Page 212, line 29, by striking the word "his" and inserting in lieu thereof the words "the person's".

661. Page 213A, line 35, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

662. Page 213B, line 37, by striking the word "his" and inserting in lieu thereof the words "the victim's".

663. Page 214, line 5, by inserting after the word "his" the words "or her".

664. Page 215, line 27, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

665. Page 216A, line 15, by striking the word "him" and inserting in lieu thereof the words "the person" and by inserting after the word "his" the

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words "or her".

666. Page 216A, line 16, by striking the word "he" and inserting in lieu thereof the words "the person".

667. Page 216A, line 18, by striking the first

word "his" and inserting in lieu thereof the words "the person's" and by striking the second word "his" and inserting in lieu thereof the words "the person's".

668. Page 216A, line 19, by striking the word "he" and inserting in lieu thereof the words "the person".

669. Page 216A, line 24, by striking the word "him" and inserting in lieu thereof the words "the person".

670. Page 216B, line 37, by striking the word "him" and inserting in lieu thereof the words "the person".

671. Page 217A, line 13, by striking the word "him" and inserting in lieu thereof the words "the person".

672. Page 217A, line 14, by striking the word "his" and inserting in lieu thereof the words "the person's".

673. Page 217A, line 18, by inserting after the word "his" the words "or her".

674. Page 217A, line 20, by inserting after the word "his" the words "the person's".

675. Page 217B, line 39, by inserting after the word "his" the words "or her".

676. Page 217B, line 40, by striking the word "he" and inserting in lieu thereof the words "the person".

677. Page 217B, line 49, by striking the word "he" and inserting in lieu thereof the words "the person".

678. Page 218, line 8, by striking the word "he" and inserting in lieu thereof the words "the person".

679. Page 218, line 9, by inserting after the word "his" the words "or her".

680. Page 218, line 33, by striking the word "he" and inserting in lieu thereof the words "the commissioner".

681. Page 218, line 35, by striking the word "him" and inserting in lieu thereof the words "such person".

682. Page 219, line 5, by striking the word "his" and inserting in lieu thereof the words "the person's".

683. Page 219, line 6, by inserting after the word "his" the words "or her".

684. Page 219, line 7, by striking the word "his" and inserting in lieu thereof the words "the person's".

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685. Page 219, line 14, by striking the word "his" and inserting in lieu thereof the words "the person's".

686. Page 219, line 20, by striking the word "his" and inserting in lieu thereof the words "the person's".

687. Page 219, line 23, by striking the word "he" and inserting in lieu thereof the words "the person".

688. Page 219, line 26, by striking the word "he" and inserting in lieu thereof the words "the person".

689. Page 220A, line 23, by striking the word "him" and inserting in lieu thereof the words "the person".

690. Page 221, line 28, by inserting after the word "his" the words "or her".

691. Page 221, line 29, by inserting after the word "his" the words "or her".

692. Page 221, line 31, by striking the word "chairman" and inserting in lieu thereof the word "chairperson".

693. Page 222, line 23, by inserting after the word "his" the words "or her".

694. Page 222, line 26, by inserting after the word "his" the words "or her".

695. Page 223, line 28, by striking the word "his" and inserting in lieu thereof the words "the person's".

696. Page 223, line 29, by inserting after the word "him" the words "or her" and by inserting after the word "his" the words "or her".

697. Page 224, line 11, by inserting after the word "his" the words "or her".

698. Page 224, line 12, by inserting after the word "his" the words "or her".

699. Page 224, line 13, by striking the word "his" and inserting in lieu thereof the words "the prisoner's".

700. Page 224, line 32, by striking the word "his" and inserting in lieu thereof the words "the person's".

701. Page 224, line 33, by striking the word "his" and inserting in lieu thereof the words "the person's".

702. Page 225A, line 15, by inserting after the word "himself" the words "or herself".

703. Page 225A, line 16, by striking the word "himself" and inserting in lieu thereof the words "the person" and by inserting after the word "he" the words "or she".

704. Page 225A, line 22, by striking the word "him" and inserting in lieu thereof the words "the person".

705. Page 225A, line 24, by striking the word "him" and inserting in lieu thereof the words "the person" and by inserting after the word "his" the

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words "or her".

706. Page 225A, line 27, by striking the word "his" and inserting in lieu thereof the words "the person's".

707. Page 225A, line 29, by striking the word "his" and inserting in lieu thereof the words "the person's".

708. Page 225B, line 39, by striking the word "him" and inserting in lieu thereof the words "the person".

709. Page 227A, line 6, by striking the word "he"

and inserting in lieu thereof the words "the person".

710. Page 227A, line 8, by striking the word "he" and inserting in lieu thereof the words "the person".

711. Page 227A, line 12, by striking the word "he" and inserting in lieu thereof the words "the person" and by inserting after the word "his" the words "or her".

712. Page 227A, line 13, by inserting after the word "his" the words "or her".

713. Page 227A, line 14, by striking the word "he" and inserting in lieu thereof the words "the person".

714. Page 227A, line 16, by striking the word "him" and inserting in lieu thereof the words "the person".

715. Page 227A, line 17, by striking the word "him" and inserting in lieu thereof the words "the person" and by inserting after the word "his" the words "or her".

716. Page 228, line 9, by inserting after the word "his" the words "or her".

717. Page 228, line 15, by inserting after the word "his" the words "or her".

718. Page 228, line 21, by inserting after the word "his" the words "or her".

719. Page 228, line 22, by striking the word "his" and inserting in lieu thereof the words "the person's".

720. Page 228, line 29, by striking the word "him" and inserting in lieu thereof the words "the person".

721. Page 228, line 30, by striking the word "his" and inserting in lieu thereof the words "the person's".

722. Page 229, line 2, by striking the word "his" and inserting in lieu thereof the words "or her".

723. Page 230, line 12, by inserting after the word "he" the words "or she".

724. Page 230, line 13, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

725. Page 231, line 14, by striking the word "his"

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and inserting in lieu thereof the words "the defendant's".

726. Page 231, line 16, by striking the first word "his" and inserting in lieu thereof the words "the defendant's" and by striking the second word "his" and inserting in lieu thereof the words "the defendant's".

727. Page 232, line 16, by striking the word "he" and inserting in lieu thereof the words "the person" and by inserting after the word "his" the words "or her".

728. Page 232, line 17, by striking the word "his" and inserting in lieu thereof the words "the person's".

729. Page 232, line 18, by striking the word "he"

and inserting in lieu thereof the words "the person".

730. Page 232, line 20, by striking the first word "him" and inserting in lieu thereof the words "the person" and by striking the second word "him" and inserting in lieu thereof the words "the person".

731. Page 232, line 21, by inserting after the word "his" the words "or her".

732. Page 232, line 31, by striking the word "his" and inserting in lieu thereof the words "the chief probation officer's".

733. Page 233, line 10, by striking the word "him" and inserting in lieu thereof the words "the county attorney".

734. Page 233, line 11, by striking the word "him" and inserting in lieu thereof the words "the defendant".

735. Page 233, line 13, by striking the word "his" and inserting in lieu thereof the words "the defendant's" and by inserting after the word "he" the words "or she".

736. Page 233, line 15, by striking the word "him" and inserting in lieu thereof the words "the defendant".

737. Page 233, line 16, by striking the word "he" and inserting in lieu thereof the words "the defendant".

738. Page 233, line 17, by inserting after the word "his" the words "or her".

739. Page 233, line 28, by inserting after the word "his" the words "or her".

740. Page 234, line 11, by striking the word "him" and inserting in lieu thereof the words "the person".

741. Page 234, line 13, by striking the word "him" and inserting in lieu thereof the words "the person".

742. Page 235, line 20, by inserting after the word "his" the words "or her".

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743. Page 235, line 35, by inserting after the word "he" the words "or she".

744. Page 236, line 1, by striking the word "he" and inserting in lieu thereof the words "the defendant".

745. Page 236, line 4, by inserting after the word "he" the words "or she".

746. Page 236, line 6, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

747. Page 236, line 21, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

748. Page 236, line 30, by striking the first word "his" and inserting in lieu thereof the words "the defendant's", by striking the second word "his" and inserting in lieu thereof the words "the

defendant's", by striking the third word "his" and inserting in lieu thereof the words "the defendant's", and by striking the fourth word "his" and inserting in lieu thereof the words "the defendant's".

749. Page 236, line 31, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

750. Page 236, line 32, by striking the word "his" and inserting in lieu thereof the words "the defendant's".

751. Page 237, line 2, by inserting after the word "his" the words "or her".

752. Page 238A, line 6, by inserting after the word "his" the words "or her" and by striking the word "he" and inserting in lieu thereof the words "the parole officer".

753. Page 238A, line 10, by inserting after the word "his" the words "or her" and by striking the word "he" and inserting in lieu thereof the words "the magistrate".

754. Page 238A, line 17, by inserting after the word "his" the words "or her".

755. Page 238A, line 21, by inserting after the word "he" the words "or she".

756. Page 238B, line 40, by inserting after the word "his" the words "or her".

757. Page 238B, line 41, by inserting after the word "him" the words "or her" and by striking the word "He" and inserting in lieu thereof the words "The alleged parole violator".

758. Page 238B, line 43, by inserting after the word "his" the words "or her" and by striking the word "He" and inserting in lieu thereof the words

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"The alleged parole violator".

759. Page 238B, line 45, by inserting after the word "him" the words "or her".

760. Page 238B, line 46, by striking the word "his" and inserting in lieu thereof the word "witness' ".

761. Page 239, line 4, by inserting after the word "him" the words "or her" and by striking the word "his" and inserting in lieu thereof the words "the alleged violator's".

762. Page 239, line 5, by inserting after the word "he" the words "or she".

763. Page 239, line 6, by inserting after the word "his" the words "or her" and by striking the word "he" and inserting in lieu thereof the words "the alleged violator".

764. Page 239, line 7, by inserting after the word "he" the words "or she".

765. Page 239, line 15, by inserting after the word "his" the words "or her" and by striking the

word "him" and inserting in lieu thereof the words "the arrested person".

766. Page 239, line 18, by inserting after the word "his" the words "or her".

767. Page 239, line 19, by striking the word "him" and inserting in lieu thereof the words "the arrested person".

768. Page 239, line 22, by striking the word "him" and inserting in lieu thereof the words "the arrested person".

769. Page 239, line 25, by striking the word "him" and inserting in lieu thereof the words "the liaison officer".

770. Page 239, line 26, by striking the word "him" and inserting in lieu thereof the words "the liaison officer" and by inserting after the word "his" the words "or her".

771. Page 240, line 8, by inserting after the word "his" the words "or her".

772. Page 240, line 28, by striking the word "him" and inserting in lieu thereof the words "the alleged violator" and by inserting after the word "his" the words "or her".

773. Page 240, line 29, by striking the word "him" and inserting in lieu thereof the words "the alleged violator" and by inserting after the word "he" the words "or she".

774. Page 240, line 31, by inserting after the word "he" the words "or she".

775. Page 240, line 34, by inserting after the

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word "his" the words "or her".

776. Page 241, line 1, by inserting after the word "his" the words "or her".

777. Page 241, line 2, by inserting after the word "his" the words "or her".

778. Page 241, line 3, by inserting after the word "him" the words "or her".

779. Page 241, line 8, by striking the word "his" and inserting in lieu thereof the words "the parolee's".

780. Page 241, line 10, by inserting after the first word "his" the words "or her" and by inserting after the second word "his" the words "or her".

781. Page 241, line 17, by inserting after the word "his" the words "or her".

782. Page 243, line 14, by inserting after the word "his" the words "or her".

783. Page 243, line 33, by striking the word "he" and inserting in lieu thereof the words "[he] *the governor*".

784. Page 245, line 4, by striking the word "him" and inserting in lieu thereof the words "[him] *the state auditor*".

785. Page 245, line 13, by striking the word "him" and inserting in lieu thereof the words "[him] *the state auditor*".

786. Page 249, line 16, by inserting after the word "his" the words "*or her*".

787. Page 249, line 18, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

788. Page 250, line 20, by striking the word "he" and inserting in lieu thereof the words "[he] *the employee*".

789. Page 250, line 23, by striking the word "his" and inserting in lieu thereof the words "[his] *the employee's*".

790. Page 252, line 12, by inserting after the word "he" the words "*or she*".

791. Page 252, line 35, by inserting after the word "his" the words "*or her*".

792. Page 253, line 20, by striking the word "his" and inserting in lieu thereof the words "[his] *the incumbent's*".

793. Page 254, line 8, by inserting after the word "his" the words "*or her*".

794. Page 254, line 9, by inserting after the word "his" the words "*or her*".

795. Page 254, line 10, by inserting after the word "his" the words "*or her*".

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796. Page 254, line 11, by inserting after the word "him" the word "*or her*" and by inserting after the word "he" the words "*or she*".

797. Page 254, line 16, by inserting after the word "his" the words "*or her*".

798. Page 254, line 18, by inserting after the word "he" the words "*or she*".

799. Page 254, line 24, by inserting after the word "his" the words "*or her*".

800. Page 254, line 26, by inserting after the word "his" the words "*or her*".

801. Page 255, line 9, by inserting after the word "he" the words "*or she*".

802. Page 255, line 10, by inserting after the word "himself" the words "*or herself*".

803. Page 257, line 14, by striking the word "his" and inserting in lieu thereof the words "[his] *the employee's*".

804. Page 258, line 14, by inserting after the word "he" the words "*or she*".

805. Page 258, line 21, by inserting after the word "his" the words "*or her*".

806. Page 258, line 22, by inserting after the word "his" the words "*or her*".

807. Page 260, line 1, by inserting after the word "his" the words "*or her*".

808. Page 260, line 3, by inserting after the word "his" the words "*or her*".
809. Page 260, line 24, by inserting after the word "him" the words "*or her*".
810. Page 260, line 25, by inserting after the word "his" the words "*or her*".
811. Page 261, line 1, by inserting after the word "his" the words "*or her*".
812. Page 261, line 8, by inserting after the word "he" the words "*or she*" and by inserting after the word "him" the words "*or her*".
813. Page 261, line 9, by inserting after the word "his" the words "*or her*".
814. Page 261, line 21, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".
815. Page 263, line 27, by inserting after the word "his" the words "*or her*".
816. Page 263, line 34, by striking the word "him" and inserting in lieu thereof the words "[him] *the employer*".
817. Page 264, line 1, by inserting after the word "his" the words "*or her*".
818. Page 266, line 1, by striking the word "he"

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and inserting in lieu thereof the words "[he] *the person*".
819. Page 267, line 34, by inserting after the word "his" the words "*or her*".
820. Page 270, line 6, by inserting after the word "him" the words "*or her*".
821. Page 270, line 14, by inserting after the word "his" the words "*or her*".
822. Page 272, line 24, by inserting after the word "himself" the words "*or herself*".
823. Page 275, line 16, by inserting after the word "he" the words "*or she*".
824. Page 280, line 4, by striking the word "he" and inserting in lieu thereof the words "[he] *the executive officer*".
825. Page 280, line 11, by inserting after the word "his" the words "*or her*".
826. Page 290, line 24, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".
827. Page 291, line 17, by striking the word "his" and inserting in lieu thereof the words "[his] *the person's*".
828. Page 296, line 2, by inserting after the word "his" the words "*or her*".
829. Page 297, line 2, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".
830. Page 297, line 17, by striking the word "he"

and inserting in lieu thereof the words "[he] *the person*".

831. Page 298, line 9, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

832. Page 299, line 18, by inserting after the word "him" the words "*or her*".

833. Page 300, line 30, by inserting after the word "him" the words "*or her*".

834. Page 301, line 1, by inserting after the word "him" the words "*or her*".

835. Page 301, line 29, by inserting after the word "his" the words "*or she*".

836. Page 304, line 26, by striking the word "his" and inserting in lieu thereof the words "[his] *the owner's*".

837. Page 305, line 6, by striking the word "his" and inserting in lieu thereof the words "[his] *the veterinarian's*".

838. Page 305, line 7, by striking the word "he" and inserting in lieu thereof the words "[he] *the*

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veterinarian".

839. Page 311, line 2, by striking the word "him" and inserting in lieu thereof the words "[him] *the person*" and by inserting after the word "he" the words "*or she*".

840. Page 311, line 8, by striking the word "him" and inserting in lieu thereof the words "[him] *the officer*".

841. Page 313, line 13, by striking the word "him" and inserting in lieu thereof the words "[him] *the secretary*" and by striking the word "he" and inserting in lieu thereof the words "[him] *the secretary*".

842. Page 313, line 17, by striking the word "him" and inserting in lieu thereof the words "[him] *the secretary*".

843. Page 313, line 18, by striking the word "he" and inserting in lieu thereof the words "[he] *the secretary*".

844. Page 313, line 27, by inserting after the word "himself" the words "*or herself*" and by inserting after the word "his" the words "*or her*".

845. Page 313, line 33, by inserting after the word "himself" the words "*or herself*" and by inserting after the word "his" the words "*or her*".

846. Page 314, line 11, by striking the word "his" and inserting in lieu thereof the words "[his] "*the person's*".

847. Page 314, line 32, by striking the word "his" and inserting in lieu thereof the words "[his] *the secretary's*".

848. Page 314, line 33, by inserting after the word "his" the words "*or her*".

849. Page 316, line 8, by striking the word "his" and inserting in lieu thereof the word "[his] *the secretary's*".

850. Page 319, line 14, by inserting after the word "his" the words "*or her*".

851. Page 320, line 11, by inserting after the word "him" the words "*or her*".

852. Page 322, line 18, by inserting after the word "himself" the words "*or herself*" and by inserting after the word "his" the words "*or her*".

853. Page 323, line 30, by inserting after the word "his" the words "*or her*".

854. Page 326, line 1, by inserting after the word "him" the words "*or her*".

855. Page 326, line 2, by inserting after the word "him" the words "*or her*".

856. Page 326, line 3, by inserting after the word "him" the words "*or her*".

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857. Page 326, line 6, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

858. Page 333, line 5, by striking the word "him" and inserting in lieu thereof the words "[him] *the officer*".

859. Page 335, line 10, by inserting after the word "him" the words "*or her*".

860. Page 338, line 2, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

861. Page 346, line 11, by inserting after the word "his" the words "*or her*".

862. Page 347, line 27, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

863. Page 347, line 28, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

864. Page 351, line 12, by inserting after the word "he" the words "*or she*".

865. Page 351, line 18, by inserting after the word "he" the words "*or she*".

866. Page 352, line 3, by inserting after the word "his" the words "*or her*".

867. Page 352, line 20, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

868. Page 354, line 18, by inserting after the word "he" the words "*or she*".

869. Page 355, line 33, by inserting after the word "he" the words "*or she*".

870. Page 356, line 3, by striking the word "his" and inserting in lieu thereof the words "[his] *the secretary's*".

871. Page 357, line 23, by inserting after the word "him" the words "*or her*".

872. Page 357, line 24, by inserting after the word "him" the words "*or her*".

873. Page 357, line 29, by inserting after the word "him" the words "*or her*".

874. Page 358, line 13, by striking the word "his" and inserting in lieu thereof the words "[his] *the person's*".

875. Page 362, line 17, by inserting after the word "his" the words "*or her*".

876. Page 362, line 19, by striking the first word "he" and inserting in lieu thereof the words "[he] *the person*" and by striking the second word "he" and inserting in lieu thereof the words "[he] *the*

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person".

877. Page 363, line 14, by inserting after the word "his" the words "*or her*".

878. Page 363, line 18, by inserting after the word "his" the words "*or her*".

879. Page 363, line 19, by striking the word "he" and inserting in lieu thereof the words "*the person*".

880. Page 364, line 9, by striking the word "he"' and inserting in lieu thereof the words "[he] *the person*".

881. Page 364, line 10, by inserting after the word "him" the words "*or her*".

882. Page 364, line 33, by inserting after the word "he" the words "*or she*".

883. Page 365, line 3, by inserting after the word "him" the words "*or her*".

884. Page 365, line 9, by striking the word "he" and inserting in lieu thereof the words "[he] *the treasurer or auditor*".

885. Page 365, line 10, by inserting after the first word "his" the words "*or her*" and by inserting after the second word "his" the words "*or her*".

886. Page 366, line 1, by inserting after the word "himself" the words "*or herself*".

887 Page 366, line 3, by inserting after the word "he" the words "*or she*".

888. Page 366, line 11, by striking the word "his" and inserting in lieu thereof the words "[his] *the treasurer's*".

889. Page 366, line 29, by inserting after the word "him" the words "*or her*".

890. Page 366, line 32, by inserting after the word "he" the words "*or she*", by inserting after the first word "his" the words "*or her*", and by inserting after the second word "his" the words "*or her*".

891. Page 368, line 18, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

892. Page 369, line 28, by striking the word "his" and inserting in lieu thereof the words "[his] *the person's*".

893. Page 372, line 8, by inserting after the word "he" the words "*or she*".

894. Page 378, line 9, by striking the word "him" and inserting in lieu thereof the words "[him] *the person*" and by striking the word "his" and inserting in lieu thereof the words "[his] *such person's*".

895. Page 378, line 11, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

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896. Page 381, line 1, by striking the word "him" and inserting in lieu thereof the words "[him] *the officer or director*".

897. Page 382, line 8, by striking the word "his" and inserting in lieu thereof the words "[his] *the commissioner's*".

898. Page 382, line 13, by striking the word "his" and inserting in lieu thereof the words "[his] *the commissioner's*".

899. Page 382, line 29, by inserting after the word "his" the words "*or her*".

900. Page 383, line 3, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

901. Page 383, line 33, by inserting after the word "his" the words "*or her*".

902. Page 383, line 34, by inserting after the word "his" the words "*or her*".

903. Page 384, line 14, by inserting after the word "himself" the words "*or herself*".

904. Page 384, line 18, by inserting after the word "his" the words "*or her*".

905. Page 385, line 27, by striking the word "him" and inserting in lieu thereof the words "[him] *the director or officer*".

906. Page 394, line 11, by striking the word "his" and inserting in lieu thereof the words "[his] *the commissioner's*".

907. Page 403, line 27, by inserting after the word "he" the words "*or she*".

908. Page 404, line 3, by inserting after the word "*he*" the words "*or she*".

909. Page 404, line 5, by inserting after the first word "his" the words "*or her*" and by inserting after the second word "his" the words "*or her*".

910. Page 404, line 7, by inserting after the word "*he*" the words "*or she*".

911. Page 404, line 8, by inserting after the word "*he*" the words "*or she*".

912. Page 404, line 11, by inserting after the word "*he*" the words "*or she*".

913. Page 404, line 12, by inserting after the word "*he*" the words "*or she*".

914. Page 404, line 17, by striking the first word "*he*" and inserting in lieu thereof the words "*the person*" and by inserting after the second word "*he*" the words "*or she*".

915. Page 404, line 20, by inserting after the word "he" the words "*or she*".

916. Page 404, line 31, by inserting after the

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word "he" the words "*or she*".

917. Page 405, line 6, by inserting after the word "*he*" the words "*or she*".

918. Page 405, line 9, by inserting after the first word "his" the words "*or her*" and by inserting after the second word "his" the words "*or her*".

919. Page 405, line 11, by inserting after the word "*he*" the words "*or she*".

920. Page 405, line 12, by striking the word "*he*" and inserting in lieu thereof the words "[he] *the person*".

921. Page 405, line 16, by inserting after the word "*he*" the words "*or she*".

922. Page 405, line 17, by inserting after the word "*he*" the words "*or she*".

923. Page 405, line 22, by striking the word "he" and inserting in lieu thereof the words "[he]*the person*".

924. Page 406, line 34, by inserting after the word "he" the words "*or she*".

925. Page 407, line 30, by striking the word "he" and inserting in lieu thereof the words "[he] *the person*".

926. Page 408, line 2, by inserting after the word "his" the words "*or her*".

927. Page 412, line 29, by striking the word "he" and inserting in lieu thereof the words "[he] *the tenant*".

928. Page 415, line 34, by striking the word "his" and inserting in lieu thereof the words "[his] *the citizens' aide's*".

929. Page 416A, line 1, by inserting after the word "his" the words "*or her*".

930. Page 417, line 5, by striking the word "his" and inserting in lieu thereof the words "[his] *the person's*".

931. Page 417, line 12, by inserting after the word "his" the words "*or her*".

932. Page 417, line 13, by inserting after the word "his" the words "*or her*".

933. Page 417, line 32, by inserting after the word "he" the words "*or she*".

934. Page 418, line 5, by striking the word "him" and inserting in lieu thereof the words "[him] *the*

public official".

935. Page 418, line 28, by striking the word "he" and inserting in lieu thereof the words "[he] *the juror*".

936. Page 418, line 31, by striking the word "his" and inserting in lieu thereof the words "[his] *the juror's*".

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937. Page 418, line 33, by striking the word "his" and inserting in lieu thereof the words "[his] *the juror*".

938. Page 420, line 9, by striking the word "him" and inserting in lieu thereof the words "[him] *the plaintiff*" and by striking the word "he" and inserting in lieu thereof the words "[he] *the defendant*".

Amendment H—6364 was adopted.

Jesse of Polk asked for unanimous consent to consider amendment H—6368.

Objection was raised.

Jesse of Polk moved to suspend the rules for the consideration of amendment H—6368.

A non-record roll call was requested.

The ayes were 59, nays 16.

The motion prevailed and the rules were suspended to consider amendment H—6368 filed by Jesse of Polk from the floor as follows:

H—6368

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 6, by deleting lines 24 through 29, and inserting in lieu thereof the following:

Sec. 219. *NEW SECTION.* SERIOUS INJURY. **"Serious injury" means disabling mental illness, or bodily injury which creates a substantial risk** of death or which causes serious permanent disfigurement, or protracted loss or impairment of the **function of any bodily member or organ.**

Speaker Cochran in the chair at 5:28 p.m.

Jesse of Polk moved the adoption of amendment H—6368.

Amendment H—6368 was adopted.

Jesse of Polk moved to suspend the rules to consider amendment H—6363.

Roll call was requested by Branstad of Winnebago and Wulff of Black Hawk.

On the question "Shall the rules be suspended to consider amendment H—6363?"

The ayes were, 61:

Anderson	Gentleman	Jochum	Pavich
Bina	Gilloon	Jordan	Perkins
Binneboese	Griffee	Koogler	Poncy
Brandt	Halvorson	Lipsky	Readinger
Brunow	Hargrave	Lonergan	Scheelhaase
Byerly	Harper	Menke	Schroeder
Caffrey	Hennessey	Mennenga	Small
Clark	Higgins	Middleswart	Spencer
Connors	Hines	Middleton	Spradling
Crawford	Hinkhouse	Miller, A. V.	Svoboda
Cusack	Horn	Monroe	Tauke
Drake	Howell	Newhard	Varley
Dyrland	Hullinger	Oakley	Walter
Egenes	Hutchins	O'Halloran	Wells
Evans	Jesse	Patchett	Mr. Speaker
Fitzgerald			

The nays were, 23:

Baker	Daggett	Lageschulte	Pellett
Bennett	Danker	McElroy	Tofte
Bittle	Den Herder	Millen	Welden
Bortell	Dieleman	Miller, K. D.	Wulff
Branstad	Harvey	Miller, O. L.	Wyckoff
Crabb	Junker	Nealson	

Absent or not voting, 16:

Avenson	Hansen	Lindeen	Spear
Brockett	Husak	Nielsen	Stromer
Doyle	Krause	Norland	West
Dunton	Kreamer	Rinas	Woods

The motion prevailed and the rules were suspended to consider amendment H—6363 filed by Jesse of Polk from the floor as follows:

H—6363

Amend Senate File 85, as amended, passed, and reprinted by the Senate as follows:

1. Page 291, by inserting after line 3 the following sections:

"Sec. ..... Section one hundred twenty-seven point seven (127.7), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

127.7 LIQUOR SUBJECT TO FORFEITURE. The court, upon conviction, shall enter a judgment of forfeiture of the liquor and vessels seized and shall file with the clerk of the district court a certified transcript of such order.

Sec. ..... Section one hundred twenty-seven point eight (127.8), Code 1975, is amended by striking the

section and inserting in lieu thereof the following:

127.8 DISPOSITION OF FORFEITED LIQUORS. When a judgment has been entered decreeing a forfeiture of any intoxicating liquors, the magistrate shall direct the disposition of such liquors and the vessels containing the same:

1. By ordering that forfeited intoxicating liquors, which have a valid unbroken federal liquor tax stamp properly affixed to the vessel and which the magistrate has no reason to believe is adulterated or contaminated, be delivered to the Iowa beer and liquor control department.

2. By ordering the destruction of forfeited intoxicating liquors which do not have a valid federal liquor tax stamp properly affixed to the vessel or which the magistrate has reason to believe is contaminated or adulterated.

3. By ordering any portion thereof consisting of alcohol, brandies, wine, or whiskey, to be delivered, for medicinal or scientific purposes, to any state or reputable hospital in the county, or in adjoining counties, or to the board of control of state institutions, or to any reputable educational institution in the state for scientific purposes.

Sec. ..... Section one hundred twenty-seven point nine (127.9), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

127.9 CONVEYANCE SUBJECT TO FORFEITURE. Any conveyance which is used to transport a quantity of unlawful liquor which is large enough to give rise to a presumption that the liquors are being transported for the purpose of sale and the transportation of such liquors is not incidental to the transportation of persons or other property is subject to forfeiture to the state."

2. Page 291, by striking lines 4 through 22, and

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inserting in lieu thereof the following:

"Sec. ..... Section one hundred twenty-seven point eleven (127.11), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

127.11 PROCEDURE. Upon the filing of an information the procedure for forfeiting the conveyance shall be as follows:

1. Notice of the time and place of the forfeiture hearing shall be personally served upon all owners and lien holders of record of the seized conveyance at least thirty days prior to the date set for hearing. The notice shall contain a reasonable description of the conveyance and the time and place of its seizure.

2. Any person having a claim to the conveyance may file a claim with the clerk of court alleging

his or her claim to the vehicle and the grounds relied upon in claiming that his or her property interest in the conveyance may not be forfeited.

3. The hearing shall be held before the district court in the county in which the conveyance was seized.

4. If a judgment of forfeiture is entered, the judgment shall state the value of the conveyance and the amount forfeited and direct the sheriff to sell the conveyance as chattel under execution, and a certified copy of the judgment shall constitute an execution."

3. Page 291, by inserting after line 22 the following:

"Sec. ..... Section one hundred twenty-three point twelve (123.12), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

123.12 BASIS OF FORFEITURE. An order of forfeiture may only be entered upon a finding by the court that all of the following are true:

1. The quantity of liquor transported is large enough to give rise to a presumption that the liquor was being transported for the purpose of sale.

2. The transportation of the liquor was not incidental to the transportation of persons or other property.

3. One of the owners or lien holders knew or consented to the transportation of the liquor.

Sec. ..... Section one hundred twenty-three point thirteen (123.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

123.13 EFFECT OF FORFEITURE ON OWNERS AND LIEN

HOLDERS. An order of forfeiture shall only be effective against the property interest of an owner or lien holder who knew or consented to the transportation of the liquor. The property interest of an owner or lien holder who did not consent or know of the transportation of the liquor shall not be affected by the order.

Sec. ..... Section one hundred twenty-three point twenty (123.20), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

123.20 SALE OF CONVEYANCE. Prior to placing the conveyance for sale to the general public the sheriff shall permit any owner or lien holder having a property interest of fifty percent or more in the conveyance the opportunity to purchase the property interest forfeited. If such owner or lien holder does not exercise his or her option under this section or if no such owner or lien holder exists the conveyance shall be sold at public auction with the

proceeds first being applied to the owners and lien holders who have not had their property interest forfeited and then applied to the expenses of keeping the conveyance and court costs."

Jesse of Polk asked and received unanimous consent to suspend the rules for the consideration of amendment H—6370, to amendment H—6363, filed by him from the floor and moved its adoption:

H—6370

Amend amendment H—6363, to page 291 of Senate File 85, as follows:

1. Page 2, line 31, by striking the word "three" and inserting in lieu thereof the word "seven".

2. Page 2, line 32, by striking "(123.12)" and inserting in lieu thereof "(127.12)".

3. Page 2, line 35, by striking "(123.12)" and inserting in lieu thereof "(127.12)".

4. Page 2, line 46, by striking the word "three" and inserting in lieu thereof the word "seven".

5. Page 2, line 47, by striking "(123.13)" and inserting in lieu thereof "(127.13)".

6. Page 2, line 50, by striking "(123.13)" and inserting in lieu thereof "(127.13)".

7. Page 3, line 8, by striking the word "three" and inserting in lieu thereof the word "seven".

8. Page 3, line 9, by striking "(123.20)" and inserting in lieu thereof "(127.20)".

9. Page 3, line 12, by striking "(123.20)" and inserting in lieu thereof "(127.20)".

Amendment H—6370 was adopted.

Bennett of Ida rose on a point of order as to the germaneness of amendment H—6363.

The Speaker ruled the point not well taken as the rules were suspended for the consideration of amendment H—6363.

Jesse of Polk moved the adoption of amendment H—6363, as amended.

A non-record roll call was requested.

The ayes were 59, nays 16.

Amendment H—6363, as amended, was adopted.

Dyrland of Clayton called up for consideration the motions to reconsider amendment H—5575 filed by him and Fitzgerald of Webster.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

The House resumed consideration of the motion to reconsider amendment H—5575.

Danker of Pottawattamie moved to table the motion to reconsider amendment H—5575.

Roll call was requested by Koogler of Mahaska and Bennett of Ida.

On the question "Shall the motion to reconsider amendment H—5575 be tabled?"

The ayes were, 40:

Baker	Evans	Lindeen	Poncy
Bennett	Hansen	McElroy	Scheelhaase
Bortell	Harper	Menke	Schroeder
Branstad	Hinkhouse	Millen	Spencer
Byerly	Hullinger	Miller, K. D.	Tofte
Crabb	Husak	Miller, O. L.	Welden
Daggett	Hutchins	Nealson	Woods
Danker	Jordan	Nielsen	Wulff
Dieleman	Koogler	Pellett	Wyckoff
Dunton	Lageschulte	Perkins	Mr. Speaker

The nays were, 49:

Anderson	Egenes	Jesse	O'Halloran
Avenson	Fitzgerald	Jochum	Patchett
Bina	Gentleman	Junker	Pavich
Binneboese	Gilloon	Krause	Readinger
Brandt	Griffee	Lipsky	Rinas
Brunow	Halvorson	Lonergan	Small
Caffrey	Hargrave	Mennenga	Spradling
Clark	Hennessey	Middleton	Svoboda
Connors	Higgins	Miller, A. V.	Tauke
Crawford	Hines	Monroe	Varley
Cusack	Horn	Newhard	Walter
Drake	Howell	Norland	Wells
Dyrland			

Absent or not voting, 11:

Bittle	Doyle	Middleswart	Stromer
Brockett	Harvey	Oakley	West
Den Herder	Kreamer	Spear	

The motion lost.

Dyrland of Clayton moved to reconsider the vote by which amendment H—5575 (to page 318) failed to be adopted by the House.

Roll call was requested by Branstad of Winnebago and Danker of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H—5575 failed to be adopted be reconsidered?"

The ayes were, 44:

Anderson	Egenes	Horn	Norland
Avenson	Fitzgerald	Howell	O'Halloran
Bina	Gentleman	Jesse	Patchett
Binneboese	Gilloon	Jochum	Pavich
Brandt	Griffee	Krause	Readinger
Brunow	Halvorson	Lipsky	Rinas
Clark	Hargrave	Lonergan	Small
Connors	Harvey	Mennenga	Spradling
Crawford	Hennessey	Middleton	Svoboda
Cusack	Higgins	Monroe	Tauke
Dyrland	Hines	Newhard	Walter

The nays were, 48:

Baker	Evans	McElroy	Scheelhaase
Bennett	Hansen	Menke	Schroeder
Bortell	Harper	Millen	Spencer
Branstad	Hinkhouse	Miller, A. V.	Stromer
Byerly	Hullinger	Miller, K. D.	Tofte
Caffrey	Husak	Miller, O. L.	Varley
Crabb	Hutchins	Nealson	Welden
Daggett	Jordan	Nielsen	Wells
Danker	Junker	Oakley	Woods
Dieleman	Koogler	Pellett	Wulff
Drake	Lageschulte	Perkins	Wyckoff
Dunton	Lindeen	Poncy	Mr. Speaker

Absent or not voting, 8:

Bittle	Den Herder	Kreamer	Spear
Brockett	Doyle	Middleswart	West

The motion lost.

The motion to reconsider amendment H—6322, to amendment H—5575, filed by Cusack of Scott was out of order.

Brunow of Appanoose asked for unanimous consent to offer amendment H—6360.

Objection was raised.

Brunow of Appanoose moved to suspend the rules for the consideration of amendment H—6360.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 52, nays 40.

The motion prevailed and the rules were suspended.

Brunow of Appanoose offered the following amendment

~~H~~—6360 filed by Brunow, Schroeder, Halvorson, Avenson, Welden, Perkins, Hutchins, Hargrave and Bina from the floor:

H—6360

Amend Senate File 85, as amended, passed, and reprinted by the Senate, as follows:

1. Page 318, by inserting after line 6 the following new sections:

"Sec. ..... Section two hundred four point four hundred one (204.401), Code 1975, is amended by striking subsection three (3) and inserting in lieu thereof the following:

3. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who is convicted of a violation of this subsection shall be punished as follows:

a. If the controlled substance is a controlled substance which is not marijuana, the person shall be guilty of a serious misdemeanor.

b. If the controlled substance is marijuana in an amount in excess of one ounce, the person shall upon conviction be sentenced to six (6) months in a county jail or be fined one thousand (1,000) dollars or be subject to both such fine and punishment.

c. If the controlled substance is marijuana in an amount of one ounce or less, and is for personal use only, the person shall upon conviction be guilty of a simple misdemeanor. All or any part of a sentence imposed pursuant to this paragraph may be suspended and the person placed on probation upon such terms and conditions as the court may impose including the active participation by such person in a drug treatment, rehabilitation or education program approved by the court. All records pertaining to arrests and prosecutions under this paragraph shall be expunged three years after the date of final judgement. A public agency shall not deny or limit any license or privilege to any person as a result of an arrest or prosecution for a violation of this paragraph.

Sec. ..... Chapter seven hundred forty-nine B (749B), Code 1975, is amended by adding the following new section:

NEW SECTION. All other sections of this chapter notwithstanding, information pertaining to arrests and prosecutions under paragraph c of subsection three (3) of section two hundred four point four hundred one (204.401) of the Code, shall not be made available to any other state or the federal

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1 government or any agency thereof, nor shall any
2 other state or the federal government or agency
3 thereof be allowed access to such information."

Brunow of Appanoose asked for unanimous consent to add the words "not more than" on lines 23 and 24 of amendment H—6360.

Objection was raised.

Brunow of Appanoose moved to suspend the rules to amend amendment H—6360.

A non-record roll call was requested.

The ayes were 59, nays 20.

The motion prevailed and the rules were suspended and the following corrective amendment H—6394, to amendment H—6360, filed by Brunow of Appanoose from the floor was adopted:

H—6394

1 Amend H—6360 to page 318 to Senate File 85
2 as follows:
3 1. Page 1, line 23 by inserting after the
4 word "to" the words "not more than".
5 2. Page 1, line 24 by inserting after the
6 word "fined" the words "not more than".

Miller of Buchanan asked for unanimous consent to consider amendment H—6393, to amendment H—6360.

Objection was raised.

Miller of Buchanan moved to suspend the rules for the consideration of amendment H—6393, to amendment H—6360.

A non-record roll call was requested.

The ayes were 52, nays 34.

The motion prevailed and the rules were suspended for the consideration of amendment H—6393, to amendment H—6360, filed by Miller of Buchanan from the floor, as follows:

H—6393

1 Amend amendment H—6360, to page 318, Senate
2 File 85 as follows:
3 1. Page 1, line 36, by inserting after the
4 word "paragraph" the words "and section three
5 hundred twenty-one point two hundred eighty-one
6 (281) of the Code".

Miller of Buchanan asked for unanimous consent to withdraw amendment H—6393.

Objection was raised.

Miller of Buchanan moved to withdraw amendment H—6393, to amendment H—6360.

The motion prevailed and amendment H—6393 was withdrawn.

Brunow of Appanoose moved the adoption of amendment H—6360, as amended.

Roll call was requested by Bennett of Ida and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6360, as amended, be adopted?"

The ayes were, 47:

Anderson	Egenes	Hutchins	Patchett
Avenson	Evans	Jesse	Pavich
Bina	Fitzgerald	Jochum	Perkins
Binneboese	Gentleman	Jordan	Readinger
Brandt	Gilloon	Krause	Rinas
Brunow	Griffee	Lindeen	Schroeder
Clark	Halvorson	Lonergan	Small
Connors	Hennessey	Mennenga	Svoboda
Crawford	Higgins	Monroe	Tauke
Cusack	Hines	Newhard	Walter
Drake	Horn	Norland	Welden
Dyrland	Howell	O'Halloran	

The nays were, 43:

Baker	Hargrave	Menke	Spencer
Bennett	Harper	Millen	Spradling
Bortell	Harvey	Miller, A. V.	Stromer
Branstad	Hinkhouse	Miller, K. D.	Tofte
Byerly	Hullinger	Miller, O. L.	Varley
Caffrey	Husak	Nealson	Wells
Crabb	Junker	Nielsen	Woods
Daggett	Koogler	Oakley	Wulff
Danker	Lageschulte	Pellett	Wyckoff
Dieleman	Lipsky	Poncy	Mr. Speaker
Hansen	McElroy	Scheelhaase	

Absent or not voting, 10:

Bittle	Doyle	Middleswart	Spear
Brockett	Dunton	Middleton	West
Den Herder	Kreamer		

Amendment H—6360, as amended, was adopted.

Amendment H—5698 (to page 4), to amendment H—5418, filed by Bennett of Ida on March 10, 1976, and found on page 1085 of the House Journal, was out of order.

Cusack of Scott in the chair at 8:18 p.m.

Speaker Cochran in the chair at 8:43 p.m.

Jesse of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 85)

The ayes were, 67:

Anderson	Gilloon	Junker	Poncy
Avenson	Griffee	Koogler	Readinger
Baker	Hargrave	Krause	Rinas
Bina	Harper	Lindeen	Scheelhaase
Binneboese	Harvey	Lipsky	Schroeder
Bortell	Hennessey	Lonergan	Spear
Brandt	Higgins	Mennenga	Spradling
Brunow	Hines	Middleswart	Stromer
Byerly	Hinkhouse	Miller, A. V.	Svoboda
Caffrey	Horn	Newhard	Tauke
Connors	Howell	Nielsen	Tofte
Crawford	Hullinger	Norland	Varley
Cusack	Husak	Oakley	Walter
Dieleman	Hutchins	O'Halloran	Wells
Egenes	Jesse	Patchett	Woods
Fitzgerald	Jochum	Pavich	Mr. Speaker
Gentleman	Jordan	Perkins	

The nays were, 28:

Bennett	Drake	McElroy	Nealson
Bittle	Dyrland	Menke	Pellett
Branstad	Evans	Middleton	Spencer
Clark	Halvorson	Millen	Welden
Crabb	Hansen	Miller, K. D.	West
Daggett	Kreamer	Miller, O. L.	Wulff
Danker	Lageschulte	Monroe	Wyckoff

Absent or not voting, 5:

Brockett	Doyle	Dunton	Small
Den Herder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REQUESTS TO VOTE

Millen of Van Buren asked for unanimous consent that Representatives Kreamer, Bittle and West be recorded as voting "nay" on Senate File 85 in their absence.

Objection was raised.

Millen of Van Buren moved that the rules be suspended and that Representatives Kreamer, Bittle and West be recorded as voting "nay" on Senate File 85 in their absence.

A non-record roll call was requested.

The ayes were 53, nays 30.

The motion prevailed and the votes were so recorded.

Oakley of Clinton asked and received unanimous consent that Representative Stromer be recorded as voting "aye" on Senate File 85 in his absence due to an emergency illness in his family.

The vote was so recorded.

MOTION TO RECONSIDER LOST
(Senate File 85)

Jesse of Polk moved to reconsider the vote by which Senate File 85 passed the House on April 22, 1976.

A non-record roll call was requested.

The ayes were 24, nays 67.

The motion lost.

REQUESTS TO VOTE

Hines of Story asked and received unanimous consent that Representative Spear be allowed the opportunity to vote on Senate File 85 in his absence.

The vote was so recorded.

Junker of Woodbury asked for unanimous consent that Representative Doyle be allowed the opportunity to vote on Senate File 85 in his absence.

Objection was raised.

EXPLANATION OF VOTES

I was necessarily absent from the House chamber when the vote was taken on Senate File 85, amendment H—5870A. Had I been present, I would have voted "nay."

MIDDLETON of Black Hawk

SUPPLEMENTAL REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Your committee on House administration reports the following resignations from the officers and employees of the House:

Russell Reeves—Doorkeeper, effective April 15, 1976.

Virginia Lageschulte—Aide to Public Information Office, effective April 1, 1976.

Frances A. Stefani—Journal Clerk, effective April 12, 1976 temporarily.

Catherine Holland—Swing Clerk, effective April 1, 1976 temporarily.

Also:

MR. SPEAKER: Your committee on House administration reports the following appointments to the officers and employees of the House:

Catherine Holland—Journal Clerk, effective April 2, 1976 temporarily.

Barbara Naset—Swing Clerk, effective April 12, 1976 temporarily.

Paul Brutsche—Doorkeeper, effective April 22, 1976.

Deborah K. Simon—Aide to Public Information Office, effective April 20, 1976.

Also:

MR. SPEAKER: Your committee on House administration reports the following longevity step increase from 12 to 13:

Debra Rex—Assistant Finance Clerk, effective April 2, 1976.

WELLS of Linn, Chair

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of April, 1976: House Files 1040, 1226, 1361, 1494, 1495 and 1509.

DAVID L. WRAY, Chief Clerk of the House

Report adopted.

AMENDMENTS FILED

H—6388

Amend House Resolution 119, page 1, line 6, by inserting after the word "Basie," the words "Glenn Miller, Gene Goldkett".

CONNORS of Polk

H—6378

Amend House File 1550 by striking on page 1, lines 1 through 13.

VARLEY of Adair
SMALL of Johnson

H—6384

Amend House File 1558 as follows:

1. Page 1, line 15, by inserting after the word "purposes" the words ". The funds appropriated by this subsection or any other funds available to the state conservation commission shall not be used for the construction of a marina at the Gull Point state park or on any other part, channel, inlet, or outlet located on or connected to West Okoboji or East Okoboji lakes. As used in this subsection "marina" means a dock or basin providing secure mooring for boats

or yachts, or facilities offering boat or yacht supply, repair, or other services."

2. Page 1, line 15, by striking the figure "4,000,000" and inserting in lieu thereof the figure "3,874,000".

SPENCER of Clay
HANSEN of O'Brien

H—6377

Amend the Oakley amendment, H—6257, to Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, line 28, by inserting after the word "staff." the following: "The board shall not consider terminating the contract of a teacher who has been employed as a teacher for twenty-five years or more in this state, is at least fifty-six years of age, and holds a valid preprofessional certificate issued by the board of educational examiners, for reasons that the teacher does not possess a bachelor's degree from a recognized institution."

2. Page 6, by inserting after line 32 the following section:

"Sec. ..... It is the intent of the general assembly that any teacher be reinstated for employment by the board for the school year beginning July 1, 1976 and thereafter if the teacher's contract has been terminated or the teacher has resigned, effective for the school year beginning July 1, 1975, solely because the teacher does not possess a bachelor's degree from a recognized institution. The provisions of this section shall apply only to teachers who have been employed in this state as teachers for not less than forty years, who are at least fifty-six years of age, and who hold valid preprofessional certificates. Teachers qualifying for reinstatement under this section shall be offered contracts, for the school year beginning July 1, 1976 and thereafter, which specify an annual salary in an amount not less than the annual salary established by the board for a teacher with no previous teaching experience who holds a professional certificate issued by the board of educational examiners."

HENNESSEY of Delaware

H—6385

Amend Senate File 1124 as amended, passed, and reprinted by the Senate, page 1, by striking lines 9 through 15 and inserting in lieu thereof the words "Act. The joint senate-house".

CUSACK of Scott

H—6379

Amend Senate File 1207, as passed by the Senate and reprinted as follows:

1. Page 6, line 32, by inserting after the

word "enforcement." the following: "A state housing code shall not apply to existing single-family residences occupied by the owner or the owner's family."

EVANS of Grundy

H—6380

Amend Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 7, line 5, by inserting after the word "handicapped." the following:

"Rules adopted to implement this paragraph shall recognize the need for a reasonable balance between benefits to the handicapped and the cost of achieving these benefits, and shall permit individual cases to be decided on their merits."

EVANS of Grundy

H—6381

Amend amendment H—6191 to Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, line 17, by inserting after the word "ordinance." the following: "The requirements of this section shall be satisfied by an existing certificate of occupancy."

2. Page 2, line 25, by inserting after the word "issued." the following: "Nothing in this section shall be construed to prohibit termination of tenancy pursuant to section five hundred sixty-two point four (562.4) of the Code."

RINAS of Linn

H—6382

Amend amendment H—6108 to Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 10, by striking the words "fee, but should pay the full monthly fees" and inserting in lieu thereof the word "fee."

2. Page 1, by striking line 11.

RINAS of Linn

H—6383

Amend Senate File 1207 as follows:

1. Page 13, line 32, by inserting after the word "code," the following: " to the extent that it is hazardous to life or property,".

2. Page 13, line 34, by inserting after the word "code," the following: "to the extent that it will no longer be hazardous to life or property,".

BROCKETT of Marshall
EVANS of Grundy

H—6386

Amend Senate File 1207, as amended, passed and reprinted by the Senate as follows:

1. Page 7, line 10, by striking both of the words "shall" and inserting in lieu thereof the words "may".
2. Page 7, line 16, by striking the words "nationally recognized" and inserting in lieu thereof the words "national and state".
3. Page 8, by striking lines 27 and 28 and inserting in lieu thereof the words "permits for building construction and occupancy permits."

BROCKETT of Marshall
EVANS of Grundy

H—6387

Amend Senate File 1207 as follows:
1. Page 1, line 32 by striking the word "apply" and all of line 33 and inserting in lieu thereof the following:
"be made available to anyone involved in construction or reconstruction of buildings throughout the state".

WELDEN of Hardin

H—6389

Amend Senate File 1207 as passed and reprinted by the Senate as follows:
1. Page 7, by adding after line 8 the following new subparagraph:
"1. Policy relating to maintenance and restoration of buildings of historic interest. This policy shall permit great latitude in design, materials, and techniques to insure historic authenticity."
2. By renumbering the remaining subparagraph.

EVANS of Grundy
BROCKETT of Marshall

H—6390

Amend Senate File 1207 as follows:
1. Page 12, by striking lines 18 through 25.
2. By renumbering the remaining subsections.

WELDEN of Hardin

H—6391

Amend Senate File 1265 as passed by the Senate as follows:
1. Page 1, by inserting after line 31 the following:
"Sec. ..... Section three hundred six C point eleven (306C.11), subsection four (4), Code 1975, is amended to read as follows:
4. Official *and* directional [or other traffic control devices or] signs[. Advertising devices] and notices which shall include, but not be limited to, [advertising devices] *signs* and notices pertaining

to natural wonders, scenic and historic attractions, recreational attractions and municipal recognition signs, which shall conform with rules promulgated by the department, provided that such rules shall be consistent with national standards promulgated [from time to time by the appropriate authority of the federal government,] pursuant to Title 23, section 131, [paragraph] *subsection* "c" of the United States Code.

Sec. ..... Section three hundred six C point thirteen (306C.13), subsection six (6), Code 1975, is amended to read as follows:

6. Official [advertising devices] *and directional signs and notices* and advertising devices concerning the sale or lease of the property or activities conducted upon the property as specified in Title 23, section 131, [paragraph] *subsection* "c" of the United States Code, shall not be taken into consideration in determining compliance with spacing requirements."

2. Renumber sections and correct internal references as necessary in conformance with this amendment.

3. Amend the title, line 1, by striking the words "to establish" and inserting in lieu thereof the words "relating to certain signs and notices providing for changes in the terms referring to certain signs and notices and establishing".

PERKINS of Greene
DRAKE of Muscatine
HARPER of Davis
KRAUSE of Palo Alto

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 9:33 p.m. until 10:00 a.m., Friday, April 23, 1976.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day—Sixty-eighth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, APRIL 23, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend H. Allen Wirtz, pastor of the First Presbyterian Church, Davenport, Iowa.

The Journal of Thursday, April 22, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Caffrey of Polk on request of Hutchins of Guthrie; Jordan of Linn on request of Miller of Buchanan; Doyle of Woodbury on request of Scheelhaase of Woodbury; Junker of Woodbury on request of Harvey of Scott; Kreamer of Polk on request of Welden of Hardin.

PRESENTATION OF DISTINGUISHED GUEST

Mennenga of Clinton escorted to the Speaker's station and presented to the House the Honorable Peter Mills, member of the Parliament of Great Britain and Chairman of the Christian Fellowship, House of Commons:

The House rose and extended its welcome. Mr. Mills responded by commenting on some variations between our two legislative bodies and warned of the threat of communism in the world, especially Europe and Africa.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Sixty-four sixth grade students from Manson Elementary School, Manson, Iowa, accompanied by Harold Troyer, Mrs. John Moeding and Mrs. Netz. By Miller of Calhoun.

Twenty-seven eighth grade students from Sully Christian School, Sully, Iowa, accompanied by Stanley Hoogeveen and Arlan Vis. By Dieleman of Marion.

One hundred twenty fifth and sixth grade students from Irving Elementary School, Waterloo, Iowa, accompanied by Gail Gager, Krisby Davis and David Arnold. By Middleton of Black Hawk and Wulff of Black Hawk.

Eight members of the National Honor Society from Grundy Center High School, Grundy Center, Iowa, accompanied by Troyce Fisher. By Evans of Grundy.

Twenty-one members of the AWANA's Club from Pocahontas, Iowa, accompanied by Pastor Button and Bernard Johannes. By Miller of Calhoun.

Twenty-four sixth grade students from Grand River Elementary School, Grand River, Iowa, accompanied by Nina Elliott. By Hullinger of Decatur.

Fifteen students from Central High School, Davenport, Iowa, accompanied by Mary Sievert. By Harvey of Scott.

Fifteen preschool students from Central Presbyterian Preschool, Des Moines, Iowa. By Bittle of Polk.

HOUSE CONCURRENT RESOLUTION 133

By O'Halloran, Hullinger, Varley, Readinger, Cusack, Den Herder, Evans, Gentleman, Griffee, Howell, Jochum, Oakley, Perkins, Welden, Wells, Avenson and Binneboese

Whereas, conservation of energy resources has become vital as national demands for energy continue to rise while domestic petroleum reserves decline and the United States becomes more dependent on imported foreign petroleum; and

Whereas, significant conservation of energy resources can only be achieved through a national policy, through cooperation between the public, government and business sectors and through the conscious efforts of all Americans; and

Whereas, Iowans consumed 1626.2 million gallons of gasoline in 1975 as compared to 1567.6 gallons in 1974; and

Whereas, petroleum fuels are vital to the economy of this state and the production of food stuffs and must be used most efficiently; and

Whereas, it is believed that more energy efficient motor vehicles can be developed and manufactured; and

Whereas, the state could encourage the use of more

fuel efficient motor vehicles through a system of penalties and incentives built into vehicle registration fees; and

Whereas, fuel efficiency standards to encourage the development and manufacture of more fuel efficient vehicles would have a significant impact if promulgated as part of a national policy; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the General Assembly urges Congress to encourage automobile manufacturers and

Page 2

the general public to voluntarily reduce motor gasoline consumption through the development, manufacture, marketing and use of more efficient motor vehicles; and

Be It Further Resolved, That copies of this resolution be sent to the National Automobile Dealers Association, the major automobile manufacturers, the Iowa Automobile Dealers Association, and members of Iowa's congressional delegation as an expression of the concern of the General Assembly about present levels of motor gasoline consumption and as an indication that unless more fuel efficient motor vehicles are voluntarily developed, manufactured, marketed and used, statutory mandates may be necessary.

Laid over under Rule 25.

ADOPTION OF HOUSE RESOLUTION 119

Connors of Polk called up for consideration **House Resolution 119**, filed on April 21, 1976, and found on page 2068 of the House Journal.

Connors of Polk offered the following amendment H—6388 filed by him and moved its adoption:

H—6388

Amend House Resolution 119, page 1, line 6, by inserting after the word "Basie," the words "Glenn Miller, Gene Goldkett".

Amendment H—6388 was adopted.

Connors of Polk moved the adoption of House Resolution 119, as amended.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Woods of Polk called up for consideration **Senate File 488**, a

bill for an act relating to the political affiliation of persons serving on state boards, commissions, and councils, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—6310

Amend the House amendment S—5480, as passed by the House, to Senate File 488, as amended and passed by the Senate as follows:

1. Page 1, by inserting after line 2 the following:

"1. Page 1, line 3, by inserting after the word "state" the words "established by the Code".

2. Page 1, line 6, by inserting after the word "council" the words "established by the Code".

3. Page 1, line 11, by inserting after the word "council" the words "established by the Code".

2. Page 1, line 3, by striking the figure "1" and inserting in lieu thereof the figure "4".

3. Page 1, line 6, by striking the figure "2" and inserting in lieu thereof the figure "5".

4. Page 1, by inserting after line 20 the following:

"Sec. ..... Section one hundred seventy-three point four (173.4), Code 1975, is amended to read as follows:

173.4 VOTING POWER. On all questions arising for determination by the convention, each member present shall be entitled to but one vote, and no proxies shall be recognized by the convention. *However, a member who is also a board director at large or a board congressional director shall not be entitled to vote for a successor to each of the three directors at large or a successor to each congressional director on the board.*"

5. Page 1, by inserting after line 37 the following:

"Sec. ..... Section six hundred five point twenty-six (605.26), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

605.26 COMMISSION ON JUDICIAL QUALIFICATIONS. A "Commission on Judicial Qualifications" is hereby created consisting of one district court judge and two members who are practicing attorneys in Iowa licensed under the provisions of chapter 610 *and are not of the same political affiliation,* appointed by the chief justice of the supreme court, and four electors of the state who are not attorneys, no more than two of whom shall belong to the same political party, to be appointed by the governor and subject to confirmation by a vote of two-thirds of the membership of the senate. The commission members shall serve for six-year terms, shall be ineligible for a second term, shall hold no other office of and shall not be employed by the United States or the

state of Iowa or of its political subdivisions, except for the judicial member. The first commission members shall take office January 1, 1974. Initially, two

Page 2

members shall serve for two years, two for four years, and three for six years, as shall be determined by lot among the first commission members. Vacancies shall be filled by appointment by the chief justice or governor as the case may be, for the unexpired portion of the term of the previous commission member."

6. Page 1, line 38, by striking the figure "3" and inserting in lieu thereof the figure "6".

The motion prevailed and the House concurred in the Senate amendment H—6310, to the House amendment.

Woods of Polk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 488)

The ayes were, 79:

Anderson	Dyrland	Koogler	Pavich
Avenson	Egenes	Krause	Pellett
Baker	Evans	Lageschulte	Perkins
Bennett	Fitzgerald	Lindeen	Poncy
Bina	Gentleman	Lipsky	Readinger
Binneboese	Gilloon	Lonergan	Rinas
Bittle	Halvorson	McElroy	Scheelhaase
Brandt	Hansen	Menke	Small
Branstad	Hargrave	Middleswart	Spencer
Brockett	Harper	Millen	Spradling
Brunow	Hennessey	Miller, A. V.	Stromer
Byerly	Hines	Miller K. D.	Svoboda
Crabb	Hinkhouse	Miller, O. L.	Tauke
Crawford	Horn	Monroe	Varley
Cusack	Howell	Nealson	Walter
Daggett	Hullinger	Newhard	Wells
Den Herder	Husak	Nielsen	Woods
Dieleman	Hutchins	Oakley	Wyckoff
Drake	Jesse	O'Halloran	Mr. Speaker
Dunton	Jochum	Patchett	

The nays were, 5:

Danker	Schroeder	Tofte	Welden
Harvey			

Absent or not voting, 16:

Bortell	Doyle	Junker	Norland
Caffrey	Griffee	Kreamer	Spear
Clark	Higgins	Mennenga	West
Connors	Jordan	Middleton	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

STEERING COMMITTEE CALENDAR

SENATE FILE 1207 SUBSTITUTED FOR HOUSE FILE 1535

Rinas of Linn asked and received unanimous consent to substitute Senate File 1207 for House File 1535.

Senate File 1207, a bill for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and providing penalties for violations, was taken up for consideration.

Evans of Grundy offered amendment H—6168 filed by him and requested division as follows:

H—6168

Amend Senate File 1207, as passed by the Senate and reprinted as follows:

H—6168A

1. Page 1, by striking all of lines 9 through 17 and inserting in lieu thereof the following:

"The cost of conventional housing has risen to a height that effectively prevents many families from purchasing homes. This is a serious social and economic problem. A goal of this Act is to minimize the cost of acceptable housing, consistent with the need to maintain the public health and welfare. Therefore, administration of this Act will include a continuing imaginative program to seek out, evaluate and promote new concepts, new materials and new techniques which show promise of reducing costs and providing better housing to the citizens of this state."

H—6168B

2. Page 8, line 19, by adding the following new subparagraph:

"f. Make a continual study to seek out, evaluate and promote new concepts, new materials and new techniques which show promise of reducing costs and providing better housing to the citizens of this state."

Evans of Grundy offered the following amendment **H—6287**, to amendment H—6168A, filed by him and moved its adoption:

H—6287

Amend the Evans amendment H—6168 to page 1 of Senate File 1207 as passed by the Senate and reprinted as follows:

1. Line 4, by striking the figure "17" and inserting in lieu thereof the figure "14".

Amendment H—6287 was adopted.

Evans of Grundy moved the adoption of amendment H—6168A, as amended.

Amendment H—6168A, as amended, was adopted.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—6168B.

Welden of Hardin offered amendment H—6112 filed by him and requested division as follows:

H—6112

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

H—6112A

1. Page 1 by striking lines 21 and 22 and inserting in lieu thereof the following:

"a. All public buildings constructed by any political subdivision of the state."

H—6112B

2. Page 1 by striking in line 27 the word "and" and inserting in lieu thereof the word "of".

H—6112C

3. Page 1 by striking lines 34 and 35.

Welden of Hardin moved the adoption of amendment H—6112A.

Amendment H—6112A was adopted.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—6112B.

Welden of Hardin asked and received unanimous consent to defer action on amendment H—6112C.

Rinas of Linn offered amendment H—6191 filed by the committee on cities and requested division as follows:

H—6191

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

H—6191A

1. Page 1, line 23, by striking the words "recreational vehicles," and inserting in lieu thereof the word "including".

2. Page 1, by striking line 34 and inserting in

lieu thereof the words "Standards relating to adequate lighting coupled with effciency in sources of light energy shall apply as well".

3. Page 1, by inserting after line 35 the following new subsection:

"3. The standards, specifications and requirements of a housing code promulgated under section eight (8), subsection one (1), paragraph g, of this Act shall apply to every city which, by the last federal census, had a population of fifteen thousand or more."

4. By renumbering the remaining subsections of section 3.

5. Page 2, line 1, by striking the word "The" and inserting in lieu thereof the following: "Except for the provisions of section three (3), subsection two (2), the".

6. Page 2, line 2, by inserting after the word "buildings" the words "on tracts of land of forty acres or more".

7. Page 2, line 4, by inserting after the words "nor to" the words "owner-occupied".

8. Page 2, line 9, by inserting after the word "The" the words "appropriate divisions of the".

9. Page 2, line 12, by inserting after the word "of" the words "one or more divisions of".

10. Page 2, line 15, by inserting after the word "The" the words "applicable divisions of the".

11. Page 5, line 12, by striking the word "who" and inserting in lieu thereof the words ", three of whom".

12. Page 5, line 14, by inserting after the word "Act." the following:

"Two members shall be local building officials directly responsible for enforcement of the code, and two members shall represent the general public."

13. Page 6, by striking line 24 and inserting in lieu thereof the words "components and mobile homes."

14. Page 7, line 22, by inserting after the word "techniques," the word "trades".

15. Page 9, by inserting after line 26 the following:

"5. The building code commissioner shall immediately notify all local governments of revisions adopted as part of the state building code. Unless the local government files a request for local variation with

Page 2

respect to these revisions within ninety days of the date of notification by the commissioner, the local government shall be held responsible for enforcing the revisions so adopted."

16. Page 10, line 10, by inserting after the word "techniques," the word "trades".

17. Page 12, line 20, by striking the words "If a local" and lines 21 through 25.

H—6191B

18. Page 14, by inserting after line 9 the following new subsections:

"10. Where the housing code provisions of this Act are applicable, no existing rented or leased dwelling shall be occupied in whole or in part until the issuance of a certificate of occupancy by the local enforcement agency indicating that such dwelling conforms to the provisions of section eight (8), subsection one (1), paragraph g, of this Act or applicable local ordinance.

11. If any dwelling occupied in whole or in part is in violation of subsection ten (10) of this section, no rent shall be recoverable by the owner or lessee of such premises for the period of unlawful occupation, and no action or special proceeding shall be maintained therefor or for possession of the premises for nonpayment of rent, and the premises shall be deemed unfit for human habitation and an order to vacate may be issued."

H—6191C

19. Page 14, line 31, by inserting after the word "jurisdiction" the following: "unless inspected by the state pursuant to section twelve (12), subsection one (1) of this Act".

20. Page 15, by striking lines 8 through 15 and inserting in lieu thereof the following:

"Sec. 16. *NEW SECTION.* INJUNCTIVE RELIEF. **The** commissioner or the local enforcement agencies may obtain injunctive relief from any court of competent jurisdiction to enjoin the occupancy other than owner-occupancy, erection, alteration, or installation of any building covered by this Act, or to enjoin the offering for sale, sale, delivery, use, occupancy, erection, alteration, or installation of any factory built structure covered by this Act, upon an affidavit specifying the manner in which the building does not conform to the requirements of this Act or the Iowa building code."

H—6191D

21. Page 15, line 20, by striking the word "one" and inserting in lieu thereof the word "five".

22. Page 15, line 23, by striking the words "Each day the violation continues" and line 24.

H—6191E

23. Page 18, line 21, by striking the word "should" and inserting in lieu thereof the word "shall".

24. Page 18, line 22, by striking the comma and inserting in lieu thereof a period.

Page 3

25. Page 18, by striking line 23 and the words "for each month of operation." in line 24 .

H—6191D

26. Page 18, line 32, by inserting after the figures "(135.14)," the words and figures "one hundred thirty-five point fifteen (135.15),".

Brunow of Appanoose in the chair at 11:13 a.m.

Husak of Tama offered the following amendment H—6228, to amendment H—6191A, filed by Husak, et al., and moved its adoption:

H—6228

Amend the committee amendment H—6191 to Senate File 1207 as follows:

1. Page 1, by striking lines 22 through 26.

Roll call was requested by Lipsky of Linn and Wyckoff of Benton.

On the question "Shall amendment H—6228, to amendment H—6191A, be adopted?"

The ayes were, 62:

Avenson	Dyrland	Lageschulte	Rinas
Baker	Evans	Lindeen	Scheelhaase
Bennett	Gilloon	Lonergan	Schroeder
Binneboese	Halvorson	McElroy	Spencer
Branstad	Hansen	Menke	Spradling
Byerly	Harper	Middleswart	Stromer
Clark	Hennessey	Miller, A. V.	Svoboda
Cochran	Hines	Miller, K. D.	Tofte
Crabb	Hinkhouse	Miller, O. L.	Walter
Crawford	Horn	Newhard	Wells
Daggett	Howell	Norland	West
Danker	Hullinger	Patchett	Woods
Den Herder	Husak	Pavich	Wyckoff
Dieleman	Hutchins	Pellett	Mr. Speaker (Brunow)
Drake	Jesse	Perkins	
Dunton	Krause	Poncy	

The nays were, 23:

Anderson	Cusack	Koogler	Small
Bina	Egenes	Lipsky	Tauke
Bittle	Gentleman	Middleton	Varley
Brandt	Hargrave	Monroe	Welden
Brockett	Harvey	O'Halloran	Wulff
Connors	Jochum	Readinger	

Absent or not voting, 15:

Bortell	Griffee	Kreamer	Nielsen
Caffrey	Higgins	Mennenga	Oakley
Doyle	Jordan	Millen	Spear
Fitzgerald	Junker	Nealson	

Amendment H—6228 was adopted.

Rinas of Linn moved the adoption of amendment H—6191A, as amended.

Amendment H—6191A, as amended, was adopted.

Speaker Cochran in the chair at 11:50 a.m.

Rinas of Linn offered the following amendment H—6381, to amendment H—6191B, filed by him from the floor and moved its adoption:

H—6381

Amend amendment H—6191 to Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, line 17, by inserting after the word "ordinance." the following: "The requirements of this section shall be satisfied by an existing certificate of occupancy."

2. Page 2, line 25, by inserting after the word "issued." the following: "Nothing in this section shall be construed to prohibit termination of tenancy pursuant to section five hundred sixty-two point four (562.4) of the Code."

Amendment H—6381 was adopted.

Rinas of Linn moved the adoption of amendment H—6191B, as amended.

A non-record roll call was requested.

The ayes were 54, nays 8.

Amendment H—6191B, as amended, was adopted.

Rinas of Linn moved the adoption of amendment H—6191C.

Amendment H—6191C was adopted.

Rinas of Linn moved the adoption of amendment H—6191D.

Amendment H—6191D was adopted.

Rinas of Linn asked and received unanimous consent to defer action on amendment H—6191E.

(Senate File 1207 pending at adjournment and placed under unfinished business.)

REMOVED FROM UNANIMOUS CONSENT CALENDAR

(House Concurrent Resolution 130)

I respectfully request that House Concurrent Resolution 130 be removed from the unanimous consent calendar.

BRANDT of Black Hawk

MOTIONS TO RECONSIDER

I move to reconsider the vote by which amendment H—6191A, as amended, was adopted by the House on April 23, 1976.

SPRADLING of Sioux
DRAKE of Muscatine

I move to reconsider the vote by which amendment H—6228, to amendment H—6191A, was adopted by the House on April 23, 1976.

SPRADLING of Sioux
DRAKE of Muscatine

I move to reconsider the vote by which amendment H—6191C to Senate File 1207 was adopted on April 23, 1976.

SCHROEDER of Pottawattamie

EXPLANATION OF VOTE

I was necessarily absent from the House chamber due to a family commitment to my son at the time the vote was taken on amendments H—5575 and H—6360 to Senate File 85. Had I been present, I would have voted as follows: Motion to table H—5575 "aye"; motion to reconsider H—5575 "nay" and amendment H—6360 "nay."

BITTLE of Polk

SUBCOMMITTEE ASSIGNMENT

Senate File 356
Ways and Means
Bina, Chair
Hines
Walter
Junker
Clark

STUDY BILL SUBCOMMITTEE ASSIGNMENT

S. B. 132
Ways and Means
Walter, Chair
Daggett
Hennessey
Readinger
Branstad
Pavich

SUBCOMMITTEE ADDITIONAL ASSIGNMENTS

S. B. 128
Ways and Means
Add: Harvey

AMENDMENTS FILED

H—6395
1 **Amend House File 1503 as follows:**

1. Page 1, line 9, by striking the word "or".

2. Page 1, line 11, by inserting after the word "Code," the following "or the practice of pharmacy as defined in chapter one hundred fifty five (155) of the Code,".

3. Page 1, by inserting in line 21 after the word "or" the word "employed".

4. Page 1, by striking lines 24 and 25 and inserting in lieu thereof the following "this state, and when acting while within the scope of the employer's license."

5. Page 1, by inserting after line 28 the following new subsection:

"e. The care of the sick rendered in connection with the practice of the religious tenets of any church or order by the adherents thereof which is not performed for hire, or if performed for hire by those who depend upon prayer or spiritual means for healing in the practice of the religion of their church or denomination, so long as they do not otherwise engage in the practice of nursing as practical nurses."

6. Page 2, by striking lines 19 through 23, and inserting in lieu thereof the following "or a physician."

7. Page 2, by striking lines 26 and 27, and inserting in lieu thereof the following, "are recognized by the medical and nursing professions and are approved by the board, as being proper to be performed by a licensed practical nurse."

8. Page 3, line 2 by inserting after the word "dentistry" the following "or podiatry".

CRAWFORD of Story
MONROE of Des Moines

H—6398

Amend House File 1557 as follows:

1. Page 2, by inserting after line 10 the following:

"c. From the fertilizer fund to be used by the department for a micronutrients and soil conditioner study ..... $36,277"

2. Page 2, line 17, by inserting after the words "to the" the words "department and".

COMMITTEE ON APPROPRIATIONS
DUNTON of Keokuk, Chair

H—6400

Amend the Oakley amendment H—6257 to Senate File 205, as amended and passed by the Senate and reprinted as follows:

1. Page 1, line 2, by striking the words "strik-

ing everything" and inserting in lieu thereof the word "inserting".

2. Page 1, line 3, by striking the words "and inserting in lieu thereof".

3. Page 1, line 4, by inserting after the word "following" the following sections:

"Sec. ..... Section two hundred seventy-nine point thirteen (279.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.13 CONTRACTS WITH TEACHERS.

1. Contracts with teachers, which for the purpose of this section means all certificated employees of a school district including registered nurses who are also certificated teachers, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon, which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

The contract is invalid if the teacher is under contract with another board of directors to teach during the same time period until a release from the other contract is achieved. The contract shall be signed by the president of the board and teacher and shall be filed with the secretary of the board before the teacher enters into performance under the contract.

2. If the teacher has been employed at least three consecutive years as a teacher in the same school district, the contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods except as modified or terminated by mutual agreement of the board of directors and the teacher or as terminated in accordance with the provisions specified in this chapter. A contract shall not be offered by the employing board to a teacher under its jurisdiction prior to March first of any year.

A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs

first. However, a teacher shall not be required to return a contract to the board less than twenty-one days after the contract has been offered.

3. Teachers employed in the same school district for less than three consecutive years are probationary teachers. However, a board of directors may waive the probationary period for any teacher who previous-

ly has served a probationary period in another school district. If the board, upon the recommendation of the superintendent, is considering termination of a probationary teacher's contract, the board shall notify the probationary teacher in writing and list any alleged deficiencies. If the deficiencies are not corrected to the board's satisfaction, the contract of a probationary teacher may be terminated at the end of the contract period upon written notice to that effect prior to March thirty-first of any year. The written notice shall state the reasons for termination. Following receipt of the written notice, the probationary teacher may request a private conference with the board and, if requested, the conference shall be held within twenty days following receipt of the request. The board may be represented by its legal representative, if any, the superintendent or the superintendent's representative, and the teacher shall appear and may be represented by counsel and by the teacher's representative, not to exceed five, if any. Within three days following the private conference, a person designated by the board shall make a written recommendation to the board. The board, at its next regular meeting, shall by roll call vote, decide the retention or termination of the probationary teacher. The board's decision shall be final and binding unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section twenty point ten (20.10) of the Code.

4. Within five days after receipt of the written notice by the teacher that the board has voted to consider termination of the contract of a teacher who is not a probationary teacher, the teacher may request in writing to the secretary of the board, that the notification be forwarded to the professional teaching practices commission along with a request that the professional teaching practices commission submit a list of five qualified hearing officers to the parties. Within three days of receipt of the list of qualified hearing officers, the teacher and the school board shall select a hearing officer by

Page 3

alternatively removing a name from the list until only one name remains. The person whose name remains is the hearing officer. The teacher and the school board shall determine by lot which party shall remove the first name from the list submitted by the commission.

If the teacher does not request such a hearing, the board, within fifteen days after receipt by the teacher of the written notice of consideration of termination of the contract, may determine the

continuance or discontinuance of the contract. Board action shall be by majority roll call vote entered in the minutes of the meeting. Notice of the board action shall be immediately sent to the teacher by certified mail.

5. The hearing officer shall notify the secretary of the school board and the teacher in writing concerning the date, time, and location of the hearing. The hearing shall be attended by members of the board and their legal representatives, if any, the superintendent or the superintendent's representative, the teacher and the teacher's representatives if any, not to exceed five, and the teacher's immediate supervisor and the supervisor's representatives, if any. The hearing officer shall hold a hearing, make findings of fact, and make a recommended decision. The hearing shall be held not sooner than fifteen days and not later than twenty-five days following receipt of the teacher's request by the professional teaching practices commission. The hearing shall be conducted pursuant to rules adopted by the professional teaching practices commission. The hearing officer shall have the authority to issue subpoenas to compel the attendance of witnesses and the production of records pertinent to the case. Evidence presented at the hearing shall be limited to the specific reasons stated in the notice to consider termination. Each party shall have the right to call witnesses in its own behalf and to cross-examine other witnesses. A transcript or recording shall be made of the proceedings at the hearing. No participant in the private hearing shall be liable for any damage to any person if any statement is determined to be erroneous as long as the statement was made in good faith at the hearing.

6. Within fifteen days following the conclusion of the hearing, the hearing officer shall make a recommended decision as to whether or not the contract of the teacher should be terminated, and shall give a copy of the recommended decision to the teacher

Page 4

and the school board. The recommended decision of the hearing officer shall become the final decision of the board unless within ten days after the filing of such decision, the teacher files a written notice of appeal with the secretary of the board, or the board on its own motion, determines to review the decision. Board action to review the hearing officer's recommended decision shall be by majority roll call vote, entered in the minutes of the meeting. The board shall immediately notify the teacher of its action by certified mail.

7. If the teacher appeals to the board, or if the board determines on its own motion to review the

recommended decision of the hearing officer, a private hearing shall be held before the board within five days after the petition for review, or motion for review, has been made. The board shall hear the case upon the record as submitted before the hearing officer, except that new evidence may be considered. The secretary of the board shall give the teacher written notice of the time, place, and date of hearing. The hearing shall be attended by members of the board and their legal representatives if any, the superintendent or the superintendent's representative, the teacher and the teacher's representatives if any, not to exceed five, and the teacher's immediate supervisor and the supervisor's representatives, if any. No participant in the private hearing shall be liable for any damage to any person if any statement is determined to be erroneous as long as the statement was made in good faith at the hearing. The board shall meet within five days after the conclusion of the hearing to determine the question of continuance or discontinuance of the contract. The board shall take action by a majority roll call vote, entered in the minutes of the board.

The secretary of the board shall mail notice of the board's action to the teacher by certified mail, which shall be mailed immediately following the action.

8. A teacher within thirty days after notification by the board of discontinuance of the contract may appeal to the district court of the county in which the administrative office of the school district is located.

The county may affirm the board's action. The court shall reverse, modify, or grant any other appropriate relief from the board action, equitable or legal, and including declaratory relief, if rights of the teacher have been prejudiced because the board action is:

Page 5

a. In violation of constitutional or statutory provisions,

b. In excess of the statutory authority of the board,

c. In violation of board policy or rule,

d. Made upon unlawful procedure,

e. Affected by other error of law,

f. Unsupported by a preponderance of the competent evidence on the record when that record is reviewed as a whole, or

g. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

9. The hearings, meetings and conferences pertaining to the dismissal of a teacher shall be closed

meetings, except that final action to terminate a teacher's contract shall be by roll call vote and entered in the minutes of the meetings.

10. The provisions of this section shall not affect the power of the board of directors to discharge a teacher for cause under the provisions of section two hundred seventy-nine point twenty-four (279.24) of the Code.

Sec. ..... Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.24 DISCHARGE OF TEACHER. The board may, by a majority vote, discharge any teacher for any just cause which may include incompetency, or inattention to duty. Prior to the discharge, the board shall conduct, at a meeting of the board held for that purpose, a full and fair investigation of the specific reasons for the proposed action. The teacher shall receive three days written notice of the time and place of such meeting, a specification of the alleged causes for discharge, and a list of the witnesses proposed to be called by the board. The teacher and the teacher's representatives if any not to exceed five shall be allowed to be present at the meeting, to call and cross-examine witnesses, and to otherwise make a defense. A record of the meeting shall be made and kept. Following the board decision to discharge the teacher, the teacher shall be notified promptly in writing, stating the specific reasons for the action.

Within twenty days following receipt of the decision of the board, the teacher may appeal the decision following the procedure stated in chapter two hundred ninety (290) of the Code. However, the superintendent

Page 6

may suspend a teacher for any of the reasons listed in this section and recommend that the board discharge the teacher. The superintendent shall immediately notify the board of the suspension. The board shall meet within ten school days of receipt of the notice to consider discharging the teacher and shall conduct a full and fair investigation of the specific reasons for the recommended discharge in the same manner as if the teacher had not been suspended. The teacher shall be notified by personal service of the time and place of the meeting immediately after the meeting time and place have been set. If the board votes not to discharge the teacher, the teacher shall be reinstated and the board shall award back pay for the period during which the teacher was suspended.

Sec. ..... Chapter two hundred seventy-two A (272A), Code 1975, is amended by adding the following new

section:

NEW SECTION. LIST OF HEARING OFFICERS. The commission shall maintain a list of qualified hearing officers who shall have knowledge of the educational systems of this state. When requested under the provisions of section two hundred seventy-nine point thirteen (279.13) of the Code, the commission shall immediately submit a list of five qualified hearing officers to the parties. The hearing shall be held pursuant to rules adopted by the professional teaching practices commission. The full costs of the hearing shall be shared equally by the parties. No person who is employed as a teacher or administrator by a school district or is serving as an incumbent school board member may serve as a hearing officer."

4. Page 1, by striking lines 5 through 50.

5. By striking pages 2 through 6.

6. By numbering sections as necessary.

MILLER of Calhoun
BENNETT of Ida

H—6399

Amend the Senate amendment H—6309 to the House amendment to Senate File 1067 as amended and passed by the Senate as follows:

1. By inserting after line 2 of the Senate amendment the following new section:

"1. By striking lines 3 and 4 of the House amendment and inserting in lieu thereof the following:

"1. Page 1, by striking line 23 and inserting in lieu thereof the words "on-street parking areas or off-street parking facilities shall in all cases where so required by chapters one hundred three A (103A) and one hundred four A (104A) of the Code, and may in all other cases,"." "

2. By renumbering the succeeding sections of the Senate amendment in accordance with the foregoing amendment.

3. By inserting after line 11 of the Senate amendment the following new section:

"6. Line 23, by inserting after the word "section." the words "The advisory standards promulgated under this paragraph shall not unnecessarily duplicate and shall not conflict with standards promulgated pursuant to chapters one hundred three A (103A) and one hundred four A (104A) of the Code." "

READINGER of Polk

H—6396

Amend Senate File 1207, as passed by the Senate and reprinted, as follows:

1. Page 6, line 32, by inserting after the word "enforcement." the following: "A housing code shall not prohibit a person or family from

using their own personal labor to build, equip or modify a single-family residence for their own use."

EVANS of Grundy
WEST of Marshall

H—6397

Amend Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 7, by inserting after line 34 the following unnumbered paragraph:

"In proposing and adopting energy conservation standards and requirements, the standards and requirements adopted by the council shall not be more stringent than that required by, or provided in, federal law."

BENNETT of Ida

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 12:20 p.m. until 10:00 a.m., Monday, April 26, 1976.

JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day—Sixty-ninth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, APRIL 26, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Lyle Norris, pastor of the First Congregational Church, Osage, Iowa.

The Journal of Friday, April 23, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steve Krogh, Resident, Broadlawns Polk County Hospital, Des Moines, Iowa.

The House rose for a moment of silent prayer in respect of the Honorable James T. Caffrey.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee on request of Crawford of Story; Millen of Van Buren on request of Kreamer of Polk; Spencer of Clay on request of Tofte of Winneshiek.

PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDENTS

Dieleman of Marion presented to the House Miss Ruth Van Gorp, Pella, Iowa, Queen of the 1976 Pella Tulip Festival. The Queen introduced the members of her court, Jaci Evers, Vicki Newendorp, Debbie Kooyman and Laurie Van Gorp.

Miss Van Gorp extended to the House an invitation to attend the Pella Tulip Festival, May 6, 7 and 8. The girls, all in Dutch costume, distributed the famous Pella cookies to those present. They were accompanied by Ray DeHaan and others, also in Dutch costume.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Fifty-six eighth grade students from Pella Community Junior High School, Pella, Iowa, accompanied by Mrs. Caldwell and Mr. Kooi. By Dieleman of Marion.

Seventy-six sixth grade students from Grundy Center Upper Elementary School, Grundy Center, Iowa, accompanied by Wendy Muller, Nancy Brousard, Joan Braun and Maxine Brubaker. By Evans of Grundy.

Fifty government class students from Coon Rapids Junior-Senior High School, Coon Rapids, Iowa, accompanied by Wayne Herman. By Perkins of Greene.

PETITION

The following petition was received and placed on file:

By Brandt of Black Hawk from fifty-six constituents favoring House File 1111, relating to an appropriation to the Iowa Veterans Home.

HOUSE CONCURRENT RESOLUTION 134

By Schroeder and Norland

Whereas, there is general concern relating to the location, purchasing, and base of operations of motor transportation terminals in this state because of what may be an unfair tax imposed by this state; and

Whereas, motor transportation companies may find it beneficial to locate their terminals in other states; and

Whereas, states surrounding Iowa do not have a similar tax; and

Whereas, motor transportation companies with terminals in this state are constructing new terminals at locations outside the state; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a study committee as provided by law, composed of members of the Senate and the House of Representatives representing both political parties, to conduct a study during the 1976 interim relating to the feasibility of exempting trucks, truck tractors and trailers used in interstate transportation and interstate commerce from the state use tax; and

Be It Further Resolved, That the study committee shall prepare a report of its findings and recommendations and submit it to the legislative council and the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

SENATE MESSAGES CONSIDERED

Senate File 552, a bill for an act relating to the payment of services rendered to a state institution by a county medical examiner.

Read first time and passed on file.

Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor.

Read first time and passed on file.

Senate File 1288, a bill for an act relating to the economic impact of an administrative rule.

Read first time and passed on file.

Senate File 1303, a bill for an act relating to the definition of a nonresident employer.

Read first time and passed on file.

Senate File 1304, a bill for an act relating to the administration of workmen's compensation claims of state employees.

Read first time and passed on file.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 21, 1976, receded from its amendment to and passed the following bill:

House File 1436, a bill for an act relating to the state psychopathic hospital.

Also: That the Senate has on April 21, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1483, a bill for an act relating to the Uniform Guaranty Association Act.

Also: That the Senate has on April 21, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1258, a bill for an act relating to the establishment of electric utility service areas and to the regulation of rural electric co-operative rates by the state commerce commission.

Also: That the Senate has on April 21, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1300, a bill for an act relating to the availability of mine maps.

Also: That the Senate has on April 21, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1302, a bill for an act relating to the leasing of agricultural land by state agencies.

Also: That the Senate has on April 21, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1306, a bill for an act relating to the reporting of accidents involving the transportation of hazardous materials and providing a penalty.

Also: That the Senate has on April 21, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1309, a bill for an act relating to the exchange of property by the Dubuque community school district to the state of Iowa.

STEVEN C. CROSS, Secretary

UNFINISHED BUSINESS

The House resumed consideration of **Senate File 1207, a bill** for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and providing penalties for violations.

With the adoption of amendment H—6191A, amendment H—6112C (to page 1), filed by Welden of Hardin, was out of order.

Harvey of Scott asked and received unanimous consent to withdraw amendment H—6299 (to page 1) filed by him on April 14, 1976, and found on pages 1956 through 1959 of the House Journal.

Welden of Hardin offered the following amendment H—6387 filed by him and moved its adoption:

H—6387

Amend Senate File 1207 as follows:

1. Page 1, line 32 by striking the word "apply" and all of line 33 and inserting in lieu thereof the following:

"be made available to anyone involved in construction or reconstruction of buildings throughout the state".

Roll call was requested by O'Halloran of Black Hawk and Rinas of Linn.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6387 be adopted?"

The ayes were, 40:

Baker	Dieleman	Lageschulte	Norland
Bennett	Drake	Lindeen	Perkins
Bortell	Egenes	Linsky	Schroeder
Branstad	Halvorson	McElroy	Stromer
Brockett	Hansen	Menke	Tofte
Brunow	Harper	Middleswart	Varley
Byerly	Harvey	Miller, K. D.	Welden
Crabb	Hennessey	Miller, O. L.	West
Danker	Hutchins	Nealson	Woods
Den Herder	Kreamer	Nielsen	Wyckoff

The nays were, 47:

Anderson	Fitzgerald	Jordan	Readinger
Bina	Gentleman	Koogler	Rinas
Binneboese	Gilloon	Krause	Scheelhaase
Bittle	Griffee	Mennenga	Small
Brandt	Hargrave	Middleton	Spradling
Connors	Higgins	Miller, A. V.	Svoboda
Crawford	Hinkhouse	Newhard	Tauke
Cusack	Horn	Oakley	Walter
Doyle	Howell	O'Halloran	Wells
Dunton	Hullinger	Patchett	Wulff
Dyrland	Husak	Pavich	Mr. Speaker
Evans	Jochum	Poncy	

Absent or not voting, 13:

Avenson	Hines	Lonergan	Pellett
Caffrey	Jesse	Millen	Spear
Clark	Junker	Monroe	Spencer
Daggett			

Amendment H—6387 lost.

Welden of Hardin offered the following amendment H—6163 filed by Welden, et al., and moved its adoption:

H—6163

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

Page 2 by striking lines 23 and 24 and inserting in lieu thereof the following:

"comprises a structure affording facilities or shelter for human use or occupancy. The word".

A non-record roll call was requested.

The ayes were 45, nays 30.

Amendment H—6163 was adopted.

Welden of Hardin offered amendment H—6166 filed by Welden, et al., and requested division as follows:

H—6166

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

H—6166A

1. Page 6, line 12 by striking "publish, administer, and enforce the rules" and inserting in lieu thereof the following:

"publish and administer the rules and enforce the rules for all factory built structures, all mobile homes in mobile home parks located in political subdivisions which have not adopted a building code, and buildings constructed on state land when requested by the state agency having jurisdiction."

H—6166B

2. Page 6, by striking line 16.

H—6166C

3. Page 6, lines 19 and 20 by striking the words "noise insulation and abatement,".

By unanimous consent the following corrective amendment H—6405, to amendment H—6166A, filed by Rinas of Linn from the floor, was adopted:

H—6405

Amend amendment H—6166, to page 6 of Senate File 1207, as follows:

1. Page 1, line 7, by inserting after the comma the following: "all public buildings constructed by any political subdivision of the state,".

Oakley of Clinton asked and received unanimous consent that amendment H—6166A, as amended, be postponed indefinitely until amendment H—6401 has been considered.

Welden of Hardin asked and received unanimous consent that action on amendment H—6166B be deferred until amendment H—6165 has been considered.

Welden of Hardin moved the adoption of amendment H—6166C.

Amendment H—6166C was adopted.

(Senate File 1207 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 108

Woods of Polk offered the following House Memorial Resolution 108 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 108

Whereas, The Honorable James T. Caffrey of Polk County, who was a member of the Sixty-first, Sixty-second, Sixty-third, Sixty-fifth and Sixty-sixth sessions of the General Assembly, passed away April 24, 1976; *Now, Therefore,*

Be It Resolved by the House of Representatives, That a committee of eight be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Woods of Polk, Byerly of Polk, Daggett of Adams, Connors of Polk, Nielsen of Polk, Jesse of Polk, Hutchins of Guthrie and Kreamer of Polk.

Higgins of Scott offered the following remarks in memory of Representative Caffrey:

MR. SPEAKER, LADIES AND GENTLEMEN:

The House this weekend lost one of its most respected members, Jim Caffrey of Des Moines. The loss, of course, is larger than our own, or even that of his family, painful as it is for them.

For Jim Caffrey was a statesman, and thus it is all of Iowa which will suffer his absence. We recall with pleasure so much about Jim, his kind wit, his devotion to the needs of the poor and the helpless, his unfailing courtesy, and most of all his championship of the cause of working people.

In an atmosphere which often breeds pettiness and thoughtless cruelties, who among us ever heard Jim utter a malicious word or make a mean gesture? Instead, so often did we observe his essential grace and dignity in committee and on the floor as he moved us to solutions and decent compromise.

He was a voice of cheer, never bearing ill will toward any who disagreed with him. Jim Caffrey was the kind of man you wanted in your corner, because he was a man of deep principle. In him those who were powerless had an ally. Because of him, countless working people in Iowa have a better life today.

Whether he was negotiating for his beloved rubber workers, or legislating in the House, Jim was steady in his purpose. He believed that laboring people were entitled to a living wage and good working conditions and he spent his career fighting for them. And for those unfortunates who could not work, his charity was unstinting.

We remember Jim as an utterly civilized man. Those of us younger than he was found in him a source of inspiration and wisdom. It was dispensed with twinkling eyes between puffs on his pipe. It was woven with anecdote and occasionally spliced talk of his love for opera.

History books sometimes leave out the Jim Caffreys of this world, and that's a sad thing. For I do not believe we can begin to measure how much good this New York native did for Iowa. Suffice to say that it endures.

He told me once that Eileen Farrell sang at his wedding. Like a true Irishman, he has the angels to sing for him now.

BUSINESS PENDING

The House resumed consideration of **Senate File 1207**, a bill for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and providing penalties for violations.

Bittle of Polk offered amendment H—6401 filed by him from the floor and requested division as follows:

H—6401
Amend Senate File 1207 as follows:

H—6401A
1. Page 1, line 28, by striking the words "a building code" and inserting in lieu thereof the words "the provisions of this Act".

H—6401B
2. Page 2, by striking lines 1 through 8.

H—6401A
3. Page 9, by striking lines 27 through 35.
4. Page 10, by striking lines 1 through 35.
5. Page 11, by striking lines 1 through 13.
6. Page 11, by striking line 31 and inserting in lieu thereof the following: "1. In areas where the state building code is in effect and local enforcement agencies have".

Bittle of Polk asked and received unanimous consent to withdraw amendment H—6401B.

Bittle of Polk moved the adoption of amendment **H—6401A.**

Amendment H—6401A lost.

Miller of Buchanan offered the following amendment **H—6406** filed by him from the floor and moved its adoption:

H—6406
Amend Senate File 1207 as follows:
1. Page 3, line 31, by inserting after the period the following: "Certification of manufacturing companies by the department of housing and urban development, federal housing administration, or other accepted inspection agencies shall qualify "mobile home systems".
Inspection fees shall only be imposed when

no previous inspection has been performed under "mobile home systems" criteria."

Amendment H—6406 was adopted.

Fitzgerald of Webster moved the previous question on Senate File 1207 with respect to debate and amendments filed thereto.

Roll call was requested by Fitzgerald of Webster and Drake of Muscatine.

On the question "Shall the previous question motion prevail?"

The ayes were, 51:

Anderson	Dyrland	Jochum	O'Halloran
Avenson	Fitzgerald	Jordan	Patchett
Baker	Gilloon	Koogler	Pavich
Bina	Hargrave	Krause	Perkins
Binneboese	Harper	Lonergan	Rinas
Brandt	Hennessey	Mennenga	Small
Brunow	Higgins	Middleton	Spradling
Byerly	Hines	Miller, A. V.	Svoboda
Connors	Hinkhouse	Miller, K. D.	Walter
Cusack	Horn	Miller, O. L.	Woods
Dieleman	Howell	Monroe	Wyckoff
Doyle	Husak	Newhard	Mr. Speaker
Dunton	Hutchins	Norland	

The nays were, 31:

Bennett	Drake	Lindeen	Stromer
Bittle	Egenes	Lipsky	Tauke
Branstad	Evans	McElroy	Tofte
Brockett	Gentleman	Menke	Varley
Crabb	Halvorson	Nealson	Welden
Crawford	Hansen	Oakley	West
Daggett	Harvey	Readinger	Wulff
Den Herder	Lageschulte	Schroeder	

Absent or not voting, 18:

Bortell	Hullinger	Millen	Scheelhaase
Caffrey	Jesse	Nielsen	Spear
Clark	Junker	Pellett	Spencer
Danker	Kreamer	Poncy	Wells
Griffee	Middleswart		

The motion prevailed.

The House resumed consideration of amendment H—6166A.

Woods of Polk offered the following amendment H—6407, to amendment H—6166A, filed by him from the floor and moved its adoption:

H—6407

Amend amendment H—6166 to Senate File 1207 as passed and reprinted by the Senate as follows:

1. Page 1, line 7 by striking ", all".

2. Page 1, line 8 by striking "mobile homes in mobile home parks".

A non-record roll call was requested.

The ayes were 23, nays 50.

Amendment H—6407 lost.

Welden of Hardin moved the adoption of amendment H—6166A.

A non-record roll call was requested.

The ayes were 24, nays 46.

Amendment H—6166A lost.

Welden of Hardin offered the following amendment H—6165 filed by Welden, et al., and moved its adoption:

H—6165

Amend Senate File 1207 as passed and reprinted by the Senate as follows:
Page 6 by striking lines 30 through 32.

A non-record roll call was requested.

The ayes were 22, nays 42.

Amendment H—6165 lost.

The House resumed consideration of amendment H—6166B.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—6166B (to page 6).

Evans of Grundy asked and received unanimous consent to withdraw amendment H—6365 (to page 6) filed by him on April 21, 1976, and found on page 2081 of the House Journal.

Evans of Grundy offered the following amendment H—6379 filed by him and moved its adoption:

H—6379

Amend Senate File 1207, as passed by the Senate and reprinted as follows:
1. Page 6, line 32, by inserting after the word "enforcement." the following: "A state housing code shall not apply to existing single-family residences occupied by the owner or the owner's family."

Amendment H—6379 was adopted.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—6396 (to page 6) filed by him and West of Marshall on April 23, 1976, and found on pages 2188 and 2189 of the House Journal.

Evans of Grundy offered the following amendment H—6403 filed by him and West of Marshall from the floor and moved its adoption:

H—6403

Amend Senate File 1207, as passed by the Senate and reprinted, as follows:

1. Page 6, line 32, by inserting after the word "enforcement." the following: "A housing or building code shall not prohibit a person or family from using their own personal labor to build, equip or modify a single-family residence for their own use. This provision shall not abrogate any rights of a political subdivision to inspect the premises and regulate the use of such personal labor **to build, equip or modify a single-family residence for their own use."**

Amendment H—6403 was adopted.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—6111 (to page 6) filed by him on April 1, 1976, and found on page 1550 of the House Journal.

Evans of Grundy offered the following amendment H—6380 filed by him and moved its adoption:

H—6380

Amend Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 7, line 5, by inserting after the word "handicapped." the following:

"Rules adopted to implement this paragraph shall recognize the need for a reasonable balance between benefits to the handicapped and the cost of achieving these benefits, and shall permit individual cases to be decided on their merits."

Amendment H—6380 was adopted.

Evans of Grundy offered the following amendment H—6389 filed by him and Brockett of Marshall and moved its adoption:

H—6389

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

1. Page 7, by adding after line 8 the following new subparagraph:

"1. Policy relating to maintenance and restoration of buildings of historic interest. This policy shall permit great latitude in design, materials, and techniques to insure historic authenticity."

2. By renumbering the remaining subparagraph.

Amendment H—6389 was adopted.

Brockett of Marshall offered amendment H—6386 filed by him and Evans of Grundy and requested division as follows:

H—6386

Amend Senate File 1207, as amended, passed and reprinted by the Senate as follows:

H—6386A

1. Page 7, line 10, by striking both of the words "shall" and inserting in lieu thereof the words "may".

2. Page 7, line 16, by striking the words "nationally recognized" and inserting in lieu thereof the words "national and state".

H—6386B

3. Page 8, by striking lines 27 and 28 and inserting in lieu thereof the words "permits for building construction and occupancy permits."

On motion by Brockett of Marshall, amendment H—6386A was adopted.

On motion by Brockett of Marshall, amendment H—6386B was adopted.

Rinas of Linn offered the following amendment H—6231 filed by the committee on cities and moved its adoption:

H—6231

Amend Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 7, line 22, by striking the word "and" and inserting in lieu thereof the word "or".

Amendment H—6231 was adopted.

Bennett of Ida offered the following amendment H—6397 filed by him and moved its adoption:

H—6397

Amend Senate File 1207, as amended, passed and reprinted by the Senate, as follows:

1. Page 7, by inserting after line 34 the following unnumbered paragraph:

"In proposing and adopting energy conservation standards and requirements, the standards and

requirements adopted by the council shall not be more stringent than that required by, or provided in, federal law."

A non-record roll call was requested.

The ayes were 23, nays 46.

Amendment H—6397 lost.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—6390 (to page 12) filed by him on April 22, 1976, and found on page 2168 of the House Journal.

Brockett of Marshall offered the following amendment H—6383 filed by him and Evans of Grundy and moved its adoption:

H—6383

Amend Senate File 1207 as follows:

1. Page 13, line 32, by inserting after the word "code," the following: "to the extent that it is hazardous to life or property,".

2. Page 13, line 34, by inserting after the word "code," the following: "to the extent that it will no longer be hazardous to life or property,".

Amendment H—6383 was adopted.

Rinas of Linn offered the following amendment H—6002 filed by him and moved its adoption:

H—6002

Amend Senate File 1207 as amended, passed and reprinted by the Senate as follows:

1. Page 14, line 26, by adding after the word "Act." the words "Such fees shall be deposited in the state general fund.".

2. Page 14, line 31, by adding after the word "jurisdiction." the words "Such fees shall be deposited in the local government's general fund.".

Amendment H—6002 was adopted.

Woods of Polk offered the following amendment H—6361 filed by him and Miller of Buchanan and moved its adoption:

H—6361

Amend Senate File 1207, as passed by the Senate and reprinted, as follows:

Page 18 by striking lines 4 through 29.

Amendment H—6361 was adopted.

With the adoption of amendment H—6361, the following amendments are out of order:

H—6109 (to page 18) filed by Welden of Hardin on April 1, 1976, and found on page 1550 of the House Journal.

H—6108 (to page 18) filed by Welden of Hardin on April 1, 1976, and found on page 1549 of the House Journal.

H—6382, to amendment H—6108, filed by Rinas of Linn on April 22, 1976, and found on page 2167 of the House Journal.

H—6191E (to page 18) filed by the committee on cities on April 7, 1976, and found on page 1725 of the House Journal.

Welden of Hardin offered the following amendment H—6110 filed by him and moved its adoption:

H—6110

Amend Senate File 1207 as passed and reprinted by the Senate as follows:

Page 18, line 34 by striking the period and inserting in lieu thereof the following:

"effective on the date that the state building code developed under the provisions of this Act becomes effective."

Amendment H—6110 was adopted.

Harper of Davis offered the following amendment H—6164 filed by Harper, et al.:

H—6164

Amend Senate File 1207, as passed by the Senate and reprinted, as follows:

1. Page 18, by inserting after line 34 the following new section:

"Sec. ..... Section six hundred fourteen point one (614.1), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. IMPROVEMENTS TO REAL PROPERTY. In no event shall any action arising out of the unsafe or defective condition of an improvement to real property, whether in contract or tort, and founded on injury to property, real or personal, or injuries to the person or wrongful death, be brought more than ten years after the date on which occurred the act or omission of the defendant alleged in the action to have been the cause of the injury or death complained of."

Rinas of Linn rose on a point of order that amendment H—6164 was not germane.

The Speaker ruled the point well taken and amendment H—6164 not germane.

Harper of Davis moved that the rules governing germaneness be suspended for the consideration of amendment H—6164.

A non-record roll call was requested.

The ayes were 58, nays 19.

The motion prevailed and the rules were suspended.

Harper of Davis moved the adoption of amendment H—6164.

Roll call was requested by Evans of Grundy and Halvorson of Clayton.

Under the provisions of Rule 71, Harvey of Scott refrained from voting.

On the question "Shall amendment H—6164 be adopted?"

The ayes were, 70:

Anderson	Doyle	Krause	Pellett
Avenson	Drake	Lageschulte	Perkins
Baker	Dunton	Lindeen	Poncy
Bennett	Dyrland	Lonergan	Readinger
Bina	Egenes	McElroy	Rinas
Binneboese	Evans	Menke	Scheelhaase
Bortell	Gentleman	Middleswart	Schroeder
Brandt	Gilloon	Middleton	Small
Branstad	Halvorson	Miller, A. V.	Svoboda
Brockett	Hansen	Miller, K. D.	Tauke
Brunow	Harper	Miller, O. L.	Tofte
Byerly	Hines	Nealson	Welden
Crabb	Hinkhouse	Newhard	West
Crawford	Hullinger	Nielsen	Woods
Daggett	Husak	Norland	Wulff
Danker	Hutchins	O'Halloran	Wyckoff
Den Herder	Jordan	Patchett	Mr. Speaker
Dieleman	Koogler		

The nays were, 18:

Bittle	Higgins	Mennenga	Spradling
Cusack	Horn	Monroe	Varley
Griffee	Howell	Oakley	Walter
Hargrave	Jochum	Pavich	Wells
Hennessey	Lipsky		

Absent or not voting, 12:

Caffrey	Fitzgerald	Junker	Spear
Clark	Harvey	Kreamer	Spencer
Connors	Jesse	Millen	Stromer

Amendment H—6164 was adopted.

Spradling of Sioux called up for consideration the motion to reconsider amendment H—6191A (to page 1) filed by him and Drake of Muscatine and moved to reconsider the vote by which amendment H—6191A, as amended, was adopted by the House.

A non-record roll call was requested.

The ayes were 19, nays 50.

The motion lost.

Spradling of Sioux asked and received unanimous consent to withdraw the motion to reconsider amendment H—6228, filed by him on April 23, 1976.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider amendment H—6191C (to page 14) filed by him on April 23, 1976.

Miller of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 1207)

The ayes were, 52:

Anderson	Dunton	Hinkhouse	Norland
Avenson	Dyrland	Howell	Oakley
Bennett	Egenes	Hullinger	Patchett
Bina	Evans	Husak	Pavich
Binneboese	Fitzgerald	Jordan	Poncy
Branstad	Gentleman	Junker	Readinger
Brockett	Griffee	Krause	Rinas
Connors	Hargrave	Lageschulte	Schroeder
Crawford	Harper	Lindeen	Tauke
Cusack	Harvey	Mennenga	Varley
Dieleman	Hennessey	Middleswart	Walter
Doyle	Higgins	Miller, A. V.	Wulff
Drake	Hines	Newhard	Mr. Speaker

The nays were, 37:

Baker	Gilloon	McElroy	Perkins
Bittle	Halvorson	Menke	Scheelhaase
Bortell	Hansen	Middleton	Spradling
Brandt	Horn	Miller, K. D.	Tofte
Brunow	Hutchins	Miller, O. L.	Welden
Byerly	Jochum	Nealson	Wells
Crabb	Koogler	Nielsen	West
Daggett	Lipsky	O'Halloran	Woods
Danker	Lonergan	Pellett	Wyckoff
Den Herder			

Absent or not voting, 11:

Caffrey	Kreamer	Small	Stromer
Clark	Millen	Spear	Svoboda
Jesse	Monroe	Spencer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILS
(House File 1330)

Harper of Davis called up for consideration the motion to reconsider **House File 1330**, filed on March 3, 1976, and moved to reconsider the vote by which House File 1330, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code, passed the House on March 3, 1976.

A non-record roll call was requested.

The ayes were 64, nays 8.

The motion prevailed.

Harper of Davis moved to reconsider the vote by which House File 1330 was placed on its last reading.

The motion prevailed.

SENATE FILE 1265 SUBSTITUTED FOR HOUSE FILE 1330

Krause of Palo Alto asked for unanimous consent to substitute **Senate File 1265** for House File 1330.

Objection was raised.

Krause of Palo Alto moved that the rules be suspended to substitute Senate File 1265 for House File 1330.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 53, nays 30.

The motion prevailed and Senate File 1265, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code, was taken up for consideration.

Perkins of Greene offered the following amendment H—6391 filed by Perkins, et al.:

H—6391

Amend Senate File 1265 as passed by the Senate as follows:

1. Page 1, by inserting after line 31 the following:

"Sec. ..... Section three hundred six C point eleven (306C.11), subsection four (4), Code 1975, is amended to read as follows:

4. Official *and* directional [or other traffic control devices or] signs[. Advertising devices] and notices which shall include, but not be limited to, [advertising devices] *signs* and notices pertaining to natural wonders, scenic and historic attractions, recreational attractions and municipal recognition signs, which shall conform with rules promulgated by the department, provided that such rules shall be consistent with national standards promulgated [from time to time by the appropriate authority of the federal government,] pursuant to Title 23, section 131, [paragraph] *subsection* "c" of the United States Code.

Sec. ..... Section three hundred six C point thirteen (306C.13), subsection six (6), Code 1975, is amended to read as follows:

6. Official [advertising devices] *and directional signs and notices* and advertising devices concerning the sale or lease of the property or activities conducted upon the property as specified in Title 23, section 131, [paragraph] *subsection* "c" of the United States Code, shall not be taken into consideration in determining compliance with spacing requirements."

2. Renumber sections and correct internal references as necessary in conformance with this amendment.

3. Amend the title, line 1, by striking the words "to establish" and inserting in lieu thereof the words "relating to certain signs and notices providing for changes in terms referring to certain signs and notices and establishing".

Menke of O'Brien asked for unanimous consent to defer action on Senate File 1265.

Objection was raised.

Menke of O'Brien moved that Senate File 1265 be deferred and that the bill retain its place on the calendar.

(Senate File 1265 and the motion to defer pending at adjournment and placed under unfinished business.)

ADOPTION OF HOUSE RESOLUTION 117

Pursuant to House Rule 26, the Speaker announced that **House Resolution 117**, filed on April 13, 1976, and found on page 1926 of the House Journal, was adopted by unanimous consent.

MOTION TO RECONSIDER
(Senate File 1207)

I move to reconsider the vote by which Senate File 1207 passed the House on April 26, 1976.

OAKLEY of Clinton

AMENDMENTS FILED

H—6413

Amend House Concurrent Resolution 129, found on page 1937 of the House Journal, as follows:

1. Page 1, line 9, by inserting after the word "relief" the words "in Senate File 1062".

OAKLEY of Clinton
SCHROEDER of Pottawattamie

H—6415

Amend House File 71 as follows:

1. Page 1, line 1, by striking the words "Chapter four hundred twenty-two (422)" and inserting in lieu thereof the words "Section four hundred twenty-two point five (422.5)".

2. Page 1, line 2, by striking the words "is amended by adding the following new section" and inserting in lieu thereof the words "as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred seven (207), section one (1), is amended by adding the following new unnumbered paragraph".

3. Page 1, line 3, by striking the words *"NEW SECTION"* and inserting in lieu thereof the words *"NEW UNNUMBERED PARAGRAPH"*.

4. Page 1, by striking lines 7 through 11 and inserting in lieu thereof the words "to require that the tax be imposed upon it under this section, may determine final taxable income for purposes of imposition of the tax by excluding the amount of annuities".

NORLAND of Worth

H—6414

Amend House File 1400, page 2, line 7, by inserting after the word "paid" the words *"except as provided in section three hundred twenty-six point forty-five (326.45) of the Code"*.

NORLAND of Worth

H—6416

Amend Senate File 205, as amended, passed and reprinted by the Senate by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred seventy-nine point thirteen (279.13), Code 1975, is amended by striking

the section and inserting in lieu thereof the following:

279.13 CONTRACTS WITH TEACHERS.

1. Contracts with teachers, which for the purpose of this section means all certificated employees of a school district including registered nurses who are also certificated teachers, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon, which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

The contract is invalid if the teacher is under contract with another board of directors to teach during the same time period until a release from the other contract is achieved. The contract shall be signed by the president of the board and teacher and shall be filed with the secretary of the board before the teacher enters into performance under the contract.

2. If the teacher has been employed at least three consecutive years as a teacher in the same school districts, the contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods except as modified or terminated by mutual agreement of the board of directors and the teacher or as terminated in accordance with the provisions specified in this chapter. A contract shall not be offered by the employing board to a teacher under its jurisdiction prior to March first of any year.

A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs first. **However, a teacher shall not be required to** return a contract to the board less than twenty-one days after the contract has been offered.

3. Teachers employed in the same school district for less than three consecutive years are probationary teachers. **However, a board of directors may waive**

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the probationary period for any teacher who previously has served a probationary period in another school district. If the board, upon the recommendation of the superintendent, is considering termination of a probationary teacher's contract, the board shall notify the probationary teacher in writing and list any alleged deficiencies. If the deficiencies are not corrected to the board's satisfaction, the contract of a probationary teacher may be terminated at the

end of the contract period upon written notice to that effect prior to March thirty-first of any year. The written notice shall state the reasons for termination. Following receipt of the written notice, the probationary teacher may request a private conference with the board and, if requested, the conference shall be held within twenty days following receipt of the request. The board may be represented by its legal representative, if any, the superintendent or the superintendent's representative, and the teacher shall appear and may be represented by counsel and by the teacher's representative, not to exceed five, if any. Within three days following the private conference, a person designated by the board shall make a written recommendation to the board. The board, at its next regular meeting, shall by roll call vote, decide the retention or termination of the probationary teacher. The board's decision shall be final and binding unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section twenty point ten (20.10) of the Code.

4. Within five days after receipt of the written notice by the teacher that the board has voted to consider termination of the contract of a teacher who is not a probationary teacher, the teacher may request in writing to the secretary of the board, that the notification be forwarded to the professional teaching practices commission along with a request that the professional teaching practices commission submit a list of five qualified hearing officers to the parties. Within three days of receipt of the list of qualified hearing officers, the teacher and the school board shall select a hearing officer by alternatively removing a name from the list until only one name remains. The person whose name remains is the hearing officer. The teacher and the school board shall determine by lot which party shall remove the first name from the list submitted by the commission.

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If the teacher does not request such a hearing, the board, within fifteen days after receipt by the teacher of the written notice of consideration of termination of the contract, may determine the continuance or discontinuance of the contract. Board action shall be by majority roll call vote entered in the minutes of the meeting. Notice of the board action shhall be immediately sent to the teacher by certified mail.

5. The hearing officer shall notify the secretary of the school board and the teacher in writing concerning the date, time, and location of the hearing.

The hearing shall be attended by the members of the board and their legal representatives if any, the superintendent or the superintendent's representative, the teacher and the teacher's representatives if any, not to exceed five, and the teacher's immediate supervisor and the supervisor's representatives, if any. The hearing officer shall hold a hearing, make findings of fact, and make a recommended decision. The hearing shall be held not sooner than fifteen days and not later than twenty-five days following receipt of the teacher's request by the professional teaching practices commission. The hearing shall be conducted pursuant to rules adopted by the professional teaching practices commission. The hearing officer shall have the authority to issue subpoenas to compel the attendance of witnesses and the production of records pertinent to the case. Evidence presented at the hearing shall be limited to the specific reasons stated in the notice to consider termination. Each party shall have the right to call witnesses in its own behalf and to cross-examine other witnesses. A transcript or recording shall be made of the proceedings at the hearing. No participant in the private hearing shall be liable for any damage to any person if any statement is determined to be erroneous as long as the statement was made in good faith at the hearing.

6. Within fifteen days following the conclusion of the hearing, the hearing officer shall make a recommended decision as to whether or not the contract of the teacher should be terminated, and shall give a copy of the recommended decision to the teacher and the school board. The recommended decision of the hearing officer shall become the final decision of the board unless within ten days after the filing of such decision, the teacher files a written notice of appeal with the secretary of the board, or the board on its own motion, determines to review the

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decision. Board action to review the hearing officer's recommended decision shall be by majority roll call vote, entered in the minutes of the meeting. The board shall immediately notify the teacher of its action by certified mail.

7. If the teacher appeals to the board, or if the board determines on its own motion to review the recommended decision of the hearing officer, a private hearing shall be held before the board within five days after the petition for review, or motion for review, has been made. The board shall hear the case upon the record as submitted before the hearing officer, except that new evidence may be considered. The secretary of the board shall give the teacher

written notice of the time, place, and date of hearing. The hearing shall be attended by members of the board and their legal representatives if any, the superintendent or the superintendent's representative, the teacher and the teacher's representatives if any, not to exceed five, and the teacher's immediate supervisor and the supervisor's representatives, if any. No participant in the private hearing shall be liable for any damage to any person if any statement is determined to be erroneous as long as the statement was made in good faith at the hearing. The board shall meet within five days after the conclusion of the hearing to determine the question of continuance or discontinuance of the contract. The board shall take action by a majority roll call vote, entered in the minutes of the board.

The secretary of the board shall mail notice of the board's action to the teacher by certified mail, which shall be mailed immediately following the action.

8. A teacher within thirty days after notification by the board of discontinuance of the contract may appeal to the district court of the county in which the administrative office of the school district is located.

The court may affirm the board's action. The court shall reverse, modify, or grant any other appropriate relief from the board action, equitable or legal, and including declaratory relief, if rights of the teacher have been prejudiced because the board action is:

a. In violation of constitutional or statutory provisions,

b. In excess of the statutory authority of the board,

c. In violation of board policy or rule,

d. Made upon unlawful procedure,

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e. Affected by other error of law,

f. Unsupported by a preponderance of the competent evidence on the record when that record is reviewed as a whole, or

g. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

9. The hearings, meetings and conferences pertaining to the dismissal of a teacher shall be closed meetings, except that final action to terminate a teacher's contract shall be by roll call vote and entered in the minutes of the meetings.

10. The provisions of this section shall not affect the power of the board of directors to discharge a teacher for cause under the provisions of section two hundred seventy-nine point twenty-four (279.24) of the Code.

Sec. 2. Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.24 DISCHARGE OF TEACHER. The board may, by a majority vote, discharge any teacher for any just cause which may include incompetency, or inattention to duty. Prior to the discharge, the board shall conduct, at a meeting of the board held for that purpose, a full and fair investigation of the specific reasons for the proposed action. The teacher shall receive three days written notice of the time and place of such meeting, a specification of the alleged causes for discharge, and a list of the witnesses proposed to be called by the board. The teacher and the teacher's representatives if any not to exceed five shall be allowed to be present at the meeting, to call and cross-examine witnesses, and to otherwise make a defense. A record of the meeting shall be made and kept. Following the board decision to discharge the teacher, the teacher shall be notified promptly in writing, stating the specific reasons for the action.

Within twenty days following receipt of the decision of the board, the teacher may appeal the decision following the procedure stated in chapter two hundred ninety (290) of the Code. However, the superintendent may suspend a teacher for any of the reasons listed in this section and recommend that the board discharge the teacher. The superintendent shall immediately notify the board of the suspension. The board shall meet within ten school days of receipt of the notice to consider discharging the teacher and shall conduct

a full and fair investigation of the specific reasons for the recommended discharge in the same manner as if the teacher had not been suspended. The teacher shall be notified by personal service of the time and place of the meeting immediately after the meeting time and place have been set. If the board votes not to discharge the teacher, the teacher shall be reinstated and the board shall award back pay for the period during which the teacher was suspended.

Sec. 3. Chapter two hundred seventy-two A (272A), Code 1975, is amended by adding the following new section:

NEW SECTION. LIST OF HEARING OFFICERS. The commission shall maintain a list of qualified hearing officers who shall have knowledge of the educational systems of this state. When requested under the provisions of section two hundred seventy-nine point thirteen (279.13) of the Code, the commission shall immediately submit a list of five qualified hearing officers to the parties. The hearing shall be held

pursuant to rules adopted by the professional teaching practices commission. The full costs of the hearing shall be shared equally by the parties. No person who is employed as a teacher or administrator by a school district or is serving as an incumbent school board member may serve as a hearing officer."

MILLER of Calhoun
BENNETT of Ida

H—6417

Amend amendment H—6416 to Senate File 205 as follows:

1. Page 2, by striking all after the period in line 17 and inserting in lieu thereof the following: "The board may be represented by its legal representative, if any, the superintendent or the superintendent's representative. The teacher shall appear and may be represented by counsel and by the teacher's representative or representatives, if any, not to exceed five in number."

2. Page 2, by striking lines 18, 19, 20 and 21.

3. Page 2, line 22, by striking the words "if any.".

MILLER of Calhoun

H—6418

Amend the committee on education amendment, H—5285, to Senate File 205, as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by inserting after line 2 the following amendment:

"..... Page 1, by inserting before line 1 the following section:

"Sec. ..... Section twenty point nine (20.9), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training and other matters mutually agreed upon. *Public employees employed by a school district, area education agency, or area school and the respective board of directors shall also negotiate in good faith with respect to the termination of teacher contracts and discharge of teachers.* Negotiations shall also include terms

authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days' written notice. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession." "

2. Page 1, by striking lines 23 and 24 and inserting in lieu thereof the following amendment:

"..... Page 1, line 25, by striking the word "two" and inserting in lieu thereof the words "three consecutive"."

3. Page 1, by striking lines 43 through 50 and inserting in lieu thereof the following amendments:

"..... Page 1, line 25, by striking the word "two" and inserting in lieu thereof the word "three".

..... Page 2, by striking lines 5 through 35 and inserting in lieu thereof the following subsections:

"..... Procedures for the termination of a teacher's contract and procedures for the discharge

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of a teacher by the board shall be negotiated under the provisions of chapter twenty (20) of the Code.

..... By striking pages 2 through 7 and inserting in lieu thereof the following section:

"Sec. ..... Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is repealed." "

4. By striking pages 2, 3, and 4.

5. By numbering sections and subsections as necessary.

BROCKETT of Marshall
HANSEN of O'Brien

H—6419

Amend Senate File 1258 as follows:

1. Page 2, by striking lines 12 through 35 and inserting in lieu thereof the following new section:

"Sec. ..... Section four hundred ninety A point twenty-three (490A.23), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section forty-four (44), is amended by striking the section and inserting the following:

490A.23 ANNEXED AREAS—ELECTRIC SERVICE.

1. All rights of municipal corporations to franchise and regulate use of streets, alleys and other public property, and all rights acquired by franchise or agreement shall be preserved in such municipalities, excepting only the duties and jurisdiction conferred upon the commission in this

chapter.

2. Whenever the corporate boundaries of any city are extended, if a public utility which does not have a municipal franchise for such city is providing electric service to customers in such extended area at the time of the extension of corporate boundaries, such utility may continue to provide electric service to such customers until six years from the date the corporate boundaries shall have been extended. If such utility does not acquire a municipal franchise from such city within six years of the extension of the corporate boundaries, then, at the end of six years from the date the corporate boundaries shall have been extended, the municipally-owned utility or municipally-franchised public utility serving such city shall purchase the facilities of the non-franchised utility located within such extended area and shall furnish such service without interruption upon the acquisition of such facilities. The purchasing utility shall pay to the selling utility the just and reasonable price for such facilities. If the public utilities involved are unable to agree as to the price for such facilities, either utility may file an application requesting the commission to determine such price. Upon application, after notice and hearing, the commission shall determine such price for the facilities, giving due consideration to the cost of the facilities being acquired, any necessary generating capacity and transmission capacity dedicated to serving the customers in the extended area, depreciation, loss of revenue, and the cost of facilities necessary to reintegrate the system of the selling utility after detaching the portion sold. Upon such determination of the just and

Page 2

reasonable price for the facilities, the commission shall direct the transfer of such facilities and customers served thereby. Until such determination by the commission, the facilities shall remain in place and service shall be maintained by the owner. Provided however, that this section shall not apply to production, generation, high-voltage transmission facilities and high-voltage transformers located in such extended area and owned by a public utility which does not have a municipal franchise for such city.

3. Notwithstanding the provisions of section 490A.24, whenever the corporate boundaries of any city are extended, electric service to new customers shall be provided by municipally-owned utility or by any public utility having a municipal franchise for such city. This section shall not be construed to prohibit the granting of a municipal franchise to a public utility by a city in which electric service is presently being furnished by a municipally-owned

utility or another municipally-franchised public utility.

4. Where a public utility acquires a municipal franchise from a city presently served by a municipally-owned utility or by another municipally-franchised utility, electric service to new customers shall be provided in accordance with the provisions of section 490A.24"

2. By striking pages 3, 4, 5 and 6.

3. Page 7, by striking lines 1 through 22.

BRUNOW of Appanoose

H—6412

Amend Senate File 1302 as passed by the Senate as follows:

1. Page 1, line 1, by striking the word "A" and inserting in lieu thereof the words "Except for real estate acquired for highway purposes and leased as consideration for such purchase, and such other lands as have been acquired for highway purposes subject to federal laws, rules and regulations, a".

2. Page 1, line 11, by inserting after the word "years." the words "A state agency may lease real estate to any governmental authority for public purposes.".

HUSAK of Tama

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:40 p.m. until 9:00 a.m., Tuesday, April 27, 1976.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day—Seventieth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, APRIL 27, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Edward J. Shepherd, pastor of St. James Catholic Church, Washington, Iowa.

The Journal of Monday, April 26, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Kimball, Osceola, Iowa.

PRESENTATION OF VISITORS

Perkins of Greene presented to the House the Honorable C. Raymond Fisher, former member of the House during the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth and Sixty-fifth General Assemblies, representing Boone and Greene Counties.

The Speaker announced the following visitors were present in the House chamber:

Forty junior government class students from Norway High School, Norway, Iowa, accompanied by Edward Crosby. By Svoboda of Iowa.

Forty-five senior students from Anita Junior-Senior High School, Anita, Iowa, accompanied by John Burke. By Pellett of Cass and Hutchins of Guthrie.

Seventy eighth grade students from East Buchanan Junior High School, Winthrop, Iowa, accompanied by Mr. Foster and Mrs. Quint. By Miller of Buchanan.

Sixty-five senior government class students from Adel-Desoto

Junior-Senior High School, Adel, Iowa, accompanied by Mike Myers and Bill Kruber. By Varley of Adair.

Ten government class students from Kennedy High School, Cedar Rapids, Iowa, accompanied by Charles Eoff. By Lipsky of Linn.

Fifty-five students from the Interstate 35 Elementary School, Truro, Iowa, accompanied by Rich Gray and Mr. Cass. By Bortell of Madison.

Forty sixth grade students from Bradgate Elementary School, Bradgate, Iowa, accompanied by Marilyn Hemmers. By Cochran of Webster.

Eighteen fifth and sixth grade students from St. Joseph's School, Neola, Iowa, accompanied by Father Larry Beeson and Emma Lou Grau. By Schroeder of Pottawattamie.

Twelve students from Wayne Community School, Wayne, Iowa, and Merrill Junior High School, Des Moines, Iowa, accompanied by Ross Blount (Wayne Community School) and Bob Hestbeck (Merrill Junior High School). By Brunow of Appanoose.

INTRODUCTION OF BILLS

House File 1564, by committee on ways and means, a bill for an act relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of assessment, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review.

Read first time and **placed on ways and means calendar.**

SENATE MESSAGE CONSIDERED

Senate File 1258, a bill for an act relating to the establishment of electric utility service areas and to the regulation of rural electric cooperative rates by the state commerce commission.

Read first time and **passed on file.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on April 21, 1976, insisted on its amendment to House File 614, a bill for an act relating to termination of parental rights and adoption, and that the members of the conference committee on the part of the Senate are: The Senator from Scott, Mr. Gluba, chairperson; the Senator from Johnson, Ms. Doderer; the Senator from Clarke, Mr. Ramsey; the Senator from Linn, Mr. Redmond; and the Senator from Scott, Ms. Shaw.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

House File 1514, a bill for an act making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division on alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority, was taken up for consideration.

Middleton of Black Hawk asked and received unanimous consent to withdraw amendment H—5895 (to page 1), filed by him and Dyrland of Clayton on March 19, 1976, and found on pages 1325 and 1326 of the House Journal.

Cusack of Scott offered the following amendment H—6282 filed by Cusack, et al., and moved its adoption:

H—6282

Amend House File 1514 as follows:

1. Page 1, line 24, by inserting after the word "purposes" the words "including an amount, which shall be paid to any city in the state for use by that city's human rights commission, equal to the amount of any federal funds which would have been available to that city if cases had been waived by the Iowa state civil rights commission under the provisions of a contract between that city's human rights commission and the United States equal employment opportunity commission".

2. Page 1, by inserting after line 35 the following:

"It is the intent of the general assembly that insofar as feasible complaints filed either with local human rights commissions or with the Iowa state civil rights commission shall be handled at the local level."

3. Page 2, line 3, by inserting after the word "shall" the words ", at the request of local human rights commissions,".

A non-record roll call was requested.

The ayes were 80, nays 1.

Amendment H—6282 was adopted.

Miller of Buchanan offered the following amendment H—5676 filed by him:

H—5676

Amend House File 1514 as follows:
Page 1, line 35, by inserting after the word "commission." the words "Such lawyers shall maintain time sheets, lists of cases upon which they work, lists of numbers and names of cases upon which they work, lists of cases completed, information relating to location where such lawyers are working, and such other information as may be required by the Iowa civil rights commission. Such information, if not privileged, shall be available for public inspection in the offices of the Iowa civil rights commission."

Oakley of Clinton rose on a point of order that amendment H—5676 was not germane.

The Speaker ruled the point not well taken and amendment H—5676 germane.

Miller of Buchanan moved the adoption of amendment H—5676.

A non-record roll call was requested.

The ayes were 52, nays 26.

Amendment H—5676 was adopted.

Welden of Hardin offered the following amendment H—6064 filed by Welden, et al.:

H—6064

Amend House File 1514 as follows:
Page 2 by inserting after line 28 the following:
"c. For use by the director, with the approval of the commission, to pay in whole, or in part on a pro rata basis, outstanding obligations of area detoxification centers incurred during the fiscal year beginning July 1, 1974, upon receipt of documentation as required by the commission, that would have qualified for reimbursement if the contract later negotiated had been in effect the sum of not to exceed.....$150,000.00."

Wells of Linn in the chair at 10:26 a.m.

Welden of Hardin moved the adoption of amendment H—6064.

Roll call was requested by Welden of Hardin and Crawford of Story.

Rule 69 was invoked.

On the question "Shall amendment H—6064 be adopted?"

The ayes were, 34:

Anderson	Danker	Millen	Stromer
Bennett	Egenes	Miller, O. L.	Svoboda
Binneboese	Evans	Nealson	Tauke
Branstad	Halvorson	Pellett	Welden
Brockett	Harper	Readinger	West
Byerly	Husak	Scheelhaase	Woods
Crabb	Jordan	Schroeder	Wulff
Crawford	Kreamer	Spradling	Wyckoff
Daggett	McElroy		

The nays were, 55:

Avenson	Fitzgerald	Jesse	Norland
Baker	Gentleman	Jochum	Oakley
Bina	Gilloon	Junker	O'Halloran
Bortell	Griffee	Koogler	Patchett
Brandt	Hansen	Krause	Pavich
Brunow	Hargrave	Lageschulte	Perkins
Connors	Hennessey	Lindeen	Poncy
Cusack	Higgins	Lipsky	Small
Den Herder	Hines	Menke	Spencer
Dieleman	Hinkhouse	Mennenga	Tofte
Doyle	Horn	Middleswart	Varley
Drake	Howell	Miller, A. V.	Walter
Dunton	Hullinger	Monroe	Mr. Speaker (Wells)
Dyrland	Hutchins	Newhard	

Absent or not voting, 11:

Bittle	Cochran	Middleton	Rinas
Caffrey	Harvey	Miller, K. D.	Spear
Clark	Lonergan	Nielsen	

Amendment H—6064 lost.

Small of Johnson in the chair at 10:58 a.m.

Wulff of Black Hawk moved to reconsider the vote by which amendment H—5676 (to page 1) was adopted by the House.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 40, nays 43.

The motion lost.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1514)

The ayes were, 85:

Anderson	Dunton	Jochum	Oakley
Avenson	Dyrland	Jordan	O'Halloran
Baker	Egenes	Junker	Patchett
Bennett	Fitzgerald	Koogler	Pavich
Bina	Gentleman	Krause	Pellett
Binneboese	Gilloon	Lageschulte	Perkins
Bittle	Griffee	Lindeen	Poncy
Bortell	Halvorson	Lipsky	Readinger
Brandt	Hansen	McElroy	Scheelhaase
Branstad	Hargrave	Menke	Spencer
Brunow	Harper	Mennenga	Stromer
Byerly	Harvey	Middleswart	Svoboda
Cochran	Hennessey	Middleton	Tauke
Connors	Higgins	Millen	Tofte
Crabb	Hines	Miller, A. V.	Varley
Crawford	Hinkhouse	Miller, K. D.	Walter
Cusack	Horn	Miller, O. L.	Wells
Daggett	Howell	Monroe	Woods
Den Herder	Hullinger	Nealson	Wyckoff
Dieleman	Husak	Newhard	Mr. Speaker
Doyle	Hutchins	Norland	(Small)
Drake	Jesse		

The nays were, 9:

Brockett	Kreamer	Spradling	West
Danker	Schroeder	Welden	Wulff
Evans			

Absent or not voting, 6:

Caffrey	Lonergan	Rinas	Spear
Clark	Nielsen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 1514)

Cusack of Scott asked and received unanimous consent that **House File 1514** be **immediately messaged** to the Senate.

Senate File 1124, a bill for an act making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security Act, with report of committee recommending amendment and passage, was taken up for consideration.

Dunton of Keokuk offered the following amendment H—6326 filed by him and moved its adoption:

H—6326

Amend Senate File 1124 as follows:

1. Page 1, line 2, by striking the word

"seventy" and inserting "thirty".
2. Page 1, line 3, by striking the figure "70,000" and inserting the figure "30,000".

Amendment H—6326 was adopted.

Cusack of Scott offered the following amendment H—6385 filed by him and moved its adoption:

H—6385

Amend Senate File 1124 as amended, passed, and reprinted by the Senate, page 1, by striking lines 9 through 15 and inserting in lieu thereof the words "Act. The joint senate-house".

A non-record roll call was requested.

The ayes were 52, nays 24.

Amendment H—6385 was adopted.

Dunton of Keokuk asked and received unanimous consent to withdraw amendment H—5581 filed by the committee on appropriations on March 5, 1976, and found on page 980 of the House Journal.

Dunton of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1124)

The ayes were, 92:

Anderson	Dunton	Jochum	O'Halloran
Avenson	Dyrland	Jordan	Patchett
Baker	Egenes	Junker	Pavich
Bennett	Evans	Koogler	Pellett
Bina	Fitzgerald	Krause	Perkins
Binneboese	Gentleman	Kreamer	Poncy
Bittle	Gilloon	Lageschulte	Readinger
Bortell	Griffee	Lindeen	Scheelhaase
Brandt	Halvorson	Lipsky	Schroeder
Branstad	Hansen	McElroy	Spencer
Brockett	Hargrave	Menke	Stromer
Brunow	Harper	Mennenga	Svoboda
Byerly	Harvey	Middleswart	Tofte
Cochran	Hennessey	Middleton	Varley
Connors	Higgins	Millen	Walter
Crabb	Hines	Miller, A. V.	Welden
Crawford	Hinkhouse	Miller, K. D.	Wells
Cusack	Horn	Miller, O. L.	West
Daggett	Howell	Monroe	Woods
Danker	Hullinger	Nealson	Wulff
Den Herder	Husak	Newhard	Wyckoff
Dieleman	Hutchins	Norland	Mr. Speaker
Doyle	Jesse	Oakley	(Small)
Drake			

The nays were, 2:

Spradling Tauke

Absent or not voting, 6:

Caffrey	Lonergan	Rinas	Spear
Clark	Nielsen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(Senate File 1124)

Dunton of Keokuk asked and received unanimous consent that **Senate File 1124** be **immediately messaged** to the Senate.

REQUEST FOR CONSIDERATION
(House Concurrent Resolution 129)

Oakley of Clinton called up for consideration **House Concurrent Resolution 129.**

The Speaker ruled the request not in order.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Small of Johnson in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 22, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1038, a bill for an act making an appropriation for various state programs.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1038

H—6427

Amend House File 1038 as amended and passed by the House as follows:

Page 2, by inserting after line 21 the following:

"c. For the establishment and operation of a foreign trade office .....$150,000".

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed sixty-one members present, thirty-nine absent.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1225, a bill for an act relating to the establishment of a birth defects institute and specifying its powers and duties and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was a read a last time.

On the question "Shall the bill pass?" (S.F. 1225)

The ayes were, 88:

Anderson	Dunton	Jesse	Patchett
Avenson	Dyrland	Jochum	Pavich
Baker	Egenes	Jordan	Pellett
Bennett	Evans	Junker	Perkins
Bina	Fitzgerald	Koogler	Poncy
Binneboese	Gentleman	Krause	Scheelhaase
Bittle	Gilloon	Kreamer	Schroeder
Bortell	Griffee	Lageschulte	Spradling
Brandt	Halvorson	Lindeen	Stromer
Branstad	Hansen	Lipsky	Svoboda
Brockett	Hargrave	Lonergan	Tauke
Brunow	Harper	Menke	Tofte
Byerly	Harvey	Mennenga	Varley
Cochran	Hennessey	Middleswart	Walter
Connors	Higgins	Miller, A. V.	Welden
Crabb	Hines	Miller, K. D.	Wells
Crawford	Hinkhouse	Miller, O. L.	West
Cusack	Horn	Nealson	Woods
Daggett	Howell	Nielsen	Wulff
Danker	Hullinger	Norland	Wyckoff
Dieleman	Husak	Oakley	Mr. Speaker (Small)
Doyle	Hutchins	O'Halloran	
Drake			

The nays were, 1:

Monroe

Absent or not voting, 11:

Coffrey	McElroy	Newhard	Spear
Clark	Middleton	Readinger	Spencer
Den Herder	Millen	Rinas	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1243, a bill for an act appropriating funds to the state board of regents for aujesky's disease research to be conducted by the Iowa state university of science and technology, with report of committee recommending passage, was taken up for consideration.

Husak of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1243)

The ayes were, 90:

Anderson	Dunton	Junker	Pellett
Avenson	Dyrland	Koogler	Perkins
Baker	Egenes	Krause	Poncy
Bennett	Evans	Lageschulte	Readinger
Bina	Fitzgerald	Lindeen	Scheelhaase
Binneboese	Gentleman	Lipsky	Schroeder
Bittle	Gilloon	Lonergan	Spencer
Bortell	Halvorson	Menke	Spradling
Brandt	Hansen	Mennenga	Stromer
Branstad	Hargrave	Middleswart	Svoboda
Brockett	Harper	Middleton	Tauke
Brunow	Harvey	Millen	Tofte
Byerly	Hennessey	Miller, A. V.	Varley
Cochran	Hines	Miller, K. D.	Walter
Connors	Hinkhouse	Miller, O. D.	Welden
Crabb	Horn	Nealson	Wells
Crawford	Howell	Newhard	West
Cusack	Hullinger	Nielsen	Woods
Daggett	Husak	Norland	Wulff
Danker	Hutchins	Oakley	Wyckoff
Dieleman	Jesse	O'Halloran	Mr. Speaker (Small)
Doyle	Jochum	Patchett	
Drake	Jordan	Pavich	

The nays were, 1:

Monroe

Absent or not voting, 9:

Caffrey	Griffee	Kreamer	Rinas
Clark	Higgins	McElroy	Spear
Den Herder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1556, a bill for an act relating to the inspection of weights and measures and making an appropriation, was taken up for consideration.

Avenson of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1556)

The ayes were, 84:

Anderson	Dunton	Koogler	Pellett
Avenson	Dyrland	Krause	Perkins
Baker	Egenes	Kreamer	Poncy
Bennett	Evans	Lageschulte	Readinger
Bina	Fitzgerald	Lindeen	Schroeder
Bittle	Gentleman	Lipsky	Spencer
Bortell	Gilloon	Lonergan	Spradling
Brandt	Griffee	Menke	Stromer
Branstad	Halvorson	Mennenga	Svoboda
Brockett	Hansen	Middleton	Tauke
Brunow	Hargrave	Miller, A. V.	Tofte
Byerly	Harper	Miller, K. D.	Varley
Cochran	Hennessey	Miller, O. L.	Walter
Connors	Hines	Nealson	Welden
Crabb	Hinkhouse	Newhard	Wells
Crawford	Howell	Nielsen	West
Cusack	Hullinger	Norland	Woods
Daggett	Husak	Oakley	Wulff
Danker	Hutchins	O'Halloran	Wyckoff
Den Herder	Jochum	Patchett	Mr. Speaker
Dieleman	Jordan	Pavich	(Small)
Drake			

The nays were, 8:

Binneboese	Harvey	Junker	Monroe
Doyle	Horn	Millen	Scheelhaase

Absent or not voting, 8:

Caffrey	Higgins	McElroy	Rinas
Clark	Jesse	Middleswart	Spear

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1557, a bill for an act appropriating funds for programs under the administration of the department of agriculture and divisions of the department of agriculture, was taken up for consideration.

Avenson of Fayette offered the following amendment H—6398 filed by the committee on appropriations and moved its adoption:

H—6398

Amend House File 1557 as follows:

1. Page 2, by inserting after line 10 the following:

"c. From the fertilizer fund to be used by the department for a micronutrients and soil conditioner study ..... $36,277"

2. Page 2, line 17, by inserting after the words "to the" the words "department and".

Amendment H—6398 was adopted.

Avenson of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1557)

The ayes were, 87:

Anderson	Drake	Jordan	Patchett
Avenson	Dunton	Junker	Pavich
Baker	Dyrland	Koogler	Pellett
Bennett	Egenes	Krause	Perkins
Bina	Evans	Kreamer	Poncy
Binneboese	Fitzgerald	Lageschulte	Readinger
Bittle	Gentleman	Lindeen	Scheelhaase
Bortell	Gilloon	Lipsky	Spencer
Brandt	Griffee	Lonergan	Spradling
Branstad	Halvorson	Menke	Stromer
Brunow	Hansen	Mennenga	Svoboda
Byerly	Hargrave	Middleswart	Tauke
Cochran	Harper	Millen	Tofte
Connors	Hennessey	Miller, A. V.	Varley
Crabb	Hines	Miller, K. D.	Welden
Crawford	Hinkhouse	Miller, O. L.	Wells
Cusack	Horn	Nealson	West
Daggett	Howell	Newhard	Woods
Danker	Hullinger	Nielsen	Wulff
Den Herder	Husak	Norland	Wyckoff
Dieleman	Hutchins	Oakley	Mr. Speaker (Small)
Doyle	Jochum	O'Halloran	

The nays were, 3:

Harvey	Monroe	Walter

Absent or not voting, 10:

Brockett	Higgins	Middleton	Schroeder
Caffrey	Jesse	Rinas	Spear
Clark	McElroy		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage work construction fund, the department of soil conservation, and the Iowa development commission, was taken up for consideration.

Spencer of Clay offered the following amendment H—6384 filed by him and Hansen of O'Brien:

H—6384

Amend House File 1558 as follows:

1. Page 1, line 15, by inserting after the word "purposes" the words ". The funds appropriated by this subsection or any other funds available to the state conservation commission shall not be used for the construction of a marina at the Gull Point state

park or on any other part, channel, inlet, or outlet located on or connected to West Okoboji or East Okoboji lakes. As used in this subsection "marina" means a dock or basin providing secure mooring for boats or yachts, or facilities offering boat or yacht supply, repair, or other services."

2. Page 1, line 15, by striking the figure "4,000,000" and inserting in lieu thereof the figure "3,874,000".

Wyckoff of Benton rose on a point of order that amendment H—6384 was not germane.

The Speaker ruled the point not well taken and amendment H—6384 germane.

Spencer of Clay offered the following amendment H—6429, to amendment H—6384, filed by him and Hansen of O'Brien from the floor and moved its adoption:

H—6429

Amend amendment H—6384, to page 1 of House File 1558, as follows:

1. Page 1, lines 8 and 9, by striking the words "or East Okoboji lakes" and inserting in lieu thereof the word "lake".

Amendment H—6429 was adopted.

Division of amendment H—6384 was requested as follows: lines 2 through 12 amendment H—6384A and lines 13 through 15 amendment H—6384B.

Fitzgerald of Webster moved the previous question on the filing of amendments to House File 1558.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 54, nays 35.

The motion prevailed.

Spencer of Clay moved the adoption of amendment H—6384A, as amended.

Amendment H—6384A, as amended, was adopted.

Spencer of Clay asked and received unanimous consent to withdraw amendment H—6384B.

Griffee of Chickasaw offered the following amendment H—6433 filed by him from the floor and moved its adoption.

H—6433

Amend House File 1558 as follows:

1. Page 1, by inserting after line 15 the following:

a. Of the above appropriation to the state conservation commission, forty-eight thousand (48,000) dollars shall be for the little lakes of the woods tourist farm project.

Amendment H—6433 lost.

Danker of Pottawattamie offered the following amendment H—6432 filed by him and Schroeder of Pottawattamie from the floor:

H—6432

Amend House File 1558 as follows:

1. Page 1, line 35, by inserting before the word "For" the letter "a.".

2. Page 2, by inserting after line 13 the following:

"b. The department of soil conservation shall develop in cooperation with the keg creek drainage district and the silver creek drainage district, located in Pottawattamie county, experimental structures in the creek beds to prevent the deep channeling of the creek beds and erosion of the creek banks.

c. For the department of soil conservation to carry out paragraph b of this subsection ..... $75,000"

Schroeder of Pottawattamie asked for unanimous consent to amend H—6432 by striking lines 13, 14 and 15.

Objection was raised.

Schroeder of Pottawattamie moved that the rules be suspended to strike lines 13, 14 and 15 of amendment H—6432.

A non-record roll call was requested.

The ayes were 45, nays 27.

The motion having failed to receive a constitutional majority, lost.

Danker of Pottawattamie moved the adoption of amendment H—6432.

A non-record roll call was requested.

The ayes were 33, nays 44.

Amendment H—6432 lost.

Avenson of Fayette offered the following amendment H—6420 filed by him from the floor.

H—6420

Amend House File 1558, page 2, by striking lines 24 through 29 and inserting in lieu thereof the following:

"Sec. 3. There is appropriated, from the general fund of the state to the state conservation commission for the fiscal period beginning July 1, 1976 and ending June 30, 1979, the sum of eight hundred thousand (800,000) dollars, or so much thereof as may be necessary, to be used for starting immediate construction of the dam for the artificial lake development in the Volga River recreational area. Funds appropriated by this section shall be in addition to funds previously appropriated for such purposes."

Jordan of Linn offered the following amendment H—6435, to amendment H—6420, filed by him and Lipsky of Linn from the floor:

H—6435

Amend amendment H—6420 to House File 1558 as follows:

1. Page 1, by inserting after line 14 the following new section:

"Sec. 4. There is appropriated, from the general fund of the state to the state conservation commission for the fiscal period beginning July 1, 1976 and ending June 30, 1979 the sum of three hundred thousand (300,000) dollars or so much thereof as may be necessary to be used for starting immediate construction of the dam for the artificial lake development in the Squaw Creek recreational area."

Jordan of Linn asked for unanimous consent to insert the words "Linn County" before the word "Squaw" in line 12 of amendment H—6435.

Objection was raised.

Jordan of Linn moved to suspend the rules to insert the words "Linn County" before the word "Squaw" in line 12 of amendment H—6435.

A non-record roll call was requested.

The ayes were 63, nays 12.

The motion prevailed, the rules were suspended and amendment H—6441, to amendment H—6435 (to amendment H—6420), filed by Jordan of Linn from the floor, was adopted:

H—6441

Amend amendment H—6435, to amendment H—6420 to page 2 of House File 1558, as follows:

1. Line 12, by inserting before the word "Squaw" the words "Linn County".

Drake of Muscatine rose on a point of order that amendment H—6435 was not germane.

The Speaker ruled the point not well taken and amendment H—6435 germane.

Jordan of Linn moved the adoption of amendment H—6435, as amended, to amendment H—6420.

A non-record roll call was requested.

The ayes were 29, nays 46.

Amendment H—6435, as amended, lost.

Dyrland of Clayton in the chair at 3:58 p.m.

Small of Johnson in the chair at 4:06 p.m.

Avenson of Fayette moved the adoption of amendment H—6420.

Roll call was requested by Dyrland of Clayton and Varley of Adair.

On the question "Shall amendment H—6420 be adopted?"

The ayes were, 18:

Avenson	Halvorson	Krause	O'Halloran
Crabb	Harvey	Menke	Spradling
Dyrland	Hines	Middleton	Tauke
Evans	Jochum	Miller, K. D.	Tofte
Gilloon	Jordan		

The nays, 72:

Anderson	Dieleman	Koogler	Pavich
Baker	Doyle	Kreamer	Pellett
Bennett	Dunton	Lageschulte	Perkins
Bina	Egenes	Lindeen	Poncy
Binneboese	Fitzgerald	Lipsky	Readinger
Bittle	Gentleman	Lonergan	Scheelhaase
Bortell	Griffee	McElroy	Spencer
Brandt	Hansen	Mennenga	Stromer
Branstad	Harper	Middleswart	Svoboda
Brockett	Hennessey	Millen	Varley
Brunow	Hinkhouse	Miller, A. V.	Walter
Byerly	Horn	Miller, O. L.	Welden
Cochran	Howell	Monroe	Wells
Connors	Hullinger	Nealson	Woods
Crawford	Husak	Newhard	Wulff
Cusack	Hutchins	Norland	Wyckoff
Daggett	Jesse	Oakley	Mr. Speaker (Small)
Danker	Junker	Patchett	
Den Herder			

Absent or not voting, 10:

Caffrey	Hargrave	Rinas	Spear
Clark	Higgins	Schroeder	West
Drake	Nielsen		

Amendment H—6420 lost.

Scheelhaase of Woodbury offered the following amendment H—6424 filed by him and Crabb of Crawford from the floor:

H—6424

Amend House File 1558 as follows:
1. Page 2, by inserting after line 29 the following new section:
"Sec. ..... There is appropriated from the general fund of the state to the state conservation commission the sum of three hundred seventy-five thousand (375,000) dollars, or so much thereof as may be necessary, for the purpose of dredging Blue Lake at Onawa, Iowa."

Speaker Cochran in the chair at 4:52 p.m.

Scheelhaase of Woodbury moved the adoption of amendment H—6424.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 32, nays 52.

Amendment H—6424 lost.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—6367 (to page 2) filed by Wyckoff, et al., on April 21, 1976, and found on pages 2080 and 2081 of the House Journal.

Wyckoff of Benton offered the following amendment H—6436 filed by him from the floor and moved its adoption:

H—6436

Amend House File 1558 as follows:
1. Page 2, by inserting after line 16 the following:
"Sec. ..... Section four hundred sixty-seven A point seven (467A.7), Code 1975, is amended by adding the following new subsection:
NEW SUBSECTION. The commissioners shall, as a condition for the receipt of any cost share funds for permanent soil conservation practices, require the landowner to covenant an agreement which shall be filed by the commissioners with the county recorder

that if the project is removed, altered, or modified so as to lessen its effectiveness without the consent of the state soil conservation committee for a period of ten years after the date of receiving payment the landowner shall refund to the department of soil conservation a pro rata share of the public funds used for the project based upon said ten year period. Said agreement shall constitute a covenant attaching to the land described therein and shall be enforceable against succeeding owners of the land. The fees for recording such agreements shall be paid by the commissioners from conservation cost sharing funds allocated to the district. Such refunds shall be reallocated to the district from which they were refunded to be used for conservation cost sharing. It shall be the duty of the commissioners to assist the state soil conservation committee in the enforcement of this subsection."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 56, nays 33.

Amendment H—6436 was adopted.

Miller of Calhoun offered the following amendment H—6431 filed by her and Bennett of Ida from the floor and moved its adoption:

H—6431

Amend House File 1558 as follows:

1. Page 2, by inserting after line 29 the following new section:

"Sec. ..... There is appropriated to the state conservation commission from the general fund of the state the sum of nine hundred fifty thousand (950,000) dollars, or as much as necessary, for the cleaning of the inlet to Black Hawk Lake, Sac County, and for necessary expenses to establish better flood control, reduce fertilizer pollution in the lake by diverting the watershed through existing gravel pits before entering the lake, as settlement basins, to establish fish jetties and improve natural fish habitat and growth, all for the purpose of preserving one of the natural glacial lakes of the state and for necessary incidental expenses in the amounts specified for Black Hawk Lake located in Sac County."

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 44, nays 49.

Amendment H—6431 lost.

Miller of Buchanan offered the following amendment H—6291 filed by him and Tofte of Winneshiek:

H—6291

Amend House File 1558 as follows:

1. Page 3, by inserting after line 30 the following:

"Sec. ..... Chapter one hundred eleven (111), Code 1975, is amended by adding the following new section:

NEW SECTION. USER FEES FOR PARKS AND PRESERVES. The commission may by rule establish user fees for patrons of state parks and preserves. Persons who are sixty-five years of age or older or who are receiving public assistance pursuant to chapters two hundred thirty-nine (239), two hundred thirty-nine A (239A) or two hundred forty-nine A (249A) of the Code shall be exempt from the payment of user fees established pursuant to this section."

2. Amend the title, line 1, by striking the words "appropriating funds for" and inserting in lieu thereof the words "relating to the financing of".

3. Amend the title, line 4, by inserting after the word "commission" the words "and making appropriations".

Monroe of Des Moines rose on a point of order that amendment H—6291 was not germane.

The Speaker ruled the point well taken and amendment H—6291 not germane.

Miller of Buchanan moved that the rules governing germaneness be suspended for the consideration of amendment H—6291.

A non-record roll call was requested.

The ayes were 31, nays 54.

The motion lost.

Gilloon of Dubuque offered the following amendment H—6425 filed by Gilloon, Newhard and O'Halloran from the floor:

H—6425

Amend House File 1558 as follows:

1. Page 2, by inserting after line 33, the following new section:

"Sec. ..... The funds appropriated by this Act, and any other public funds shall not be used by the conservation commission for the expansion by condemnation of the public hunting

and fishing area at Green Island, prior to eighteen months after the effective date of this Act."

By unanimous consent the following corrective amendment H—6445, to amendment H—6425, filed by Gilloon of Dubuque from the floor was adopted:

H—6445

Amend amendment H—6425, to page 2 of House File 1558, as follows:

1. Page 1, line 2, by striking the figures "33" and inserting in lieu thereof the figures "23".

Gilloon of Dubuque moved the adoption of amendment H—6425, as amended.

A non-record roll call was requested.

The ayes were 60, nays 27.

Amendment H—6425, as amended, was adopted.

(House File 1558 pending at adjournment and placed under unfinished business.)

ANNOUNCEMENT BY THE SPEAKER

The Speaker appointed the following Representatives as the official delegation to the funeral services of the Honorable James T. Caffrey, Representative from Polk County: Millen of Van Buren, Byerly of Polk, Nielsen of Polk, Gentleman of Polk, Kreamer of Polk, Readinger of Polk, Connors of Polk, Woods of Polk, Jesse of Polk, Bittle of Polk, Fitzgerald of Webster and Cochran of Webster.

CONFERENCE COMMITTEE APPOINTED
(House File 614)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **House File 614**: Middleton of Black Hawk, chair; Higgins of Scott, Lonergan of Boone, Oakley of Clinton and Lipsky of Linn.

MOTIONS TO RECONSIDER
(Amendment H—6436 to House File 1558)

I move to reconsider the vote by which amendment H—6436 to House File 1558 was adopted by the House on April 27, 1976.

MIDDLESWART of Warren

(Amendment H—6433 to House File 1558)

I move to reconsider the vote by which amendment H—6433 to House File 1558 failed to be adopted by the House on April 27, 1976.

DYRLAND of Clayton

COMMUNICATION FROM THE SECRETARY OF STATE

April 26, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1401, was published in the West Des Moines Express, West Des Moines, Iowa, on April 22, 1976, and in The Forest City Summit, Forest City, Iowa, on April 22, 1976.

I further certify that House File 1458, was published in The Sioux City Journal, Sioux City, Iowa, on April 16, 1976, and in the Highland Park News, Des Moines, Iowa, on April 15, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House Files 1556 and 1557 and Senate File 1243. Had I been present I would have voted "aye" on all three bills.

McELROY of Fremont

I was necessarily absent from the House chamber when the vote was taken on House File 1557. Had I been present I would have voted "aye."

MIDDLETON of Black Hawk

GOVERNOR'S ITEM VETO MESSAGE
(Senate File 1062)

April 26, 1976

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol
Local

Dear Mr. Secretary:

I hereby transmit Senate File 1062, an Act relating to the financing of political subdivisions of this state by providing budget limitations for certain political subdivisions, providing property tax credits for certain property owners and renters, making changes in the procedures for the assessment and valuation of certain taxable property, by amending the school foundation law, creating a task force for the study of local govern-

ment finance and services, making certain provisions of the Act retroactive, and making appropriations.

Senate File 1062 is approved April 26, 1976, with the following exceptions which I hereby disapprove.

I am unable to approve Item 4 designated as Section 4 in the Act which reads as follows:

"Sec. 4. SPECIAL DISTRICT LEVY LIMITATION. The maximum amount in dollars which may be levied by a special purpose district over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal years beginning July 1, 1977 and July 1, 1978, for the following designated property tax levies except as otherwise provided in this division:

1. The tax levy by a benefited water district for the maintenance of the water system authorized pursuant to section three hundred fifty-seven point twenty-five (357.25) of the Code.

2. The tax levy by a benefited fire district to provide fire protection within the district authorized pursuant to section three hundred fifty-seven B point five (357B.5) of the Code which permits the county board of supervisors to continue the levy upon dissolution of the district until all debts and obligations of the dissolved district are paid.

3. The tax levy by a benefited street lighting district authorized pursuant to section three hundred fifty-seven C point seven (357C.7) and three hundred fifty-seven C point eleven (357C.11) of the Code.

4. The tax levy authorized pursuant to section four hundred sixty-six point four (466.4) of the Code permitting a levy sufficient to raise the amount necessary for maintenance of a system to provide internal drainage necessary by the construction of a levee along a navigable stream forming a part of the boundary of the state.

5. The tax levy for a soil conservation district authorized pursuant to section four hundred sixty-seven A point twenty (467A.20) of the Code.

6. The tax levy authorized pursuant to section four hundred eighty-three point one (483.1) of the Code to provide aid to railroads.".

I am unable to approve Item 17 designated as Section 17 of the Act which reads as follows:

"Sec. 17. AGRICULTURAL PROPERTY VALUATION. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1976, the actual value of each tract of agricultural property consisting of more than ten acres shall be computed by multiplying the valuations established by the assessor and approved by the board of review by the percentage which the 1975 income value per acre bears to the 1975 actual value per acre of the agricultural property both as determined by the director. The county auditor shall proceed to make the necessary adjustments on the tax lists.

If the valuation of the agricultural property is increased in a county, the county auditor shall notify by ordinary mail the owners of agricultural property affected by the adjustment made pursuant to this section. The local board of review shall reconvene for a period of thirty days following the notification to the taxpayer in counties where valuations have been increased under this section. The notice shall include the adjusted value of the property, the dates during which the board of review is reconvened, and that a protest may be filed within twenty days from the date the local board of review is reconvened. The protest shall be limited to the adjustment made pursuant to this section. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1976."

I am unable to approve Item 18 designated as Section 18 of the Act which reads as follows:

"Sec. 18. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1977, in assessing and determining the actual value of agricultural land, except structures located thereon, the value shall be computed on the basis of the productivity and net earning capacity of the land determined on the basis of the use for agricultural purposes capitalized at a rate representing a fair return on the investment, such rate to be established by the state board of tax review and applied uniformly among counties and among classes of property. The actual value of a structure located on agricultural land shall be the fair and reasonable market value of the structure. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1977."

I am unable to approve Item 19 designated as Section 19 of the Act which reads as follows:

"Sec. 19. EFFECTIVE DATE. The provisions of section seventeen (17) of this Act shall be effective to January 1, 1976 for valuations of agricultural property assessed as of January 1, 1976 and to this extent the provisions of section seventeen (17) are retroactive."

I am unable to approve Item 23 designated as Section 23 of the Act which reads as follows:

"Sec. 23. Notwithstanding the provisions of section four hundred twenty-five point one (425.1), subsections two (2), three (3), and four (4) of the Code, the homestead tax credit shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first five thousand dollars of actual value for each homestead. The provisions of this section shall only be applicable for each homestead tax credit claimed between January 1, 1976 and July 1, 1976 and approved and for each homestead tax credit claimed between January 1, 1977 and July 1, 1977 and approved except as provided in sections forty (40) and forty-one (41) of this Act."

I am unable to approve Item 24 designated as Section 24 of the Act which reads as follows:

"Sec. 24. EFFECTIVE DATE. The provisions of section twenty-three (23) of this Act are effective to January 1, 1976 for credits claimed on or after January 1, 1976 and approved under chapter four hundred twenty-five (425) of the Code for a homestead tax credit on an eligible homestead and to this extent the provisions of section twenty-three (23) of this Act are retroactive."

I am unable to approve Item 40 designated as Section 40 of the Act which reads as follows:

"Sec. 40. If the unencumbered balance of the general fund of the state on June 30, 1976 does not exceed fifty million dollars, the homestead tax credit computed in the manner provided in section twenty-three (23) of this Act shall not apply and the homestead tax credit for claims filed in 1976 shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The county auditor shall compute the homestead tax credit in the manner provided in section twenty-three (23) of this Act and if the general fund balance does not exceed fifty million dollars, the department of revenue shall reduce the amount of each homestead tax credit claim certified to the department by ten percent and recertify the amount of the credit to be allowed on each eligible homestead to the county treasurers of the respective counties.

If the unencumbered balance of the general fund of the state on June 30, 1976, does not exceed fifty million dollars, there is appropriated for the fiscal year beginning July 1, 1977 and ending June 30, 1978 an amount equal to thirteen million (13,000,000) dollars, or so much thereof as may be necessary, to the agricultural land credit fund and the provisions of section four hundred twenty-six point one (426.1) of the Code shall not apply for the fiscal year beginning July 1, 1977 and ending June 30, 1978.

If the provisions of this section become effective and the amount of funds appropriated to the agricultural land credit fund is the amount specified in this section, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller."

I am unable to approve Item 41 designated as Section 41 of the Act which reads as follows:

"Sec. 41. If the unencumbered balance of the general fund of the state on June 30, 1977 does not exceed fifty million dollars, the homestead tax credit computed in the manner provided in section twenty-three (23) of this Act shall not apply and the homestead tax credit for claims filed in 1977 shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The county auditor shall compute the homestead tax credit in the manner provided in section twenty-three (23) of this Act and if the general fund balance does not exceed fifty million dollars, the department

of revenue shall reduce the amount of each homestead tax credit claim certified to the department by ten percent and recertify the amount of the credit to be allowed on each eligible homestead to the county treasurers of the respective counties.

If the unencumbered balance of the general fund of the state on June 30, 1977, does not exceed fifty million dollars, there is appropriated for the fiscal year beginning July 1, 1978 and ending June 30, 1979 an amount equal to thirteen million (13,000,000) dollars, or so much thereof as may be necessary, to the agricultural land credit fund and the provisions of section four hundred twenty-six point one (426.1) of the Code shall not apply for the fiscal year beginning July 1, 1978 and ending June 30, 1979.

If the provisions of this section become effective and the amount of funds appropriated to the agricultural land credit fund is the amount specified in this section, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller."

During the past decade, considerable public debate has centered on property tax and the burdens it imposes. When concern over property taxes was at a fever pitch in 1971, we developed and passed the school foundation program. This long-term plan, which shifted the funding of increased school costs from property taxes to state revenues, has been a key to our success in recent years in stabilizing previously skyrocketing property taxes.

That property tax stability was jolted with the equalization order issued by the Director of Revenue in October, 1975. Required by law, and necessary to make our tax system an equitable one, the equalization order reflected the inordinate increase in property valuations across Iowa. As a result of the average increase of 30% in property valuations, Iowans faced the very real prospect of a substantial shift in school funding from state aid to property taxes and the possibility of local governments increasing their budgets to take advantage of the higher valuations.

In mid-January, we presented to the General Assembly our proposals to cushion what we believed would be an undesirable and unnecessary shock if no action were taken. Our proposals included a substantial increase in state aid to schools, reasonable limits on the additional property tax dollars that could be raised by local governments, and—very important—a task force on local government services and funding sources. This task force could amass the information so a more refined analytical approach could be developed for the rendition and funding of local government services. We offered these recommendations to the General Assembly, willing to accept improvements that might be made during the law-making session.

Now, after more than 90 days and after a cascade of words of emotional debate in both Houses, we are convinced of the soundness of our approach—to limit property tax increases by having the state bear the major share of increased school costs.

* * * * *

Before we submitted our recommendations, the General Assembly had begun to wrestle with the property tax problem. Property tax deliberations by the General Assembly during the past six months have followed a tortuous trail beginning with an inconclusive interim study committee, pro-

gressing to lengthy Ways and Means Committee sessions, heated and protracted floor debates and intricate off-the-floor negotiations, and culminating in extraordinary conference committee deliberations and decisions.

From the time the Senate Ways and Means Committee first approved Senate File 1062 for debate on January 27 to the final vote by the House on April 13, the members of the General Assembly studied and considered a wide range of alternatives. Various budget limits, changes in our school aid formula, new property tax credits and exemptions, local option taxation and property valuation rollback and weightings are only some of the major options seriously debated by the legislature.

The final version of Senate File 1062 is a reflection and product of the often painful deliberations by the legislature on this subject. Its numerous provisions are an amalgam of the various proposals doggedly pursued throughout the deliberations. The raw political fact that no single approach enjoyed the support of a majority of both Houses, when combined with the exigencies of time, resulted in a bill where much—perhaps too much—was sacrificed for compromise. The many doubts expressed by so many of those who voted for the measure underscore the unusual odyssey of Senate File 1062.

* * * * *

Any bill of this scope and magnitude will contain both positive and negative provisions. Indeed Senate File 1062 contains several meritorious sections.

It improves our elderly tax credit program by providing more relief to our senior citizens.

The temporary property tax growth limitations of Senate File 1062 for local governments may prevent some otherwise potentially large increases in property tax levies during the next three years. An appeals process is established to accommodate unusual and exceptional needs.

Throughout the debate on Senate File 1062, it was apparent that the data and research needed to pursue the comprehensive and long-range changes being proposed were lacking. This is the reason why we proposed a task force to answer many of the presently unanswerable questions and give us a surer footing to develop a more permanent solution.

Provision for a task force is contained in Senate File 1062. Unfortunately it is restricted in its structure and capabilities. The geographic and partisan restrictions on the task force's membership will make it difficult to secure members with the kind of stature and the varied talents and backgrounds we feel essential for a top-notch task force. And the early reporting date for the task force to make its recommendations may inhibit comprehensive review and analysis of the complex issues at stake.

The most inexplicable and indefensible provision in the task force section is the requirement that public members work without pay while the legislative members receive $40 per day.

While the task force is a far cry from what we had recommended, we intend to make it work.

* * * * *

It is imperative that in important, far-ranging bills that the meritorious features outweigh the countervailing negative aspects. Regrettably, I find

this is not the case in Senate File 1062. There are several very serious considerations that weigh strongly against complete acceptance of this bill.

One consideration of paramount concern to all Iowans is the eventual cost of this legislation. It is estimated by the Revenue Department and State Comptroller that the total cost of the first year of Senate File 1062 (FYE 77) is approximately $7 million more than we recommended. But the real spending problem is in the second year (FYE 78) when it is estimated that the bill will cost approximately $21 million more than we originally recommended.

Even these substantial cost estimates are conservative. We have reason to believe that with the weaker limitations on property tax increases by local governments, the cost of new homestead credits in Senate File 1062 may be considerably more than estimated.

One would have to view Senate File 1062 with much hesitation and trepidation solely because of its cost, especially since we do not know what other spending measures this legislature may adopt. Should the State be required to seek new or increased taxes in two or three years because of this bill, Iowans would have the kind of tax relief they can hardly afford.

* * * * *

Senate File 1062 makes a long-term commitment with two marked departures from our present taxing system—a changed and greatly enlarged homestead credit and the use of 100% productivity for the assessment of agricultural land with a twist that could be detrimental to some farmers. While these departures may be desirable, Senate File 1062 initiates them based on little more than cursory knowledge of their impact on our tax system, long-term implications, and desirability vis-a-vis future alternatives. Further, the task force should not be preempted from considering all alternatives.

The deviation from existing policies contained in Senate File 1062 is demonstrated in its effect on state aid for schools. For the first time in many years, and contrary to the direction we have been pursuing, state aid for schools will actually decrease next year—from about $383 million to $378 million. Considering that school costs next year will be in excess of $55 million more than this year, the decrease in state aid for schools is a radical shift from our present policy of increased school costs being financed primarily from state revenues. The approach we have had is a proven method of property tax relief—and has equalized education for our young people.

* * * * *

While Senate File 1062 would soften the blow of increased property taxes in some areas more than our proposal, it provides no relief for Iowans who rent. It is estimated that roughly one-fifth of all homes in the residential class of property in the State are rental units. Since the homestead credit is available only to owner-occupants, renters will receive no benefits under the bill even though their rental payments will reflect increased property taxes.

Finally, I point out that Senate File 1062 does little to keep industrial, personal, and utility property from enjoying a reduction in taxes while agricultural and residential property taxes increase—a point often criticized during the debate on this bill.

* * * * *

As we have reviewed Senate File 1062, it has become more and more apparent that this measure is poorly conceived and ill-designed. The bill is so fraught with uncertainties and difficulties that we have found few legislators willing to sing its praises. It is indeed surprising that a bill of such consequence would elicit so little support following passage while generating, from members of both parties, so many requests for a full or item veto.

If I were to veto Senate File 1062 in total, for which a good argument can be made, the General Assembly would be compelled to reconsider the bill, start all over, or return in special session in order to keep Iowans from being unduly hit by excessive property tax increases. Yet as legislators continue to tell me, there is little reason to believe this legislature could turn out a better product. The same differences and the same problems frustrating the General Assembly during the development of Senate File 1062 still exist.

While there is no assurance that the legislature would give us an improved bill should I veto Senate File 1062, there would be a guarantee of more lost time in the local budgetary process. Should this occur, local units of governmen would be delayed in their tax collections and would incur extra interest cost of some $2 million a month.

While I am tempted to veto Senate File 1062, the prospect of havoc, little or no improvement, and added expense for local governments persuades me to sign into law the first year of this bill. Iowans must have some help and the first year under Senate File 1062 does send state revenues back to give some relief to some taxpayers.

The same considerations do not hold true for the second and third years of Senate File 1062. Next year we will have better information relative to the amount of money available from state resources for financing a property tax package for future years. We also will have the benefit of the efforts of the task force and can act upon its recommendations after they are made—instead of before. The new General Assembly will be in a position to consider improvements in or alternatives to the second and third year provisions of Senate File 1062 in a timely fashion. It could, of course, accept the second and third year provisions of Senate File 1062 if the data, statistics, and judgment accumulated during the interim warrant it.

Because of these considerations, I have decided to item veto from Senate File 1062 the homestead credits for FYE 1978 and FYE 1979, the change in assessment procedures for agricultural property for the same two years, and the automatic surplus triggers which are operative only because of the second and third years of the bill.

By vetoing the second and third years of this bill, I realize that prompt action will have to be taken to achieve a fair and equitable tax program when the next legislative session convenes.

This item veto should not be construed as opposition on my part to the establishment of additional productivity for agricultural land or assessment changes for other classes of property. It does mean that there are unknowns contained in this tax package that, if uncorrected, could do more harm than good to many taxpayers who are hoping for some relief.

I am also item vetoing the property tax limitations for special districts. It was intended that these special purpose districts be under the property tax limitations, but further study convinces us that the administration of and compliance with the limitations would be virtually impossible.

* * * * *

While I recognize there is always risk in an action such as I am taking today with this item veto, I truly believe that the risk is well worth it when we consider the definite possibility of writing into law next session a far superior plan—one that will be supported by fact and which will help the farmer and the residential dweller. It is hard to imagine that next year's effort will not produce something at least as good and hopefully much better than Senate File 1062.

It must now be apparent that an equitable solution to the basic problem—how local government services can be supplied to our people and how the costs of these services should be allocated—is not simple to develop—but neither is it impossible. The combination of better data and the dedication of people to improve the existing system can surely result in the evolution of a program that can meet the tests of time.

For these reasons, I hereby disapprove the aforementioned eight items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1062 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 26, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 1040, an act relating to applications and fees for high school equivalency diplomas.

House File 1226, an act relating to loans made by a credit union to its director.

House File 1361, an act relating to short-term loans of cities.

House File 1494, an act exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions.

House File 1495, an act relating to bedding sanitation in hotels, motels, and motor inns.

House File 1509, an act relating to certification for applicators of restricted use of pesticides.

Senate File 1139, an act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation.

Senate File 1263, an act relating to fees which certain municipal corporations charge milk plants and receiving stations.

AMENDMENTS FILED

H—6444

Amend amendment H—5554 to House File 1069 as follows:

1. By striking lines 4 through 30 and inserting in lieu thereof the following:

"Section 1. Section five hundred thirty-five (535), Code 1975, is amended by adding the following new subsection:

"Any individual or individuals, or partnership borrowing money in the principal amount of twenty-five thousand dollars or more for a business or agricultural purpose may agree in writing to pay interest at a rate of not more than five percent in excess of the discount rate on ninety day commercial paper in effect at the Federal Reserve District encompassing Iowa at the time the loan is made, and no such individual or individuals, or partnership so agreeing in writing shall plead or interpose the claim or defense of usery in any action or proceeding."

SCHROEDER of Pottawattamie
HENNESSEY of Delaware
LONERGAN of Boone
TOFTE of Winneshiek
OAKLEY of Clinton
DANKER of Pottawattamie
KOOGLER of Mahaska
BORTELL of Madison
BROCKETT of Marshall
EVANS of Grundy
LINDEEN of Henry
PELLETT of Cass
WEST of Marshall
MILLER of Cerro Gordo
HUSAK of Tama
CRABB of Crawford
JORDAN of Linn
EGENES of Story
SPENCER of Clay
BRANSTAD of Winnebago
MILLER of Buchanan
DRAKE of Muscatine
HARPER of Davis
HANSEN of O'Brien
HORN of Linn
McELROY of Fremont
BENNETT of Ida
HINKHOUSE of Cedar
CLARK of Lee
MILLEN of Van Buren
WULFF of Black Hawk
DUNTON of Keokuk

VARLEY of Adair
HALVORSON of Clayton
NEALSON of Muscatine
READINGER of Polk
KRAUSE of Palo Alto
RINAS of Linn
LIPSKY of Linn
WOODS of Polk
STROMER of Hancock
GENTLEMAN of Polk
DEN HERDER of Sioux
WELDEN of Hardin
WYCKOFF of Benton
HARVEY of Scott
MENKE of O'Brien
DIELEMAN of Marion
MILLER of Calhoun
DOYLE of Woodbury
MIDDLESWART of Warren
NEWHARD of Jones
GRIFFEE of Chickasaw

H—6434

Amend House File 1468 as follows:

1. Page 2, by striking lines 8 through 20 and inserting in lieu thereof the following:

"Sec. 4. Chapter five hundred ninety-eight (598), Code 1975, is amended by adding the following new section:

NEW SECTION. A decree of dissolution shall automatically revoke any prior designation of one spouse by the other as beneficiary of any policy or contract of life insurance, endowment or annuity on the life of the designating spouse and, unless otherwise ordered by the court in the decree of dissolution, such contract or policy shall be payable to the estate of the designating spouse or to such beneficiary as the designating spouse may thereafter name; provided that the company issuing such policy or contract shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless before such payment the company shall have written notice, by or on behalf of the insured or the estate of the insured or one of the heirs of the insured, or any other person having an interest in such policy or contract, of a claim thereunder and of the decree."

JESSE of Polk
OAKLEY of Clinton
HALVORSON of Clayton

H—6440

Amend House File 1554 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred forty-one point

twenty-one (441.21), subsection three (3), Code 1975, is amended to read as follows:

3. Any normal and necessary repairs to any building, not amounting to structural replacements or modification, shall not increase the taxable value of such building. The provisions of this paragraph shall apply only to repairs of [five hundred] *one thousand* dollars or less per building per year."

BENNETT of Ida
HARVEY of Scott
MILLER of Buchanan
DAGGETT of Adams
WYCKOFF of Benton
KREAMER of Polk
STROMER of Hancock
SCHROEDER of Pottawattamie
HINKHOUSE of Cedar
WOODS of Polk
WEST of Marshall
DIELEMAN of Marion
NEALSON of Muscatine
MENKE of O'Brien
BRANSTAD of Winnebago
PERKINS of Greene
LAGESCHULTE of Bremer
TAUKE of Dubuque
HUTCHINS of Guthrie
WULFF of Black Hawk
MILLER of Calhoun
TOFTE of Winneshiek
HANSEN of O'Brien
CRABB of Crawford
VARLEY of Adair
McELROY of Fremont
DEN HERDER of Sioux
DANKER of Pottawattamie
PELLETT of Cass
BORTELL of Madison

H—6428

Amend Senate File 7 as follows:

1. Page 1 by inserting after line 26 the following:

"Sec. 2. Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 and 1976 Sessions, is amended by adding the following new section:

NEW SECTION. MOTORIZED BICYCLE LICENSE.

1. The department may issue a motorized bicycle license to any person fifteen years of age or older who has passed the approved driver education course required for applicants for such license. A motorized bicycle license shall entitle the licensee to operate a motorized bicycle while having the license in immediate possession on the highways of the state

for a period of two years.

2. A motorized bicycle license shall be canceled upon a conviction for a moving traffic violation and reapplication may be made thirty days after the date of cancellation. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section three hundred twenty-one A point seveteen (321A.17), of the Code, unless the conviction would otherwise result in a suspension or revocation of a person's operator's license.

3. As used in this section, "moving traffic violation" does not include any violation of any section of the Code or any municipal ordinance pertaining to the standards to be maintained for motor vehicle equipment except sections three hundred twenty-one point four hundred thirty (321.430) and three hundred twenty-one point four hundred thirty-one (321.431) of the Code, or any municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles.

4. A motorized bicycle license is not required to operate a motorized bicycle if possessed of an operator's or chauffeur's license valid for operation of motorcycles.

5. A motorized bicycle license shall terminate upon issuance to the licensee of an operator's or chauffeur's license valid for operation of motorcycles. A valid motorized bicycle license shall be returned to the department prior to issuance of an operator's or chauffeur's license valid for operation of motorcycles.

Sec. 3. Section three hundred twenty-one point one (321.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters

Page 2

sixty-seven (67) and one hundred seventy (170), is amended by adding the following new subsection:

NEW SUBSECTION. "Motorized bicycle" or "motor bicycle" means a two-wheeled motor vehicle with an engine having a displacement no greater than fifty cubic centimeters as fixed by the department and not capable of operation at a speed in excess of twenty-five miles per hour on level ground unassisted by human power.

Sec. 4. Section three hundred twenty-one point one (321.1), subsection three (3), Code 1975, is amended to read as follows:

3. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter [and a bicycle with motor attached] but excluding a tractor *and a*

motorized bicycle.

Sec. 5. Section three hundred twenty-one point thirty-four (321.34), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, *motorized bicycle*, truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle.

Sec. 6. Section three hundred twenty-one point thirty-seven (321.37), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Registration plates issued for a motor vehicle other than a motorcycle, *motorized bicycle* or a truck tractor shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof. The registration plate issued for a truck tractor shall be attached to the front thereof.

Sec. 7. Section three hundred twenty-one point one hundred seventeen (321.117), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-one (171), section eleven (11), is amended to read as follows:

321.117 MOTORCYCLE AND HEARSE FEES. For all motorcycles the annual fee shall be ten dollars. *For all motorized bicycles the annual fee shall be five dollars.* When said motorcycle has been registered five times, the annual registration fee shall be five dollars. The annual registration fee for hearses shall be fifty dollars. Passenger car plates shall

Page 3

be issued for hearses.

Sec. 8. Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1975, is amended to read as follows:

1. To any person, as an operator, who is under the age of sixteen years; provided that, effective August 1, 1966, the department shall not issue a license to any person, as an operator, who is under the age of seventeen years and effective August 1, 1967, the department shall not issue a license to any person, as an operator, who is under the age of eighteen years, without his first having successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years. However, the department may issue a restricted license as provided in section 321.194, or an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. *The department may issue a license restricted only for use for motorized bicycles as provided in section two (2)*

of this Act, to any person fifteen years of age or older who has successfully completed an approved driver's education course established by the department of public instruction to acquaint the motorized bicycle operator with the rules of the road.

Sec. 9. Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection one (1), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

"Student," for purposes of this section, [shall mean] *means* any person between the ages of fifteen years and twenty-one years who resides in the public school district and who satisfies the preliminary licensing requirements of the department *or any person between fifteen and twenty-one years of age who resides in the public school district, who satisfies the preliminary licensing requirements of the department for operation of a motorized bicycle and who is enrolled in an approved driver education course for the purpose of qualifying for a motorized bicycle license as provided for in section two (2) of this Act.*

Sec. 10. Section three hundred twenty-one point one hundred seventy-eight (321.178), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79) section fifteen (15), is amended by adding the following new subsection:

NEW SUBSECTION. An individual applying for a motorized bicycle license shall take the approved

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driver education course without meeting the highway driving experience requirement.

Sec. 11. Section three hundred twenty-one point one hundred eighty-two (321.182), Code 1975, is amended to read as follows:

321.182 APPLICATION FOR LICENSE OR PERMIT. Every application for an instruction permit [or for], an operator's or chauffeur's license [or], *a* temporary driver's permit *or a motorized bicycle license* shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department are hereby authorized to administer such oaths without charge. The applicant shall write his usual signature with pen and ink upon the application in the space provided for signature.

Sec. 12. Section three hundred twenty-one point one hundred eighty-four (321.184), Code 1975, is amended to read as follows:

321.184 APPLICATIONS OF MINORS. The application of any person under the age of eighteen years for an instruction permit, operator's license, *motorized*

bicycle license, or permit issued under section 321.194 shall contain the verified consent and confirmation of applicant's birthday by both the father and mother of applicant, or the parent having custody in the event of the legal separation or the death of one parent; if neither parent is living, the guardian or other person having custody, or the employer, of such minor may consent. Officers and employees of the department are hereby authorized to administer such oaths without charge.

Sec. 13. Section three hundred twenty-one point one hundred eighty-six (321.186), Code 1975, is amended to read as follows:

321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS. The department may examine every new applicant for an operator's, *motorized bicycle* or chauffeur's license or any person holding a valid operator's, *motorized bicycle* or chauffeur's license when the department has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify such an examination. Such examinations shall be held in every county within periods not to exceed fifteen days. It shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall

Page 5

include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and such further physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

Sec. 14. Section three hundred twenty-one point one hundred eighty-seven (321.187), Code 1975, is amended to read as follows:

321.187 APPOINTMENT OF EXAMINERS. The department is hereby authorized to appoint persons from the members of the department or may designate the county sheriff for the purpose of examining applicants for operators', *motorized bicycle* and chauffeur's licenses. It shall be the duty of any such person so appointed to conduct examinations of applicants for operators', *motorized bicycle* and chauffeurs' licenses under the provisions of this chapter to make a written report of findings and recommendations upon such examination to the department. Examiners appointed by the department when on duty shall wear a proper identifying badge or badges as prescribed by the director which shall be purchased by the department and paid for from the department maintenance fund.

Sec. 15. Section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, is amended to read as follows:

321.189 LICENSES ISSUED. The department shall upon payment of the required fee, issue to every applicant qualifying therefor an operator's or chauffeur's *or motorized bicycle* license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, occupation, sex, residence address, a brief description of the licensee, and the usual signature of the licensee. No license shall be valid unless it bears the signature of the licensee.

Sec. 16. Section three hundred twenty-one point one hundred ninety (321.190), Code 1975, is amended to read as follows:

321.190 CARRIED AND EXHIBITED. Every licensee shall have his operator's or chauffeur's, *or motorized bicycle* license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he produces in court, within a reasonable time, an operator's or chauffeur's *or motorized bicycle*

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license [theretofore] issued to him and valid at the time of his arrest.

Sec. 17. Section three hundred twenty-one point one hundred ninety-one (321.191), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The fee for an operator's license shall be five dollars if issued for a period of two years, and ten dollars if issued for a period of four years. The fee for a chauffeur's license shall be ten dollars if issued for a period of two years, and twenty dollars if issued for a period of four years. The fee for an instruction permit shall be three dollars [and], for a temporary driver's permit, five dollars *and* ***for a motorized bicycle license, five dollars.***

Sec. 18. Section three hundred twenty-one point one hundred ninety-two (321.192), Code 1975, is amended to read as follows:

321.192 DISPOSAL OF FEES. Such license fees shall be forwarded by the department to the treasurer of state who shall place same in the general fund of the state, provided that for each operator's *and motorized bicycle* license issued by a county sheriff for which a license fee is paid, the sheriff issuing the same shall be entitled to retain the sum of fifteen cents and for each chauffeur's license, the sum of fifty cents, which shall be credited to the county

general fund.

Sec. 19. Section three hundred twenty-one point one hundred ninety-three (321.193), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

When provided in rules adopted pursuant to chapter 17A, the department upon issuing an operator's or chauffeur's license *or motorized bicycle license* shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee, including licenses issued under section 321.194, as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

Sec. 20. Section three hundred twenty-one point one hundred ninety-five (321.195), Code 1975, is amended to read as follows:

321.195 DUPLICATE CERTIFICATES. In the event that an instruction permit [or], operator's or chauffeur's license, *motorized bicycle license* or extension certificate issued under the provisions

Page 7

of this chapter is lost or destroyed, the person to whom the same was issued may upon payment of a fee of two dollars for an operator's or chauffeur's license, [or] extension certificate *or motorized bicycle license*, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit, license, or extension certificate has been lost or destroyed.

Sec. 21. Section three hundred twenty-one point two hundred one (321.201), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. The provisions applicable in sections three hundred twenty-one point two hundred one (321.201) through three hundred twenty-one point two hundred fifteen (321.215) of the Code relating to cancellation, suspension or revocation of an operator's or chauffeur's license are also applicable to motorized bicycle licenses and licensees holding motorized bicycle licenses.

Sec. 22. Section three hundred twenty-one point two hundred sixteen (321.216), Code 1975, is amended to read as follows:

321.216 UNLAWFUL USE OF LICENSE. It is a misdemeanor, punishable as provided in section 321.482 unless another punishment is otherwise provided, for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered temporary

driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license.

2. To lend his temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license to any other person or knowingly permit the use thereof by another.

3. To display or represent as one's own any temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license not issued to him.

4. To fail or refuse to surrender to the department upon its lawful demand any temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license which has been suspended, revoked, or canceled.

5. To use a false or fictitious name in any application for a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license or to

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knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

6. To permit any unlawful use of a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license issued to him.

Sec. 23. Section three hundred twenty-one point two hundred eighteen (321.218), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. Any person operating a motorized bicycle on the highways of the state not possessed of an operator's or chauffeur's license valid for operation of motorcycles or a valid motorized bicycle license, shall, upon conviction, be guilty of a misdemeanor and punished by a fine of not less than five nor more than fifty dollars.

Sec. 24. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179), section one (1), is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115 *and motorized bicycles*, when first registered in this state and each time when transferred for use within this state or when registration is changed from a registration as provided in section 321.115 to a regular registration, other than transfers to a dealer licensed under chapter three hundred twenty-two (322), shall

be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for the motor vehicle not more than sixty days prior to the date on which the vehicle was transferred and the vehicle has not been transferred during the sixty-day period, provided that during a one-year period the vehicle may be transferred between parents and their children or between spouses without another inspection. A vehicle inspection is not required when the transfer of the vehicle or an interest in the vehicle is between spouses or when required pursuant to a decree for dissolution of marriage between former spouses. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station

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without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. If an inspection is required, an applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his residence, a statement on a form provided by the director, signed by an authorized inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. If an inspection is required the county treasurer shall not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his Iowa residency and he executes a statement to that effect in form and content as prescribed by the director. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-of-state residency to the department at the time of mailing copies of

the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals.

Sec. 25. Section three hundred twenty-one point two hundred seventy-five (321.275), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The provisions of this section shall apply to motorized bicycles.

Sec. 26. Section three hundred twenty-one point three hundred eighty-five (321.385), Code 1975, is amended to read as follows:

321.385 HEAD LAMPS ON MOTOR VEHICLES. Every motor vehicle other than a motorcycle *or motorized bicycle* shall be equipped with at least two head lamps with at least one on each side of the front of the motor

Page 10

vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

Sec. 27. Section three hundred twenty-one point four hundred thirty (321.430), subsection one (1), Code 1975, is amended to read as follows:

1. Every motor vehicle, other than a motorcycle *or motorized bicycle*, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

Sec. 28. Section three hundred twenty-one point four hundred thirty (321.430), subsection four (4), paragraph a, is amended to read as follows:

a. Any motorcycle *or motorized bicycle.*"

2. Amend the title by inserting after the word "to" the words "bicycles and motorized bicycles and providing for a motorized bicycle license and for".

3. Renumber the sections and correct internal references as necessary in conformance with this amendment.

HINES of Story

H—6438

Amend amendment H—6416 to Senate File 205, as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 26, by striking the word "three" and inserting in lieu thereof the word "two".

2. Page 1, line 49, by striking the word "three" and inserting in lieu thereof the word "two".

3. Page 1, line 50, by inserting after the period the following: "The board may, by notifying the teacher in writing on or before March thirty-first of the second year, extend the probationary period one additional year for a beginning teacher with no previous teaching experience."

EGENES of Story
SVOBODA of Iowa

H—6439

Amend Senate File 205, as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by inserting before line 1 the following section:

"Sec. ..... Section twenty point nine (20.9), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training and other matters mutually agreed upon. *Public employees employed by a school district, area education agency, or area school and the respective board of directors shall also negotiate in good faith with respect to the termination of teacher contracts and discharge of teachers.* Negotiations shall also include terms authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days' written notice. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession."

2. Page 1, line 25, by striking the word "two" and inserting in lieu thereof the word "three".

3. Page 2, by striking lines 5 through 35 and inserting in lieu thereof the following subsection:

"..... Procedures for the termination of a teacher's contract and procedures for the discharge

of a teacher by the board shall be negotiated under the provisions of chapter twenty (20) of the Code."

4. By striking pages 2 through 7 and inserting in lieu thereof the following section:

"Sec. ..... Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is repealed."

5. By numbering sections and subsections as necessary.

BROCKETT of Marshall

H—6422

Amend Senate File 1258 as follows:

1. Page 4, line 7, by striking the words "If not inconsistent with" and inserting in lieu thereof the word "Notwithstanding".

BRUNOW of Appanoose
BINA of Scott
CUSACK of Scott
HARVEY of Scott

H—6430

Amend Senate File 1258, as passed by the Senate, as follows:

1. Page 4, line 7, by striking the words "If not inconsistent with" and inserting in lieu thereof the word "Notwithstanding".

NIELSEN of Polk
BYERLY of Polk

H—6442

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

Page 5, line 15, by striking the figure "3,000,000" and inserting in lieu thereof the figure "3,500,000".

BAKER of Buena Vista
STROMER of Hancock

H—6443

Amend the amendment H—6442 to Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

Page 1, line 4, by striking the figure "3,500,000" and inserting in lieu thereof the figure "3,900,000".

BAKER of Buena Vista
STROMER of Hancock

H—6423

Amend Senate File 1288 by striking everything after the enacting clause and inserting in lieu thereof the following:

Sec. ..... Section seventeen A point four (17A.4), subsections one (1) and two (2), Code 1975, are amended to read as follows:

1. Prior to the adoption, amendment, or repeal of any rule an agency shall:

a. Give notice of its intended action by [causing a notice] *submitting two copies of the notice to the Code editor* to be published in the "Iowa Administrative Code" *created pursuant to section seventeen A point six (17A.6) of the Code.* Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon.

b. Afford all interested persons [reasonable opportunity] *not less than twenty days* to submit data, views or arguments in writing. If timely requested in writing by twenty-five interested persons, by a governmental subdivision, by the administrative rules review committee, by an agency, or by an association having not less than twenty-five members, the agency must give interested persons an opportunity to make oral presentation according to agency rules which give the public [adequate] *not less than twenty days* notice of the time when and the place where oral presentation may be made, and which provide for the presentation prior to agency action on the rule which is the subject of the proceeding. The agency shall consider fully all written and oral submissions respecting the proposed rule. Within one hundred eighty days following either the notice published according to the provisions of subsection 1, paragraph "a" or *within one hundred eighty days after* the last date of the oral presentations on the proposed rule, whichever is later, the agency shall adopt a rule pursuant to the rule-making proceeding or shall terminate the proceeding *by publishing notice of termination in the Iowa administrative code.* If requested to do so by an interested person, either prior to adoption or within thirty days thereafter, the agency shall issue a concise statement of the principal reasons for and against the rule it adopted, incorporating therein the reasons for

overruling considerations urged against the rule.

c. Upon the request of at least two members of the administrative rules review committee, publish in the "Iowa Administrative Code" an estimate of the economic impact of the proposed rule adoption, amendment, or repeal upon all persons affected by it and upon the agency itself. If the agency determines that such an estimate cannot be formulated, the reasons for impossibility of formulation shall

be published instead of the estimate. An estimate of the adoption, amendment or repeal of the rule. In the case of a rule issued under subsection two (2) or made effective under the provisions of section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code, an estimate, or the reasons for the impossibility of formulating an estimate shall be published within thirty days of the request.

2. When an agency for good cause finds that notice and public participation would be impracticable[, unnecessary,] or contrary to the public interest, the provisions of subsection 1 shall be inapplicable *if the rule which is so adopted provides by its own terms that it shall be effective for only one hundred eighty specified days. If an agency for good cause finds that notice and public participation would be unnecessary, subsection 1 shall be inapplicable if a majority of the members of the Administrative Rules Review Committee approve the inapplicability.* The agency shall incorporate in each rule issued in reliance upon this provision either the finding and a brief statement of the reasons therefor, or a statement that the rule is within a very narrowly tailored category of rules whose issuance has previously been exempted from subsection 1 by a special rule relying on this provision and including such a finding and statement of reasons for the entire category. In any action contesting a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest and that, if a category of rules was involved, the category was very narrowly tailored.

Sec. 2. Section seventeen A point five (17A.5), Code 1975, is amended to read as follows:

17A.5 FILING AND TAKING EFFECT OF RULES.

1. Each agency shall file in the office of the secretary of state [a] *three* certified [copy] *copies* of each rule adopted by it[, including all rules as defined in this chapter existing on July 1, 1975]. *Each adopted rule shall, before filing, be submitted*

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for endorsement by the Code editor that it is in proper form and style. The Code editor shall not hold a rule for endorsement for longer than a week. Lack of endorsement shall not preclude publication of a rule. Two copies of it shall be forwarded to the Code editor. The secretary of state shall keep a permanent register of the rules open to public inspection. [Rules presently on file in the office of the secretary of state need not be refiled.]

2. Each rule hereafter adopted is effective thirty-five days after filing, as required in this

section, and indexing and publication as required by section 17A.6, except that:

a. If a later date is required by statute or specified in the rule, the later date is the effective date.

b. Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the secretary of state, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing and publication, if *the rule provides by its own terms that it is not effective for a period not to exceed one hundred eighty days, as specified, and if* the agency finds:

(1) That a statute so provides;

(2) That the rule confers a benefit or removes a restriction on the public or some segment thereof; or

(3) That this effective date is necessary because of imminent peril to the public health, safety or welfare. In any subsequent action contesting the effective date of a rule promulgated under this paragraph, the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to make known to the persons who may be affected by it a rule made effective under the terms of this paragraph.

Sec. 3. Section seventeen A point six (17A.6), subsections one (1) and three (3), Code 1975, are amended to read as follows:

1. The Code editor shall cause to be compiled, indexed and published in loose leaf form all rules adopted by each agency and notice of all proposed rule-making by each agency. The Code editor further shall cause to be [distributed] *published* supplements to this publication at least every other week which

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supplements shall contain, in such a form that they may be filed in the appropriate places in the compilation, all rules and notices of proposed rules filed for publication in the prior two weeks. The Code editor shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

3. This publication, which shall be known as the "Iowa Administrative Code", shall be made available upon request to all persons who subscribe [thereto] *to it through the state printing division. Copies of this Code so made available shall be kept current by the division.*

Sec. 4. Section seventeen A point eight (17A.8),

Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. **Notwithstanding section thirteen** point seven (13.7) of the Code, the committee may employ necessary legal and technical staff.

Sec. 5. Section eighteen point ninety-seven (18.97), Code 1975, as amended by the Acts of the Sixty-sixth General Assembly, 1975 Session, Chapter 72, is amended by striking unnumbered paragraph 1 and inserting in lieu thereof the following:

The superintendent of printing shall make free distribution of the Code, rules of civil procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code as follows:"

2. By amending the title by inserting after the word "rule" the following: "modifying provisions of the Iowa Administrative Procedure Act, limiting the duration of an emergency rule, relating to the duties of the Code editor in publishing the Iowa Administrative Code, relating to the duties of the superintendent of printing in distributing the Iowa Administrative Code, and providing staff for the administrative rules review committee".

MONROE **of Des Moines**
HARVEY **of Scott**

H—6437

Amend amendment H—6423 to Senate File 1288 as follows:

1. Page 3, line 23, by striking the word *"not".*

2. Page 4, by inserting after line 29 the following:

Sec. ..... Chapter one hundred forty-seven (147), Code 1975, is amended by adding the following new section:

NEW SECTION. **The examining boards for the various** professions shall promulgate all necessary and proper rules to implement and interpret the provisions of this chapter and chapters one hundred forty-eight (148), one hundred forty-eight A (148A), one hundred forty-eight B (148B), one hundred forty-nine (149), one hundred fifty (150), one hundred fifty A (150A), one hundred fifty-one (151), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-four (154), one hundred fifty-four A (154A), one hundred fifty-four B (154B), one hundred fifty-five (155), and one hundred fifty-six (156) of the Code."

MONROE **of Des Moines**

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:30 p.m. until 9:00 a.m., Wednesday, April 28, 1976.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day—Seventy-first Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, APRIL 28, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Randall R. Teeuwen, pastor of the United Church of Christ, Cedar Falls, Iowa.

The Journal of Tuesday, April 27, 1976, was approved.

LEGISLATIVE PHYSICAN FOR THE DAY

Dr. William A. Castles, Dallas Center, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rinas of Linn on request of Jordan of Linn.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Forty-four junior students from Lake Mills High School, Lake Mills, Iowa, accompanied by Jim Blum and Mark Mortenson. By Branstad of Winnebago.

Fifty-five sixth grade students from Gilbert Elementary School, Gilbert, Iowa, accompanied by Miss Hepperle and Mrs. Gleason. By Egenes of Story.

Forty fifth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Mrs. Phillips. By Brunow of Appanoose.

Thirty-five ninth grade students from Logan Junior High School, Waterloo, Iowa, accompanied by Mr. Miller and Mr.

Harms. By Brandt of of Black Hawk, O'Halloran of Black Hawk and Middleton of Black Hawk.

Fifteen government students from Charles City High School, Charles City, Iowa, accompanied by Chuck Redenius. By Howell of Floyd.

Fifty fifth grade students from Chariton, Iowa, and fifty fifth grade students from Lucas, Iowa, accompanied by Miss Shelton. By Middleswart of Warren.

Thirty students, including Jan Lyman, former Page in the House of Representatives, from Fort Dodge High School and St. Edmonds High School, Fort Dodge, Iowa, accompanied by Ron Hageman and Mike Penning. By Fitzgerald of Webster and Cochran of Webster.

Fifty fourth grade students from Perry, Iowa, accompanied by Susan Lesley and Lois Seeley. By Varley of Adair.

PETITIONS

The following petitions were received and placed on file:

By Wells of Linn from eleven constituents favoring Senate File 106, relating to an act prohibiting smoking in certain public areas and providing a penalty.

By Wells of Linn from twenty-seven constituents favoring a television series documenting the History of Iowa to be aired over the Iowa Educational Broadcasting Network.

By Horn of Linn from one hundred seventy-four cyclists of Iowa favoring the helmet law amendment adopted by the House.

INTRODUCTION OF BILL

House File 1565, by committee on appropriations, a bill for an act to appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource programs.

Read first time and **placed on the appropriations calendar.**

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 48 for the steering committee meeting.

UNFINISHED BUSINESS

The House resumed consideration of **Senate File 1265, a bill** for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code, and the motion to defer action by Menke of O'Brien.

Menke of O'Brien asked and received unanimous consent to withdraw his motion to defer.

The House resumed consideration of amendment H—6391 as follows:

H—6391

Amend Senate File 1265 as passed by the Senate as follows:

1. Page 1, by inserting after line 31 the following:

"Sec. ..... Section three hundred six C point eleven (306C.11), subsection four (4), Code 1975, is amended to read as follows:

4. Official *and* directional [or other traffic control devices or] signs[. Advertising devices] and notices which shall include, but not be limited to, [advertising devices] *signs* and notices pertaining to natural wonders, scenic and historic attractions, recreational attractions and municipal recognition signs, which shall conform with rules promulgated by the department, provided that such rules shall be consistent with national standards promulgated [from time to time by the appropriate authority of the federal government,] pursuant to Title 23, section 131, [paragraph] *subsection* "c" of the United States Code.

Sec. ..... Section three hundred six C point thirteen (306C.13), subsection six (6), Code 1975, is amended to read as follows:

6. Official [advertising devices] *and directional signs and notices* and advertising devices concerning the sale or lease of the property or activities conducted upon the property as specified in Title 23, section 131, [paragraph] *subsection* "c" of the United States Code, shall not be taken into consideration in determining compliance with spacing requirements."

2. Renumber sections and correct internal references as necessary in conformance with this amendment.

3. Amend the title, line 1, by striking the words "to establish" and inserting in lieu thereof the words "relating to certain signs and notices providing for changes in terms referring to certain signs and notices and establishing".

Perkins of Greene moved the adoption of amendment H—6391.

Amendment H—6391 was adopted.

Krause of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 1265)

The ayes were, 55:

Anderson	Fitzgerald	Jordan	Poncy
Avenson	Gentleman	Koogler	Readinger
Bina	Griffee	Krause	Scheelhaase
Binneboese	Hargrave	Mennenga	Schroeder
Bortell	Harper	Middleswart	Small
Brandt	Harvey	Miller, A. V.	Spradling
Brunow	Hennessey	Monroe	Svoboda
Connors	Higgins	Nealson	Tauke
Crawford	Hinkhouse	Newhard	Walter
Cusack	Horn	Norland	Wells
Dieleman	Howell	Oakley	West
Doyle	Hullinger	Patchett	Wulff
Drake	Jesse	Pavich	Mr. Speaker
Dunton	Jochum	Perkins	

The nays were, 31:

Baker	Evans	Lindeen	Spencer
Bennett	Halvorson	Lipsky	Stromer
Branstad	Hansen	McElroy	Tofte
Brockett	Husak	Menke	Varley
Crabb	Hutchins	Millen	Welden
Daggett	Junker	Miller, K. D.	Woods
Danker	Kreamer	Miller, O. L.	Wyckoff
Dyrland	Lageschulte	Pellett	

Absent or not voting, 14:

Bittle	Den Herder	Lonergan	O'Halloran
Byerly	Egenes	Middleton	Rinas
Caffrey	Gilloon	Nielsen	Spear
Clark	Hines		

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

HOUSE FILE 1330 WITHDRAWN

Krause of Palo Alto asked and received unanimous consent to withdraw **House File 1330** from further consideration by the House.

HOUSE FILE 1535 WITHDRAWN

Rinas of Linn asked and received unanimous consent to withdraw **House File 1535** from further consideration by the House.

CONSIDERATION OF BILLS

STEERING COMMITTEE CALENDAR

SENATE FILE 1258 SUBSTITUTED FOR HOUSE FILE 1528

Small of Johnson asked and received unanimous consent to substitute Senate File 1258 for House File 1528.

Senate File 1258, a bill for an act relating to the establishment of electric utility service areas and to the regulation of rural electric cooperative rates by the state commerce commission, was taken up for consideration.

Brunow of Appanoose offered the following amendment H—6419 filed by him and moved its adoption:

H—6419

Amend Senate File 1258 as follows:

1. Page 2, by striking lines 12 through 35 and inserting in lieu thereof the following new section:

"Sec. ..... Section four hundred ninety A point twenty-three (490A.23), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section forty-four (44), is amended by striking the section and inserting the following:

490A.23 ANNEXED AREAS—ELECTRIC SERVICE.

1. All rights of municipal corporations to franchise and regulate use of streets, alleys and other public property, and all rights acquired by franchise or agreement shall be preserved in such municipalities, excepting only the duties and jurisdiction conferred upon the commission in this chapter.

2. Whenever the corporate boundaries of any city are extended, if a public utility which does not have a municipal franchise for such city is providing electric service to customers in such extended area at the time of the extension of corporate boundaries, such utility may continue to provide electric service to such customers until six years from the date the corporate boundaries shall have been extended. If such utility does not acquire a municipal franchise from such city within six years of the extension of the corporate boundaries, then, at the end of six years from the date the corporate boundaries shall have been extended, the municipally-owned utility or municipally-franchised public utility serving such city shall purchase the facilities of the non-franchised utility located within such extended area and shall furnish such service without interruption upon the acquisition of such facilities. The purchasing utility shall pay to the selling utility

the just and reasonable price for such facilities. If the public utilities involved are unable to agree as to the price for such facilities, either utility may file an application requesting the commission to determine such price. Upon application, after notice and hearing, the commission shall determine such price for the facilities, giving due consideration to the cost of the facilities being acquired, any necessary generating capacity and transmission capacity dedicated to serving the customers in the extended area, depreciation, loss of revenue, and the cost of facilities necessary to reintegrate the system of the selling utility after detaching the portion sold. Upon such determination of the just and

Page 2

reasonable price for the facilities, the commission shall direct the transfer of such facilities and customers served thereby. Until such determination by the commission, the facilities shall remain in place and service shall be maintained by the owner. Provided however, that this section shall not apply to production, generation, high-voltage transmission facilities and high-voltage transformers located in such extended area and owned by a public utility which does not have a municipal franchise for such city.

3. Notwithstanding the provisions of section 490A.24, whenever the corporate boundaries of any city are extended, electric service to new customers shall be provided by municipally-owned utility or by any public utility having a municipal franchise for such city. This section shall not be construed to prohibit the granting of a municipal franchise to a public utility by a city in which electric service is presently being furnished by a municipally-owned utility or another municipally-franchised public utility.

4. Where a public utility acquires a municipal franchise from a city presently served by a municipally-owned utility or by another municipally-franchised utility, electric service to new customers shall be provided in accordance with the provisions of section 490A.24"

2. By striking pages 3, 4, 5 and 6.

3. Page 7, by striking lines 1 through 22.

A non-record roll call was requested.

The ayes were 13, nays 60.

Amendment H—6419 lost.

Welden of Hardin offered the following amendment **H—6446** filed by him from the floor and moved its adoption:

H—6446

Amend Senate File 1258 page 3, line 35 by striking all after the period, and page 4 by striking all of lines 1 and 2.

Roll call was requested by Welden of Hardin and Varley of Adair.

On the question "Shall amendment H—6446 be adopted?"

The ayes were, 8:

Brunow	Harvey	Kreamer	Welden
Byerly	Koogler	Tofte	Woods

The nays were, 75:

Anderson	Dyrland	Jochum	Patchett
Avenson	Evans	Jordan	Pavich
Baker	Fitzgerald	Junker	Pellett
Bennett	Gentleman	Krause	Perkins
Bina	Gilloon	Lageschulte	Poncy
Binneboese	Griffee	Lindeen	Scheelhaase
Bortell	Halvorson	McElroy	Schroeder
Brandt	Hansen	Menke	Small
Branstad	Hargrave	Mennenga	Spencer
Connors	Harper	Middleswart	Spradling
Crabb	Hennessey	Middleton	Svoboda
Crawford	Higgins	Miller, A. V.	Varley
Cusack	Hinkhouse	Miller, K. D.	Walter
Daggett	Horn	Miller, O. L.	Wells
Danker	Howell	Monroe	West
Dieleman	Hullinger	Nealson	Wulff
Doyle	Husak	Newhard	Wyckoff
Drake	Hutchins	Norland	Mr. Speaker
Dunton	Jesse	O'Halloran	

Absent or not voting, 17:

Bittle	Egenes	Millen	Rinas
Brockett	Hines	Nielsen	Spear
Caffrey	Lipsky	Oakley	Stromer
Clark	Lonergan	Readinger	Tauke
Den Herder			

Amendment H—6446 lost.

Brunow of Appanoose offered the following amendment H—6422 filed by Brunow, et al., and moved its adoption:

H—6422

Amend Senate File 1258 as follows:

1. Page 4, line 7, by striking the words "If not inconsistent with" and inserting in lieu thereof the word "Notwithstanding".

Amendment H—6422 lost.

Amendment H—6430 (to page 4), filed by Nielsen and Byerly of Polk on April 27, 1976, and found on page 2260, was out of order.

Brunow of Appanoose asked for unanimous consent to defer action on Senate File 1258.

Objection was raised.

Walter of Pottawattamie offered the following amendment H—6447 filed by him and Kreamer of Polk from the floor and moved its adoption:

H—6447

Amend Senate File 1258 as follows:

1. Page 7, by adding after line 19 the following new section:

"Sec. 10. The Commerce Commission shall not employ additional personnel to perform the responsibilities set forth in Sections 6 and 7 of this Act, nor shall the Commission employ additional personnel to perform any task or responsibility which is not continuing in nature. Such short-term, one-time and other tasks or responsibilities which are not continuing in nature shall be accomplished by the Commission's subcontracting the task or responsibility to an independent contractor."

Roll call was requested by Walter of Pottawattamie and Scheelhaase of Woodbury.

On the question "Shall amendment H—6447 be adopted?"

The ayes were, 30:

Branstad	Harvey	Mennenga	Readinger
Brunow	Horn	Millen	Tauke
Byerly	Hutchins	Miller, O. L.	Tofte
Clark	Jesse	Nealson	Walter
Crawford	Koogler	Nielsen	Welden
Dunton	Kreamer	Pavich	Woods
Gentleman	Lageschulte	Pellett	Wulff
Halvorson	Lindeen		

The nays were, 59:

Anderson	Doyle	Jochum	O'Halloran
Avenson	Drake	Jordan	Patchett
Baker	Dyrland	Junker	Perkins
Bennett	Egenes	Krause	Scheelhaase
Bina	Evans	Lipsky	Small
Binneboese	Fitzgerald	Lonergan	Spencer
Bortell	Gilloon	McElroy	Spradling
Brandt	Hansen	Menke	Stromer
Brockett	Hargrave	Middleswart	Svoboda
Connors	Harper	Middleton	Varley
Crabb	Hennessey	Miller, A. V.	Wells
Daggett	Higgins	Monroe	West
Danker	Hinkhouse	Newhard	Wyckoff
Den Herder	Hullinger	Norland	Mr. Speaker
Dieleman	Husak	Oakley	

Absent or not voting, 11:

Bittle	Griffee	Miller, K. D.	Schroeder
Coffrey	Hines	Poncy	Spear
Cusack	Howell	Rinas	

Amendment H—6447 lost.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Miller of Buchanan asked for unanimous consent to take up for consideration amendment H—6448.

Objection was raised.

Final remarks having been made, Miller of Buchanan moved to suspend the rules for the consideration of amendment H—6448, filed by him from the floor as follows:

H—6448

Amend Senate File 1258 as follows:

1. Page 2, line 5, by inserting after "504A" the following: ", nor shall anything contained in this chapter prohibit telephone companies from providing service to persons living in a territory divided by a road or highway into districts in which a telephone company provides service to each district, in which case persons may elect to contract service by only one of the telephone companies operating in said district and shall not be required to contract service with one or more telephone companies within said territory".

Roll call was requested by Scheelhaase of Woodbury and Hinkhouse of Cedar.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 38:

Baker	Egenes	Kreamer	Nielsen
Bennett	Gentleman	Lageschulte	Pavich
Branstad	Halvorson	Lindeen	Pellett
Brunow	Hansen	Lipsky	Schroeder
Byerly	Harper	Menke	Tauke
Clark	Harvey	Millen	Tofte
Connors	Hennessey	Miller, A. V.	Walter
Crawford	Hines	Miller, K. D.	Welden
Daggett	Horn	Nealson	Woods
Dieleman	Koogler		

The nays were, 52:

Anderson	Fitzgerald	Lonergan	Readinger
Bina	Gilloon	McElroy	Scheelhaase
Binneboese	Hargrave	Mennenga	Small
Bortell	Higgins	Middleswart	Spencer
Brandt	Hinkhouse	Middleton	Spradling
Brockett	Howell	Miller, O. L.	Stromer
Crabb	Hullinger	Monroe	Svoboda
Danker	Husak	Newhard	Varley
Den Herder	Hutchins	Norland	Wells
Doyle	Jochum	Oakley	West
Drake	Jordan	O'Halloran	Wulff
Dyrland	Junker	Patchett	Wyckoff
Evans	Krause	Perkins	Mr. Speaker

Absent or not voting, 10:

Avenson	Cusack	Jesse	Rinas
Bittle	Dunton	Poncy	Spear
Caffrey	Griffee		

The motion lost.

On the motion for final passage, Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1258)

The ayes were, 76:

Anderson	Egenes	Jordan	Patchett
Avenson	Evans	Junker	Pavich
Baker	Fitzgerald	Koogler	Pellett
Bennett	Gentleman	Krause	Perkins
Bina	Gilloon	Lageschulte	Poncy
Binneboese	Griffee	Lindeen	Scheelhaase
Bortell	Halvorson	Lonergan	Schroeder
Branstad	Hansen	McElroy	Small
Brockett	Hargrave	Menke	Spencer
Clark	Harper	Mennenga	Spradling
Crabb	Hennessey	Middleswart	Stromer
Daggett	Higgins	Middleton	Svoboda
Danker	Hinkhouse	Miller, A. V.	Tofte
Den Herder	Horn	Miller, K. D.	Varley
Dieleman	Howell	Miller, O. L.	Welden
Doyle	Hullinger	Nealson	Wells
Drake	Husak	Newhard	West
Dunton	Hutchins	Norland	Wyckoff
Dyrland	Jochum	Oakley	Mr. Speaker

The nays were, 16:

Brandt	Crawford	Millen	Tauke
Brunow	Harvey	Nielsen	Walter
Byerly	Kreamer	O'Halloran	Woods
Connors	Lipsky	Readinger	Wulff

Absent or not voting, 8:

Bittle	Cusack	Jesse	Rinas
Caffrey	Hines	Monroe	Spear

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 1258)

Small of Johnson moved to reconsider the vote by which **Senate File 1258** passed the House on April 28, 1976.

Small of Johnson asked and received unanimous consent to withdraw the motion to reconsider.

APPROPRIATIONS CALENDAR

Senate File 1190, a bill for an act relating to the financing and administration of the office of the attorney general and making an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

Dunton of Keokuk offered the following amendment H—6313 filed by the committee on appropriations and moved its adoption:

H—6313

Amend Senate File 1190, as passed by the Senate, as follows:

1. Page 2, line 23, by inserting after the word *"If"* the word *"sufficient"*.

2. Page 2, line 24, by inserting after the word *"if"* the word *"sufficient"*.

Amendment H—6313 was adopted.

Crabb of Crawford offered the following amendment H—5329 filed by him and moved its adoption:

H—5329

Amend Senate File 1190, page 1, line 12, by striking the figure "$1,105,812" and inserting in lieu thereof the figure "$1,172,812".

Roll call was requested by Kreamer of Polk and Crabb of Crawford.

On the question "Shall amendment H—5329 be adopted?"

The ayes were, 36:

Bennett	Hansen	Menke	Small
Bortell	Harper	Middleswart	Stromer
Branstad	Harvey	Millen	Tauke
Crabb	Horn	Miller, K. D.	Tofte
Daggett	Junker	Nealson	Varley
Danker	Kreamer	Nielsen	Welden
Den Herder	Lindeen	Pellett	Woods
Drake	Lipsky	Readinger	Wulff
Gentleman	McElroy	Schroeder	Wyckoff

The nays were, 56:

Anderson	Dieleman	Howell	Monroe
Avenson	Doyle	Hullinger	Newhard
Baker	Dunton	Husak	Oakley
Bina	Dyrland	Hutchins	Patchett
Binneboese	Egenes	Jesse	Pavich
Bittle	Evans	Jochum	Perkins
Brandt	Fitzgerald	Jordan	Poncy
Brockett	Gilloon	Krause	Scheelhaase
Brunow	Griffee	Lageschulte	Spencer
Byerly	Hargrave	Lonergan	Svoboda
Clark	Hennessey	Mennenga	Walter
Connors	Higgins	Middleton	Wells
Crawford	Hines	Miller, A. V.	West
Cusack	Hinkhouse	Miller, O. L.	Mr. Speaker

Absent or not voting, 8:

Caffrey	Koogler	O'Halloran	Spear
Halvorson	Norland	Rinas	Spradling

Amendment H—5329 lost.

(Senate File 1190 pending at recess.)

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that amendments will not be considered officially filed until they are numbered by the Chief Clerk and if no numbered amendments are in the possession of the Chief Clerk at the time final remarks are to be given, further amendments would not be in order unless a member receives unanimous consent to defer action or a motion to defer action on the bill prevails.

UNANIMOUS CONSENT TO CHANGE VOTE

Middleswart of Warren asked and received unanimous consent to change his vote from "nay" to "aye" on **Senate File 1258** and the vote was so recorded.

On motion by Fitzgerald of Webster, the House was recessed until 1:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

SENATE MESSAGES CONSIDERED

Senate File 1300, a bill for an act relating to the availability of mine maps.

Read first time and **passed on file.**

Senate File 1302, a bill for an act relating to the leasing of agricultural land by state agencies.

Read first time and **passed on file.**

Senate File 1306, a bill for an act relating to the reporting of accidents involving the transportation of hazardous materials and providing a penalty.

Read first time and **passed on file.**

Senate File 1309, a bill for an act relating to the exchange of property by the Dubuque community school district to the state of Iowa for the purpose of construction of an armory and conveying land and a building to the Dubuque community school district for school use.

Read first time and referred to committee on **ways and means.**

BUSINESS PENDING

The House resumed consideration of **Senate File 1190, a** bill for an act relating to the financing and administration of the office of the attorney general and making an appropriation.

Monroe of Des Moines offered the following amendment H—5779 filed by him and moved its adoption:

H—5779

Amend Senate File 1190 as amended and passed by the Senate as follows:

1. Page 1, by inserting after line 16 the following:

"Sec. ..... Chapter thirteen (13), Code 1975, is amended by adding the following new section:

NEW SECTION. TRANSPORTATION. The department of justice shall not own or operate any aircraft of any type or modification unless otherwise provided by this section. Funds appropriated to the department of justice shall not be used for transportation by aircraft of any persons unless prior approval of the executive council has been obtained. This section shall not prohibit use by the department of justice of aircraft owned by the state of Iowa and assigned to an aircraft pool."

2. Renumber sections and correct internal references in conformance with this amendment.

Roll call was requested by Bittle of Polk and Junker of Woodbury.

On the question "Shall amendment H—5779 be adopted?"

The ayes were, 22:

Avenson	Griffee	Krause	O'Halloran
Brunow	Hines	Middleswart	Patchett
Byerly	Horn	Miller, A. V.	Poncy
Cusack	Howell	Monroe	Scheelhaase
Doyle	Jordan	Norland	Mr. Speaker
Dyrland	Koogler		

The nays were, 68:

Anderson	Dieleman	Junker	Perkins
Baker	Drake	Kreamer	Readinger
Bennett	Dunton	Lageschulte	Schroeder
Bina	Egenes	Lindeen	Small
Binneboese	Evans	Lipsky	Spencer
Bittle	Gentleman	McElroy	Spradling
Bortell	Gilloon	Menke	Stromer
Brandt	Halvorson	Mennenga	Svoboda
Branstad	Hansen	Middleton	Tauke
Brockett	Hargrave	Millen	Tofte
Clark	Harper	Miller, K. D.	Walter
Connors	Harvey	Miller, O. L.	Welden
Crabb	Hennessey	Nealson	Wells
Crawford	Hinkhouse	Nielsen	West
Daggett	Husak	Oakley	Woods
Danker	Hutchins	Pavich	Wulff
Den Herder	Jochum	Pellett	Wyckoff

Absent or not voting, 10:

Caffrey	Hullinger	Newhard	Spear
Fitzgerald	Jesse	Rinas	Varley
Higgins	Lonergan		

Amendment H—5779 lost.

Crabb of Crawford offered the following amendment H—5328 filed by him and moved its adoption:

H—5328

Amend Senate File 1190 as follows:
1. Page 1, after line 16 the following:
"4. For replacement of
the departmental airplane .....$100,000."

Amendment H—5328 lost.

Monroe of Des Moines offered the following amendment H—5970 filed by him and moved its adoption:

H—5970

Amend Senate File 1190, as amended and passed by the Senate, page 1, line 32, by inserting after the word "any" the word "*executive*".

Amendment H—5970 was adopted.

Monroe of Des Moines offered the following amendment H—5780 filed by him:

H—5780

Amend Senate File 1190 as amended and passed by the Senate as follows:

1. Page 3, by inserting after line 13 the following:

"Sec. ..... Section one hundred twenty-seven point fifteen (127.15), Code 1975, is amended to read as follows:

127.15 REQUISITION BY DEPARTMENT. The state department of justice may, if the conveyance is such a one as may be used by said department in connection with its duties and the enforcement of the law, requisition said conveyance for said department and said requisition shall be delivered to the clerk of the district court of the county having jurisdiction of such conveyance, within ten days after the notice of judgment of forfeiture has been received by the bureau of investigation. *All requisitions of conveyances by the department of justice are subject to approval or disapproval by the director of the department of general services.* If said conveyance is not so requisitioned within ten days after the clerk of the district court has notified the department of justice of the judgment of forfeiture, then the conveyance shall be sold by the sheriff as provided in this chapter.

Sec. ..... Section one hundred twenty-seven point sixteen (127.16), Code 1975, is amended to read as follows:

127.16 ORDER FOR DELIVERY. When any such conveyance is requisitioned by the department of justice *pursuant to approval by the director of the department of general services*, the clerk of the district court shall immediately issue to the sheriff of the county or other officer having possession of said conveyance, an order directing that said conveyance be turned over to the state department of justice, or any of its duly commissioned agents directed by the attorney general to receive it.

Sec. ..... Section one hundred twenty-seven point nineteen (127.19), Code 1975, is amended to read as follows:

127.19 REQUISITION BY COUNTY OR CITY. The board of supervisors of a county or the council of any city in such county may apply to the department of justice that any motor vehicle seized in such county and requisitioned under sections 127.15 to 127.17, inclusive, be delivered to such board or council for use in performing official duties by officials and officers of the county or city. No officer of any county or city shall be allowed mileage for the performance

of any official duty wherein he uses a publicly owned car. The department of justice [may] *shall* allow such

application *as approved by the director of the department of general services* whereupon the automobile shall be delivered to the board of supervisors or to the council for use in accord with such application. Should the county and city both make application for the same vehicle and the applications be granted, the vehicle shall be delivered to the public body whose officers first seized the vehicle.

Sec. ..... Section one hundred twenty-seven point twenty-three (127.23), Code 1975, is amended to read as follows:

127.23 OTHER STATE DEPARTMENTS. Any department of the state government needing a motor vehicle for official use may make written application therefor to the director of the department of general services. The director shall, if he determines that the department should have a motor vehicle, [by written application request] *direct* the department of justice to requisition a suitable motor vehicle for the applicant department whenever one is available, in the manner provided in this chapter. *The department of justice shall requisition such motor vehicles as directed by the director of the department of general services.* Whenever any department receives a motor vehicle under the provisions of this section, the department shall cause the court costs and all other costs incurred in connection with the confiscation and forfeiture of the motor vehicle to be paid to the clerk of the court or the sheriff of the proper county.

Sec. ..... Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the following new section:

NEW SECTION. LABELING PUBLICLY OWNED MOTOR VEHICLES. All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of said vehicle. This label shall be designed to cover not less than one square foot of surface. This section shall not apply when approved by the director of the department of general services to any motor vehicle which shall be specifically assigned by the head of the department or office owning or controlling it, to enforcement of police regulations or to enforcement and control of venereal disease pursuant to chapters one hundred thirty-nine (139) and one hundred forty (140) of the Code. The department of justice shall not operate an unlabeled

Page 3

publicly owned motor vehicle."

2. Page 3, by inserting after line 19 the following:

"Sec. ..... Section seven hundred forty point twenty-one (740.21), Code 1975, is repealed."

3. Renumber the sections and correct internal references in conformance with this amendment.

Bennett of Ida rose on a point of order that amendment H—5780 was not germane.

The Speaker ruled the point not well taken and amendment H—5780 germane.

Division of amendment H—5780 was requested: Lines 3 through 50, page 1, and lines 1 through 32, page 2, to be amendment H—5780A; lines 33 through 50, page 2, and lines 1 through 7, page 3, to be amendment H—5780B.

Monroe of Des Moines moved the adoption of amendment H—5780A.

Amendment H—5780A lost.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H—5780B.

Crabb of Crawford offered the following amendment H—5541 filed by him:

H—5541

Amend Senate File 1190 as follows:
1. Page 3, by inserting after line 19 the following new section:
"Sec. 8. Chapter thirteen (13), Code 1975, is amended by adding the following:
NEW SECTION. ADDITIONAL LIMITATION. No funds appropriated to the department of justice or for court costs, expenses or attorney fees, shall be expended without the specific written approval of the attorney general or his designee."

Crabb of Crawford offered the following amendment H—5557, to amendment H—5541 filed by him and moved its adoption:

H—5557

Amend the Crabb amendment H—5541, to Senate File 1190, as passed by the Senate, as follows:
1. Line 8, by inserting after the word "costs," the word "litigation".

Amendment H—5557 was adopted.

Crabb of Crawford moved the adoption of amendment H—5541, as amended.

Amendment H—5541, as amended, lost.

Middleton of Black Hawk moved to reconsider the vote by

which amendment H—5329 failed to be adopted by the House on April 28, 1976.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 44, nays 49.

The motion lost.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1190)

The ayes were, 90:

Anderson	Dyrland	Koogler	Pavich
Baker	Evans	Krause	Pellett
Bennett	Fitzgerald	Kreamer	Perkins
Bina	Gentleman	Lageschulte	Poncy
Binneboese	Gilloon	Lindeen	Readinger
Bittle	Griffee	Lipsky	Scheelhaase
Bortell	Halvorson	Lonergan	Schroeder
Brandt	Hansen	McElroy	Small
Branstad	Hargrave	Menke	Spencer
Brockett	Harper	Middleswart	Spradling
Brunow	Hennessey	Middleton	Stromer
Byerly	Higgins	Millen	Svoboda
Clark	Hines	Miller, A. V.	Tofte
Connors	Hinkhouse	Miller, K. D.	Varley
Crawford	Horn	Miller, O. L.	Walter
Cusack	Howell	Monroe	Welden
Daggett	Hullinger	Newhard	Wells
Danker	Husak	Nielsen	West
Den Herder	Hutchins	Norland	Woods
Dieleman	Jesse	Oakley	Wulff
Doyle	Jochum	O'Halloran	Wyckoff
Drake	Jordan	Patchett	Mr. Speaker
Dunton	Junker		

The nays were, 5:

Avenson	Harvey	Nealson	Tauke
Crabb			

Absent or not voting, 5:

Caffrey	Mennenga	Rinas	Spear
Egenes			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF CONFERENCE COMMITTEE REPORT
(House File 352)

Doyle of Woodbury called up for consideration the report of the conference committee on **House File 352**, a bill for an act

relating to dissolution of marriage, filed on April 15, 1976, and found on pages 1962 and 1963 of the House Journal.

Doyle of Woodbury moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report was adopted.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 352)

The ayes were, 67:

Anderson	Dunton	Koogler	Readinger
Avenson	Dyrland	Krause	Scheelhaase
Bina	Evans	Lageschulte	Schroeder
Binneboese	Fitzgerald	Lindeen	Small
Bittle	Gentleman	Lipsky	Spradling
Brandt	Gilloon	McElroy	Stromer
Branstad	Halvorson	Middleswart	Svoboda
Brockett	Hargrave	Millen	Tauke
Brunow	Harper	Miller, K. D.	Tofte
Byerly	Higgins	Miller, O. L.	Varley
Clark	Hines	Nealson	Walter
Connors	Hinkhouse	Newhard	Welden
Crawford	Horn	Norland	Wells
Cusack	Hullinger	Oakley	Woods
Dieleman	Husak	O'Halloran	Wulff
Doyle	Jesse	Patchett	Mr. Speaker
Drake	Jochum	Pavich	

The nays were, 27:

Baker	Egenes	Jordan	Pellett
Bennett	Griffee	Junker	Perkins
Bortell	Hansen	Lonergan	Poncy
Crabb	Harvey	Menke	Spencer
Daggett	Hennessey	Miller, A. V.	West
Danker	Howell	Monroe	Wyckoff
Den Herder	Hutchins	Nielsen	

Absent or not voting, 6:

Coffrey	Mennenga	Rinas	Spear
Kreamer	Middleton		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILS

SENATE AMENDMENT FURTHER CONSIDERED

(House File 863)

The House resumed consideration of the motion to reconsider House File 863 filed on February 26, 1976.

Jochum of Dubuque moved to reconsider the vote by which House File 863, a bill for an act relating to workmen's compensation laws, failed to pass the House on February 26, 1976.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 66, nays 26.

The motion prevailed and the House reconsidered House File 863.

Jochum of Dubuque moved to reconsider the vote by which House File 863 was placed on its last reading.

The motion prevailed.

Jochum of Dubuque called up for consideration the motion to reconsider the Senate amendment H—5121 and moved to reconsider the vote by which the House concurred in the Senate amendment H—5121, as amended, to House File 863, on February 26, 1976.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 54, nays 26.

The motion prevailed.

Jochum of Dubuque called up for consideration the motion to reconsider amendment H—5136 and moved to reconsider the vote by which amendment H—5136, to the Senate amendment H—5121, was adopted by the House on February 26, 1976.

Roll call was requested by Koogler of Mahaska and Middleton of Black Hawk.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H—5136, to the Senate amendment H—5121, was adopted by the House be reconsidered?"

The ayes were, 60:

Anderson	Brockett	Doyle	Hargrave
Avenson	Brunow	Drake	Hennessey
Bina	Clark	Dyrland	Higgins
Binneboese	Connors	Egenes	Hines
Bittle	Crawford	Fitzgerald	Hinkhouse
Bortell	Cusack	Gentleman	Horn
Brandt	Daggett	Gilloon	Howell

Jesse	Middleton	Patchett	Tauke
Jochum	Millen	Pavich	Varley
Jordan	Miller, A. V.	Poncy	Walter
Junker	Nealson	Readinger	Wells
Krause	Newhard	Scheelhaase	West
Lipsky	Nielsen	Small	Woods
Mennenga	Oakley	Spradling	Wulff
Middleswart	O'Halloran	Svoboda	Mr. Speaker

The nays were, 34:

Baker	Evans	Lageschulte	Pellett
Bennett	Halvorson	Lindeen	Perkins
Branstad	Hansen	McElroy	Schroeder
Byerly	Harper	Menke	Spencer
Crabb	Harvey	Miller, K. D.	Stromer
Danker	Hullinger	Miller, O. L.	Tofte
Den Herder	Husak	Monroe	Welden
Dieleman	Hutchins	Norland	Wyckoff
Dunton	Koogler		

Absent or not voting, 6:

Caffrey	Kreamer	Rinas	Spear
Griffee	Lonergan		

The motion prevailed and the House reconsidered amendment H—5136, to the Senate amendment H—5121, as follows:

H—5136

Amend the Senate amendment H—5121, to House File 863, as amended and passed by the House as follows:

1. Page 1, by inserting after line 28 the following:

"..... Page 5, by striking lines 16 through 31, and inserting in lieu thereof the following:

"For purposes of this section, the employer is obliged to furnish reasonable services and supplies to treat an injured employee. The employee has the right to choose the care. The employer's physician can require periodic observation to follow medical progress of the employee and correspond with the employee's designated practitioner in any area which could facilitate better treatment. If the employer's physician disagrees with the manner of treatment and progress of the employee, the employer may request alternate care. If the employer and employee cannot agree on such alternate care, the commissioner may, upon application and reasonable proof of the necessity therefor, allow and order other care.""

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

Connors of Polk asked and received unanimous consent that Robert Landess, Industrial Commissioner, be present in the House chamber during consideration of House File 863.

Connors of Polk moved the adoption of amendment H—5136, to the Senate amendment H—5121.

Roll call was requested by Millen of Van Buren and Harvey of Scott.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5136, to the Senate amendment H—5121, be adopted?"

The ayes were, 25:

Baker	Dunton	Koogler	Monroe
Bennett	Hargrave	Lindeen	Nielsen
Branstad	Harvey	Lonergan	Norland
Byerly	Hennessey	Middleswart	O'Halloran
Danker	Hullinger	Middleton	Pellett
Dieleman	Husak	Miller, K. D.	Perkins
Doyle			

The nays were, 69:

Anderson	Egenes	Junker	Scheelhaase
Avenson	Evans	Krause	Schroeder
Bina	Fitzgerald	Lageschulte	Small
Binneboese	Gentleman	Lipsky	Spencer
Bittle	Gilloon	McElroy	Spradling
Bortell	Halvorson	Menke	Stromer
Brandt	Hansen	Mennenga	Svoboda
Brockett	Harper	Millen	Tauke
Brunow	Higgins	Miller, A. V.	Tofte
Clark	Hines	Miller, O. L.	Varley
Connors	Hinkhouse	Nealson	Walter
Crabb	Horn	Newhard	Wells
Crawford	Howell	Oakley	West
Cusack	Hutchins	Patchett	Woods
Daggett	Jesse	Pavich	Wulff
Den Herder	Jochum	Poncy	Wyckoff
Drake	Jordan	Readinger	Mr. Speaker
Dyrland			

Absent or not voting, 6:

Caffrey	Kreamer	Spear	Welden
Griffee	Rinas		

Amendment H—5136 lost.

Jochum of Dubuque called up for consideration the motion to reconsider amendment H—5221 and moved to reconsider the vote by which amendment H—5221, to the Senate amendment H—5121, was adopted by the House on February 26, 1976.

Roll call was requested by Oakley of Clinton and Higgins of Scott.

On the question "Shall the vote by which amendment H—5221, to the Senate amendment H—5121, was adopted by the House, be reconsidered?"

The ayes were, 50:

Anderson	Fitzgerald	Lipsky	Poncy
Avenson	Gentleman	Lonergan	Scheelhaase
Bina	Gilloon	Mennenga	Small
Binneboese	Hennessey	Middleton	Spradling
Bittle	Higgins	Miller, A. V.	Svoboda
Brandt	Hines	Monroe	Tauke
Brunow	Hinkhouse	Nealson	Walter
Connors	Horn	Newhard	Wells
Cusack	Howell	Nielsen	West
Dieleman	Jesse	O'Halloran	Woods
Doyle	Jochum	Patchett	Wulff
Drake	Junker	Pavich	Mr. Speaker
Dyrland	Krause		

The nays were, 39:

Baker	Den Herder	Hutchins	Norland
Bennett	Dunton	Jordan	Oakley
Branstad	Egenes	Koogler	Pellett
Brockett	Evans	Lageschulte	Perkins
Byerly	Halvorson	Lindeen	Readinger
Clark	Hansen	McElroy	Schroeder
Crabb	Harper	Menke	Spencer
Crawford	Harvey	Middleswart	Tofte
Daggett	Hullinger	Miller, K. D.	Wyckoff
Danker	Husak	Miller, O. L.	

Absent or not voting, 11:

Bortell	Hargrave	Rinas	Varley
Caffrey	Kreamer	Spear	Welden
Griffee	Millen	Stromer	

The motion prevailed and the House reconsidered amendment H—5221, to the Senate amendment H—5121, as follows:

H—5221

Amend the Senate amendment H—5121 to House File 863, as passed by the House, as follows:

1. Page 1, by inserting after line 2 the following:

"1. Page 1, line 14, by striking the word "one thousand" and inserting in lieu thereof the words "two thousand five hundred"."

2. By renumbering the amendments to conform to this amendment.

Husak of Tama moved the adoption of amendment H—5221, to the Senate amendment H—5121.

Roll call was requested by Husak of Tama and Pellett of Cass.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Egenes of Story refrained from voting.

On the question "Shall amendment H—5221, to the Senate amendment H—5121, be adopted?"

The ayes were, 41:

Baker	Den Herder	Jordan	Miller, O. L.
Bennett	Dunton	Koogler	Norland
Bittle	Evans	Lageschulte	Oakley
Bortell	Halvorson	Lindeen	Pellett
Branstad	Hansen	McElroy	Perkins
Brockett	Harper	Menke	Schroeder
Byerly	Harvey	Mennenga	Spencer
Clark	Hullinger	Middleswart	Stromer
Crabb	Husak	Millen	Tofte
Daggett	Hutchins	Miller, K. D.	Wyckoff
Danker			

The nays were, 52:

Anderson	Fitzgerald	Krause	Readinger
Avenson	Gentleman	Lipsky	Scheelhaase
Bina	Gilloon	Lonergan	Small
Binneboese	Hargrave	Middleton	Spradling
Brandt	Hennessey	Miller, A. V.	Svoboda
Brunow	Higgins	Monroe	Tauke
Connors	Hines	Nealson	Varley
Crawford	Hinkhouse	Newhard	Walter
Cusack	Horn	Nielsen	Wells
Dieleman	Howell	O'Halloran	West
Doyle	Jesse	Patchett	Woods
Drake	Jochum	Pavich	Wulff
Dyrland	Junker	Poncy	Mr. Speaker

Absent or not voting, 7:

Caffrey	Griffee	Rinas	Welden
Egenes	Kreamer	Spear	

Amendment H—5221 lost.

Jochum of Dubuque asked for unanimous consent to suspend the rules to reconsider amendment H—5281, to the Senate amendment H—5121.

Objection was raised.

Jochum of Dubuque moved to suspend the rules to take up for reconsideration amendment H—5281, to the Senate amendment H—5121.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 51, nays 41.

The motion prevailed.

Jochum of Dubuque moved to reconsider the vote by which amendment H—5281, to the Senate amendment H—5121, was adopted by the House on February 26, 1976.

Roll call was requested by Schroeder of Pottawattamie and Danker of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H—5281, to the Senate amendment H—5121, was adopted by the House, be reconsidered?"

The ayes were, 48:

Anderson	Fitzgerald	Jordan	Pavich
Avenson	Gilloon	Krause	Poncy
Bina	Hargrave	Mennenga	Scheelhaase
Binneboese	Hennessey	Middleton	Small
Brandt	Higgins	Miller, A. V.	Spradling
Brunow	Hines	Monroe	Svoboda
Connors	Hinkhouse	Nealson	Walter
Cusack	Horn	Newhard	Wells
Dieleman	Howell	Nielsen	West
Doyle	Hutchins	Norland	Woods
Drake	Jesse	O'Halloran	Wulff
Dyrland	Jochum	Patchett	Mr. Speaker

The nays were, 44:

Baker	Danker	Husak	Miller, O. L.
Bennett	Den Herder	Junker	Oakley
Bittle	Dunton	Koogler	Pellett
Bortell	Egenes	Lageschulte	Perkins
Branstad	Evans	Lindeen	Readinger
Brockett	Gentleman	Lipsky	Schroeder
Byerly	Halvorson	Lonergan	Spencer
Clark	Hansen	McElroy	Stromer
Crabb	Harper	Menke	Tauke
Crawford	Harvey	Middleswart	Tofte
Daggett	Hullinger	Miller, K. D.	Wyckoff

Absent or not voting, 8:

Coffrey	Kreamer	Rinas	Varley
Griffee	Millen	Spear	Welden

The motion prevailed and the House reconsidered amendment H—5281, to the Senate amendment H—5121, as follows:

H—5281

Amend the Senate amendment, H—5121, to House File 863, as amended and passed by the House, page 6, by striking lines 1 through 4 and inserting in lieu thereof the following:

"Sec. ..... The Code editor is directed to strike the words "workman", "workmen" and "workmen's compensation" wherever they appear in chapters eighty-five (85), eighty-five A (85A), eighty-six (86), and eighty-seven (87) of the Code and insert in lieu thereof the words "worker", "workers" and "workers' compensation"."

Schroeder of Pottawattamie moved the adoption of amendment H—5281, to the Senate amendment H—5121.

Roll call was requested by Schroeder of Pottawattamie and Danker of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5281, to the Senate amendment H—5121, be adopted?"

The ayes were, 46:

Baker	Den Herder	Junker	O'Halloran
Bennett	Dieleman	Koogler	Pellett
Bittle	Dunton	Lageschulte	Perkins
Bortell	Egenes	Lindeen	Readinger
Branstad	Evans	Lipsky	Schroeder
Brockett	Gentleman	Lonergan	Spencer
Byerly	Halvorson	McElroy	Stromer
Clark	Hansen	Menke	Tauke
Crabb	Harper	Middleton	Tofte
Crawford	Harvey	Miller, K. D.	Wulff
Daggett	Hullinger	Oakley	Wyckoff
Danker	Husak		

The nays were, 47:

Anderson	Gilloon	Krause	Poncy
Avenson	Hargrave	Mennenga	Scheelhaase
Bina	Hennessey	Middleswart	Small
Binneboese	Higgins	Miller, A. V.	Spradling
Brandt	Hines	Miller, O. L.	Svoboda
Brunow	Hinkhouse	Monroe	Varley
Connors	Horn	Nealson	Walter
Cusack	Howell	Newhard	Wells
Doyle	Hutchins	Nielsen	West
Drake	Jesse	Norland	Woods
Dyrland	Jochum	Patchett	Mr. Speaker
Fitzgerald	Jordan	Pavich	

Absent or not voting, 7:

Caffrey	Kreamer	Rinas	Welden
Griffee	Millen	Spear	

Amendment H—5281 lost.

Jochum of Dubuque moved that the House concur in the Senate amendment H—5121, found on pages 694 through 699 of the House Journal.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 58, nays 25.

The motion prevailed and the House concurred in the Senate amendment H—5121.

Jochum of Dubuque moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 863)

The ayes were, 72:

Anderson	Egenes	Krause	Readinger
Avenson	Fitzgerald	Lageschulte	Scheelhaase
Baker	Gentleman	Lipsky	Schroeder
Bennett	Gilloon	Mennenga	Small
Bina	Hargrave	Middleswart	Spencer
Binneboese	Harvey	Middleton	Spradling
Bittle	Hennessey	Miller, A. V.	Stromer
Brandt	Higgins	Monroe	Svoboda
Brunow	Hines	Nealson	Tauke
Byerly	Hinkhouse	Newhard	Tofte
Clark	Horn	Nielsen	Varley
Connors	Howell	Norland	Walter
Crawford	Husak	Oakley	Wells
Cusack	Hutchins	O'Halloran	West
Dieleman	Jesse	Patchett	Woods
Doyle	Jochum	Pavich	Wulff
Drake	Jordan	Perkins	Wyckoff
Dyrland	Junker	Poncy	Mr. Speaker

The nays were, 18:

Bortell	Den Herder	Hullinger	Menke
Branstad	Dunton	Koogler	Miller, K. D.
Crabb	Evans	Lindeen	Miller, O. L.
Daggett	Halvorson	Lonergan	Pellett
Danker	Hansen		

Absent or not voting, 10:

Brockett	Harper	Millen	Spear
Caffrey	Kreamer	Rinas	Welden
Griffee	McElroy		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 863)

Connors of Polk moved to reconsider the vote by which House File 863 passed the House on April 28, 1976.

A non-record roll call was requested.

The ayes were 25, nays 44.

The motion lost.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 132

Pursuant to House Rule 26, the Speaker announced that **House Concurrent Resolution 132**, filed on April 19, 1976, and found on pages 1998 and 1999 of the House Journal, was adopted by unanimous consent.

HOUSE FILE 1518 WITHDRAWN

Higgins of Scott asked and received unanimous consent to withdraw **House File 1518** from further consideration by the House.

HOUSE FILE 1528 WITHDRAWN

Small of Johnson asked and received unanimous consent to withdraw **House File 1528** from further consideration by the House.

COMMUNICATION FROM THE SECRETARY OF STATE

April 28, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1106, was published in The Red Oak Express, Red Oak, Iowa on April 22, 1976, and in The Evening Sentinel, Shenandoah, Iowa on April 23, 1976.

I further certify that House File 1217, was published in The Woodbine Twiner, Woodbine, Iowa on April 22, 1976, and in The Mediapolis New Era, Mediapolis, Iowa on April 22, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

MOTIONS TO RECONSIDER
(Senate File 1258)

I move to reconsider the vote by which Senate File 1258 passed the House on April 28, 1976.

SMALL of Johnson

I move to reconsider the vote by which Senate File 1258 passed the House on April 28, 1976.

MILLER of Buchanan

I move to reconsider the vote by which Senate File 1258 passed the House on April 28, 1976.

SCHROEDER of Pottawattamie

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on Senate File 1258. Had I been present, I would have voted "nay."

BITTLE of Polk

REPORT OF STEERING COMMITTEE
5-MINUTE NONCONTROVERSIAL

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

H. F. 1568 COMMITTEE BILL—An act relating to the registration of mobile homes. By committee on transportation; Krause, chair.

S. F. 1050 An act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state. By Rabedeaux.

H. F. 830 COMMITTEE BILL—An act relating to the sale of tangible goods by persons authorized to make supervised loans. By committee on commerce; Small, chair.

H. F. 1551 COMMITTEE BILL—An act relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1491 COMMITTEE BILL—An act relating to tax sheltered annuities for employees of school boards, county school boards, area school boards, the state board of regents and the state board of public instruction. By committee on commerce; Small, chair.

S. F. 1064 COMMITTEE BILL—An act to abolish certain boards, committees and councils. By Senate committee on state government; Hill of Jasper, chair.

H. F. 1543 COMMITTEE BILL—An act transferring the functions of the war surplus commodities board to the department of general services. By committee on state government; Monroe, chair.

NORMAN JESSE, Chair

REPORT OF STEERING COMMITTEE
15-MINUTE NONCONTROVERSIAL

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

S. F. 503 COMMITTEE BILL—An act relating to the maximum interest rate payable by persons purchasing securities on credit. By Senate committee on commerce; Junkins, chair.

H. F. 1512 COMMITTEE BILL—An act relating to the definition of open-end credit as used in the Iowa Consumer Credit Code. By committee on commerce; Small, chair.

H. F. 1503 COMMITTEE BILL—An act relating to the practice of nursing and providing for disciplinary procedures. By committee on state government; Monroe, chair.

H. F. 1546 COMMITTEE BILL—An act relating to certain authority of the industrial commissioner. By committee on state government; Monroe, chair.

H. F. 1499 COMMITTEE BILL—An act relating to the Iowa law enforcement academy. By committee on state government; Monroe, chair.

H. F. 1474 COMMITTEE BILL—An act relating to the erection and maintenance of partition fences. By committee on agriculture; Husak, chair.

H. F. 1490 COMMITTEE BILL—An act relating to the licensing and regulating of the sale of eggs and providing a penalty. By committee on agriculture; Husak, chair.

H. F. 1485 COMMITTEE BILL—An act relating to the recording of an instrument and a lien affecting real estate. By committee on county government; Hutchins, chair.

S. F. 357 An act relating to investment by state banks in revenue bonds issued by municipalities in support of industrial projects. By Lamborn, Norpel, Glenn, and Shaff.

H. F. 1533 COMMITTEE BILL—An act relating to state insurance exposures. By committee on commerce; Small, chair.

S. F. 487 COMMITTEE BILL—An act relating to the regulation of savings and loan associations organized under the laws of the state of Iowa. By Senate committee on commerce; Junkins, chair.

H. F. 1451 COMMITTEE BILL—An act relating to court reporters. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 829 COMMITTEE BILL—An act relating to the administration of the Uniform Consumer Credit Code. By committee on commerce; Small, chair.

H. F. 1466 COMMITTEE BILL—An act relating to the possession, receipt, and transportation of firearms by persons convicted of a felony and providing penalties. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1475 COMMITTEE BILL—An act relating to the sale of property owned by merged area schools. By committee on education; Patchett, chair.

H. F. 1487 COMMITTEE BILL—An act relating to bonds and pledge orders issued by cities. By committee on cities; Rinas, chair. (Companion Bill—S. F. 1274)

S. F. 546 COMMITTEE BILL—An act to exempt certain publicly-owned motor vehicles used for venereal disease investigation from use of state sign or other labeling and of official registration plates. By Senate committee on state government; Hill of Jasper, chair.

H. F. 1468 COMMITTEE BILL—An act relating to payment of pension funds and insurance benefits to beneficiaries in cases involving a dissolution of marriage. By committee on judiciary and law enforcement; Jesse, chair.

H. F. 1444 COMMITTEE BILL—An act to require a covering on vehicles carrying garbage, refuse or rubbish and providing a penalty. By committee on transportation; Krause, chair.

NORMAN JESSE, Chair

REPORT OF STEERING COMMITTEE

REGULAR CALENDAR

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

S. F. 1092 COMMITTEE BILL—An act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review. By Senate committee on judiciary; Glenn, chair.

H. F. 1550 COMMITTEE BILL—An act relating to public utility rates. By committee on commerce; Small, chair.

H. F. 1454 COMMITTEE BILL—An act relating to airports and aeronautics and providing for a fee. By committee on transportation; Krause, chair. (Companion Bill—S. F. 1278—Passed the Senate)

H. F. 1480 COMMITTEE BILL—An act relating to rail regulation by providing for certain changes to railroad regulation laws, . . . and updating certain other laws relating to railroads and providing penalties. By committee on transportation; Krause, chair.

H. F. 1498 COMMITTEE BILL—An act relating to establishment of historical preservation districts. By committee on natural resources; Middleswart, chair.

S. F. 1141 COMMITTEE BILL—An act to establish and regulate the practice of barbering and the practice of cosmetology, and to provide penalties. By Senate committee on state government; Hill of Jasper, chair.

H. F. 1502 COMMITTEE BILL—An act relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of federal and private aid for public transit programs. By committee on transportation; Krause, chair.

H.J.R. 1003 COMMITTEE RESOLUTION—Proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments. By committee on county government; Hutchins, chair. (Companion Resolution—S. J. R. 1006)

S. F. 449 COMMITTEE BILL—An act relating to the establishment of a corn promotion fund to receive assessments made on the sale of corn . . . . By Senate committee on agriculture; Nolin, chair.

S. F. 204 An act relating to registration of motor vehicles. By Palmer, Hill of Polk, Willits, et al.

S. F. 136 COMMITTEE BILL—An act relating to the number of judgeships in judicial election districts. By Senate committee on judiciary; Glenn, chair.

H. F. 1482 COMMITTEE BILL—An act relating to energy conservation. By committee on energy; O'Halloran, chair.

NORMAN JESSE, Chair

REPORT OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations has considered **House File 1565**, a bill for an act to appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource programs, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6454

Amend the Senate amendment, H—5733, to House File 584, as amended, passed and reprinted by the House, page 5, by inserting after line 48 the following:

"Sec. ..... COSTS OF UNSUCCESSFUL SUIT.

1. If a person against whom a suit is brought under sections twelve (12) or thirteen (13) of this Act prevails in the action, the court may permit this person to recover the necessary costs or part of the costs of defending in the action, including a reasonable attorney fee, from the state or person bringing the suit.

2. There is appropriated from the general fund of the state from moneys not otherwise appropriated an amount sufficient to pay any costs recovered from the state under subsection one (1) of this section."

BROCKETT of Marshall

H—6451

Amend amendment H—5554 to House File 1069, page 1, by striking lines 5 through 30 and inserting in lieu thereof the following: "two (535.2), subsection two (2), Code 1975, is amended to read as follows:

2. Any domestic or foreign corporation or real estate investment trust as defined in section 856 of the Internal Revenue Code may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof, *and any other person borrowing money in the principal amount of thirty-five thousand dollars or more for a business or agricultural purpose may agree in writing for payment of interest not exceeding ten cents on the hundred by the year,* and no such corporation or real estate investment trust *or other person* so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding.

Sec. ..... Nothing contained in this Act shall

be construed to negate the provisions of Act of October 28, 1974, United States Public Law Number 93-501, 88 STATUTES 1557."

HENNESSEY of Delaware
HOWELL of Floyd

H—6457

Amend amendment H—6239 to House File 1480 as follows:

1. Page 3, line 23, by striking the word "*request.*" and inserting in lieu thereof the following: "*request.*".

2. Page 4, line 43, by striking the word "*located.*" and inserting in lieu thereof the following: "*located.*".

3. Page 8, line 16, by striking the words "prima facie" and inserting in lieu thereof the following: "prima-facie".

4. Page 11, by striking line 38 inserting in lieu thereof the following: "*fund.*".

5. Page 12, line 20, by inserting after the word "FREIGHT" the following: "[,]".

6. Page 14, line 49, by striking the word "*disagreement.*" and inserting in lieu the following: "*disagreement.*".

7. Page 15, line 4, by striking the word "[disagrement]" and inserting in lieu thereof the following: "[disagreement]".

8. Page 15, line 23, by striking the word "[and]" and inserting in lieu thereof the following: "and".

9. Page 16, line 8, by inserting after the word "crossing", the word "surface".

10. Page 21, line 17, by striking the words "prima facie" and inserting in lieu thereof the following: "prima-facie".

11. Page 21, line 31, by striking the word "railway [all such]" and inserting in lieu thereof the following: "railway[—all such]".

12. Page 21, line 40, by striking the words "*NEW SUBSECTION.*" " and inserting in lieu thereof the following: "*NEW SUBSECTION.*".

13. Page 22, line 10, by striking the word "of" and inserting in lieu thereof the following: "or".

14. Page 22, line 28, by striking the figures "497.29" and inserting in lieu thereof the following: "479.29,".

15. Page 27, line 47, by striking the word "complaint[,]" and inserting in lieu thereof the following: "complaint[;]".

16. Page 29, line 24, by striking the word "*parties.*" and inserting in lieu thereof the following: "*parties.*".

17. Page 31, line 22, by striking the word "[estimate]" and inserting in lieu thereof the following: "[estimated]".

18. Page 33, line 23, by striking the word "trustees' " and inserting in lieu thereof the following: "trustees".

19. Page 36, line 13, by striking the words "thirty-one (31)" and inserting in lieu thereof the following: "thirty-nine (39)".

Page 2

20. Page 36, line 28, by striking the word "*a*" and inserting after the word "*railroad*" the following: "*branch lines*".

21. Page 37, line 36, by inserting after the word "*corporations*" the following: "*and*".

22. Page 37, line 48, by striking the word "[othe]" and inserting in lieu thereof the following: "[other]".

23. Page 37, line 49, by striking the word "*railroads*" and inserting in lieu thereof the following: "*railroad branch lines*".

24. Page 38, line 9, by striking the figure "51" and inserting in lieu thereof the following: "5".

25. Page 38, line 21, by striking the word "*railroads*" and inserting in lieu thereof the following: "*railroad branch lines*".

KRAUSE of Palo Alto
DRAKE of Muscatine

H—6461

Amend House File 1551 as follows:

1. Page 10, by striking lines 11 through 35.

2. Page 11, by striking lines 1 through 35.

3. Page 12, by striking lines 1 through 24.

4. Page 14, by inserting after line 10 the following new section:

"Sec. ..... Section forty-seven point three (47.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section eighteen (18), is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

The costs of conducting a special election called by the governor, general election, and the primary election held prior to the general election shall be paid by the county."

MONROE of Des Moines

H—6449

Amend H—6436 to House File 1558 as follows:

1. Page 1, lines 10 and 11, by striking the words "to covenant an agreement which shall be filed by the commissioners with the county recorder" and inserting in lieu thereof the words "to execute an agreement".

2. Page 1, line 19, by striking the words "Said agreement shall constitute a covenant".

3. Page 1, by striking lines 20 through 23.

4. Page 1, line 24, by striking the words "funds allocated to the district."

MIDDLESWART of Warren

H—6456

Amend House File 1564 as follows:

1. Page 2, by inserting after line 21 the following new section:

"Sec. ..... Section four hundred forty-one point twenty-one (441.21), unnumbered paragraph two (2), Code 1975, is amended as follows:

The actual value of all property subject to assessment and taxation shall be the fair and reasonable market value of such property. "Market value" is defined as *the average of* the fair and reasonable exchange in the year in which the property is listed and valued between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and each being familiar with all the facts relating to the particular property *and the value established for the four preceding years. The market value for new improvements shall be added to the value of the property prior to the improvement averaged over five years. The value of property determined under the provisions of this section shall not be less than the value of the property determined as of January 1, 1975.* Sale prices of the property or comparable property in normal transactions reflecting market value, and the probable availability or unavailability of persons interested in purchasng the property, shall be taken into consideration in arriving at its market value. In arriving at market value, sales prices of property in abnormal transactions not reflecting market value shall not be taken into account, or shall be adjusted to eliminate the effect of factors which distort market value, including but not limited to sales to immediate family of the seller, foreclosure or other forced sales, contract sales, discounted purchase transactions or purchase of adjoining land or other land to be operated as a unit."

DAGGETT of Adams

H—6458

Amend Senate File 205, as amended, passed and reprinted by the Senate as follows:

1. Page 2, line 32 by adding after the period the following: "If the resolution to terminate the contract is based on factors which require an adjustment, realignment, or reduction of the staff, the teacher shall be given the written notice together with a statement of honorable dismissal and the reason therefor."

EGENES of Story

H—6459

Amend the Oakley amendment H—6257 to Senate File 205, as amended, passed and reprinted by the Senate as follows:

1. Page 2, by adding after line 35 the following new subsection:

"c. If the resolution to terminate the contract is based on factors which require an adjustment, realignment, or reduction of the staff, the teacher shall be given the written notice together with a statement of honorable dismissal and the reason therefor."

2. By renumbering the subsections as necessary.

EGENES of Story

H—6460

Amend amendment H—6416 to Senate File 205, as amended, passed and reprinted by the Senate as follows:

1. Page 2, line 13, by adding after the period the following: "If the resolution to terminate the contract is based on factors which require an adjustment, realignment, or reduction of the staff, the teacher shall be given the written notice together with a statement of honorable dismissal and the reason therefor."

EGENES of Story

H—6452

Amend Senate File 1210, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 5, by striking the word "townships,".

2. Page 1, line 17, by striking the words "a rate" and inserting in lieu thereof the word "rates".

3. Page 1, line 18, by inserting after the word "providing" the word "additional".

4. Page 1, by striking line 25 and inserting in lieu thereof the following:

" "Shall a tax the amount of which will not exceed the amount which would be raised by a uniform one dollar and sixty-two".

5. Page 1, line 33, by inserting after the word "district." the words "A county or city which is included in a unified law enforcement district shall not reduce the percent of its total general fund budget used for law enforcement purposes because of additional moneys collected pursuant to the voted levy."

6. Page 2, line 5, by inserting after the word "sheriff," the words "or administrative director of the law enforcement agency,".

7. Page 2, line 8, by striking the words "the sources of the revenue" and inserting in lieu thereof the words "in conjunction with the county board of

supervisors and the city councils of the unified law enforcement district determine the amount of revenue available from sources other than the tax levy authorized by this Act and determine the amount of revenue needed to be raised by the tax levy authorized by this Act under the terms of an agreement executed under the provisions of chapter twenty-eight E (28E) of the Code".

8. Page 2, by striking lines 16 and 17 and inserting in lieu thereof the words "in the unified law enforcement district. The method of computing the tax levy shall be determined by the county board of supervisors unless the agreement under chapter twenty-eight E (28E) of the Code specifies a method."

9. Page 2, line 18, by striking the figure "1."

10. Page 2, line 23, by striking the word "; or" and inserting in lieu thereof the words "which shall be determined by one of the following methods:".

11. Page 2, by striking lines 24 through 29 and inserting in lieu thereof the following:

"1. Levies based upon population computed as follows:".

12. Page 2, line 30, by striking the letter "b" and inserting in lieu thereof the letter "a".

13. Page 2, line 32, by striking the words and

Page 2

letter "paragraph "a" of".

14. Page 2, line 34, by striking the letter "c" and inserting in lieu thereof the letter "b".

15. Page 3, by striking lines 8 through 13 and inserting in lieu thereof the following subsection:

"2. Different levies for each city and the unincorporated area of the county located in the unified law enforcement district based upon the percentage of service to be provided to each political subdivision in the district."

BENNETT of Ida
HUTCHINS of Guthrie
STROMER of Hancock

H—6458

Amend Senate File 1261, as amended, passed, and reprinted by the Senate, as follows:

1. Page 15, by inserting after line 2 the following section:

"Sec. ..... Funds appropriated by this Act shall not be expended to finance any activities, teams, or facilities which are associated with, engaged in, or used for intercollegiate athletics. This provision shall not apply to physical education courses or intramural athletic programs.

Any person who attends an institution of higher learning under the state board of regents, private college or university, or merged area school and

participates in intercollegiate athletics shall not be eligible to receive funds under sections two hundred sixty-one point two (261.2), subsection four (4); two hundred sixty-one point eleven (261.11); or two hundred sixty-one point seventeen (261.17) of the Code."

2. By renumbering sections as necessary.

MILLER of Buchanan

H—6450

Amend amendment H—6423 to Senate File 1288, as amended, passed and reprinted by the Senate, page 2, by striking all of lines 2 through 17 and inserting in lieu thereof the following:

c. Upon the request of at least two members of the administrative rules review committee, publish in the "Iowa Administrative Code" an estimate of the economic impact of the proposed rule adoption, amendment, or repeal upon all persons affected by it and upon the agency itself. If the agency determines that such an estimate cannot be formulated, the reasons for impossibility of formulation shall be published instead of the estimate. An estimate shall be published at least fifteen days in advance of the adoption, amendment or repeal of the rule. In the case of a rule issued under subsection two (2) or made effective under the provisions of section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code, an estimate, or the reasons for the impossibility of formulating an estimate shall be published within thirty days of the request.

HARVEY of Scott

H—6455

Amend H—6423 to Senate File 1288 as follows:

1. Page 2 by adding after line 42 the following new section:

"Sec. ..... Section seventeen A point four (17A.4) subsection four (4), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. Upon the vote of two-thirds of its members finding that a proposed rule is arbitrary, capricious, unreasonable, or beyond the scope of authority delegated to the promulgating agency, the administrative rules committee may delay the effective date of the adoption, amendment, or repeal of a rule for which a notice of intended action has been published, until thirty-five days after the convening of the next session of the legislature. Notice of the delay of the effective date of the rule shall be published in the next supplement of the Iowa administrative code.

b. Any rule, the effective date of which has been delayed under paragraph a of this subsection and the notice of intended action to which it was related shall be forwarded to the speaker of the house and the president of the senate. The speaker and the president shall refer this rule and notice to the appropriate standing committee. If a majority of the membership of both houses by resolution reject the proposed rule, the effective date of which has been delayed by the administrative rules committee, within thirty five calendar days after the convening of the legislature the rule shall not go into effect and be returned to the promulgating agency. If the legislature does not pass such a resolution within thirty five calendar days the rule shall be in effect.

WELDEN of Hardin
MILLEN of Van Buren
KREAMER of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:27 p.m. until 8:45 a.m., Thursday, April 29, 1976.

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day—Seventy-second Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, APRIL 29, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Harold MacMillan, pastor of the Church of the Nazarene, Monticello, Iowa.

The Journal of Wednesday, April 28, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. L. McClenahan, Sigourney, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall on request of West of Marshall; Harper of Davis for April 29 and 30 on request of McElroy of Fremont.

PRESENTATION OF VISITORS

Daggett of Adams presented to the House Al Costa, an AFS student from San Paulo, Brazil. He is attending and will be graduated from Bedford High School, Bedford, Iowa, this year, and is a guest in the Bill Odell home.

The Speaker announced the following visitors were present in the House chamber:

Thirty-five fifth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Mrs. McMorrow. By Brunow of Appanoose.

Eighty students from Clarion High School, Clarion, Iowa, accompanied by Mr. Dunbar and Mr. Determann. By Stromer of Hancock and Welden of Hardin.

Twenty-six eighth grade students from Sacred Heart School, Spencer, Iowa, accompanied by Mrs. Kadous. By Spencer of Clay.

Twenty-eight students from Bennett High School, Bennett, Iowa, accompanied by Mr. Arenson. By Hinkhouse of Cedar.

Thirty-five students from Logan Junior High School, Waterloo, Iowa, accompanied by David Miller. By Brandt of Black Hawk, O'Halloran of Black Hawk, Middleton of Black Hawk and Wulff of Black Hawk.

Ten Girl Scouts from St. Katherine's-St. Mark's School, Bettendorf, Iowa, accompanied by their leaders, Mrs. Mott and Mrs. Knutson.

PETITION FILED

The following petition was received and placed on file:

By Baker of Buena Vista from nineteen constituents opposing new diagonal highways in Iowa.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on House File 1565, under Rule 36.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 22, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1470, a bill for an act relating to the location and construction of electric power generating facilities.

STEVEN C. CROSS, Secretary

AMENDMENT H—5718 WITHDRAWN
(House File 1400)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5718 to House File 1400 filed by him on March 10, 1976, and found on page 1081 of the House Journal.

On motion by Fitzgerald of Webster, the House was recessed until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hargrave of Johnson for the afternoon session on request of Wells of Linn.

CONSIDERATION OF BILLS

UNFINISHED BUSINESS

The House resumed consideration of **House File 1558**, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage work construction fund, the department of soil conservation, and the Iowa development commission.

Middleswart of Warren called up for consideration the motion to reconsider amendment H—6436 filed by him on April 27, 1976.

Middleswart of Warren asked and received unanimous consent to withdraw his motion to reconsider amendment H—6436 (to page 2).

Amendment H—6449, to amendment H—6436, filed by Middleswart of Warren on April 28, 1976, and found on pages 2298 and 2299 of the House Journal, was out of order.

Dyrland of Clayton called up for consideration the motion to reconsider amendment H—6433 (to page 1) filed by him and moved to reconsider the vote by which amendment H—6433 failed to be adopted by the House on April 27, 1976.

A non-record roll call was requested.

The ayes were 22, nays 50.

The motion lost.

By unanimous consent the following corrective amendment H—6475 filed by Doyle of Woodbury from the floor was adopted:

H—6475

Amend House File 1558 as follows:

1. Title page, line 4, by inserting after the word "commission" the words "; and providing penalties".

Avenson of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1558)

The ayes were, 89:

Anderson	Dunton	Koogler	Pavich
Avenson	Dyrland	Lageschulte	Pellett
Baker	Evans	Lindeen	Perkins
Bennett	Fitzgerald	Lipsky	Readinger
Bina	Gentleman	Lonergan	Rinas
Binneboese	Gilloon	McElroy	Scheelhaase
Bittle	Griffee	Menke	Schroeder
Bortell	Halvorson	Mennenga	Small
Brandt	Hansen	Middleswart	Spencer
Branstad	Harvey	Middleton	Spradling
Brunow	Higgins	Millen	Stromer
Byerly	Hines	Miller, A. V.	Svoboda
Clark	Hinkhouse	Miller, K. D.	Tauke
Connors	Horn	Miller, O. L.	Tofte
Crabb	Howell	Monroe	Varley
Crawford	Hullinger	Nealson	Walter
Cusack	Husak	Newhard	Welden
Daggett	Hutchins	Nielsen	Wells
Danker	Jesse	Norland	West
Den Herder	Jochum	Oakley	Wulff
Dieleman	Jordan	O'Halloran	Wyckoff
Doyle	Junker	Patchett	Mr. Speaker
Drake			

The nays were, 1:

Woods

Absent or not voting, 9:

Brockett	Harper	Krause	Poncy
Egenes	Hennessey	Kreamer	Spear
Hargrave			

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1275, a bill for an act appropriating and allocating funds to the state board of regents to supplement funds appropriated for the 1975-76 fiscal year, with report of committee recommending passage, was taken up for consideration.

Horn of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1275)

The ayes were, 86:

Anderson	Dyrland	Lageschulte	Perkins
Avenson	Evans	Lindeen	Poncy
Baker	Fitzgerald	Lipsky	Readinger
Bennett	Gentleman	Lonergan	Rinas
Bina	Gilloon	McElroy	Scheelhaase
Bittle	Griffee	Menke	Small
Bortell	Halvorson	Middleswart	Spencer
Brandt	Hansen	Middleton	Spradling
Branstad	Higgins	Millen	Stromer
Brunow	Hines	Miller, A. V.	Svoboda
Byerly	Hinkhouse	Miller, K. D.	Tauke
Clark	Horn	Miller, O. L.	Tofte
Connors	Howell	Nealson	Varley
Crawford	Hullinger	Newhard	Walter
Cusack	Husak	Nielsen	Welden
Daggett	Hutchins	Norland	Wells
Danker	Jesse	Oakley	West
Den Herder	Jochum	O'Halloran	Woods
Dieleman	Jordan	Patchett	Wulff
Doyle	Junker	Pavich	Wyckoff
Drake	Koogler	Pellett	Mr. Speaker
Dunton	Krause		

The nays were, 3:

Crabb	Monroe	Schroeder

Absent or not voting, 10:

Binneboese	Hargrave	Hennessey	Mennenga
Brockett	Harper	Kreamer	Spear
Egenes	Harvey		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1200 DEFERRED

Norland of Worth asked and received unanimous consent that **House File 1200** be deferred and that the bill retain its place on the calendar.

WAYS AND MEANS CALENDAR

House File 769, a bill for an act relating to the private sale, control, distribution and taxation of wine containing not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and prescribing penalties therefor, with report of committee recommending amendment and passage, was taken up for consideration.

Hullinger of Decatur rose on a point of order that House File 769 was not in order inasmuch as the subject matter had been previously considered.

The Speaker ruled the point not well taken.

Hullinger of Decatur moved that House File 769 be tabled.

Roll call was requested by Spencer of Clay and Lageschulte of Bremer.

Rules 69 and 70 were invoked.

On the question "Shall House File 769 be tabled?"

The ayes were, 43:

Anderson	Drake	Koogler	Pellett
Baker	Dunton	Lageschulte	Scheelhaase
Bennett	Evans	Lindeen	Small
Bortell	Griffee	Lipsky	Spencer
Branstad	Halvorson	McElroy	Spradling
Brunow	Hansen	Menke	Varley
Crabb	Hinkhouse	Mennenga	Welden
Daggett	Howell	Middleswart	West
Danker	Hullinger	Miller, K. D.	Woods
Den Herder	Hutchins	Miller, O. L.	Wyckoff
Dieleman	Junker	O'Halloran	

The nays were, 48:

Avenson	Fitzgerald	Kreamer	Perkins
Bina	Gentleman	Middleton	Poncy
Binneboese	Gilloon	Millen	Readinger
Bittle	Harvey	Miller, A. V.	Rinas
Brandt	Higgins	Monroe	Schroeder
Byerly	Hines	Nealson	Stromer
Clark	Horn	Newhard	Svoboda
Connors	Husak	Nielsen	Tauke
Crawford	Jesse	Norland	Walter
Cusack	Jochum	Oakley	Wells
Doyle	Jordan	Patchett	Wulff
Dyrland	Krause	Pavich	Mr. Speaker

Absent or not voting, 8:

Brockett	Hargrave	Hennessey	Spear
Egenes	Harper	Lonergan	Tofte

The motion lost.

CALL OF THE HOUSE
(House File 769)

Pursuant to Rule 73, the following members respectfully request a Call of the House on House File 769 and all motions and amendments filed thereto.

GRIFFEE of Chickasaw
HOWELL of Floyd
DIELEMAN of Marion
CRABB of Crawford
MENNENGA of Clinton

QUORUM CALL

A non-record roll call was requested to determine those members present.

The vote revealed ninety-two members present, six absent, and one member previously excused.

Fitzgerald of Webster moved that the Call of the House be lifted.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 51, nays 43.

The motion prevailed and the Call of the House was lifted.

Bina of Scott offered the following amendment H—6203 filed by him:

H—6203

Amend House File 769 as follows:

1. Page 1, line 34, by striking the words *"seventeen percent alcohol by weight"* and inserting in lieu thereof the words *"twenty-one percent alcohol by volume"*.

2. Page 2, line 7, by striking the words *"seventeen percent alcohol by weight"* and inserting in lieu thereof the words *"twenty-one percent alcohol by volume"*.

3. Page 13, by striking lines 6 through 9 and inserting in lieu thereof the words "no refund shall be made".

4. Page 25, line 35, and page 26, line 1, by striking the words "seventeen percent alcohol by weight" and inserting in lieu thereof the words "twenty-one percent alcohol by volume".

5. Page 33, line 21, by inserting after the word "beer" the word ", wine".

6. Page 34, line 8, by inserting after the word "beer" the word ", wine".

7. Page 37, line 13, by striking the words *"seventeen per centum by weight"* and inserting in lieu thereof the words *"twenty-one per centum by volume"*.

8. Page 37, by inserting after line 15 the following new section:

"Sec. ..... Sections one hundred twenty-three point thirty-six (123.36), one hundred twenty-three point fifty-three (123.53), and one hundred twenty-three point fifty-five (123.55), Code 1975, are amended by striking the words "beer and liquor control fund" wherever in those sections the words appear, and inserting in lieu thereof the words "beer, wine and liquor control fund"."

9. Amend the title, lines 2 and 3, by striking the words "seventeen percent alcohol by weight" and

inserting in lieu thereof the words "twenty-one percent alcohol by weight".

Bina of Scott offered the following amendment H—6462, to amendment H—6203, filed by him from the floor and moved its adoption:

H—6462

Amend amendment H—6203, to page 1 of House File 769, as follows:

1. Page 1, line 38, by striking the word "weight" and inserting in lieu thereof the word "volume".

Amendment H—6462 was adopted.

Griffee of Chickasaw moved that House File 769 be rereferred to the committee on ways and means.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 45, nays 48.

The motion lost.

Division of amendment H—6203 was requested as follows: Lines 2 through 9, 13 through 16, 21 through 24, and 35 through 38 to be amendment H—6203A; lines 10 through 12 to be amendment H—6203B; lines 17 through 20 and 25 through 34 to be amendment H—6203C.

Fitzgerald of Webster moved the previous question on the filing of amendments to House File 769.

Roll call was requested by Fitzgerald of Webster and Bina of Scott.

On the question "Shall the previous question of the filing of amendments prevail?"

The ayes were, 52:

Anderson	Fitzgerald	Krause	Patchett
Avenson	Gilloon	Lonergan	Pavich
Bina	Hennessey	Mennenga	Perkins
Binneboese	Higgins	Middleswart	Poncy
Brandt	Hines	Middleton	Rinas
Brunow	Hinkhouse	Miller, A. V.	Schroeder
Byerly	Horn	Miller, K. D.	Spencer
Connors	Hullinger	Miller, O. L.	Spradling
Cusack	Hutchins	Monroe	Svoboda
Dieleman	Jesse	Newhard	Walter
Doyle	Jochum	Nielsen	Wells
Dunton	Jordan	Norland	Wyckoff
Dyrland	Koogler	O'Halloran	Mr. Speaker

The nays were, 36:

Bennett	Drake	Kreamer	Pellett
Bittle	Foenes	Lageschulte	Readinger
Bortell	Evans	Lindeen	Scheelhaase
Branstad	Gentleman	Lipsky	Stromer
Clark	Griffee	McElroy	Tauke
Crawford	Halvorson	Menke	Tofte
Daggett	Hansen	Millen	Welden
Danker	Howell	Nealson	West
Den Herder	Junker	Oakley	Wulff

Absent or not voting, 11:

Baker	Hargrave	Husak	Varley
Brockett	Harper	Small	Woods
Crabb	Harvey	Spear	

The motion prevailed.

Danker of Pottawattamie moved to substitute **House File 1031** for House File 769.

Monroe of Des Moines rose on a point of order that the motion to substitute was dilatory and frivolous.

The Speaker ruled the point well taken and the motion not in order.

Bina of Scott moved the adoption of amendment H—6203A, as amended.

Amendment H—6203A, as amended, was adopted.

Bina of Scott asked and received unanimous consent to withdraw amendment H—6203B.

On motion by Bina of Scott, amendment H—6203C was adopted.

Bina of Scott offered the following amendment H—6065 filed by the committee on ways and means:

H—6065

Amend House File 769 as follows:

1. Page 6, by inserting after line 11 the following:

"Sec. ..... Section one hundred twenty-three point twenty (123.20), subsections one (1), seven (7) and eight (8), Code 1975, are amended to read as follows:

1. To purchase alcoholic liquors *and wines* for resale by the department *and to sell alcoholic liquors and wines* in the manner set forth in this chapter. *Nothing contained in this chapter shall be construed to require the state or the department or any of its officers or employees to obtain a permit or license for the purchase or sale of alcoholic liquors or wines pursuant to this subsection.*

7. To license, inspect, and control the manufacture of beer, *wine* and alcoholic liquors and regulate the entire beer, *wine* and liquor industry in the state.

8. To accept *wines and* intoxicating liquors ordered delivered to the Iowa beer and liquor control department pursuant to section 751.31, subsections 1 and 2, and offer such *wines and* intoxicating liquors for sale through the state liquor stores, unless the director determines that such *wines and* intoxicating liquors may be adulterated or contaminated. If the director determines that such *wines and* intoxicating liquors may be adulterated or contaminated he shall order their destruction."

2. Page 6, line 17, by striking the words "liquor kept for sale" and inserting in lieu thereof the words "[liquor kept for sale] *liquor and wine kept for sale by the department*".

3. Page 7, line 12, by inserting after the word "vendor" the words "*of all wine and*".

4. Page 17, by inserting after line 15 the following:

"Sec. ..... Section one hundred twenty-three point forty-eight (123.48), subsection one (1), Code 1975, is amended to read as follows:

1. Upon attempt to purchase alcoholic liquor *or wine* in any state liquor store by any person who appears to the vendor to be under legal age, such vendor shall demand and the prospective purchaser upon such demand shall display satisfactory evidence that he is of legal age."

5. Page 27, line 4, by inserting after the word "chapter." the words "*A class "A" wine permittee also shall be authorized to sell wine to the department.*"

6. Page 30, line 11, by inserting after the word "state" the words "for sale to the department, or".

7. Page 33, line 13, by striking the words "state

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at wholesale" and inserting in lieu thereof the words "state at wholesale to a class "A" permittee".

8. Page 33, line 14, by striking the word "forty" and inserting in lieu thereof the word "seventy".

9. Page 33, line 31, by striking the numerals "1972" and inserting in lieu thereof the numerals "1976".

10. Page 34, line 4, by striking the numerals "1972" and inserting in lieu thereof the numerals "1976".

11. By renumbering sections and correcting internal references as necessary.

Bina of Scott asked and received unanimous consent to withdraw amendment H—6212, to amendment H—6065 (to page 6), filed by him on April 7, 1976, and found on page 1710 of the House Journal.

Lageschulte of Bremer offered the following amendment H—6467, to amendment H—6065, filed by him and Bennett of Ida from the floor and moved its adoption:

H—6467

Amend amendment H—6065, to page 6 of House File 769, as follows:

1. Page 2, by striking lines 3 and 4 and inserting in lieu thereof the following:

"8. Page 33, line 14, by striking the words "forty cents" and inserting in lieu thereof the following: "one (1) dollar"."

Roll call was requested by Tauke of Dubuque and Wulff of Black Hawk.

Rule 70 was invoked.

On the question "Shall amendment H—6467, to amendment H—6065, be adopted?"

The ayes were, 46:

Anderson	Dieleman	Kreamer	Pellett
Bennett	Drake	Lageschulte	Scheelhaase
Bortell	Dunton	Lindeen	Spencer
Brandt	Dyrland	McElroy	Spradling
Branstad	Egenes	Menke	Stromer
Brunow	Evans	Mennenga	Tauke
Clark	Griffee	Middleswart	Tofte
Crabb	Halvorson	Miller, A. V.	Walter
Crawford	Hansen	Miller, K. D.	Welden
Daggett	Howell	Miller, O. L.	West
Danker	Hullinger	Nealson	Woods
Den Herder	Koogler		

The nays were, 47:

Avenson	Harvey	Krause	Perkins
Baker	Hennessey	Lipsky	Poncy
Bina	Higgins	Lonergan	Readinger
Binneboese	Hines	Millen	Rinas
Bittle	Hinkhouse	Monroe	Schroeder
Byerly	Horn	Newhard	Small
Connors	Husak	Nielsen	Svoboda
Cusack	Hutchins	Norland	Wells
Doyle	Jesse	Oakley	Wulff
Fitzgerald	Jochum	O'Halloran	Wyckoff
Gentleman	Jordan	Patchett	Mr. Speaker
Gilloon	Junker	Pavich	

Absent or not voting, 6:

Brockett	Harper	Spear	Varley
Hargrave	Middleton		

Amendment H—6467 lost.

Bina of Scott moved the adoption of amendment H—6065.

Roll call was requested by Anderson of Jasper and Walter of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6065 be adopted?"

The ayes were, 58:

Avenson	Drake	Krause	Patchett
Baker	Dyrland	Lipsky	Pavich
Bennett	Fitzgerald	Lonergan	Perkins
Bina	Gentleman	Mennenga	Poncy
Binneboese	Gilloon	Middleton	Readinger
Bittle	Harvey	Millen	Rinas
Brandt	Higgins	Miller, A. V.	Schroeder
Brunow	Hines	Miller, K. D.	Small
Byerly	Horn	Monroe	Svoboda
Clark	Husak	Newhard	Tauke
Connors	Hutchins	Nielsen	Walter
Crawford	Jesse	Norland	Wells
Cusack	Jochum	Oakley	Wulff
Dieleman	Jordan	O'Halloran	Mr. Speaker
Doyle	Junker		

The nays were, 36:

Anderson	Evans	Lageschulte	Spencer
Bortell	Griffee	Lindeen	Spradling
Branstad	Halvorson	McElroy	Stromer
Crabb	Hansen	Menke	Tofte
Daggett	Hennessey	Middleswart	Varley
Danker	Hinkhouse	Miller, O. L.	Welden
Den Herder	Howell	Nealson	West
Dunton	Hullinger	Pellett	Woods
Egenes	Koogler	Scheelhaase	Wyckoff

Absent or not voting, 5:

Brockett	Harper	Kreamer	Spear
Hargrave			

Amendment H—6065 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—6070 (to page 16) filed by him on March 31, 1976, and found on page 1511 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H—6464 filed by him from the floor:

H—6464

Amend House File 769 as follows:

1. Page 16, line 9, by inserting after the word "beer" the words "*, except to the holder of a class "C" beer or wine permit or both thereof and for a period not to exceed forty-five days,*".

2. Page 18, line 6, by inserting after the word "person" the words "*, except to a person holding a class "C" beer or wine permit or both thereof,*".

Cusack of Scott rose on a point of order that amendment H—6464 was not germane.

The Speaker ruled the point well taken and amendment H—6464 not germane.

Schroeder of Pottawattamie moved that the rules governing germaneness be suspended for the consideration of amendment H—6464.

Roll call was requested by Oakley of Clinton and Pavich of Pottawattamie.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6464?"

The ayes were, 32:

Anderson	Egenes	Hullinger	Pellett
Avenson	Evans	Jochum	Scheelhaase
Bennett	Gilloon	Junker	Schroeder
Bortell	Griffee	Krause	Spradling
Branstad	Harvey	Lipsky	Varley
Byerly	Hennessey	McElroy	Walter
Crabb	Hines	Menke	Welden
Dyrland	Howell	Monroe	West

The nays were, 61:

Baker	Dunton	Lindeen	Perkins
Bina	Fitzgerald	Lonergan	Poncy
Binneboese	Gentleman	Mennenga	Readinger
Bittle	Halvorson	Middleswart	Rinas
Brandt	Hansen	Middleton	Small
Brunow	Higgins	Millen	Spencer
Clark	Hinkhouse	Miller, A. V.	Stromer
Connors	Horn	Miller, O. L.	Svoboda
Crawford	Husak	Nealson	Tauke
Cusack	Hutchins	Newhard	Tofte
Daggett	Jesse	Norland	Wells
Danker	Jordan	Oakley	Woods
Den Herder	Koogler	O'Halloran	Wulff
Dieleman	Kreamer	Patchett	Wyckoff
Doyle	Lageschulte	Pavich	Mr. Speaker
Drake			

Absent or not voting, 6:

Brockett	Harper	Nielsen	Spear
Hargrave	Miller, K. D.		

The motion lost.

Brandt of Black Hawk offered the following amendment H—6463 filed by her from the floor and moved its adoption:

H—6463

1 Amend House File 769 as follows:

1. Page 16, line 17, by inserting after the word "chapter." the words *"The prohibitions contained in this paragraph shall not apply to the business organization of, or to the business arrangements and transactions between a wholesale grocer which holds a class "A" wine permit and one or more retail grocery stores which hold class "C" wine permits and which are owned in whole or in part by the same person, if that wholesale grocer and all of those retail grocery stores satisfy all of the conditions specified in section one hundred twenty-three point one hundred twenty-six (123.126), subsection three (3) of the Code.*

2. Page 26, by striking lines 17 through 20 and inserting in lieu thereof the following:

"123.126 PROHIBITED INTEREST. [It shall be unlawful for any person or persons to be either directly or indirectly interested in more than one class of beer permit.]

1. It shall be unlawful for any person to be either directly or indirectly interested in more than one class of beer permit.

2. It shall be unlawful for any person to be either directly or indirectly interested in more than one class of wine permit.

3. As an exception to the prohibition contained in subsection two (2) of this section it shall be lawful for a person to be interested in both a class "A" wine permit and one or more class "C" wine permits if all of the following conditions are satisfied:

a. The class "A" wine permittee is a wholesale grocer whose gross dollar volume of sales of goods ordinarily sold in retail grocery stores, excluding wine and beer, is not less than seventy-five percent of the total gross dollar volume of sales of that permittee; and

b. Each class "C" wine permittee is a retail grocer whose gross dollar volume of sales of goods ordinarily sold in retail grocery stores, excluding wine and beer, is not less than seventy-five percent of the total gross dollar volume of sales of that permittee."

A non-record roll call was requested.

The ayes were 47, nays 35.

Amendment H—6463 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion for the remainder of the day on request of Koogler of Mahaska.

Schroeder of Pottawattamie offered the following amendment H—6474 filed by him from the floor:

H—6474

Amend House File 769 as follows:

1. Page 19, by inserting after line 24 the following new subsection:

"*NEW SUBSECTION.* 5. PUBLIC INDECENT EXPOSURE. A holder of a liquor license or wine or beer permit or any owner, manager, or person who exercises direct control over any licensed premises defined in section one hundred twenty-three point three (123.3), subsection thirty-one (31) of the Code shall be guilty of a public offense under any of the following circumstances:

a. If such person allow or permit the actual or simulated performance of any sex act upon or in such licensed premises.

b. If such person allow or permit the exposure of the genitals or buttocks or female breast nipple of any person who acts as a waiter, waitress, or entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

c. If such person allow or permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, buttocks, pubic hair or anus.

d. If such person allow or permit the displaying of films or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

Provided that the provisions of this section shall not apply to a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances and any of the circumstances contained in this section were permitted or allowed as part of such performances.

A person who is convicted of a violation of this subsection shall be subject to imprisonment not to exceed two years, or to a fine not exceeding five thousand dollars, or to both the fine and imprisonment."

2. Page 19, by striking lines 26 and 27 and inserting in lieu thereof the following:

"(123.50), subsections one (1), two (2) and three (3), Code 1975, are amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, *except subsection five (5)*, shall be subject to a fine of not to exceed one hundred dollars or to imprisonment for not more than thirty days in the county jail."

3. By renumbering sections of the bill and by

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1 correcting internal references.
2 4. Amend the title, line 4, by inserting after
3 the word "unlawful" the words ", prohibiting certain
4 acts or omissions on premises licensed or permitted
5 for the sale of alcoholic liquor, wine or beer,".

Gilloon of Dubuque rose on a point of order that amendment H—6474 was not germane.

The Speaker ruled the point well taken and amendment H—6474 not germane.

Krause of Palo Alto offered the following amendment H—6473 filed by him from the floor and moved its adoption:

H—6473
1 Amend House File 769 as follows:
2 1. Page 20, by striking lines 25 through 35.
3 2. Page 21, by striking lines 1 through 10.

A non-record roll call was requested.

The ayes were 62, nays 8.

Amendment H—6473 was adopted.

Woods of Polk offered the following amendment H—6470 filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H—6470
1 Amend House File 769 as follows:
2 1. Page 26, line 20, by inserting after the
3 word "permit." the following: *"It shall also be*
4 *unlawful for any person or persons to be either*
5 *directly or indirectly interested in both a class*
6 *"A" wine permit and a class "A" beer permit."*

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 41, nays 47.

Amendment H—6470 lost.

Bina of Scott asked and received unanimous consent to withdraw amendment H—5722 (to page 33) filed by Bina, et al., on March 10, 1976, and found on page 1080 of the House Journal.

Wells of Linn asked and received unanimous consent to withdraw amendment H—5806 (to page 33) filed by him on March 16, 1976, and found on page 1189 of the House Journal.

Daggett of Adams offered the following amendment H—6465 filed by him from the floor and moved its adoption:

H—6465

Amend House File 769 as follows:

1. Page 35, line 5 by striking the words *"and retail"*.

2. Page 35, line 6 by striking the words *"liquor licensee"*.

Amendment H—6465 was adopted.

Walter of Pottawattamie moved to suspend the rules governing germaneness to consider amendment H—6474 (to page 19) filed by Schroeder of Pottawattamie from the floor.

A non-record roll call was requested.

The ayes were 29, nays 44.

The motion lost.

Clark of Lee moved that the rules be suspended for the consideration of an amendment.

Roll call was requested by Clark of Lee and Wulff of Black Hawk.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 50:

Anderson	Evans	Menke	Rinas
Bennett	Gentleman	Middleton	Schroeder
Bortell	Griffee	Millen	Small
Brandt	Hansen	Miller, A. V.	Spencer
Branstad	Harvey	Miller, O. L.	Spradling
Byerly	Higgins	Newhard	Stromer
Clark	Hines	Nielsen	Tauke
Connors	Jochum	Oakley	Varley
Crawford	Junker	O'Halloran	Walter
Cusack	Lageschulte	Pellett	West
Daggett	Lindeen	Poncy	Woods
Dunton	Lipsky	Readinger	Wulff
Egenes	McElroy		

The nays were, 87:

Avenson	Fitzgerald	Jesse	Patchett
Baker	Gilloon	Jordan	Pavich
Bina	Hennessey	Koogler	Perkins
Binneboese	Hinkhouse	Krause	Scheelhaase
Brunow	Horn	Mennenga	Svoboda
Crabb	Howell	Middleswart	Welden
Danker	Hullinger	Miller, K. D.	Wells
Den Herder	Husak	Monroe	Wyckoff
Doyle	Hutchins	Norland	Mr. Speaker
Dyrland			

Absent or not voting, 12:

Bittle	Drake	Harper	Nealson
Brockett	Halvorson	Kreamer	Spear
Dieleman	Hargrave	Lonergan	Tofte

The motion having failed to receive a constitutional majority lost.

Jesse of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 769)

The ayes were, 40:

Avenson	Doyle	Jordan	Perkins
Bina	Fitzgerald	Krause	Readinger
Binneboese	Gilloon	Lipsky	Rinas
Bittle	Harvey	Middleton	Schroeder
Brandt	Hennessey	Millen	Svoboda
Byerly	Higgins	Monroe	Walter
Clark	Hines	Newhard	Wells
Connors	Horn	Nielsen	Woods
Crawford	Jesse	Patchett	Wulff
Cusack	Jochum	Pavich	Mr. Speaker

The nays were, 49:

Anderson	Evans	Lageschulte	Pellett
Baker	Gentleman	Lindeen	Poncy
Bennett	Griffee	McElroy	Scheelhaase
Bortell	Halvorson	Menke	Small
Branstad	Hansen	Mennenga	Spencer
Brunow	Hinkhouse	Middleswart	Spradling
Crabb	Howell	Miller, A. V.	Stromer
Daggett	Hullinger	Miller, K. D.	Tauke
Danker	Husak	Miller, O. L.	Varley
Den Herder	Hutchins	Norland	Welden
Dunton	Junker	Oakley	West
Dyrland	Koogler	O'Halloran	Wyckoff
Egenes			

Absent or not voting, 10:

Brockett	Hargrave	Lonergan	Spear
Dieleman	Harper	Nealson	Tofte
Drake	Kreamer		

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

MOTIONS TO RECONSIDER
(House File 769)

I move to reconsider the vote by which House File 769 failed to pass the House on April 29, 1976.

GRIFFEE of Chickasaw

(House File 769)

I move to reconsider the vote by which House File 769 failed to pass the House on April 29, 1976.

BAKER of Buena Vista

REREFERRED TO APPROPRIATIONS
(Senate File 1252)

Griffee of Chickasaw asked and received unanimous consent that **Senate File 1252**, presently on the appropriations calendar, be rereferred to the committee on **appropriations.**

HOUSE CONCURRENT RESOLUTION 135
By Hansen, Cusack and Welden

Whereas, it appears that certain area detoxification centers in this state incurred various financial obligations during the fiscal year beginning July 1, 1974, on the assumption that state funds would become available to pay seventy-five percent of these obligations but prior to conclusion of contracts with the division of alcoholism as a basis for such reimbursement to the area centers involved; and

Whereas, some of these obligations remain unpaid, and it has been suggested that reimbursement of seventy-five percent of these obligations is, or should be regarded as, a responsibility of the state; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is authorized to establish during the 1976 legislative interim an appropriate study committee or joint interim subcommittee to determine the extent and nature of the unpaid obligations incurred by area detoxification centers during the fiscal year beginning July 1, 1974 in reliance upon funds expected to be available through the commission on alcoholism, and submit to the first session of the Sixty-seventh General Assembly not later than January 31, 1977 a report including recommendations as to the disposition of these unpaid obligations.

Laid over under Rule 25.

SPONSOR WITHDRAWN
(Amendment H—6444 to House File 1069)

Miller of Calhoun requests her name be withdrawn as a sponsor on amendment H—6444 to **House File 1069.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber Wednesday afternoon

when the vote was taken on House File 863. Had I been present, I would have voted "nay."

McELROY of Fremont

STUDY BILL COMMITTEE ASSIGNMENTS

S. B. 133 **Ways and means**
To authorize the deferral of special assessments for persons receiving federal supplementary security income or state supplementary assistance.

S. B. 134 **Ways and means**
Relating to define sales within the state for corporate tax purposes.

S. B. 135 **Ways and means**
Relating to filing fees in civil matters.

S. B. 136 **Ways and means**
Relating to eligibility for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, and making appropriations.

AMENDMENTS FILED

H—6469

Amend the Senate amendment, H—6427, to House File 1038, as amended and passed by the House by inserting after line 6 the following:

"..... Page 2, by inserting after line 21 the following new section:

Sec. ..... Section one hundred seventy-three point twelve (173.12), Code 1975, is amended to read as follows:

173.12 SALARY OF TREASURER. The treasurer shall receive such compensation for his services as the board may fix, not to exceed five hundred dollars a year, and [necessary traveling and hotel expenses] *shall be paid a forty dollar per diem and shall be reimbursed for actual and necessary expenses incurred while engaged in official duties.*"

SCHROEDER of Pottawattamie
HARPER of Davis

H—6476

Amend House File 1200 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The three installments of property

taxes which became delinquent on April 1, 1974, October 1, 1974, and April 1, 1975, pursuant to the provisions of chapter four hundred forty-five (445) of the Code, were the property taxes for the period beginning January 1, 1973 and ending June 30, 1974.

The two installments of property taxes which became delinquent on October 1, 1975, and April 1, 1976, were the property taxes for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

Sec. 2. Section four hundred twenty-eight point four (428.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Property shall be [taxed] *assessed for taxation* each year. Personal property shall be listed and assessed each year in the name of the owner of the personal property on the first day of January *and the assessment made shall be the value of the personal property as of January first of the year of the assessment.* Real estate shall be listed and valued in 1971 and every four years thereafter. *The assessment of real estate shall be the value of the real estate as of January first of the year of the assessment.* In any year, after the year in which an assessment has been made of all the real estate in any assessing jurisdiction, it shall be the duty of the assessor to value and assess or revalue and reassess, as the case may require, any real estate that [he] *the assessor* finds was incorrectly valued or assessed, or was not listed, valued and assessed, in the real estate assessment year immediately preceding, also any real estate [he] *the assessor* finds has changed in value subsequent to January [1] *first* of the preceding real estate assessment year. The assessor shall determine the actual value and compute the taxable value thereof *as of January first of the year of the revaluation and reassessment.* The assessment shall be completed as specified in section 441.28, but no reduction or increase in actual value shall be made for prior years. If an assessor makes a change in the valuation of the real estate as provided for herein, the provisions of sections 441.23, 441.37, 441.38 and 441.39 shall apply.

Sec. 3. Section four hundred forty-one point thirty-five (441.35), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

In any year after the year in which an assessment

has been made of all the real estate in any taxing district, it shall be the duty of the board of review to meet as provided in section 441.33, and where it finds the same has changed in value, to revalue and reassess any part or all of the real estate contained in such taxing district, and in such case, it shall determine the actual value *as of January first of*

the year of the revaluation and reassessment and compute the taxable value thereof, and any aggrieved taxpayer may petition for a revaluation of his property, but no reduction or increase shall be made for prior years. If the assessment of any such property is raised, or any property is added to the tax list by the board, the clerk shall give notice in the manner provided in section 441.36, provided, however, that if the assessment of all property in any taxing district is raised the board may instruct the clerk to give immediate notice by one publication in one of the official newspapers located in the taxing district, and such published notice shall take the place of the mailed notice provided for in section 441.36, but all other provisions of said section shall apply. The decision of the board as to the foregoing matters shall be subject to appeal to the district court within the same time and in the same manner as provided in section 441.38.

Sec. 4. Chapter four hundred forty-one (441), Code 1975, is amended by adding the following new sections:

NEW SECTION. The assessment date of January first is the first date of an assessment year period which constitutes a calendar year commencing January first and ending December thirty-first. All property tax statutes providing for tax exemptions or credits and requiring, as a prerequisite thereto, that a claim be filed, shall be construed to require such claims to be filed during the assessment year. In the event that no claim is required to be filed to procure an exemption or credit, the status of the property as exempt or taxable on the levy date of the fiscal year which commences during the assessment year determines its eligibility for exemption or credit. Any statute requiring proration of property taxes for any purpose, unless otherwise stated, shall be for the assessment year and such proration shall be based on the status of the property during the assessment year.

NEW SECTION. The assessment date for property taxes for the fiscal period beginning January 1, 1973 and ending June 30, 1974 and which became delinquent during the fiscal period beginning January 1, 1974 and

ending June 30, 1975, was January 1, 1973. The assessment date for property taxes for the fiscal year beginning July 1, 1974 and ending June 30, 1975 and which became delinquent during the fiscal year beginning July 1, 1975 and ending June 30, 1976, was January 1, 1974. Thereafter, the assessment date is January first for taxes for the fiscal year which commences six months after the assessment date and which becomes delinquent during the fiscal year commencing eighteen months after the assessment date.

Sec. 5. Section four hundred forty-five point thirty-six (445.36), Code 1975, is amended to read as follows:

445.36 PAYMENT—INSTALLMENTS.

1. For fiscal years after July 1, 1975, the property taxes which become delinquent during the fiscal year shall be for the previous fiscal year.

2. No demand of taxes shall be necessary, but it shall be the duty of every person subject to taxation to attend at the office of the treasurer, at some time between the first Monday in August and September 1 following, and pay his taxes in full, or one-half thereof before September 1 succeeding the levy, and the remaining half before March 1 following.

Sec. 6. The provisions of section one (1) of this Act shall be retroactive to January 1, 1973. The provisions of sections two (2), three (3), and four (4) of this Act shall be retroactive to January 1, 1976. The provisions of section five (5) of this Act shall be retroactive to July 1, 1975.

Sec. 7. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Daily Freeman-Journal, a newspaper published in Webster City, Iowa, and in The New Iowa Bystander, a newspaper published in West Des Moines, Iowa."

BITTLE of Polk
NORLAND of Worth

H—6477

Amend amendment H—6239 to House File 1480 as follows:

1. Page 17, by inserting after line 18 the following paragraphs:

"The provisions of this section notwithstanding, a political sub-division may pass a resolution or ordinance regulating the length of time a specific crossing may be blocked if the political sub-division demonstrates such a resolution or ordinance is necessary for public safety or convenience. If such a resolution or ordinance is passed the political sub-division shall immediately notify the board and the railroad corporation using the crossing affected by the resolution or ordinance. The resolution or ordinance shall become effective thirty (30) days after such notification unless a person files an objection to the resolution or ordinance with the board. If an objection is filed the board shall hold a hearing according to the rules established by the board. The board may disapprove the resolution or ordinance if public safety or convenience does not require such a resolution or ordinance. Public safety or convenience may include,

but shall not be limited to, high traffic density at a specific crossing of a main artery or interference with the flow of authorized emergency vehicles.

Political sub-divisions shall notify the board within sixty (60) days of the effective date of this Act, of each existing resolution or ordinance which does not conform with the provisions of this section.

Such ordinances or resolutions may remain in effect until the board has acted upon each ordinance or resolution under the procedures specified in this section."

DRAKE of Muscatine
KRAUSE of Palo Alto
SCHROEDER of Pottawattamie
RINAS of Linn

H—6466

Amend House File 1512 as follows:

1. Page 1, line 11, by striking the word "charged" and inserting in lieu thereof the following: "[charged] *charges*".

HANSEN of O'Brien

H—6468

Amend House File 1512 as follows:

1. Page 1, by inserting after line 13 the following new section:

"Sec. 2. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsections thirty (30) and thirty-two (32), Code 1975, is amended to read as follows:

30. "Organization" means a corporation, government or governmental subdivision or agency, trust, estate, [partnership,] co-operative, or association.

32. "Person" means:

a. A natural person, *partnership,* or an individual.

b. An organization."

HANSEN of O'Brien
DUNTON of Keokuk
SCHROEDER of Pottawattamie
HOWELL of Floyd
HINKHOUSE of Cedar

H—6472

Amend the Oakley amendment H—6257 to Senate File 205, as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 38, by striking the word "three" and inserting in lieu thereof the word "two".

2. Page 4, line 22, by striking the word "three" and inserting in lieu thereof the word

"two".

3. Page 4, line 24, by inserting after the period the following: "The board may, by notifying the teacher in writing on or before March thirty-first of the second year, extend the probationary period one additional year for a beginning teacher with no previous teaching experience."

EGENES of Story
SVOBODA of Iowa

H—6478

Amend Senate File 205, as amended, passed and reprinted by the Senate as follows:

1. By striking all of pages 1, 2, 3, 4 and 5.

2. Page 6, by striking all of lines 1 through 32 and inserting in lieu thereof the following:

"Section 1. Section two hundred seventy-nine point thirteen (279.13), Code 1975, is hereby repealed."

BITTLE of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 7:13 p.m. until 10:00 a.m., Friday, April 30, 1976.

JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day—Seventy-third Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, APRIL 30, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by Nancy Gray, Speaker's Page, from Bedford, Iowa.

The Journal of Thursday, April 29, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. George A. Kern, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spencer of Clay on request of Tofte of Winneshiek; Hargrave of Johnson on request of Patchett of Johnson; Mennenga of Clinton on request of Miller of Buchanan; Middleton of Black Hawk on request of Small of Johnson.

PRESENTATION OF VISITORS

Husak of Tama presented to the House Miss Clarice Onuki, an AFS student from Santos, Sao Paulo, Brazil, and Roberto Archila, an AFS student from Bogota, Colombia, both attending Benton Community High School, Van Horne, Iowa. Clarice is a guest of the Dean Scheel family at Dysart and Roberto is a guest of the Jim Meyer family at Keystone.

The Speaker announced the following visitors were present in the House chamber:

Twenty-five fifth grade students from Roosevelt School, Ames, Iowa, accompanied by Mrs. Gamel and Mr. Tosten. By Crawford of Story and Hines of Story.

Fourteen eighth grade students from Christ the King School, Iowa City, Iowa, accompanied by Rev. William Biederman. By Small of Johnson.

Twenty seventh grade students from Whiting Elementary School, Whiting, Iowa, accompanied by Doug Williams. By Crabb of Crawford and Scheelhaase of Woodbury.

Thirty-four fifth grade students from Ballard School, Cambridge, Iowa, accompanied by Mrs. Kermit Griffith. By Crawford of Story.

Forty-one fifth grade students from St. Mary's School, Marshalltown, Iowa, accompanied by Jim Agnew. By Brockett of Marshall.

Thirty-five students from Benton Community High School (classmates of Barb Nesheim), Van Horne, Iowa, accompanied by Don Logan. By Husak of Tama and Svoboda of Iowa.

One hundred members of the Jefferson High School Band (classmates of Mary McLaud), Cedar Rapids, Iowa, accompanied by Lou Colton, director. By Horn of Linn and Wells of Linn.

PETITIONS FILED

The following petitions were received and placed on file:

By Cusack of Scott from eighty-two residents of Scott County in support of hunting and conservation legislation.

By Scheelhaase of Woodbury from fifteen teachers of the Lawton-Bronson Elementary School, urging the legislature to appropriate $90,000 to IEBN to assist in funding for developing fifteen thirty-minute programs about major episodes in Iowa history.

By Scheelhaase of Woodbury and Doyle of Woodbury from one hundred one residents of Woodbury County favoring House File 1200, relating to the assessment date, collection period, and delinquency dates of property taxes.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 21, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1278, a bill for an act relating to airports and aeronautics and providing for a fee.

Also: That the Senate has on April 27, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1310, a bill for an act relating to health care malpractice arising from health care services.

STEVEN C. CROSS, Secretary

UNANIMOUS CONSENT

Krause of Palo Alto asked and received unanimous consent that Bob Steiner, legal counsel to the transportation regulation board, be permitted to be present in the House chamber during the consideration of **House File 1480.**

CONSIDERATION OF BILLS

WAYS AND MEANS CALENDAR

Senate File 1279, a bill for an act to legalize and validate the proceedings of the Polk County Commissioner of Elections in connection with an election in and for the City of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto, with report of committee recommending amendment and passage, was taken up for consideration.

Woods of Polk offered the following amendment H—6355 filed by the committee on ways and means and moved its adoption:

H—6355

Amend Senate File 1279 as follows:
1. Page 1, by striking lines 31 through 35 and inserting in lieu thereof the following:
"Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Cedar Valley Daily Times, a newspaper published in Vinton, Iowa, and the Neola Gazette-Reporter, a newspaper published in Neola, Iowa."
2. Page 2, by striking line 1.

Amendment H—6355 was adopted.

Woods of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1279)

The ayes were, 87:

Anderson	Brockett	Danker	Fitzgerald
Avenson	Brunow	Den Herder	Gentleman
Baker	Byerly	Dieleman	Gilloon
Bennett	Clark	Doyle	Griffee
Bina	Connors	Drake	Halvorson
Binneboese	Crabb	Dunton	Hansen
Bortell	Crawford	Dyrland	Harvey
Brandt	Cusack	Egenes	Higgins
Branstad	Daggett	Evans	Hines

Hinkhouse	Lageschulte	Norland	Stromer
Horn	Lindeen	Oaklev	Svoboda
Howell	Lipsky	O'Halloran	Tauke
Hullinger	Lonergan	Patchett	Tofte
Husak	McElroy	Pavich	Varley
Hutchins	Menke	Pellett	Walter
Jesse	Middleswart	Perkins	Welden
Jochum	Millen	Poncy	West
Jordan	Miller, A. V.	Rinas	Woods
Junker	Miller, O. L.	Scheelhaase	Wulff
Koogler	Nealson	Schroeder	Wyckoff
Krause	Newhard	Small	Mr. Speaker
Kreamer	Nielsen	Spradling	

The nays were, none.

Absent or not voting, 12:

Bittle	Hennessey	Miller, K. D.	Spear
Hargrave	Mennenga	Monroe	Spencer
Harper	Middleton	Readinger	Wells

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(Senate File 1279)

Fitzgerald of Webster asked and received unanimous consent that **Senate File 1279** be **immediately messaged** to the Senate.

CONSIDERATION OF BILLS

STEERING COMMITTEE CALENDAR

SENATE JOINT RESOLUTION 1006 SUBSTITUTED FOR HOUSE JOINT RESOLUTION 1003

Spradling of Sioux asked and received unanimous consent to substitute Senate Joint Resolution 1006 for House Joint Resolution 1003.

Senate Joint Resolution 1006, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments, was taken up for consideration.

Hullinger of Decatur offered the following amendment H—5525 filed by him and moved its adoption:

H—5525

Amend Senate Joint Resolution 1006 as follows :

1. Page 1, by striking everything after the period in line 13 and all of lines 14 and 15.

Amendment H—5525 lost.

Spradling of Sioux moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

Senate Joint Resolution 1006, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is hereby proposed:

Article three (III), legislative department, Constitution of the State of Iowa is hereby amended by adding the following new section:

NEW SECTION. Counties or joint county-municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. The general assembly may provide for the creation and dissolution of joint county-municipal corporation governments.

If the power or authority of a county conflicts with the power and authority of a municipal corporation, the power and authority exercised by a municipal corporation shall prevail within its jurisdiction.

The proposition or rule of law that a county or joint county municipal corporation government possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause the same to be published for three consecutive months previous to the date of said election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 1006)

The yeas were, 84:

Anderson	Drake	Jordan	O'Halloran
Avenson	Dunton	Junker	Pavich
Baker	Dyrland	Koogler	Pellett
Bennett	Egenes	Krause	Perkins
Bina	Evans	Lageschulte	Poncy
Binneboese	Fitzgerald	Lindeen	Readinger
Bortell	Gentleman	Lipsky	Rinas
Branstad	Gilloon	Lonergan	Scheelhaase
Brockett	Griffee	McElroy	Schroeder
Brunow	Halvorson	Menke	Spradling
Byerly	Hansen	Middleswart	Stromer
Clark	Harvey	Millen	Svoboda
Connors	Higgins	Miller, A. V.	Tauke
Crabb	Hines	Miller, K. D.	Tofte
Crawford	Hinkhouse	Miller, O. L.	Varley
Cusack	Horn	Monroe	Walter
Daggett	Howell	Nealson	West
Danker	Husak	Newhard	Woods
Den Herder	Hutchins	Nielsen	Wulff
Dieleman	Jesse	Norland	Wyckoff
Doyle	Jochum	Oakley	Mr. Speaker

The nays were, 7:

Bittle	Hullinger	Patchett	Welden
Brandt	Kreamer	Small	

Absent or not voting, 8:

Hargrave	Hennessey	Middleton	Spencer
Harper	Mennenga	Spear	Wells

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

Pursuant to the announcement by the Speaker on page 2276 of the House Journal, the following amendment H—6482 filed by Bina, Cusack, Drake, Harvey, Higgins, Hinkhouse and Oakley from the floor was out of order:

H—6482

Amend Senate Joint Resolution 1006 as passed by the Senate as follows:

1. Page 1, by striking lines 6 through 23, and inserting in lieu thereof the following:

"*NEW SECTION.* Any county may frame a home rule charter for the structure and operation of its own government or for the government of one or more municipal corporations within the county, consistent with the Constitution of this state.

At the general election to be held in the year 1980, and in each tenth year thereafter, and also at such times as the governing body of a county may, by resolution, provide that the question, "Shall there be a charter convention for the purpose of establishing, revising or abolishing charter home rule in this county?", shall be decided by the electors qualified to vote in such county for members of the

general assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a charter convention, the governing body of the county, within sixty days following such election shall establish a procedure for the election of delegates to such charter convention, and for submitting the results of said charter convention, in the form of a proposed charter, to the people, in such manner and within such time as the governing body of the county shall provide; and if the people of the county shall approve and ratify such proposed charter by a majority of the electors qualified to vote in such county for members of the general assembly, voting thereon, such charter shall become the newly established organic law of that county in accordance with the terms thereof.

Whenever the question calling for a charter convention within a county is submitted to the electors for decision, the further question, "Does this municipal corporation desire to be governed by the terms of a county charter?", shall also be decided in each municipal corporation within the county that is not so governed, by the electors qualified to vote in each such municipal corporation for members of the general assembly; and in case a majority of the electors so qualified, voting at any such election, for and against such proposition, shall decide that the municipal corporation does desire to be governed by the terms of a county charter, the governing body of the county charter, if required by countywide vote to establish a procedure for the election of delegates to a charter convention, shall also establish in its

Page 2

election procedure an assurance of delegate representation from each muncipal corporation which has indicated its desire to be governed by the terms of a county charter. The vote at which the people of the county may approve and ratify a charter for county purposes shall also serve to determine if that charter has been approved and ratified for municipal purposes by any of the municipal corporations which had theretofore indicated a desire to be governed by the terms of a county charter and had acordingly participated in the charter convention. If the people of a municipal corporation, at said charter vote, shall approve and ratify such proposed charter by a majority of the electors qualified to vote in such municipal corporation for members of the general assembly, voting thereon, such charter shall become, upon its approval and ratification for county purposes, the newly established organic law of that municipal corporation.

The governing body of a county may present to the

electors a proposition to amend or dissolve an existing charter, but any such proposition shall not become effective unless and until it is approved in the same manner and with the same formality as would be required to approve and ratify the results of a charter convention. Neither this amendatory power nor that which is implicit in the powers given to a charter convention shall prohibit the inclusion within a charter of more restrictive terms and conditions affecting the right to amend the same; in which case, those restrictive terms and conditions shall not be abrogated except through compliance therewith or by an act of the general assembly declaring the restrictions, or any of them, to be against public policy. In submitting a proposed charter, charter amendment, or terms for abolishing a charter, alternate articles or propositions may be presented for the choice of the voters and may be voted on separately without prejudice to others.

A charter so established shall supersede all laws inconsistent therewith, save only that it be consistent with the Constitution of this state.

The position and term of all elective officers who are in office at the time of the approval of a home rule charter shall terminate or continue as provided in the charter.

Counties functioning under charters shall continue to act in an administrative capacity for the state. In that capacity such counties shall continue to have all the rights, powers, privileges, and benefits then

Page 3

possessed or thereafter conferred by general law or the charter. All such authority granted to and imposed on the county officers by general law shall be vested in the governing body of the county unless expressly vested in specific officers by the charter. The governing body may by resolution delegate any of its executive or administrative powers, authority, or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

The general assembly may by passage of a law receiving a majority vote of both houses discontinue specific taxes or methods of collecting revenues established in such charters, but not in a manner to jeopardize rights of existing bond holders.

Counties not adopting charters shall have all powers and functions not denied or limited by this Constitution or state law, except that they shall not have power to levy any tax unless expressly authorized by the general assembly.

If the power or function of a county not adopting a charter conflicts with the power or function of a municipal corporation, the power or function

exercised by the municipal corporation shall prevail within its jurisdiction."

2. Amend the title, by striking lines 2 and 3, and inserting in lieu thereof the words "of the State of Iowa to allow counties to adopt charters and provide home rule".

HOUSE JOINT RESOLUTION 1003 WITHDRAWN

Spradling of Sioux asked and received unanimous consent to withdraw **House Joint Resolution 1003** from further consideration by the House.

SENATE FILE 1288 SUBSTITUTED FOR HOUSE FILE 1510

Harvey of Scott asked and received unanimous consent to substitute Senate File 1288 for House File 1510.

Senate File 1288, a bill for an act relating to the economic impact of an administrative rule, was taken up for consideration.

Harvey of Scott offered the following amendment H—6423 filed by him and Monroe of Des Moines:

H—6423

Amend Senate File 1288 by striking everything after the enacting clause and inserting in lieu thereof the following:

Sec. ..... Section seventeen A point four (17A.4), subsections one (1) and two (2), Code 1975, are amended to read as follows:

1. Prior to the adoption, amendment, or repeal of any rules an agency shall:

a. Give notice of its intended action by [causing a notice] *submitting two copies of the notice to the Code editor* to be published in the "Iowa Administrative Code" *created pursuant to section seventeen A point six (17A.6) of the Code.* Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon.

b. Afford all interested persons [reasonable opportunity] *not less than twenty days* to submit data, views or arguments in writing. If timely requested in writing by twenty-five interested persons, by a governmental subdivision, by the administrative rules review committee, by an agency, or by an association having not less than twenty-five members, the agency must give interested persons an opportunity to make

oral presentation according to agency rules which give the public [adequate] *not less than twenty days* notice of the time when and the place where oral presentation may be made, and which provide for the presentation prior to agency action on the rule which is the subect of the proceeding. The agency shall consider fully all written and oral submissions respecting the proposed rule. Within one hundred eighty days following either the notice published according to the provisions of subsection 1, paragraph "a" or *within one hundred eighty days after* the last date of the oral presentations on the proposed rule, whichever is later, the agency shall adopt a rule pursuant to the rule-making proceeding or shall terminate the proceeding *by publishing notice of termination in the Iowa administrative code.* If requested to do so by an interested person, either prior to adoption or within thirty days thereafter, the agency shall issue a concise statement of the principal reasons for and against the rule it adopted, incorporating therein the reasons for

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overruling considerations urged against the rule.

c. Upon the request of at least two members of the administrative rules review committee, publish in the "Iowa Administrative Code" an estimate of the economic impact of the proposed rule adoption, amendment, or repeal upon all persons affected by it and upon the agency itself. If the agency determines that such an estimate cannot be formulated, the reasons for impossibility of formulation shall be published instead of the estimate. An estimate of the adoption, amendment or repeal of the rule. In the case of a rule issued under subsection two (2) or made effective under the provisions of section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code, an estimate, or the reasons for the impossibility of formulating an estimate shall be published within thirty days of the request.

2. When an agency for good cause finds that notice and public participation would be impracticable[, unnecessary,] or contrary to the public interest, the provisions of subsection 1 shall be inapplicable *if the rule which is so adopted provides by its own terms that it shall be effective for only one hundred eighty specified days. If an agency for good cause finds that notice and public participation would be unnecessary, subsection 1 shall be inapplicable if a majority of the members of the Administrative Rules Review Committee approve the inapplicability.* The agency shall incorporate in each rule issued in reliance upon this provision either the finding and a brief statement of the reasons therefor, or a statement that the rule is within a very narrowly tailored

category of rules whose issuance has previously been exempted from subsection 1 by a special rule relying on this provision and including such a finding and statement of reasons for the entire category. In any action contesting a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest and that, if a category of rules was involved, the category was very narrowly tailored.

Sec. 2. Section seventeen A point five (17A.5), Code 1975, is amended to read as follows:

17A.5 FILING AND TAKING EFFECT OF RULES.

1. Each agency shall file in the office of the secretary of state [a] *three* certified [copy] *copies* of each rule adopted by it[, including all rules as defined in this chapter existing on July 1, 1975]. *Each adopted rule shall, before filing, be submitted*

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for endorsement by the Code editor that it is in proper form and style. The Code editor shall not hold a rule for endorsement for longer than a week. Lack of endorsement shall not preclude publication of a rule. Two copies of it shall be forwarded to the Code editor. The secretary of state shall keep a permanent register of the rules open to public inspection. [Rules presently on file in the office of the secretary of state need not be refiled.]

2. Each rule hereafter adopted is effective thirty-five days after filing, as required in this section, and indexing and publication as required by section 17A.6, except that:

a. If a later date is required by statute or specified in the rule, the later date is the effective date.

b. Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the secretary of state, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing and publication, if *the rule provides by its own terms that it is not effective for a period not to exceed one hundred eighty days, as specified, and if* the agency finds:

(1) That a statute so provides;

(2) That the rule confers a benefit or removes a restriction on the public or some segment thereof; or

(3) That this effective date is necesary because of imminent peril to the public health, safety or welfare. In any subsequent action contesting the effective date of a rule promulgated under this paragraph, the burden of proof shall be on the agency to justify its finding. The agency's finding and

a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to make known to the persons who may be affected by it a rule made effective under the terms of this paragraph.

Sec. 3. Section seventeen A point six (17A.6), subsections one (1) and three (3), Code 1975, are amended to read as follows:

1. The Code editor shall cause to be compiled, indexed and published in loose leaf form all rules adopted by each agency and notice of all proposed rule-making by each agency. The Code editor further shall cause to be [distributed] *published* supplements to this publication at least every other week which

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supplements shall contain, in such a form that they may be filed in the appropriate places in the compilation, all rules and notice of proposed rules filed for publication in the prior two weeks. The Code editor shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

3. This publication, which shall be known as the "Iowa Administrative Code", shall be made available upon request to all persons who subscribe [thereto] *to it through the state printing division. Copies of this Code so made available shall be kept current by the division.*

Sec. 4. Section seventeen A point eight (17A.8), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding section thirteen point seven (13.7) of the Code, the committee may employ necessary legal and technical staff.

Sec. 5. Section eighteen point ninety-seven (18.97), Code 1975, as amended by the Acts of the Sixty-sixth General Assembly, 1975 Session, Chapter 72, is amended by striking unnumbered paragraph 1 and inserting in lieu thereof the following:

The superintendent of printing shall make free distribution of the Code, rules of civil procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative Code as follows:"

2. By amending the title by inserting after the word "rule" the following: "modifying provisions of the Iowa Administrative Procedure Act, limiting the duration of an emergency rule, relating to the duties of the Code editor in publishing the Iowa Administrative Code, relating to the duties of the superintendent of printing in distributing the Iowa Administrative Code, and providing staff for the administrative rules review committee".

Harvey of Scott offered amendment H—6450, to amendment H—6423, filed by him and moved its adoption:

H—6450

Amend amendment H—6423 to Senate File 1288, as amended, passed and reprinted by the Senate, page 2, by striking all of lines 2 through 17 and inserting in lieu thereof the following:

c. Upon the request of at least two members of the administrative rules review committee, publish in the "Iowa Administrative Code" an estimate of the economic impact of the proposed rule adoption, amendment, or repeal upon all persons affected by it and upon the agency itself. If the agency determines that such an estimate cannot be formulated, the reasons for impossibility of formulation shall be published instead of the estimate. An estimate shall be published at least fifteen days in advance of the adoption, amendment or repeal of the rule. In the case of a rule issued under subsection two (2) or made effective under the provisions of section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code, an estimate, or the reasons for the impossibility of formulating an estimate shall be published within thirty days of the request.

Amendment H—6450 was adopted.

Jesse of Polk in the chair at 11:28 a.m.

Welden of Hardin offered the following amendment H—6455, to amendment H—6423, filed by Welden, et al.:

H—6455

Amend H—6423 to Senate File 1288 as follows:

1. Page 2 by adding after line 42 the following new section:

"Sec. ..... Section seventeen A point four (17A.4) subsection four (4), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. Upon the vote of two-thirds of its members finding that a proposed rule is arbitrary, capricious, unreasonable, or beyond the scope of authority delegated to the promulgating agency, the administrative rules committee may delay the effective date of the adoption, amendment, or repeal of a rule for which a notice of intended action has been published, until thirty-five days after the convening of the next session of the legislature. Notice of the delay of the effective date of the rule shall be published in the next supplement of the Iowa administrative code.

b. Any rule, the effective date of which

has been delayed under paragraph a of this subsection and the notice of intended action to which it was related shall be forwarded to the speaker of the house and the president of the senate. The speaker and the president shall refer this rule and notice to the appropriate standing committee. If a majority of the membership of both houses by resolution reject the proposed rule, the effective date of which has been delayed by the administrative rules committee, within thirty-five calendar days after the convening of the legislature the rule shall not go into effect and be returned to the promulgating agency. If the legislature does not pass such a resolution within thirty-five calendar days the rule shall be in effect.

By unanimous consent the rules were suspended and the following corrective amendment H—6489, to amendment H—6455, to amendment H—6423, filed by Junker of Woodbury from the floor, was adopted:

H—6489

Amend amendment H—6455, to amendment H—6423 to Senate File 1288, as follows:

1. Page 1, line 16, by striking the words "the next session of".

Welden of Hardin moved the adoption of amendment H—6455, as amended, to amendment H—6423.

A non-record roll call was requested.

The ayes were 63, nays 17.

Amendment H—6455, as amended, was adopted.

Monroe of Des Moines offered the following amendment H—6437, to amendment H—6423, filed by him and moved its adoption:

H—6437

Amend amendment H—6423 to Senate File 1288 as follows:

1. Page 3, line 23, by striking the word "*not*".

2. Page 4, by inserting after line 29 the following:

Sec. .... Chapter one hundred forty-seven (147), Code 1975, is amended by adding the following new section:

NEW SECTION. The examining boards for the various professions shall promulgate all necessary and proper rules to implement and interpret the provisions of this chapter and chapters one hundred forty-eight (148), one hundred forty-eight A (148A), one hundred forty-eight B (148B), one hundred forty-nine (149), one

hundred fifty (150), one hundred fifty A (150A), one hundred fifty-one (151), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-four (154), one hundred fifty-four A (154A), one hundred fifty-four B (154B), one hundred fifty-five (155), and one hundred fifty-six (156) of the Code."

Amendment H—6437 was adopted.

Harvey of Scott moved the adoption of amendment H—6423, as amended.

Amendment H—6423, as amended, was adopted.

Harvey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1288)

The ayes were, 75:

Anderson	Dovle	Jochum	Pellett
Avenson	Dunton	Jordan	Perkins
Baker	Dyrland	Koogler	Poncy
Bennett	Evans	Krause	Rinas
Bina	Fitzgerald	Kreamer	Scheelhaase
Binneboese	Gentleman	Lageschulte	Schroeder
Bortell	Gilloon	Lindeen	Stromer
Brandt	Griffee	Lonergan	Svoboda
Branstad	Halvorson	Menke	Tauke
Brockett	Hansen	Middleswart	Tofte
Brunow	Harvey	Millen	Walter
Clark	Higgins	Miller, A. V.	Welden
Cochran	Hines	Miller, K. D.	Wells
Connors	Hinkhouse	Miller, O. L.	West
Crabb	Horn	Monroe	Woods
Cusack	Howell	Nealson	Wulff
Daggett	Hullinger	Newhard	Wyckoff
Danker	Husak	O'Halloran	Mr. Speaker (Jesse)
Dieleman	Hutchins	Pavich	

The nays were, 13:

Bittle	Egenes	Norland	Small
Byerly	Lipsky	Oakley	Spradling
Crawford	Nielsen	Readinger	Varley
Drake			

Absent or not voting, 11:

Den Herder	Hennessey	Mennenga	Spear
Hargrave	Junker	Middleton	Spencer
Harper	McElroy	Patchett	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

On motion by Fitzgerald of Webster, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the afternoon session on request of Wyckoff of Benton; Welden of Hardin for the afternoon session on request of Kreamer of Polk; Nealson of Muscatine for the afternoon session on request of Millen of Van Buren; Spradling of Sioux and Den Herder of Sioux for the afternoon session on request of Wells of Linn; Danker of Pottawattamie for the afternoon session on request of Millen of Van Buren.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed sixty members present, thirty-nine absent.

CONSIDERATION OF BILLS

STEERING COMMITTEE CALENDAR

House File 1480, a bill for an act relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties, was taken up for consideration.

Schroeder of Pottawattamie invoked Rule 32 on House File 1480.

Norland of Worth moved that Rule 32 be suspended for the further consideration of House File 1480.

Roll call was requested by Drake of Muscatine and Pavich of Pottawattamie.

Rule 70 was invoked.

On the question "Shall Rule 32 be suspended?"

The ayes were, 62:

Anderson	Brandt	Dunton	Hansen
Avenson	Brockett	Dyrland	Harvey
Baker	Brunow	Evans	Higgins
Bina	Cusack	Fitzgerald	Hines
Binneboese	Dieleman	Gilloon	Hinkhouse
Bortell	Drake	Halvorson	Horn

Howell	Lonergan	Pavich	Svoboda
Hullinger	Menke	Pellett	Tofte
Husak	Middleswart	Perkins	Varley
Hutchins	Miller, A. V.	Poncy	Walter
Jochum	Miller, K. D.	Readinger	Wells
Jordan	Miller, O. L.	Rinas	West
Koogler	Monroe	Scheelhaase	Woods
Krause	Newhard	Small	Wyckoff
Lageschulte	Norland	Stromer	Mr. Speaker
Lindeen	O'Halloran		

The nays were, 13:

Bennett	Crabb	Danker	Nielsen
Bittle	Crawford	Gentleman	Schroeder
Branstad	Daggett	Lipsky	Wulff
Clark			

Absent or not voting, 24:

Byerly	Hargrave	McElroy	Patchett
Connors	Harper	Mennenga	Spear
Den Herder	Hennessey	Middleton	Spencer
Doyle	Jesse	Millen	Spradling
Egenes	Junker	Nealson	Tauke
Griffee	Kreamer	Oakley	Welden

The motion prevailed and the rules were suspended.

Krause of Palo Alto offered amendment H—6239 filed by him and Drake of Muscatine on April 8, 1976, and found on pages 1764 through 1802 of the House Journal.

Krause of Palo Alto offered the following amendment H—6485, to amendment H—6239, filed by him from the floor and moved its adoption:

H—6485

Amend amendment H—6239 to House File 1480 as follows:

1. Page 2, line 13, by inserting after the word "*transportation*", the following: ", *49 Code of Federal Regulations sections one hundred seventy (170) through section one hundred eighty-nine (189) of 1975*,".

Amendment H—6485 was adopted.

Krause of Palo Alto offered the following amendment H—6457, to amendment H—6239, filed by him and Drake of Muscatine and moved its adoption:

H—6457

Amend amendment H—6239 to House File 1480 as follows:

1. Page 3, line 23, by striking the word "*request.*" and inserting in lieu thereof the following: "*request.*".

2. Page 4, line 43, by striking the word "*located.*"

and inserting in lieu thereof the following: *"located."*.

3. Page 8, line 16, by striking the words "prima facie" and inserting in lieu thereof the following: "prima-facie".

4. Page 11, by striking line 38 and inserting in lieu thereof the following: *"fund."*.

5. Page 12, line 20, by inserting after the word "FREIGHT" the following: "[,]".

6. Page 14, line 49, by striking the word *"disagreement."* and inserting in lieu thereof the following: *"disagreement."*.

7. Page 15, line 4, by striking the word "[disagrement]" and inserting in lieu thereof the following: "[disagreement]".

8. Page 15, line 23, by striking the word "[and]" and inserting in lieu thereof the following: "and".

9. Page 16, line 8, by inserting after the word "crossing", the word "surface".

10. Page 21, line 17, by striking the words "prima facie" and inserting in lieu thereof the following: "prima-facie".

11. Page 21, line 31, by striking the word "railway [all such]" and inserting in lieu thereof the following: "railway[all such]".

12. Page 21, line 40, by striking the words *"NEW SUBSECTION."* " and inserting in lieu thereof the following: *"NEW SUBSECTION."*.

13. Page 22, line 10, by striking the word "of" and inserting in lieu thereof the following: "or".

14. Page 22, line 28, by striking the figures "497.29" and inserting in lieu thereof the following: "479.29,".

15. Page 27, line 47, by striking the word "complaint[,]" and inserting in lieu thereof the following: "complaint[,]".

16. Page 29, line 24, by striking the word *"parties."* and inserting in lieu thereof the following: *"parties."*.

17. Page 31, line 22, by striking the word "[estimate]" and inserting in lieu thereof the following: "[estimated]".

18. Page 33, line 23, by striking the word "trustees' " and inserting in lieu thereof the following: "trustees".

19. Page 36, line 13, by striking the words "thirty-one (31)" and inserting in lieu thereof the following: "thirty-nine (39)".

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20. Page 36, line 28, by striking the word "[a]" and inserting after the word *"railroad"* the following: *"branch lines"*.

21. Page 37, line 36, by inserting after the word *"corporations"* the following: *"and"*.

22. Page 37, line 48, by striking the word "[othe]" and inserting in lieu thereof the following: "[other]".

23. Page 37, line 49, by striking the word

"*railroads*" and inserting in lieu thereof the following: "*railroad branch lines*".

24. Page 38, line 9, by striking the figure "51" and inserting in lieu thereof the following: "5".

25. Page 38, line 21, by striking the word "*railroads*" and inserting in lieu thereof the following: "*railroad branch lines*".

Amendment H—6457 was adopted.

Schroeder of Pottawattamie offered the following amendment H—6486, to amendment H—6239, filed by him from the floor and moved its adoption:

H—6486

Amend amendment H—6239 to House File 1480, page 14, line 19 by striking the words "*seventy-five*" and inserting in lieu thereof the words "*twenty-five*".

Amendment H—6486 lost.

Krause of Palo Alto offered the following amendment H—6312, to amendment H—6239, filed by Krause, et al. Division was requested as follows:

H—6312

Amend amendment H—6239 to House File 1480 as follows:

H—6312A

1. Page 15, line 33, by striking the words "[may] *shall*" and inserting in lieu thereof word "may".

H—6312B

2. Page 16, line 39, by striking the words "railroad surface crossing" and inserting in lieu thereof the words "grade crossing surface".

3. Page 16, line 40, by inserting after the words "to the board" the following: "if prior to disagreement both parties have filed a statement with the department to the effect that they have entered into negotiations on grade crossing surface repair and maintenance of a particular crossing".

On motion by Krause of Palo Alto, amendment H—6312A was adopted.

Amendment H—6312B was deferred.

Schroeder of Pottawattamie offered the following amendment H—6487, to amendment H—6239, filed by him from the floor and moved its adoption:

H—6487

Amend amendment H—6239 to House File 1480 as follows:

1. Page 15, by striking lines 36 through 39 and inserting in lieu thereof the following: "use and benefit [and such benefits shall be consistent with the standards adopted for similar purposes by the federal highway administration under the federal aid highway Act of 1973 as amended]."

Roll call was requested by Wyckoff of Benton and Crabb of Crawford.

On the question "Shall amendment H—6487, to amendment H—6239, be adopted?"

The ayes were, 22:

Baker	Danker	Hullinger	Middleswart
Bennett	Dieleman	Lageschulte	Miller, K. D.
Bortell	Dunton	Lindeen	Perkins
Branstad	Dyrland	Lipsky	Schroeder
Crabb	Evans	Menke	Wyckoff
Daggett	Harvey		

The nays were, 48:

Anderson	Doyle	Jordan	Scheelhaase
Avenson	Drake	Krause	Small
Bina	Gentleman	Miller, A. V.	Stromer
Binneboese	Gilloon	Miller, O. L.	Svoboda
Bittle	Hansen	Newhard	Tauke
Brandt	Higgins	Norland	Varley
Brockett	Hines	O'Halloran	Walter
Brunow	Hinkhouse	Pavich	Wells
Clark	Horn	Pellett	West
Connors	Howell	Poncy	Woods
Crawford	Hutchins	Readinger	Wulff
Cusack	Jochum	Rinas	Mr. Speaker

Absent or not voting, 29:

Byerly	Hennessey	McElroy	Oakley
Den Herder	Husak	Mennenga	Patchett
Egenes	Jesse	Middleton	Spear
Fitzgerald	Junker	Millen	Spencer
Griffee	Koogler	Monroe	Spradling
Halvorson	Kreamer	Nealson	Tofte
Hargrave	Lonergan	Nielsen	Welden
Harper			

Amendment H—6487 lost.

Krause of Palo Alto offered the following amendment H—6490, to amendment H—6239, filed by him and Drake of Muscatine from the floor. Division was requested as follows:

H—6490

Amend amendment H—6239, to House File 1480, as follows:

H—6490A

1. Page 15, line 36, by striking the word "shall" and inserting in lieu thereof the following: "[shall] *may*".

H—6490B

2. Page 15, line 39, by inserting after the word "amended" the words "*to July 1, 1976*".

On motion by Krause of Palo Alto, amendment H—6490A was adopted.

Krause of Palo Alto moved the adoption of amendment H—6490B.

A non-record roll call was requested.

The ayes were 40, nays 24.

Amendment H—6490B was adopted.

Lipsky of Linn offered amendment H—6491, to amendment H—6239, filed by her and Wells of Linn from the floor and requested division as follows:

H—6491

Amend H—6239 to House File 1480 as follows:

H—6491A

1. Page 15, by striking lines 48 and 49.

H—6491B

2. Page 16, by striking from lines 11, 12, and 13 the following: "the jurisdiction having primary authority over the highway, street, or alley,".

3. Page 16, by striking all of lines 15 through 22 and inserting in lieu thereof the following: "If the railroad corporation and the jurisdiction having authority agree, in writing, to a method of crossing maintenance, a copy of the agreement shall be filed with the department which shall allocate an amount up to one-half of the cost for work if funds are available in the highway grade crossing surface repair fund. The department shall".

4. Page 16, by striking all of lines 33, 34, 35, and 36, and inserting in lieu thereof the following: "amount equal to the cost agreed to by the railroad corporation and the department."

4. Page 16, by striking all of lines 37 through 44.

Lipsky of Linn moved the adoption of amendment H—6491A, to amendment H—6239.

A non-record roll call was requested.

The ayes were 21, nays 40.

Amendment H—6491A lost.

Amendment H—6491B was deferred.

Krause of Palo Alto asked and received unanimous consent to withdraw amendment H—6288, to amendment H—6239, filed by him on April 14, 1976, and found on page 1953 of the House Journal.

The House resumed consideration of amendment H—6491B.

Lipsky of Linn moved the adoption of amendment H—6491B, to amendment H—6239.

Roll call was requested by Lipsky of Linn and Schroeder of Pottawattamie.

Rule 70 was invoked.

On the question "Shall amendment H—6491B, to amendment H—6239, be adopted?"

The ayes were, 21:

Bennett	Daggett	Hullinger	Schroeder
Bittle	Danker	Koogler	Tofte
Bortell	Dunton	Lipsky	Wells
Branstad	Egenes	Lonergan	Wulff
Clark	Horn	Pellett	Wyckoff
Crawford			

The nays were, 60:

Anderson	Evans	Jordan	Pavich
Avenson	Fitzgerald	Krause	Perkins
Baker	Gentleman	Lindeen	Poncy
Bina	Gilloon	Menke	Readinger
Binneboese	Griffee	Middleswart	Rinas
Brandt	Halvorson	Millen	Scheelhaase
Brockett	Hansen	Miller, A. V.	Small
Brunow	Higgins	Miller, K. D.	Stromer
Byerly	Hines	Miller, O. L.	Svoboda
Connors	Hinkhouse	Monroe	Tauke
Cusack	Howell	Newhard	Varley
Dieleman	Husak	Norland	Walter
Doyle	Hutchins	Oakley	West
Drake	Jesse	O'Halloran	Woods
Dyrland	Jochum	Patchett	Mr. Speaker

Absent or not voting, 18:

Crabb	Hennessey	Mennenga	Spear
Den Herder	Junker	Middleton	Spencer
Hargrave	Kreamer	Nealson	Spradling
Harper	Lageschulte	Nielsen	Welden
Harvey	McElroy		

Amendment H—6491B lost.

The House resumed consideration of amendment H—6312B, to page 16 of amendment H—6239.

On motion by Krause of Palo Alto, amendment H—6312B was adopted.

Brunow of Appanoose in the chair at 3:00 p.m.

Drake of Muscatine offered the following amendment H—6477, to amendment H—6239, filed by Drake, et al.:

H—6477

Amend amendment H—6239 to House File 1480 as follows:

1. Page 17, by inserting after line 18 the following paragraphs:

"The provisions of this section notwithstanding, a political sub-division may pass a resolution or ordinance regulating the length of time a specific crossing may be blocked if the political sub-division demonstrates such a resolution or ordinance is necessary for public safety or convenience. If such a resolution or ordinance is passed the political sub-division shall immediately notify the board and the railroad corporation using the crossing affected by the resolution or ordinance. The resolution or ordinance shall become effective thirty (30) days after such notification unless a person files an objection to the resolution or ordinance with the board. If an objection is filed the board shall hold a hearing according to the rules established by the board. The board may disapprove the resolution or ordinance if public safety or convenience does not require such a resolution or ordinance. Public safety or convenience may include, but shall not be limited to, high traffic density at a specific crossing of a main artery or interference with the flow of authorized emergency vehicles.

Political sub-divisions shall notify the board within sixty (60) days of the effective date of this Act, of each existing resolution or ordinance which does not conform with the provisions of this section.

Such ordinances or resolutions may remain in effect until the board has acted upon each ordinance or resolution under the procedures specified in this section."

Schroeder of Pottawattamie asked and received unanimous consent to defer action on amendment H—6477.

Krause of Palo Alto offered the following amendment H—6311,

to amendment H—6239, filed by Krause, et al., and moved its adoption:

H—6311

Amend amendment H—6239 to House File 1480 as follows:

1. Page 32, by striking line 8, and inserting in lieu thereof the following: "policy of the state of Iowa and the objective of this chapter to allow citizens to act in the public interest".

2. Page 32, line 9, by striking the words "an area".

3. Page 32, line 10, by inserting after the word "railroad." the following: "The establishment of such a district is in all respects for the benefit of the people of the state of Iowa for the improvement and promotion of the economy, which is a public purpose."

4. Page 32, line 16, by inserting after the word "years." the following: "All of the purposes stated in this chapter are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned or granted."

5. Page 36, by inserting after line 16 the following new section:

Sec. ..... *NEW SECTION.* If any part or provision of this Act or the application thereof to any person or circumstances is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other parts or provisions or applications of the Act which can be given effect without the invalid or unenforceable parts or provisions or application, and to this end the parts and provisions of this Act are declared to be severable.

Amendment H—6311 was adopted.

Krause of Palo Alto offered the following amendment H—6481, to amendment H—6239, filed by Krause, Drake, Rinas, Anderson, Small, Miller of Buchanan, Walter, O'Halloran, Scheelhaase, Spencer, Higgins, Jochum, Gilloon, Horn, Brunow, Hutchins, Hullinger, Perkins, Dieleman, Caffrey, Hennessey, Middleswart, Poncy, Wells, Dunton and Binneboese from the floor:

H—6481

Amend amendment H—6239 to House File 1480 as follows:

1. Page 32, line 10, by inserting after the word "conservation," the word "purchase".

2. Page 32, line 11, by inserting after the word "conservation" the word ", purchase,".

3. Page 35, line 10, by inserting after the word "restore," the word "purchase,".

4. Page 36, line 28, by inserting after

the word *"railroad"* the following: ", except moneys transmitted to this fund pursuant to section one hundred five (105) of this Act which shall be used for the purposes provided for in Chapter four hundred eighty-three (483).

Krause of Palo Alto asked and received unanimous consent to temporarily defer action on amendment H—6481, to amendment H—6239.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford for the remainder of the day on request of Husak of Tama; Harvey of Scott for the remainder of the day on request of Clark of Lee; Lindeen of Henry and Walter of Pottawattamie for the remainder of the day on request of Pavich of Pottawattamie.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed sixty-six members present, thirty-four absent.

Norland of Worth offered the following amendment H—6480, to amendment H—6239, filed by him and Krause of Palo Alto from the floor and moved its adoption:

H—6480

Amend amendment H—6239 to House File 1480 as follows:

1. Page 35, line 6, by inserting before the word "rate", the word "maximum".

Amendment H—6480 was adopted.

Schroeder of Pottawattamie offered the following amendment H—6498, to amendment H—6239, filed by him from the floor and moved its adoption:

H—6498

Amend amendment H—6239, to House File 1480, as follows:

1. Page 16, by striking lines 45 through 50.

2. Page 17, by striking lines 1 through 18.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 35, nays 38.

Amendment H—6498 lost.

The House resumed consideration of amendment H—6477, to amendment H—6239.

Drake of Muscatine moved the adoption of amendment H—6477.

Amendment H—6477 was adopted.

Krause of Palo Alto offered the following amendment H—6499, to amendment H—6239, filed by him from the floor and moved its adoption:

H—6499

Amend amendment H—6239 to House File 1480 as follows:

1. Page 32, by striking lines 4 through 6 and inserting in lieu thereof the following:

6. "Railroad" means roadbeds, track, track structure, and other appurtenances of railroad right-of-way of railroad branch lines.

Amendment H—6499 was adopted.

The House resumed consideration of amendment H—6481, to amendment H—6239.

Krause of Palo Alto moved the adoption of amendment H—6481, to amendment H—6239.

A non-record roll call was requested.

The ayes were 35, nays 28.

Amendment H—6481 was adopted.

Krause of Palo Alto moved the adoption of amendment H—6239, as amended.

Amendment H—6239, as amended, was adopted.

With the adoption of amendment H—6239, as amended, amendment H—5851, filed by Krause of Palo Alto on March 17, 1976, and found on page 1240 of the House Journal, was out of order.

Krause of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1480)

The ayes were, 67:

Anderson	Drake	Hutchins	Pavich
Avenson	Dunton	Jesse	Pellett
Baker	Dyrland	Jochum	Perkins
Bennett	Egenes	Jordan	Poncy
Bina	Evans	Koogler	Readinger
Bittle	Fitzgerald	Krause	Rinas
Brandt	Gentleman	Lipsky	Scheelhaase
Branstad	Gilloon	Middleswart	Small
Byerly	Griffee	Millen	Stromer
Clark	Hansen	Miller, A. V.	Svoboda
Cochran	Higgins	Miller, O. L.	Tauke
Connors	Hines	Monroe	Tofte
Crawford	Hinkhouse	Newhard	Wells
Cusack	Horn	Norland	West
Daggett	Howell	Oakley	Woods
Dieleman	Hullinger	O'Halloran	Mr. Speaker (Brunow)
Doyle	Husak	Patchett	

The nays were, 7:

Lonergan	Miller, K. D.	Schroeder	Wyckoff
Menke	Nielsen	Wulff	

Absent or not voting, 25:

Binneboese	Hargrave	Lageschulte	Spear
Bortell	Harper	Lindeen	Spencer
Brockett	Harvey	McElroy	Spradling
Crabb	Hennessey	Mennenga	Varley
Danker	Junker	Middleton	Walter
Den Herder	Kreamer	Nealson	Welden
Halvorson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(House File 1480)

I move to reconsider the vote by which House File 1480 passed the House on April 30, 1976.

KRAUSE of Palo Alto

(House File 1480)

I move to reconsider the vote by which House File 1480 passed the House on April 30, 1976.

LIPSKY of Linn

AMENDMENT H—3930 WITHDRAWN

(Senate File 487)

Newhard of Jones asked and received unanimous consent to withdraw amendment H—3930 to **Senate File 487.**

MOTION TO RECONSIDER WITHDRAWN

(Senate File 1207)

Oakley of Clinton asked and received unanimous consent to

withdraw his motion to reconsider **Senate File 1207 filed by him** on April 26, 1976.

EXPLANATIONS OF VOTES

Because of my meeting with the Governor on corrections and on certain juvenile programs, I was necessarily absent from the House chamber for a brief period Wednesday morning, April 28. Had I been present, I would have voted "nay" on: H—6447 to Senate File 1258, and on the motion to suspend the rules for consideration of H—6448, and "aye" on Senate File 1258.

CUSACK of Scott

I was necessarily absent from the House chamber late Thursday afternoon when the vote was taken on House File 769. Had I been present, I would have voted "nay."

DIELEMAN of Marion

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred House File 1204, a bill for an act relating to the transfer of funds between state departments, institutions and agencies, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same be amended as follows, and when so amended the bill do pass:

H—6488

Amend House File 1204 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section eight point thirty-nine (8.39), Code 1975, is amended by adding the following new unnumbered paragraph after unnumbered paragraph two (2):

NEW UNNUMBERED PARAGRAPH. Prior to any transfer of funds pursuant to this section, the state comptroller shall notify the legislative fiscal committee of the proposed transfer. The notice from the state comptroller shall include information concerning the amount of the proposed transfer, the departments, institutions or agencies affected by the proposed transfer and the reasons for the proposed transfer. The legislative fiscal committee shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made."

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred

Senate File 1087, a bill for an act making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1285**, a bill for an act temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application of the provisions of the Act, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6495

Amend House File 830 as follows:
1. Page 1, line 10 by striking the comma and inserting a period.
2. By striking lines 11, 12, and 13.

MONROE of Des Moines

H—6497

Amend Senate File 1278, page 3, line 13 by inserting after the word "consultants." the words "The department may perform, upon request by the political subdivision, any consulting services necessary for acquisition, planning, construction and certification of the airport facilities."

MONROE of Des Moines
KRAUSE of Palo Alto

H—6496

Amend House File 1474 as follows:
1. Page 1, line 3, by striking the word "paragraph" and inserting in lieu thereof the word "paragraphs".
2. Page 1, by inserting after line 13 the following new unnumbered paragraph:

"*NEW UNNUMBERED PARAGRAPH.* Whenever a parcel of land consisting of ten acres or less is sold the purchaser shall assume the responsibility for the partition fence unless there is agreement as provided by section one hundred thirteen point thirteen (113.13) of the Code."

SCHROEDER of Pottawattamie

H—6484

Amend amendment H—6016 to House File 1550 as follows:

1. Page 1, line 10, by inserting after the word "supply" the words "three fourths of".
2. Page 1, line 16, by inserting after the word "electricity." the following: "The commission shall also take into account differentials in energy needs due to customers' use of other energy sources, including but not limited to oil, coal, solar, wind and biomass."
3. Page 1, line 19, by striking the words ", and by season".
4. Page 2, by adding the following new unnumbered paragraphs after line 1:

"*NEW UNNUMBERED PARAGRAPH.* No person or group of persons residing together shall be entitled to more than one lifeline volume of natural gas and one lifeline quantity of electricity at lifeline rates.

NEW UNNUMBERED PARAGRAPH. In addition to the lifeline rate, a public utility may charge each customer a monthly fee, as approved by the commission, to cover the actual cost of building-service lines, meters, reading of meters, billing, and related administrative expense.

NEW UNNUMBERED PARAGRAPH. Nonresidential customers of a public utility shall be entitled to a lifeline volume of natural gas and a lifeline quantity of electricity, as approved by the commission, at lifeline rates no greater than the average lifeline rates approved by the commission for residential customers."

EVANS of Grundy

H—6493

Amend House File 1564 as follows:

1. Page 1, line 4, by striking the words "[taxed] *assessed for taxation*" and inserting in lieu thereof the word "taxed".
2. Page 1, by striking lines 7 and 8 and inserting in lieu thereof the words "day of January".
3. Page 1, line 9, by striking the words "*the assessment*".
4. Page 1, by striking lines 11 and 12.
5. Page 1, by striking lines 24 and 25 and inserting in lieu thereof the words "taxable value thereof. The assessment shall be".
6. Page 6, by striking lines 32 through 35.
7. Page 7, by striking lines 1 through 22.
8. By renumbering sections as necessary.

NORLAND of Worth

H—6492

Amend amendment H—6118, to Senate File 204 as passed by the Senate and reprinted as follows:

1. Page 3, by inserting after line 41 the

following new section:

"Sec. ..... Section three hundred twenty-one point fifty-one (321.51), subsection six (6), Code 1975, is amended to read as follows:

6. No vehicle sold or otherwise transferred pursuant to the provisions of this section shall be driven upon the highway until a valid official certificate of inspection has been affixed thereto and an unrestricted certificate of title, a registration card, and registration plates for the vehicle have been issued to the purchaser or transferee, except as set out in section 321.98. *However, this type of vehicle may be driven upon the highway on a direct route from its place of residence to the closest inspection station if the inspection station issues a one-trip permit stating that it is reasonably safe to do so. If the vehicle does not, upon arrival, pass the inspection, the station may issue a similar return permit.*

DAGGETT of Adams

H—6471

Amend Senate File 205, as amended, passed and reprinted by the Senate by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred seventy-nine point thirteen (279.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.13 CONTRACTS WITH TEACHERS.

1. Contracts with teachers, which for the purpose of this section means all certificated employees of a school district including registered nurses who are also certificated teachers, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon, which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

The contract is invalid if the teacher is under contract with another board of directors to teach during the same time period until a release from the other contract is achieved. The contract shall be signed by the president of the board and teacher and shall be filed with the secretary of the board before the teacher enters into performance under the contract.

2. If the teacher has been employed at least three consecutive years as a teacher in the same school district, the contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods except as modified or terminated by mutual agreement

of the board of directors and the teacher or as terminated in accordance with the provisions specified in this chapter. A contract shall not be offered by the employing board to a teacher under its jurisdiction prior to March first of any year.

A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs first. However, a teacher shall not be required to return a contract to the board less than twenty-one days after the contract has been offered.

3. Teachers employed in the same school district for less than three consecutive years are probationary teachers. However, a board of directors may waive

Page 2

the probationary period for any teacher who previously has served a probationary period in another school district. If the board, upon the recommendation of the superintendent, is considering termination of a probationary teacher's contract, the board shall notify the probationary teacher in writing and list any alleged deficiencies. If the deficiencies are not corrected to the board's satisfaction, the contract of a probationary teacher may be terminated at the end of the contract period upon written notice to that effect prior to March thirty-first of any year. The written notice shall state the reasons for termination. Following receipt of the written notice, the probationary teacher may request a private conference with the board and, if requested, the conference shall be held within twenty days following receipt of the request. The board may be represented by its legal representative, if any, the superintendent or the superintendent's representative, and the teacher shall appear and may be represented by counsel and by the teacher's representative, not to exceed five, if any. Within three days following the private conference, a person designated by the board shall make a written recommendation to the board. The board, at its next regular meeting, shall by roll call vote, decide the retention or termination of the probationary teacher. The board's decision shall be final and binding unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section twenty point ten (20.10) of the Code.

4. If a board determines, after receiving a recommendation from the superintendent that it should con-

sider termination of a contract with a teacher who has completed the probationary period in the school district, the following procedures shall be followed. Within five days following action of the board to consider termination of a teacher's contract, but in no event later than March thirty-first, the teacher shall be notified in writing by letter, personally delivered or mailed by certified mail, that the board has voted to consider termination of the contract. The notification shall be complete when received by the teacher. If the notice has been by certified mail, the notice shall be complete upon mailing. The notice shall state the specific reasons the board is considering termination. Such reasons shall be any just cause which may include incompetency, inattention to duty, inadequate performance, physical

Page 3

or mental disability or sickness which interferes with performance of duty as shown by competent medical evidence and following a one-year leave of absence, or factors which require an adjustment, realignment, or reduction of staff.

5. Within five days after receipt of the written notice by the teacher that the board has voted to consider termination of the contract of a teacher who is not a probationary teacher, the teacher may request in writing to the secretary of the board, that the notification be forwarded to the professional teaching practices commission along with a request that the professional teaching practices commission submit a list of five qualified hearing officers to the parties. Within three days of receipt of the list of qualified hearing officers, the teacher and the school board shall select a hearing officer by alternatively removing a name from the list until only one name remains. The person whose name remains is the hearing officer. The teacher and the school board shall determine by lot which party shall remove the first name from the list submitted by the commission.

If the teacher does not request such a hearing, the board, within fifteen days after receipt by the teacher of the written notice of consideration of termination of the contract, may determine the continuance or discontinuance of the contract. Board action shall be by majority roll call vote entered in the minutes of the meeting. Notice of the board action shall be immediately sent to the teacher by certified mail.

6. The hearing officer shall notify the secretary of the school board and the teacher in writing concerning the date, time, and location of the hearing. The hearing shall be attended by members of the board and their legal representatives if any, the superinten-

dent or the superintendent's representative, the teacher and the teacher's representatives if any, not to exceed five, and the teacher's immediate supervisor and the supervisor's representatives, if any. The hearing officer shall hold a hearing, make findings of fact, and make a recommended decision. The hearing shall be held not sooner than fifteen days and not later than twenty-five days following receipt of the teacher's request by the professional teaching practices commission. The hearing shall be conducted pursuant to rules adopted by the professional teaching practices commission. The hearing officer shall have the authority to issue

Page 4

subpoenas to compel the attendance of witnesses and the production of records pertinent to the case. Evidence presented at the hearing shall be limited to the specific reasons stated in the notice to consider termination. Each party shall have the right to call witnesses in its own behalf and to cross-examine other witnesses. A transcript or recording shall be made of the proceedings at the hearing. No participant in the private hearing shall be liable for any damage to any person if any statement is determined to be erroneous as long as the statement was made in good faith at the hearing.

7. Within fifteen days following the conclusion of the hearing, the hearing officer shall make a recommended decision as to whether or not the contract of the teacher should be terminated, and shall give a copy of the recommended decision to the teacher and the school board. The recommended decision of the hearing officer shall become the final decision of the board unless within ten days after the filing of such decision, the teacher files a written notice of appeal with the secretary of the board, or the board on its own motion, determines to review the decision. Board action to review the hearing officer's recommended decision shall be by majority roll call vote, entered in the minutes of the meeting. The board shall immediately notify the teacher of its action by certified mail.

8. If the teacher appeals to the board, or if the board determines on its own motion to review the recommended decision of the hearing officer, a private hearing shall be held before the board within five days after the petition for review, or motion for review, has been made. The board shall hear the case upon the record as submitted before the hearing officer, except that new evidence may be considered. The secretary of the board shall give the teacher written notice of the time, place, and date of hearing. The hearing shall be attended by members of the board and their legal representatives if any, the

superintendent or the superintendent's representative, the teacher and the teacher's representatives if any, not to exceed five, and the teacher's immediate supervisor and the supervisor's representatives, if any. No participant in the private hearing shall be liable for any damage to any person if any statement is determined to be erroneous as long as the statement was made in good faith at the hearing. The board shall meet within five days after the conclusion of the hearing to determine the question of continuance

Page 5

or discontinuance of the contract. The board shall take action by a majority roll call vote, entered in the minutes of the board.

The secretary of the board shall mail notice of the board's action to the teacher by certified mail, which shall be mailed immediately following the action.

9. A teacher within thirty days after notification by the board of discontinuance of the contract may appeal to the district court of the county in which the administrative office of the school district is located.

The court may affirm the board's action. The court shall reverse, modify, or grant any other appropriate relief from the board action, equitable or legal, and including declaratory relief, if rights of the teacher have been prejudiced because the board action is:

a. In violation of constitutional or statutory provisions,

b. In excess of the statutory authority of the board,

c. In violation of board policy or rule,

d. Made upon unlawful procedure,

e. Affected by other error of law,

f. Unsupported by a preponderance of the competent evidence on the record when that record is reviewed as a whole, or

g. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

10. The hearings, meetings and conferences pertaining to the dismissal of a teacher shall be closed meetings, except that final action to terminate a teacher's contract shall be by roll call vote and entered in the minutes of the meetings.

11. The provisions of this section shall not affect the power of the board of directors to discharge a teacher for cause under the provisions of section two hundred seventy-nine point twenty-four (279.24) of the Code.

Sec. 2. Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is amended by striking the section and inserting in lieu thereof the

following:

279.24 DISCHARGE OF TEACHER. The board may, by a majority vote, discharge any teacher for any just cause which may include incompetency, or inattention to duty. Prior to the discharge, the board shall conduct, at a meeting of the board held for that purpose, a full and fair investigation of the specific

Page 6

reasons for the proposed action. The teacher shall receive three days written notice of the time and place of such meeting, a specification of the alleged causes for discharge, and a list of the witnesses proposed to be called by the board. The teacher and the teacher's representatives if any not to exceed five shall be allowed to be present at the meeting, to call and cross-examine witnesses, and to otherwise make a defense. A record of the meeting shall be made and kept. Following the board decision to discharge the teacher, the teacher shall be notified promptly in writing, stating the specific reasons for the action.

Within twenty days following receipt of the decision of the board, the teacher may appeal the decision following the procedure stated in chapter two hundred ninety (290) of the Code. However, the superintendent may suspend a teacher for any of the reasons listed in this section and recommend that the board discharge the teacher. The superintendent shall immediately notify the board of the suspension. The board shall meet within ten school days of receipt of the notice to consider discharging the teacher and shall conduct a full and fair investigation of the specific reasons for the recommended discharge in the same manner as if the teacher had not been suspended. The teacher shall be notified by personal service of the time and place of the meeting immediately after the meeting time and place have been set. If the board votes not to discharge the teacher, the teacher shall be reinstated and the board shall award back pay for the period during which the teacher was suspended.

Sec. 3. Chapter two hundred seventy-two A (272A), Code 1975, is amended by adding the following new section:

NEW SECTION. LIST OF HEARING OFFICERS. The commission shall maintain a list of qualified hearing officers who shall have knowledge of the educational systems of this state. When requested under the provisions of section two hundred seventy-nine point thirteen (279.13) of the Code, the commission shall immediately submit a list of five qualified hearing officers to the parties. The hearing shall be held pursuant to rules adopted by the professional teaching practices commission. The full costs of the hearing shall be shared equally by the parties. No person

who is employed as a teacher or administrator by a school district or is serving as an incumbent school board member may serve as a hearing officer."

MILLER of Calhoun
BENNETT of Ida

H—6494

Amend Senate File 1132, as amended and passed by the Senate, as follows:

1. Page 1, by inserting after line 1 the following section:

"Sec. ..... Section ninety-seven B point forty-one (97B.41), subsection one (1), paragraph a, Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section four (4), is amended to read as follows:

1. a. "Wages" means [all] remuneration for employment, including the cash value of remuneration paid in any medium other than cash, but not including the cash value of remuneration paid in any medium other than cash necessitated by the convenience of the employer, such amount as agreed upon by the employer and employee and reported to the commission by the employer shall be conclusive of the value of remuneration in a medium other than cash; except that remuneration which does not equal or exceed the sum of three hundred dollars in any calendar quarter shall be excluded, provided, however, that the membership of such employee shall not be considered terminated as long as the employer-employee relationship exists.

Wages does not include remuneration for overtime work, meal and travel expenses or other expenses, and allowances for uniforms for employees required to wear uniforms."

2. Amend the title, line 2, by striking the word "retired".

3. By renumbering sections as necessary.

SCHROEDER of Pottawattamie

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:05 p.m. until 10:00 a.m., Monday, May 3, 1976.

JOURNAL OF THE HOUSE

One Hundred Thirteenth Calendar Day—Seventy-fourth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, MAY 3, 1976

The House met pursuant to adjournment, Jesse of Polk in the chair.

Prayer was offered by the Reverend James Sullivan, Co-ordinator of Catholic Education, Cedar Rapids, Iowa.

The Journal of Friday, April 30, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Frank Forsythe, Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kreamer of Polk on request of Welden of Hardin; Danker of Pottawattamie on request of Menke of O'Brien; Millen of Van Buren on request of Crabb of Crawford; Lipsky of Linn on request of Crawford of Story; Cochran of Webster on request of Wells of Linn; **Poncy of Wapello on request of Newhard of Jones; Byerly of Polk on request of Baker of Buena Vista; Stromer of Hancock on request of Branstad of Winnebago.**

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Sixty eighth grade students from Clarke Junior High School, Osceola, Iowa, accompanied by Dennis Parrott, Larry Rohr, Sandy Kelso and Bruce McKean. By Hullinger of Decatur.

Thirty-five fifth grade students from Woodlawn School, Des Moines, Iowa, accompanied by Mrs. Butler. By Kreamer of Polk.

Sixty ninth grade students from Carlisle High School, Carlisle, Iowa, accompanied by Mr. Mutsch and Mr. Sinclair. By Anderson of Jasper.

Twenty eighth grade students from Dallas Community Junior High School, Grimes, Iowa, accompanied by Bill Wineland. By Varley of Adair.

Thirty eighth grade students from St. John's School, Independence, Iowa, accompanied by Miss McGrath. By Miller of Buchanan.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House File 1204 and Senate Files 1087 and 1285, under Rule 36.

SENATE MESSAGES CONSIDERED

Senate File 1278, a bill for an act relating to airports and aeronautics and providing for a fee.

Read first time and **passed on file.**

Senate File 1310, a bill for an act relating to health care malpractice, and providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, for arbitration as a method of resolving disputes arising from health care services, and for review by the courts of the legal fees incurred by plaintiffs in health care malpractice actions, and providing penalties.

Read first time and **passed on file.**

CONSIDERATION OF BILLS

STEERING COMMITTEE CALENDAR

House File 1498, a bill for an act relating to establishment of historical preservation districts, was taken up for consideration.

Perkins of Greene in the chair at 10:58 a.m.

Svoboda of Iowa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1498)

The ayes were, 76:

Anderson	Brunow	Dyrland	Higgins
Avenson	Connors	Egenes	Hines
Baker	Crabb	Evans	Hinkhouse
Bennett	Crawford	Fitzgerald	Horn
Bina	Cusack	Gentleman	Howell
Binneboese	Daggett	Gilloon	Husak
Bittle	Den Herder	Halvorson	Hutchins
Bortell	Dieleman	Hansen	Jesse
Brandt	Doyle	Hargrave	Jochum
Branstad	Drake	Harvey	Jordan
Brockett	Dunton	Hennessey	Krause

Lageschulte	Miller, O. L.	Scheelhaase	Welden
Lindeen	Nealson	Small	Wells
Lonergan	Newhard	Spradling	West
McElroy	Norland	Svoboda	Woods
Menke	Oakley	Tauke	Wulff
Mennenga	O'Halloran	Tofte	Wyckoff
Middleswart	Pavich	Varley	Mr. Speaker
Miller, A. V.	Rinas	Walter	(Perkins)
Miller, K. D.			

Then nays were, 2:

Hullinger	Koogler

Absent or not voting, 21:

Byerly	Junker	Monroe	Readinger
Clark	Kreamer	Nielsen	Schroeder
Cochran	Lipsky	Patchett	Spear
Danker	Middleton	Pellett	Spencer
Griffee	Millen	Poncy	Stromer
Harper			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

Senate File 503, a bill for an act relating to the maximum interest payable by persons purchasing securities on credit, with report of committee recommending passage, was taken up for consideration.

Walter of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 503)

The ayes were, 74:

Anderson	Doyle	Jordan	Readinger
Avenson	Drake	Koogler	Rinas
Baker	Dunton	Krause	Scheelhaase
Bennett	Dyrland	Lageschulte	Small
Bina	Egenes	Lindeen	Spradling
Binneboese	Evans	Lonergan	Svoboda
Bittle	Gentleman	McElroy	Tauke
Bortell	Gilloon	Menke	Tofte
Brandt	Halvorson	Mennenga	Varley
Branstad	Hansen	Middleswart	Walter
Brockett	Hargrave	Miller, A. V.	Welden
Brunow	Harvey	Miller, K. D.	Wells
Connors	Hennessey	Miller, O. L.	West
Crabb	Hines	Nealson	Woods
Crawford	Hinkhouse	Newhard	Wulff
Cusack	Horn	Norland	Wyckoff
Daggett	Husak	Oakley	Mr. Speaker
Den Herder	Hutchins	O'Halloran	(Perkins)
Dieleman	Jochum	Pavich	

The nays were, none.

Absent or not voting, 25:

Byerly	Higgins	Lipsky	Pellett
Clark	Howell	Middleton	Poncy
Cochran	Hullinger	Millen	Schroeder
Danker	Jesse	Monroe	Spear
Fitzgerald	Junker	Nielsen	Spencer
Griffee	Kreamer	Patchett	Stromer
Harper			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1512, a bill for an act relating to the definition of open-end credit as used in the Iowa Consumer Credit Code, was taken up for consideration.

Hansen of O'Brien offered the following amendment H—6466 filed by him and moved its adoption:

H—6466

Amend House File 1512 as follows:
1. Page 1, line 11, by striking the word "charged" and inserting in lieu thereof the following: "[charged] *charges*".

Amendment H—6466 was adopted.

Hansen of O'Brien offered the following amendment H—6468 filed by Hansen, et al., and moved its adoption:

H—6468

Amend House File 1512 as follows:
1. Page 1, by inserting after line 13 the following new section:
"Sec. 2. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsections thirty (30) and thirty-two (32), Code 1975, is amended to read as follows:
30. "Organization" means a corporation, government or governmental subdivision or agency, trust, estate, [partnership,] co-operative, or association.
32. "Person" means:
a. A natural person, *partnership*, or an individual.
b. An organization."

Amendment H—6468 was adopted.

By unanimous consent the following corrective amendment H—6503 filed by Small of Johnson from the floor was adopted:

H—6503

Amend House File 1512 as follows:

1. Title page, by striking all after the word "relating" in line 1, all of line 2, and inserting in lieu thereof the following: "to the Iowa Consumer Credit Code."

Hennessey of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1512)

The ayes were, 78:

Anderson	Drake	Jochum	Pavich
Avenson	Dunton	Jordan	Readinger
Baker	Dyrland	Junker	Rinas
Bennett	Egenes	Koogler	Scheelhaase
Bina	Evans	Krause	Small
Binneboese	Gentleman	Lageschulte	Spradling
Bittle	Gilloon	Lindeen	Svoboda
Bortell	Halvorson	Lonergan	Tauke
Brandt	Hansen	McElroy	Tofte
Branstad	Hargrave	Menke	Varley
Brockett	Harvey	Mennenga	Walter
Brunow	Hennessey	Middleswart	Welden
Connors	Hines	Miller. A. V.	Wells
Crabb	Hinkhouse	Miller, K. D.	West
Crawford	Horn	Miller, O. L.	Woods
Cusack	Howell	Nealson	Wulff
Daggett	Hullinger	Newhard	Wyckoff
Den Herder	Husak	Norland	Mr. Speaker
Dieleman	Hutchins	Oakley	(Perkins)
Doyle	Jesse	O'Halloran	

The nays were, none.

Absent or not voting, 21:

Byerly	Harper	Millen	Poncy
Clark	Higgins	Monroe	Schroeder
Cochran	Kreamer	Nielsen	Spear
Danker	Lipsky	Patchett	Spencer
Fitzgerald	Middleton	Pellett	Stromer
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Jesse of Polk in the chair at 11:13 a.m.

House File 1490, a bill for an act relating to the licensing and regulating of the sale of eggs and providing a penalty, was taken up for consideration.

Jordan of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1490)

The ayes were, 61:

Anderson	Drake	Jordan	Perkins
Avenson	Dyrland	Junker	Pavich
Baker	Evans	Koogler	Readinger
Bennett	Gentleman	Lageschulte	Rinas
Bina	Gilloon	Lindeen	Spradling
Binneboese	Halvorson	McElroy	Svoboda
Bittle	Hansen	Menke	Tauke
Brandt	Hargrave	Mennenga	Varley
Branstad	Harvey	Middleswart	Walter
Brunow	Hennessey	Miller, A. V.	Wells
Connors	Hines	Miller, K. D.	Woods
Crawford	Hinkhouse	Newhard	Wulff
Cusack	Horn	Norland	Wyckoff
Den Herder	Hullinger	Oakley	Mr. Speaker (Jesse)
Dieleman	Husak	O'Halloran	
Doyle	Jochum		

The nays were, 11:

Bortell	Egenes	Nealson	Welden
Brockett	Howell	Scheelhaase	West
Daggett	Hutchins	Small	

Absent or not voting, 27:

Byerly	Griffee	Middleton	Poncy
Clark	Harper	Millen	Schroeder
Cochran	Higgins	Miller, O. L.	Spear
Crabb	Krause	Monroe	Spencer
Danker	Kreamer	Nielsen	Stromer
Dunton	Lipsky	Patchett	Tofte
Fitzgerald	Lonergan	Pellett	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE CALENDAR

Senate File 1141, a bill for an act to establish and regulate the practice of barbering and the practice of cosmetology, and to provide penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Woods of Polk offered amendment H—5649 filed by the committee on state government as follows:

H—5649

Amend Senate File 1141, as amended, passed, and reprinted by the Senate, as follows:

H—5649A

1. Page 2, line 25, by striking the figure "1."
2. Page 2, line 29, by striking the letter "a"
and inserting in lieu thereof the figure "1".
3. Page 2, line 33, by striking the letter "b"
and inserting in lieu thereof the figure "2".
4. Page 3, line 2, by striking the letter "c"
and inserting in lieu thereof the figure "3".

5. Page 3, line 4, by striking the letter "d" and inserting in lieu thereof the figure "4".
6. Page 3, by striking lines 8 through 20.
7. Page 4, by striking lines 5 and 6 and inserting in lieu thereof the words "electric needle or electronic process and".

H—5649B

8. Page 6, by striking lines 27 and 28.
9. Page 6, by striking lines 31 through 35.
10. Page 7, by striking lines 1 through 11.

H—5649A

11. Page 7, line 15, by striking the figure "1."
12. Page 7, by striking lines 28 through 35.
13. Page 8, by striking lines 1 through 5.
14. Page 11, line 17, by striking the word "and".
15. Page 11, line 18, by striking the words "been a licensed barber".
16. Page 11, by striking lines 22 through 27.
17. Page 12, line 16, by striking the words "Subject to local zoning".
18. Page 12, by striking lines 17 and 18.
19. Page 12, line 19, by striking the word "purpose."
20. Page 12, by striking line 32 and inserting in lieu thereof the words "prescribed by the board."
21. Page 12, by striking lines 33, 34, and 35.
22. Page 13, by striking line 1.
23. Page 13, line 2, by striking the word "board."

H—5649C

24. Page 14, by striking lines 22 and 23.
25. Page 14, by striking lines 29 through 35.
26. Page 15, by striking lines 1 through 8.

Woods of Polk asked and received unanimous consent to withdraw amendment H—5649A.

On motion by Woods of Polk, amendment H—5649B was adopted.

Hines of Story in the chair at 11:58 a.m.

Woods of Polk moved the adoption of amendment H—5649C.

A non-record roll call was requested.

The ayes were 18, nays 46.

Amendment H—5649C lost.

Amendment H—5719 (to page 6), filed by Schroeder of Pottawattamie on March 10, 1976, and found on page 1099 of the House Journal, was out of order.

Harvey of Scott offered the following amendment H—6501 filed by him and Woods of Polk from the floor and moved its adoption:

H—6501

Amend Senate File 1141, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by striking line 12 and inserting in lieu thereof the words "at least twenty-four months and having been employed as a licensed cosmetologist for at least twelve months of the twenty-four months".

2. Page 11, by striking line 19 and inserting in lieu thereof the words "at least twenty-four months and having been employed as a licensed barber for at least twelve months of the twenty-four months".

Amendment H—6501 lost.

Woods of Polk offered the following amendment H—6067 filed by him and moved its adoption:

H—6067

Amend Senate File 1141, as amended, passed, and reprinted by the Senate as follows:

1. Page 4, line 3, by inserting after the word "cosmetology" the words ", or from any school in another state which is recognized by the board,".

Amendment H—6067 was adopted.

Woods of Polk offered amendment H—6502 filed by him from the floor and requested division as follows:

H—6502

Amend Senate File 1141, as amended, passed, and reprinted by the Senate, as follows:

H—6502A

1. Page 17, line 18, by inserting after the words *"instructor's license"* the words *", original cosmetology assistant's license, renewal of a cosmetology assistant's license"*.

H—6502B

2. Page 17, line 31, by inserting after the word "[license]" the words *"original barber assistant's license, renewal of a barber assistant's license"*.

Woods of Polk asked and received unanimous consent to withdraw amendment H—6502A.

On motion by Woods of Polk, amendment H—6502B was adopted.

Woods of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1141)

The ayes were, 69:

Anderson	Evans	Jordan	Pavich
Avenson	Fitzgerald	Junker	Perkins
Baker	Gilloon	Koogler	Readinger
Bennett	Halvorson	Krause	Rinas
Bina	Hansen	Lageschulte	Scheelhaase
Binneboese	Hargrave	Lindeen	Spencer
Bortell	Harper	Lonergan	Tauke
Brockett	Harvey	Menke	Tofte
Brunow	Hennessey	Mennenga	Varley
Connors	Higgins	Middleswart	Walter
Crawford	Hinkhouse	Miller, A. V.	Wells
Cusack	Horn	Miller, K. D.	West
Daggett	Howell	Miller, O. L.	Woods
Dieleman	Hullinger	Nealson	Wulff
Doyle	Husak	Newhard	Wyckoff
Drake	Hutchins	Norland	Mr. Speaker
Dunton	Jesse	O'Halloran	(Hines)
Dyrland	Jochum		

The nays were, 9:

Bittle	Egenes	Oakley	Spradling
Brandt	Gentleman	Small	Svoboda
Crabb			

Absent or not voting, 21:

Branstad	Griffee	Millen	Poncy
Byerly	Kreamer	Monroe	Schroeder
Clark	Lipsky	Nielsen	Spear
Cochran	McElroy	Patchett	Stromer
Danker	Middleton	Pellett	Welden
Den Herder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Fitzgerald of Webster, the House was recessed until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Jesse of Polk in the chair.

CONSIDERATION OF BILLS
STEERING COMMITTEE CALENDAR

House File 1502, a bill for an act relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of

federal and private aid for public transit programs, was taken up for consideration.

Welden of Hardin offered the following amendment H—5610 filed by him and moved its adoption:

H—5610

Amend House File 1502 as follows:
Page 1, by striking in line four (4) the
words "sixty-five years of age and older,".

Amendment H—5610 was adopted.

By unanimous consent the following amendment H—6507 filed by Drake of Muscatine from the floor was adopted:

H—6507

Amend House File 1502 as follows:
1. Page 1, line 4, by striking the second
word "and" and inserting in lieu thereof the word
"or".

Welden of Hardin offered amendment H—5966 filed by him and requested division as follows:

H—5966

Amend House File 1502 as follows:

H—5966A

1. Page 2, line 4 by striking the words
"and consolidate all" and line 5 by striking the
words "forms of urban and rural".

H—5966B

2. Page 2, by striking all of line 7.

Brandt of Black Hawk in the chair at 3:10 p.m.

Harper of Davis offered the following amendment H—6504, to amendment H—5966A filed by Harper, Welden, Krause and Drake from the floor and moved its adoption:

H—6504

Amend the Welden amendment, H—5966, to House File
1502 as follows:
1. By striking lines 2 through 4 and inserting in
lieu thereof the following:
"1. Page 2, line 5, by inserting after the
word "services" the words "except public school
transportation"."

Amendment H—6504 was adopted.

Welden of Hardin moved the adoption of amendment H—5966A, as amended.

Amendment H—5966A, as amended, was adopted.

Welden of Hardin moved the adoption of amendment H—5966B.

Amendment H—5966B was adopted.

Jesse of Polk in the chair at 3:22 p.m.

Dieleman of Marion asked and received unanimous consent to withdraw amendment H—6297 filed by him on April 14, 1976, and found on page 1954 of the House Journal.

Hines of Story in the chair at 3:25 p.m.

Harper of Davis moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1502)

The ayes were, 82:

Anderson	Dunton	Jordan	Pavich
Avenson	Dyrland	Junker	Pellett
Baker	Egenes	Koogler	Perkins
Bennett	Evans	Krause	Readinger
Bina	Fitzgerald	Lageschulte	Rinas
Binneboese	Gentleman	Lindeen	Scheelhaase
Bittle	Gilloon	McElroy	Small
Bortell	Griffee	Menke	Spencer
Brandt	Halvorson	Mennenga	Spradling
Branstad	Hansen	Middleswart	Svoboda
Brockett	Harper	Miller, A. V.	Tauke
Brunow	Harvey	Miller, K. D.	Varley
Connors	Hennessey	Miller, O. L.	Walter
Crabb	Higgins	Monroe	Wells
Crawford	Horn	Nealson	West
Cusack	Howell	Newhard	Woods
Daggett	Hullinger	Nielsen	Wulff
Den Herder	Husak	Norland	Wyckoff
Dieleman	Hutchins	Oakley	Mr. Speaker (Hines)
Doyle	Jesse	O'Halloran	
Drake	Jochum	Patchett	

The nays were, 4:

Hargrave	Hinkhouse	Tofte	Welden

Absent or not voting, 13:

Byerly	Kreamer	Middleton	Schroeder
Clark	Lipsky	Millen	Spear
Cochran	Lonergan	Poncy	Stromer
Danker			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Jesse of Polk in the chair at 3:36 p.m.

MOTION TO RECONSIDER LOST
(House File 1502)

Harper of Davis asked for unanimous consent that **House File 1502** be immediately messaged to the **Senate.**

Objection was raised.

Harper of Davis moved to reconsider the vote by which House File 1502 passed the House on May 3, 1976.

A non-record roll call was requested.

The ayes were 21, nays 49.

The motion lost.

The following motion to reconsider filed by Hargrave of Johnson was ruled out of order:

MOTION TO RECONSIDER
(Amendment H—5610 to House File 1502)

I move to reconsider the vote by which the Welden amendment H—5610 to House File 1502 was adopted by the House on May 3, 1976.

HARGRAVE of Johnson

Senate File 204, a bill for an act relating to registration of motor vehicles, with report of committee recommending amendment and passage, was taken up for consideration.

Rinas of Linn offered the following amendment H—6118 filed by Rinas, et al.:

H—6118

Amend Senate File 204, as amended, passed and reprinted by the Senate, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point forty (321.40), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-one (171), sections five (5) and six (6), is amended to read as follows:

321.40 APPLICATION FOR RENEWAL—*RENEWAL REFUSED.*

1. Application for renewal of a vehicle registration shall be made on or after December 1 of the year for which it is registered by the owner upon proper application and by payment of the registration fee for such vehicle, as provided by law.

2. Registration receipts issued for renewals shall

have the word "renewal" imprinted thereon and, if the owner making a renewal application has been issued a certificate of title, the title number shall appear on the registration receipt. All registration receipts for renewals shall be typewritten or printed by other mechanical means. The applicant shall receive a registration receipt.

3. Not more than thirty days nor less than twenty days prior to December first the county treasurer shall cause to be published in a newspaper of general circulation in the county, a notice to vehicle owners. The notice shall contain a list of pertinent information which is required to register a vehicle. The notice shall also include a statement that application for renewal of a vehicle registration shall be made on or after December first of the year for which it is registered and that such renewal may be made by mail on or after November first. The county treasurer may deliver registration plates and other registration documents on which application for renewal has been made in November, to the owner thereof, after the last day of November.

4. The county treasurer shall refuse to renew a motor vehicle registration if all of the following circumstances exist:

a. The board of supervisors of the county in which application for renewal of registration is being made has adopted a resolution stating that in such county a lack of response of the citizens of the county to citations for violations of motor vehicle laws and ordinances has become a significant problem and directing the implementation of the provisions of subsections four (4) through nine (9) of this section; and

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b. A warrant is outstanding for the arrest of the owner of such motor vehicle or a delinquent citation or notice of violation is outstanding against such owner for an alleged violation of an ordinance enacted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code, which violation allegedly occurred within the county in which the application for renewal is being made.

The resolution adopted under paragraph a of this subsection may be rescinded by another resolution of the board of supervisors finding that the problem has significantly abated and directing termination of the provisions of subsections four (4) through nine (9) of this section. Upon adoption of a resolution to implement or rescind the implementation of the provisions of subsections four (4) through nine (9) of this section, the county auditor shall notify the clerk of the district court of such action and

the effective date of such implementation or rescission.

5. After the effective date of a resolution adopted under paragraph a of subsection four (4) of this section, the clerk of the district court shall give written notice by mail to each person against whom a warrant or delinquent citation or notice of violation is outstanding for the alleged violation of an ordinance adopted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code. The notice shall state that the registration of any motor vehicle owned by such person in that county will not be renewed until all outstanding warrants have been recalled and there are no delinquent citations or notices of violation outstanding against such person. The clerk of the district court shall also submit, on or before the fifth day of each month, to the county treasurer an alphabetized list of the names of all persons, including their respective addresses, against whom a warrant has been issued or a delinquent citation or notice of violation is outstanding. The clerk of the district court shall not include on such list the name of any person unless notice as required by this subsection is mailed to such person before the fifteenth day of the preceding month.

6. Upon application by a person or agent of a person whose name is on the list prepared under subsection five (5) of this section, the clerk of the district court shall issue a receipt to the person or agent of such person if all warrants or delinquent citations or notices of violations specified under

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paragraph b of subsection four (4) of this section have been recalled or are no longer outstanding. The receipt shall state that all outstanding warrants have been recalled and that there are no outstanding delinquent citations or notices of violation against the named person. Upon presentation of such receipt, the county treasurer need no longer refuse renewal of a registration because of an outstanding warrant or delinquent citation or notice of violation as specified in subsection four (4) of this section.

7. For each person whose name is listed as provided in subsection five (5) of this section, the local authority alleging violation of an ordinance enacted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code, shall pay to the county treasurer the sum of two dollars, which sum shall be credited to the general fund of the county. In addition to any other court cost provided by law, the district court shall assess, at the request of the local authority, the sum of

two dollars against any person whose name has been placed on the list prepared as provided in subsection five (5) of this section and who is convicted of a violation of an ordinance enacted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code if such violation was the basis for placing such person's name on the list. The clerk of the district court shall collect the two dollar assessment and remit it to the local authority.

8. For the purposes of this section, a citation or notice of violation of an ordinance adopted pursuant to section three hundred twenty-one point two hundred thirty-six (321.236) of the Code shall be deemed delinquent if it is not paid or adjudicated by the district court within fourteen days after the date of court appearance.

9. The implementation and enforcement of the provisions of subsections four (4) through nine (9) of this section shall not be a defense to the imposition of any penalties provided for in this chapter."

Daggett of Adams offered the following amendment H—6492, to amendment H—6118, filed by him:

H—6492

Amend amendment H—6118, to Senate File 204 as passed by the Senate and reprinted as follows:

1. Page 3, by inserting after line 41 the following new section:

"Sec. ..... Section three hundred twenty-one point fifty-one (321.51), subsection six (6), Code 1975, is amended to read as follows:

6. No vehicle sold or otherwise transferred pursuant to the provisions of this section shall be driven upon the highway until a valid official certificate of inspection has been affixed thereto and an unrestricted certificate of title, a registration card, and registration plates for the vehicle have been issued to the purchaser or transferee, except as set out in section 321.98. *However, this type of vehicle may be driven upon the highway on a direct route from its place of residence to the closest inspection station if the inspection station issues a one trip permit stating that it is reasonably safe to do so. If the vehicle does not, upon arrival, pass the inspection, the station may issue a similar return permit.*

Drake of Muscatine rose on a point of order that amendment H—6492 was not germane.

The Speaker ruled the point well taken and amendment H—6492 not germane.

Daggett of Adams moved that the rules governing germaneness be suspended for the consideration of amendment H—6492.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 34, nays 44.

The motion lost.

Oakley of Clinton in the chair at 4:12 p.m.

Rinas of Linn moved the adoption of amendment H—6118.

A non-record roll call was requested.

The ayes were 43, nays 38.

Amendment H—6118 was adopted.

With the adoption of amendment H—6118, amendment H—5383 (to page 1), filed by the committee on transportation on February 27, 1976, and found on pages 734 and 735 of the House Journal, was out of order.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 204)

The ayes were, 52:

Anderson	Egenes	Jordan	Norland
Avenson	Evans	Junker	O'Halloran
Bina	Fitzgerald	Koogler	Pavich
Bittle	Gentleman	Krause	Perkins
Bortell	Gilloon	McElroy	Readinger
Brockett	Griffee	Mennenga	Rinas
Brunow	Hargrave	Middleswart	Small
Connors	Higgins	Miller, A. V.	Tofte
Crawford	Hines	Miller, K. D.	Varley
Cusack	Hullinger	Miller, O. L.	Wells
Daggett	Hutchins	Nealson	Woods
Dieleman	Jesse	Newhard	Mr. Speaker (Oakley)
Drake	Jochum	Nielsen	
Dunton			

The nays were, 86:

Baker	Halvorson	Lageschulte	Spencer
Bennett	Hansen	Lindeen	Spradling
Binneboese	Harper	Lonergan	Svoboda
Brandt	Harvey	Menke	Tauke
Branstad	Hennessey	Middleton	Walter
Crabb	Hinkhouse	Monroe	Welden
Den Herder	Horn	Patchett	West
Doyle	Howell	Pellett	Wulff
Dyrland	Husak	Scheelhaase	Wyckoff

Absent or not voting, 11:

Byerly	Danker	Millen	Spear
Clark	Kreamer	Poncy	Stromer
Cochran	Lipsky	Schroeder	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Jesse of Polk in the chair at 5:07 p.m.

MOTION TO RECONSIDER DEFERRED AND RETAINED
(Senate File 204)

Krause of Palo Alto moved to reconsider the vote by which Senate File 204 passed the House on May 3, 1976.

Tauke of Dubuque asked for unanimous consent that the motion to reconsider Senate File 204 be deferred.

Objection was raised.

Tauke of Dubuque moved that the motion to reconsider Senate File 204 be deferred.

Junker of Woodbury moved that the motion to defer Senate File 204 be tabled.

Oakley of Clinton rose on a point of order that the motion to defer was not in order.

The Speaker ruled the point well taken and the motion to defer not in order.

The motion to table the motion to defer was therefore not in order.

Tauke of Dubuque asked for unanimous consent that the motion to reconsider be deferred and that the bill retain its place on the calendar.

Objection was raised.

Tauke of Dubuque moved that the motion to reconsider be deferred and that the bill retain its place on the calendar.

A non-record roll call was requested.

The ayes were 51, nays 33.

The motion prevailed and the motion to reconsider Senate File 204 was deferred and the bill retained its place on the calendar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has returned to the House of Representatives Senate Joint Resolution 1006, a resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties, as requested.

STEVEN C. CROSS, Secretary

MOTION TO RECONSIDER

(Senate Joint Resolution 1006)

I move to reconsider the vote by which Senate Joint Resolution 1006 passed the House on April 30, 1976.

NIELSEN of Polk

COMMUNICATION FROM THE DEPARTMENT OF GENERAL SERVICES

There is on file in the office of the Chief Clerk the State Records Management Manual submitted by the State Records Commission pursuant to Chapter 304, Code 1975.

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the vote was taken on House File 1480. Had I been present I would have voted "aye."

LAGESCHULTE of Bremer

I was necessarily absent from the House chamber when the vote was taken on House Files 1490, 1498 and 1512 and Senate File 503. Had I been present, I would have voted "aye."

HARPER of Davis

I was necessarily absent from the House chamber when the vote was taken on House Files 769, 863, 1558, amendment H—6487 to H—6239 to House File 1480, House File 1480, Senate Files 1275, 1279 and 1288 and Senate Joint Resolution 1006. Had I been present I would have voted "nay" on House File 769 and "aye" on House Files 863, 1558, amendment H—6487 to H—6239 to House File 1480, House File 1480, Senate Files 1275, 1279, 1288 and Senate Joint Resolution 1006.

HARPER of Davis

I was necessarily absent from the House chamber when the vote was taken on House File 1480 on April 30, 1976. Had I been present, I would have voted "aye."

WALTER of Pottawattamie

I was necessarily absent from the House chamber when the votes were taken on House Files 1498, 1512, 1490 and 1502 and Senate Files 503 and 1141. Had I been present I would have voted "aye" on all these.

MIDDLETON of Black Hawk

STUDY BILL COMMITEE ASSIGNMENT

S. B. 137 **Ways and means**
Relating to homestead tax credit in special charter cities.

AMENDMENTS FILED

H—6510

Amend amendment H—6476, to House File 1200, as follows:

1. Page 2, line 43, by striking the comma.
2. Page 2, line 44, by striking the words "unless otherwise stated,".
3. Page 2, line 45, by inserting after the word "year" the following: ", unless otherwise stated,".
4. Page 3, by inserting after line 37 the following:

"Amend the title page, line 1, by inserting after the first comma the following: "tax year,".

BITTLE of Polk
NORLAND of Worth

H—6511

Amend House File 1499 as follows:

1. Page 1, by striking lines 22 and 23.
2. Page 1, line 31, by striking the words "One member" and inserting in lieu thereof the words "Two members".
3. Page 2, line 6, by inserting after the word "academy" the following: "and who have been employed by a law enforcement agency within one year".

BRANDT of Black Hawk

H—6509

Amend the Small, et al., amendment H—6016 to House File 1550 by striking on page 1, lines 4 through 50, and on page 2, lines 1 through 7, and inserting in lieu thereof the following:

Sec. 2. The energy policy council shall undertake a study of the state policy toward

utility rate structures with the objective of encouraging all users to conserve energy, providing utility services to residential users at reasonable prices, and promoting efficient economical use of generating facilities. The study shall include, but not be limited to, the block rate system, lifeline service, peak hour schedule, meter devices and other methods which would achieve these objectives.

The state commerce commission shall cooperate with the energy policy council.

The council shall report its findings to the general assembly not later than January 17, 1977.

VARLEY of Adair

H—6508

Amend amendment H—6118, to Senate File 204 as passed by the Senate and reprinted, as follows:

1. Page 2, line 8, by inserting after the word *"made"* the following: *"and which violation occurred subsequent to the effective date of the resolution adopted under paragraph "a" of this subsection"*.

2. Page 2, line 29, by inserting after the word *"Code"* the following: *"subsequent to the effective date of the resolution adopted pursuant to paragraph "a" of subsection four (4) of this section"*.

PATCHETT of Johnson
TAUKE of Dubuque

H—6500

Amend Senate File 1278, as passed by the Senate, as follows:

1. Page 7, line 21, by striking the word "shall" and inserting in lieu thereof the word "may".

RINAS of Linn

H—6505

Amend Senate File 1278, as passed by the Senate, as follows:

1. Page 3, lines 33 and 34, by striking the words "[or the municipality acting for itself,]" and inserting in lieu thereof the words "or the municipality acting for itself,".

WELDEN of Hardin

H—6506

Amend amendment H—6497 to Senate File 1278 by adding after the period in line 6 the following:

"All costs of such consulting services shall be reimbursed to the department by the political

subdivision and deposited to the credit of the fund from which the costs were paid."

WELDEN of Hardin

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:33 p.m. until 9:30 a.m., Tuesday, May 4, 1976.

JOURNAL OF THE HOUSE

One Hundred Fourteenth Calendar Day—Seventy-fifth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, MAY 4, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by Father Al Davidsaver, pastor of the Holy Family Catholic Church, Council Bluffs, Iowa.

The Journal of Monday, May 3, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald Flory, Resident, Broadlawns Polk County Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk on request of Baker of Buena Vista; Husak of Tama on request of Wyckoff of Benton; Perkins of Greene on request of Hutchins of Guthrie; Danker of Pottawattamie and Schroeder of Pottawattamie on request of Crabb of Crawford.

SPECIAL PRESENTATION

Miller of Calhoun escorted to the front of the Chief Clerk's desk and presented to the House the members and coaches of the Lake View-Auburn Girls basketball team, girls basketball champions for the second year in a row.

On their behalf, Mrs. Miller extended an invitation for the Legislative Jamboree to be held at Black Hawk Lake, Sunday, August 8. She also presented to the Speaker an autographed picture of the team.

The House rose and extended its welcome. The Speaker expressed thanks for the invitation.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Twenty eighth grade students from Dallas Community Junior High School, Grimes, Iowa, accompanied by Bill Wineland. By Varley of Adair.

Thirty-five fifth grade students from Hansen Elementary School, Cedar Falls, Iowa, accompanied by Mary Jo Bode. By Brandt of Black Hawk.

Ten eighth grade students from Newton Christian School, Newton, Iowa, accompanied by Alfred Weg. By Dieleman of Marion and Anderson of Jasper.

Three eighth grade students from Prairie City Christian School, Prairie City, Iowa, accompanied by Mrs. Stravers. By Dieleman of Marion and Anderson of Jasper.

Thirty-five 4-H citizenship class students from Marion County schools, accompanied by their leader, Ed Vande Kamp. By Middleswart of Warren.

Seventy fourth grade students from Lake Mills Elementary School, Lake Mills, Iowa, accompanied by Mr. Borey, Mr. Iverson, Mrs. Iverson and Mrs. Quisling. By Branstad of Winnebago.

Fifty ninth grade students from Fairfield Junior High School, Fairfield, Iowa, accompanied by Mrs. Franklin and Mr. Buttery. By Millen of Van Buren.

Twenty eighth grade students from St. Patrick's School, Cedar Falls, Iowa, accompanied by Sister Mary Jennifer. By O'Halloran of Black Hawk.

Fifty fifth grade students from Wildwood School, Ottumwa, Iowa, accompanied by Maybelle Reid, Irene Milder and Ron Roggentien. By Poncy of Wapello and Harper of Davis.

PETITIONS FILED

The following petitions were received and placed on file:

By Bina of Scott from eighty-five constituents favoring wildlife management and conservation combined with reasonable laws controlling sport hunting licensure.

By Bennett of Ida from twenty-four Iowa citizens urging that

the General Assembly be in recess on July 2 and July 5 for Bicentennial observances.

HOUSE CONCURRENT RESOLUTION 136
By Doyle

Whereas, the question of whether or not a defendant is to be released from custody after arrest and before the defendant's case reaches final disposition is a critical one for both the defendant and the community; and

Whereas, release programs are fundamentally concerned with identifying defendants who are "good risks" to be released from custody prior to trial and with insuring that released defendants show up for scheduled court appearances; and

Whereas, historically, the principal mechanism used to resolve the question of whether a defendant should be released from custody prior to trial has been the money bail system; and

Whereas, the money bail system has been the target of recurrent criticisms for over half a century, and significant efforts have been made to develop viable alternatives to that system; and

Whereas, both the 1967 Report of the President's Crime Commission and the 1973 Report of the National Advisory Commission on Criminal Justice Standards and Goals endorsed bail reform legislation and urged states and localities to incorporate alternatives to traditional money bail into their own criminal justice systems; and

Whereas, the federal system and many states now have a wide range of pretrial options authorized by statute and at least two—Oregon and Illinois—have eliminated commercial bail bondsmen from any role in the criminal justice process; and

Whereas, pretrial diversion programs tend to involve

the delivery of social services to selected defendants and sustained contact with program participants, and most diversion programs explicitly contemplate the ultimate dismissal of the criminal charges for defendants who meet program expectations; and

Whereas, the release of persons on their personal promises to appear for future court dates, known as "release on recognizance" or "ROR," is now commonplace in many jurisdictions; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council direct the 1976 interim study committee on adult penal and correctional systems to consider alternative types of pretrial release, including but not limited to pretrial diversion and "release on recognizance."

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 137
By Brandt and O'Halloran

Whereas, Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-two, section nineteen directed the capitol planning commission to sponsor a statewide contest among public school classes of Iowa history for the purpose of providing a suitable name for the new state office building; and

Whereas, the capitol planning commission has selected a winning essay which recommends that the new state office building be named in commemoration of a distinguished native Iowan, Herbert Clark Hoover who was a distinguished civil engineer, Food Administrator, Secretary of Commerce, and thirty-first President of the United States; and

Whereas, Lou Henry Hoover, the wife of Herbert Clark Hoover, was also a native Iowan whose uncommon qualities, abilities and accomplishments in public and private life distinguished her as one of Iowa's most outstanding women; and

Whereas, Lou Henry Hoover was a scholar, wife, mother and leader, the only woman to be elected twice to serve as national president of the Girl Scouts of the United States of America; and

Whereas, Herbert Clark Hoover and Lou Henry Hoover were two native Iowans who had the vision to see that the American Dream can be realized only through the involvement of this nation's youth in those endeavors which build the character of a people truly able to govern themselves; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the new state office building

Page 2

authorized under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-two, section one, subsection eight, paragraph b, be named the Hoover State Office Building in commemoration of two distinguished native Iowans, Herbert Clark Hoover and Lou Henry Hoover; and

Be It Further Resolved, That an appropriate plaque be placed near the main entrance of the Hoover State Office Building in commemoration of Herbert Clark Hoover and Lou Henry Hoover.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on April 30, 1976, adopted the conference committee report and the amendments contained therein and passed the following bill:

House File 352, a bill for an act relating to the dissolution of marriage.

Also: That the Senate has on April 30, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 467, a bill for an act relating to approval of plans for constructing school buildings.

Also: That the Senate has on April 30, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 689, a bill for an act defining autistic children and clarifying provisions relating to payment of the costs of inpatient or outpatient care of autistic children.

Also: That the Senate has on April 30, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1281, a bill for an act creating an interagency coordinating council on radiation safety and prescribing its powers and duties.

Also: That the Senate has on April 30, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1299, a bill for an act to legalize proceedings taken by the county board of supervisors of Sac County relating to the purchase of certain land.

Also: That the Senate has on April 30, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1464, a bill for an act relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners.

Also: That the Senate has on April 30, 1976, passed the following bill in which the concurrence of the House is asked:

House File 1462, a bill for an act relating to the permissible age for qualifying for appointment as judicial magistrate.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

WAYS AND MEANS CALENDAR

House File 1200, a bill for an act relating to the assessment date, collection period, and delinquency dates of property taxes, was taken up for consideration.

Bittle of Polk offered the following amendment H—6476 filed by him and Norland of Worth:

H—6476

Amend House File 1200 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The three installments of property taxes which became delinquent on April 1, 1974, October 1, 1974, and April 1, 1975, pursuant to the provisions of chapter four hundred forty-five (445) of the Code, were the property taxes for the period beginning January 1, 1973 and ending June 30, 1974.

The two installments of property taxes which became

delinquent on October 1, 1975, and April 1, 1976, were the property taxes for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

Sec. 2. Section four hundred twenty-eight point four (428.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Property shall be [taxed] *assessed for taxation* each year. Personal property shall be listed and assessed each year in the name of the owner of the personal property on the first day of January *and the assessment made shall be the value of the personal property as of January first of the year of the assessment.* Real estate shall be listed and valued in 1971 and every four years thereafter. *The assessment of real estate shall be the value of the real estate as of January first of the year of the assessment.* In any year, after the year in which an assessment has been made of all the real estate in any assessing jurisdiction, it shall be the duty of the assessor to value and assess or revalue and reassess, as the case may require, any real estate that [he] *the assessor* finds was incorrectly valued or assessed, or was not listed, valued and assessed, in the real estate assessment year immediately preceding, also any real estate [he] *the assessor* finds has changed in value subsequent to January [1] *first* of the preceding real estate assessment year. The assessor shall determine the actual value and compute the taxable value thereof *as of January first of the year of the revaluation and reassessment.* The assessment shall be completed as specified in section 441.28, but no reduction or increase in actual value shall be made for prior years. If an assessor makes a change in the valuation of the real estate as provided for herein, the provisions of sections 441.23, 441.37, 441.38 and 441.39 shall apply.

Sec. 3. Section four hundred forty-one point thirty-five (441.35), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

In any year after the year in which an assessment

Page 2

has been made of all the real estate in any taxing district, it shall be the duty of the board of review to meet as provided in section 441.33, and where it finds the same has changed in value, to revalue and reassess any part or all of the real estate contained in such taxing district, and in such case, it shall determine the actual value *as of January first of the year of the revaluation and reassessment* and compute the taxable value thereof, and any aggrieved taxpayer may petition for a revaluation of his property, but no reduction or increase shall be made for prior years. If the assessment of any such property is raised, or any property is added to the

tax list by the board, the clerk shall give notice in the manner provided in section 441.36, provided, however, that if the assessment of all property in any taxing district is raised the board may instruct the clerk to give immediate notice by one publication in one of the official newspapers located in the taxing district, and such published notice shall take the place of the mailed notice provided for in section 441.36, but all other provisions of said section shall apply. The decision of the board as to the foregoing matters shall be subject to appeal to the district court within the same time and in the same manner as provided in section 441.38.

Sec. 4. Chapter four hundred forty-one (441), Code 1975, is amended by adding the following new sections:

NEW SECTION. The assessment date of January first is the first date of an assessment year period which constitutes a calendar year commencing January first and ending December thirty-first. All property tax statutes providing for tax exemptions or credits and requiring, as a prerequisite thereto, that a claim be filed, shall be construed to require such claims to be filed during the assessment year. In the event that no claim is required to be filed to procure an exemption or credit, the status of the property as exempt or taxable on the levy date of the fiscal year which commences during the assessment year determines its eligibility for exemption or credit. Any statute requiring proration of property taxes for any purpose, unless otherwise stated, shall be for the assessment year and such proration shall be based on the status of the property during the assessment year.

NEW SECTION. The assessment date for property taxes for the fiscal period beginning January 1, 1973 and ending June 30, 1974 and which became delinquent during the fiscal period beginning January 1, 1974 and

Page 3

ending June 30, 1975, was January 1, 1973. The assessment date for property taxes for the fiscal year beginning July 1, 1974 and ending June 30, 1975 and which became delinquent during the fiscal year beginning July 1, 1975 and ending June 30, 1976, was January 1, 1974. Thereafter, the assessment date is January first for taxes for the fiscal year which commences six months after the assessment date and which become delinquent during the fiscal year commencing eighteen months after the assessment date.

Sec. 5. Section four hundred forty-five point thirty-six (445.36), Code 1975, is amended to read as follows:

445.36 PAYMENT-INSTALLMENTS.

1. For fiscal years after July 1, 1975, the property taxes which become delinquent during the

fiscal year shall be for the previous fiscal year.

2. No demand of taxes shall be necessary, but it shall be the duty of every person subject to taxation to attend at the office of the treasurer, at some time between the first Monday in August and September 1 following, and pay his taxes in full, or one-half thereof before September 1 succeeding the levy, and the remaining half before March 1 following.

Sec. 6. The provisions of section one (1) of this Act shall be retroactive to January 1, 1973. The provisions of sections two (2), three (3), and four (4) of this Act shall be retroactive to January 1, 1976. The provisions of section five (5) of this Act shall be retroactive to July 1, 1975.

Sec. 7. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Daily Freeman-Journal, a newspaper published in Webster City, Iowa, and in The New Iowa Bystander, a newspaper published in West Des Moines, Iowa."

Bennett of Ida offered the following amendment H—6512, to amendment H—6476, filed by him and Husak of Tama from the floor:

H—6512

Amend the Bittle and Norland amendment, H—6476, to House File 1200, page 1, line 26, by inserting after the word *"assessment"* the words *"and for the asesssment year beginning January 1, 1977, and for each succeeding assessment year, the assessment for agricultural property shall not exceed the amount of the valuation determined by computing the total value of agricultural property pursuant to section four hundred forty-one point twenty-one (441.21), subsection one (1), paragraph a, of the Code"*.

Bittle of Polk rose on a point of order that amendment H—6512 was not germane.

The Speaker ruled the point well taken and amendment H—6512 not germane.

Bennett of Ida moved to suspend the rules governing germaneness for the consideration of amendment H—6512.

Roll call was requested by Bennett of Ida and Branstad of Winnebago.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6512, to amendment H—6476?"

The ayes were, 33:

Bennett	Egenes	Lageschulte	Spencer
Bortell	Evans	Lindeen	Stromer
Branstad	Halvorson	McElroy	Tofte
Crabb	Hansen	Menke	Varley
Crawford	Harvey	Millen	Welden
Daggett	Hinkhouse	Miller, K. D.	West
Den Herder	Hutchins	Miller, O. L.	Wulff
Drake	Jordan	Nealson	Wyckoff
Dyrland			

The nays were, 51:

Anderson	Dunton	Junker	Pavich
Avenson	Fitzgerald	Koogler	Poncy
Baker	Gentleman	Krause	Readinger
Bina	Gilloon	Lipsky	Rinas
Binneboese	Griffee	Lonergan	Scheelhaase
Bittle	Hargrave	Mennenga	Small
Brandt	Harper	Middleswart	Spradling
Brockett	Hennessey	Middleton	Svoboda
Brunow	Higgins	Miller, A. V.	Tauke
Connors	Horn	Newhard	Walter
Cusack	Howell	Norland	Wells
Dieleman	Jesse	Oakley	Mr. Speaker
Doyle	Jochum	O'Halloran	

Absent or not voting, 15:

Byerly	Hullinger	Nielsen	Schroeder
Clark	Husak	Patchett	Spear
Danker	Kreamer	Pellett	Woods
Hines	Monroe	Perkins	

The motion lost.

Bittle of Polk offered the following amendment H—6510, to amendment H—6476, filed by him and Norland of Worth and moved its adoption:

H—6510

Amend amendment H—6476, to House File 1200, as follows:

1. Page 2, line 43, by striking the comma.

2. Page 2, line 44, by striking the words "unless otherwise stated,".

3. Page 2, line 45, by inserting after the word "year" the following: ", unless otherwise stated,".

4. Page 3, by inserting after line 37 the following:

"Amend the title page, line 1, by inserting after the first comma the following: "tax year,".

Amendment H—6510 was adopted.

By unanimous consent the following corrective amendment H—6514, to amendment H—6476, filed by Doyle of Woodbury from the floor was adopted:

H—6514

Amend amendment H—6476, to House File 1200, as follows:

1. Page 3, line 22, by inserting after the word "his" the words *"or her"*.

Bittle of Polk moved the adoption of amendment H—6476, as amended.

Amendment H—6476, as amended, was adopted.

Bittle of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1200)

The ayes were, 88:

Anderson	Dyrland	Jordan	Patchett
Avenson	Egenes	Junker	Pavich
Baker	Evans	Koogler	Poncy
Bennett	Fitzgerald	Krause	Readinger
Bina	Gentleman	Lageschulte	Rinas
Binneboese	Gilloon	Lindeen	Scheelhaase
Bittle	Griffee	Lipsky	Small
Bortell	Halvorson	Lonergan	Spencer
Brandt	Hansen	McElroy	Spradling
Branstad	Hargrave	Menke	Stromer
Brockett	Harper	Mennenga	Svoboda
Brunow	Harvey	Middleswart	Tauke
Connors	Hennessey	Middleton	Tofte
Crabb	Higgins	Millen	Varley
Crawford	Hines	Miller, A. V.	Walter
Cusack	Hinkhouse	Miller, K. D.	Welden
Daggett	Horn	Miller, O. L.	Wells
Den Herder	Howell	Nealson	West
Dieleman	Hullinger	Newhard	Woods
Doyle	Hutchins	Norland	Wulff
Drake	Jesse	Oakley	Wyckoff
Dunton	Jochum	O'Halloran	Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Byerly	Husak	Nielsen	Schroeder
Clark	Kreamer	Pellett	Spear
Danker	Monroe	Perkins	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

House File 1559, a bill for an act relating to the amount of indebtedness which may be contracted for by a school corporation without a petition for an election, was taken up for consideration.

Bittle of Polk moved that the bill be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1559)

The ayes were, 85:

Anderson	Egenes	Jordan	Patchett
Avenson	Evans	Junker	Pavich
Baker	Fitzgerald	Koogler	Poncy
Bennett	Gentleman	Krause	Readinger
Bina	Gilloon	Lageschulte	Rinas
Binneboese	Griffee	Lindeen	Scheelhaase
Bittle	Halvorson	Lipsky	Small
Bortell	Hansen	Lonergan	Spencer
Brandt	Hargrave	McElroy	Spradling
Branstad	Harper	Menke	Stromer
Brunow	Harvey	Mennenga	Tauke
Connors	Hennessey	Middleton	Tofte
Crabb	Higgins	Millen	Varley
Crawford	Hines	Miller, A. V.	Walter
Cusack	Hinkhouse	Miller, K. D.	Welden
Daggett	Horn	Miller, O. L.	Wells
Den Herder	Howell	Nealson	West
Dieleman	Hullinger	Newhard	Woods
Doyle	Hutchins	Norland	Wulff
Drake	Jesse	Oakley	Wyckoff
Dunton	Jochum	O'Halloran	Mr. Speaker
Dyrland			

The nays were, none.

Absent or not voting, 14:

Brockett	Husak	Nielsen	Schroeder
Byerly	Kreamer	Pellett	Spear
Clark	Middleswart	Perkins	Svoboda
Danker	Monroe		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE CALENDAR

Senate File 1092, a bill for an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review, with report of committee recommending amendment and passage, was taken up for consideration.

Jesse of Polk offered the following amendment H—5547 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5547

Amend Senate File 1092, as amended and passed by the Senate, as follows:

1. Page 1, by striking line 21 and inserting in lieu thereof the words "and four associate judges,

any three of whom shall constitute".

2. Page 7, line 7, by striking the word "three" and inserting in lieu thereof the word "five".

3. Page 12, line 4, by striking the word "*one*" and inserting in lieu thereof the word "*two*".

4. Page 12, line 7, by striking the word "*one*" and inserting in lieu thereof the word "*two*".

Amendment H—5547 was adopted.

Jesse of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1092)

The ayes were, 83:

Anderson	Dyrland	Krause	Pellett
Avenson	Egenes	Kreamer	Poncy
Baker	Evans	Lageschulte	Readinger
Bennett	Fitzgerald	Lindeen	Rinas
Bina	Gentleman	Lipsky	Scheelhaase
Binneboese	Gilloon	Lonergan	Small
Bittle	Griffee	McElroy	Spencer
Bortell	Halvorson	Menke	Spradling
Branstad	Hansen	Mennenga	Stromer
Brockett	Harper	Middleswart	Svoboda
Brunow	Hennessey	Middleton	Tauke
Connors	Higgins	Millen	Tofte
Crabb	Hines	Miller, A. V.	Varley
Crawford	Hinkhouse	Miller, O. L.	Walter
Cusack	Horn	Nealson	Wells
Daggett	Howell	Newhard	West
Den Herder	Hullinger	Nielsen	Woods
Dieleman	Hutchins	Norland	Wulff
Doyle	Jesse	Oakley	Wyckoff
Drake	Jochum	Patchett	Mr. Speaker
Dunton	Junker	Pavich	

The nays were, 8:

Brandt	Jordan	Miller, K. D.	O'Halloran
Harvey	Koogler	Monroe	Welden

Absent or not voting, 8:

Byerly	Danker	Husak	Schroeder
Clark	Hargrave	Perkins	Spear

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 1278 SUBSTITUTED FOR HOUSE FILE 1454

Rinas of Linn asked and received unanimous consent to substitute Senate File 1278 for House File 1454.

Senate File 1278, a bill for an act relating to airports and aeronautics and providing for a fee, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—6497 filed by him and Krause of Palo Alto:

H—6497

Amend Senate File 1278, page 3, line 13 by inserting after the word "consultants." the words "The department may perform, upon request by the political subdivision, any consulting services necessary for acquisition, planning, construction and certification of the airport facilities."

Welden of Hardin offered the following amendment H—6506 to amendment H—6497 filed by him:

H—6506

Amend amendment H—6497 to Senate File 1278 by adding after the period in line 6 the following:

"All costs of such consulting services shall be reimbursed to the department by the political subdivision and deposited to the credit of the fund from which the costs were paid."

Amendment H—6506 was adopted.

Monroe of Des Moines moved the adoption of amendment H—6497, as amended.

Amendment H—6497, as amended, was adopted.

Welden of Hardin offered the following amendment H—6505 filed by him:

H—6505

Amend Senate File 1278, as passed by the Senate, as follows:

1. Page 3, lines 33 and 34, by striking the words "[or the municipality acting for itself,]" and inserting in lieu thereof the words "or the municipality acting for itself,".

Welden of Hardin asked for unanimous consent to strike the word "municipality" in line 6 of amendment H—6505 and insert the words "governmental subdivision".

Objection was raised.

Rinas of Linn moved that the rules be suspended and the following amendment H—6515, to amendment H—6505, filed by him from the floor was adopted by unanimous consent:

H—6515

Amend amendment H—6505, to page 3 of Senate File 1278 as passed by the Senate, as follows:

1. Page 1, line 6, by striking the word "municipality" and inserting in lieu thereof the following: "[municipality] *governmental subdivision*".

Welden of Hardin moved the adoption of amendment H—6505, as amended.

A non-record roll call was requested.

The ayes were 45, nays 33.

Amendment H—6505, as amended, was adopted.

Rinas of Linn offered the following amendment H—6500 filed by him and moved its adoption:

H—6500

Amend Senate File 1278, as passed by the Senate, as follows:

1. Page 7, line 21, by striking the word "shall" and inserting in lieu thereof the word "may".

Amendment H—6500 lost.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1278)

The ayes were, 87:

Anderson	Egenes	Kreamer	Pellett
Avenson	Evans	Lageschulte	Poncy
Baker	Fitzgerald	Lindeen	Readinger
Bennett	Gentleman	Lipsky	Rinas
Bina	Gilloon	Lonergan	Scheelhaase
Binneboese	Griffee	McElroy	Small
Bittle	Halvorson	Menke	Spencer
Bortell	Hansen	Mennenga	Spradling
Brandt	Hargrave	Middleswart	Stromer
Branstad	Harper	Millen	Svoboda
Brockett	Harvey	Miller, A. V.	Tauke
Brunow	Hennessey	Miller, K. D.	Tofte
Crabb	Hines	Miller, O. L.	Varley
Crawford	Hinkhouse	Monroe	Walter
Cusack	Horn	Nealson	Welden
Daggett	Howell	Newhard	Wells
Den Herder	Hullinger	Nielsen	West
Dieleman	Jochum	Norland	Woods
Doyle	Jordan	Oakley	Wulff
Drake	Junker	O'Halloran	Wyckoff
Dunton	Koogler	Patchett	Mr. Speaker
Dyrland	Krause	Pavich	

The nays were, none.

Absent or not voting, 12:

Byerly	Danker	Hutchins	Perkins
Clark	Higgins	Jesse	Schroeder
Connors	Husak	Middleton	Spear

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1454 WITHDRAWN

Rinas of Linn asked and received unanimous consent to withdraw **House File 1454** from further consideration by the House.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed seventy-one members present, twenty-eight absent.

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

House File 1444, a bill for an act to require a covering on vehicles carrying garbage, refuse or rubbish and providing a penalty, was taken up for consideration.

Drake of Muscatine offered the following amendment **H—5527** filed by Caffrey of Polk:

H—5527

Amend House File 1444 as follows:

1. Page 1, line 7, by striking the words "or rubbish" and inserting in lieu thereof the words "sand, gravel, rubbish or other loose materials".

2. Title page, line 2, by striking the words "or rubbish" and inserting in lieu thereof the following: ", sand, gravel, rubbish or other loose materials".

Wyckoff of Benton rose on a point of order that amendment H—5527 was not germane.

The Speaker ruled the point well taken and amendment H—5527 not germane.

Harvey of Scott asked for unanimous consent to consider amendment H—5527.

Objection was raised.

Harvey of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H—5527.

A non-record roll call was requested.

The ayes were 11, nays 50.

The motion lost.

Debate having exceeded the allowed time, House File 1444 was returned to the regular calendar.

The House resumed consideration of **House File 1164,** a bill for an act relating to affirmative action programs of political subdivisions, and amendment H—6140 filed by Middleton of Black Hawk.

Action on amendment H—6140 was temporarily deferred.

Middleton of Black Hawk offered the following amendment H—6196 filed by Middleton, et al.:

H—6196

Amend House File 1164 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* AFFIRMATIVE ACTION PROGRAMS. The director or chief administrative officer of each state agency and the governing body of each political subdivision of the state shall adopt a written affirmative action program containing goals and time specifications for employment of persons who are members of protected classes under the provisions of chapter six hundred one A (601A) of the Code. Each such agency and political subdivision shall regularly review its policies of personnel practices and procedures in order to correct any practices and procedures which may contribute to discrimination in employment assignment or advancement.

Annually, each state agency and political subdivision shall submit a report to the governor containing a copy of the agency's or political subdivision's affirmative action program and employment

information for the preceding year, indicating the agency's or political subdivision's compliance with the provisions of this section.

The governor, or a designee, shall review the reports of the state agencies and political subdivisions and shall inform in writing any state agency or political subdivision which has submitted an affirmative action program which is inadequate."

2. Amend the title, line 1, by inserting after the word "of" the words "state agencies and".

Gilloon of Dubuque offered the following amendment H—6211, to amendment H—6196, filed by him and moved its adoption:

H—6211

Amend amendment H—6196, to page 1 of House File 1164 as follows:

1. By inserting after line 28 the following:

"Any governing board of a county employing more than one hundred (100) persons, and any other governing board of a political subdivision employing more than ten (10) persons shall maintain central employment and personnel records in furtherance of this Act. For the purposes of this paragraph, all employees of a political subdivision of this state shall be deemed to be under the control of the governing board of the political subdivision."

Amendment H—6211 lost.

Doyle of Woodbury offered the following amendment H—6229, to amendment H—6196, filed by Spear of Lee:

H—6229

Amend amendment H—6196 to House File 1164 as follows:

1. By inserting after line 28 the following:

"Sec. ..... Section six hundred one A point six (601A.6), Code 1975, is amended by adding the following new section:

NEW SECTION. The state and its political subdivisions shall not use, distribute, or disseminate the following records in connection with an application for employment:

1. A record of arrest which is not followed by a valid conviction.

2. A record of conviction which has been ordered annulled or expunged."

Oakley of Clinton rose on a point of order that amendment H—6229 was not germane.

The Speaker ruled the point well taken and amendment H—6229 not germane.

Doyle of Woodbury offered the following amendment H—6232, to amendment H—6196, filed by Spear of Lee:

H—6232

Amend H—6196 to House File 1164 as follows:

1. Page 1, by inserting after line 28 the following:

Sec. 2. 1. Section six hundred one A point six (601A.6), subsection one (1), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. State or political subdivision employer to not employ a person solely because that person has been convicted of a crime. However, except as provided in section three (3) of this Act, these employers may consider as a possible justification for refusing employment:

(1) Whether a person convicted of a crime has been sufficiently rehabilitated to warrant employment in a position involving the public trust. A person shall be rebuttably presumed to be sufficiently rehabilitated two years after discharge from probation or parole supervision or from a term of imprisonment, whichever occurs last, if the person is not criminally convicted during the two-year period, or

(2) Whether a person convicted of a crime related to a sexual offense, the sale or distribution of obscene material to minors, the sale or distribution of controlled substances, or an assault or homicide offense involving minors should be employed in a position involving substantial contact with minors.

Sec. 3. Section six hundred one A point six (601A.6), Code 1975, is amended by adding the following new section:

NEW SECTION. The state and its political subdivisions shall not use, distribute, or disseminate the following records in connection with an application for employment:

1. A record of arrest which is not followed by a valid conviction.

2. A record of conviction which has been ordered annulled or expunged.

Oakley of Clinton rose on a point of order that amendment H—6232 was not germane.

The Speaker ruled the point well taken and amendment H—6232 not germane.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Small of Johnson for the remainder of the day on request of Svoboda of Iowa.

Cusack of Scott in the chair at 3:10 p.m.

Bennett of Ida offered the following amendment H—6516, to amendment H—6196, filed by him from the floor and moved its adoption:

H—6516

Amend the Middleton, et al., amendment, H—6196, to House File 1164 as follows:

1. Page 1, by inserting after line 28 the following:

"For the purpose of this section "political subdivision" means political subdivisions located in cities with a population in excess of twenty thousand and counties with a population in excess of forty thousand."

Roll call was requested by Anderson of Jasper and Hines of Story.

On the question "Shall amendment H—6516, to amendment H—6196, be adopted?"

The ayes were, 20:

Baker	Crabb	Hansen	Spencer
Bennett	Daggett	McElroy	Tofte
Bortell	Den Herder	Millen	Welden
Branstad	Evans	Nealson	West
Brockett	Halvorson	Pellett	Wyckoff

The nays were, 60:

Anderson	Hargrave	Krause	Oakley
Avenson	Harper	Kreamer	O'Halloran
Bina	Harvey	Lageschulte	Pavich
Binneboese	Hennessey	Lindeen	Poncy
Brandt	Higgins	Lipsky	Readinger
Connors	Hines	Lonergan	Scheelhaase
Crawford	Hinkhouse	Mennenga	Spradling
Dieleman	Horn	Middleswart	Stromer
Doyle	Howell	Middleton	Svoboda
Dunton	Hutchins	Miller, A. V.	Tauke
Dyrland	Jesse	Miller, K. D.	Walter
Egenes	Jochum	Miller, O. L.	Wells
Fitzgerald	Jordan	Monroe	Wulff
Gentleman	Junker	Newhard	Mr. Speaker
Gilloon	Koogler	Nielsen	(Cusack)
Griffee			

Absent or not voting, 19:

Bittle	Danker	Norland	Small
Brunow	Drake	Patchett	Spear
Byerly	Hullinger	Perkins	Varley
Clark	Husak	Rinas	Woods
Cochran	Menke	Schroeder	

Amendment H—6516 lost.

Middleton of Black Hawk moved the adoption of amendment H—6196.

A non-record roll call was requested.

The ayes were 43, nays 30.

Amendment H—6196 was adopted.

With the adoption of amendment H—6196, the following amendments to page 1 are out of order:

H—6140 filed by Middleton, et al., on April 5, 1976, and found on page 1624 of the House Journal.

H—6145 filed by Gilloon of Dubuque on April 6, 1976, and found on page 1666 of the House Journal.

H—6171 filed by Spear of Lee on April 6, 1976, and found on pages 1666 and 1667 of the House Journal.

Middleton of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 1164)

The ayes were, 54:

Anderson	Gilloon	Krause	Pavich
Avenson	Griffee	Lageschulte	Poncy
Bina	Hargrave	Lipsky	Readinger
Binneboese	Harper	Lonergan	Rinas
Brandt	Harvey	Mennenga	Scheelhaase
Brunow	Higgins	Middleton	Spradling
Cochran	Hines	Miller, A. V.	Svoboda
Connors	Horn	Miller, K. D.	Tauke
Crawford	Howell	Monroe	Walter
Doyle	Hullinger	Newhard	Wells
Dyrland	Jesse	Norland	Wulff
Egenes	Jochum	Oakley	Mr. Speaker (Cusack)
Fitzgerald	Jordan	O'Halloran	
Gentleman	Junker	Patchett	

The nays were, 33:

Baker	Dieleman	Lindeen	Pellett
Bennett	Evans	McElroy	Spencer
Bittle	Halvorson	Menke	Stromer
Bortell	Hansen	Middleswart	Tofte
Branstad	Hinkhouse	Millen	Varley
Brockett	Hutchins	Miller, O. L.	Welden
Crabb	Koogler	Nealson	West
Daggett	Kreamer	Nielsen	Wyckoff
Den Herder			

Absent or not voting, 12:

Byerly	Drake	Husak	Small
Clark	Dunton	Perkins	Spear
Danker	Hennessey	Schroeder	Woods

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

House File 1546, a bill for an act relating to certain authority of the industrial commissioner, was taken up for consideration.

Hines of Story asked and received unanimous consent that Robert Landess, Industrial Commissioner, be permitted in the House chamber during consideration of House File 1546.

Junker of Woodbury rose on a point of order and invoked Rule 32 on House File 1546.

The Speaker ruled the point not well taken and Rule 32 not in order.

Avenson of Fayette in the chair at 4:14 p.m.

Hines of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1546)

The ayes were, 81:

Anderson	Evans	Krause	Pavich
Baker	Fitzgerald	Kreamer	Pellett
Bennett	Gentleman	Lageschulte	Poncy
Bina	Gilloon	Lindeen	Rinas
Binneboese	Griffee	Lipsky	Scheelhaase
Bittle	Halvorson	Lonergan	Spencer
Bortell	Hansen	McElroy	Spradling
Branstad	Hargrave	Menke	Stromer
Brockett	Harper	Mennenga	Svoboda
Brunow	Harvey	Middleton	Tauke
Cochran	Hennessey	Millen	Tofte
Connors	Higgins	Miller, A. V.	Varley
Crabb	Hines	Miller, O. L.	Walter
Crawford	Hinkhouse	Monroe	Welden
Cusack	Horn	Nealson	Wells
Daggett	Hullinger	Newhard	Woods
Den Herder	Hutchins	Nielsen	Wulff
Dieleman	Jesse	Oakley	Wyckoff
Doyle	Jochum	O'Halloran	Mr. Speaker (Avenson)
Dyrland	Jordan	Patchett	
Egenes	Koogler		

The nays were, 2:

Junker	Miller, K. D.

Absent or not voting, 16:

Brandt	Drake	Middleswart	Schroeder
Byerly	Dunton	Norland	Small
Clark	Howell	Perkins	Spear
Danker	Husak	Readinger	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1134 WITHDRAWN

Hines of Story asked and received unanimous consent to withdraw **House File 1134** from further consideration by the House.

MOTION TO RECONSIDER PREVAILS
(House File 1371)

O'Halloran of Black Hawk called up for consideration the motion to reconsider **House File 1371,** filed on April 5, 1976, and moved to reconsider the vote by which House File 1371, a bill for an act relating to the status and duties of the energy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council, passed the House on April 5, 1976.

A non-record roll call was requested.

The ayes were 64, nays 4.

The motion prevailed and the House reconsidered House File 1371.

O'Halloran of Black Hawk moved to reconsider the vote by which House File 1371 was placed on its last reading.

The motion prevailed.

Oakley of Clinton offered the following amendment H—6276 filed by him and moved its adoption:

H—6276

Amend House File 1371 as follows:

1. Page 1, by inserting before line 1 the following section:

"Section 1. Section ninety-three point two (93.2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, chapter ninety-one (91), section one (1), is amended to read as follows:

93.2 ESTABLISHMENT. There is established an energy policy council which shall consist of [fifteen] *seventeen* members. Two members shall be appointed by the president of the senate from the membership of the senate with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house with no more than one member being appointed from the same political party. The governor shall appoint [five] *seven* members who shall be reasonably knowledgeable in the field of energy. Not more than [three] *four*

of the governor's appointees shall be of the same political party. They shall be subject to confirmation by two-thirds of the membership of the senate. The state geologist, the secretary of agriculture, the chairman of the Iowa state commerce commission, the administrative officer of the state soil conservation committee, the director of transportation, [and] the executive director of environmental quality *and legislative members* shall serve as ex offico nonvoting members of the council. If [an] *a nonlegislative* ex officio nonvoting member is unable to attend a meeting of the council, the member shall designate a replacement who shall be authorized to represent the member at the meeting."

2. By renumbering the remaining sections and correcting internal references in accordance with this amendment.

3. Amend the title, line 1, by inserting after the word "status" the word ", membership,".

Amendment H—6276 was adopted.

Howell of Floyd asked and received unanimous consent to withdraw amendment H—6286 filed by him on April 14, 1976, and found on page 1953 of the House Journal.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1371)

The ayes were, 78:

Anderson	Egenes	Jordan	Pavich
Bennett	Evans	Koogler	Pellett
Bina	Fitzgerald	Krause	Poncy
Binneboese	Gentleman	Lageschulte	Rinas
Bittle	Gilloon	Lindeen	Scheelhaase
Bortell	Griffee	Lipsky	Spradling
Brandt	Halvorson	Lonergan	Stromer
Branstad	Hansen	McElroy	Svoboda
Brockett	Hargrave	Menke	Tauke
Brunow	Harvey	Mennenga	Tofte
Cochran	Hennessey	Middleton	Varley
Connors	Higgins	Millen	Walter
Crabb	Hines	Miller, A. V.	Welden
Crawford	Hinkhouse	Miller, O. L.	Wells
Cusack	Horn	Monroe	West
Daggett	Howell	Newhard	Wulff
Den Herder	Hullinger	Nielsen	Wyckoff
Dieleman	Hutchins	Oakley	Mr. Speaker (Avenson)
Doyle	Jesse	O'Halloran	
Dyrland	Jochum	Patchett	

The nays were, 4:

Baker	Junker	Kreamer	Miller, K. D.

Absent or not voting, 17:

Byerly	Harper	Norland	Small
Clark	Husak	Perkins	Spear
Danker	Middleswart	Readinger	Spencer
Drake	Nealson	Schroeder	Woods
Dunton			

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

IMMEDIATE MESSAGE
(House File 1371)

O'Halloran of Black Hawk asked and received unanimous consent that **House File 1371** be immediately messaged to the Senate.

CONSIDERATION OF BILLS
STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

House File 1503, a bill for an act relating to the practice of nursing and providing for disciplinary procedures, was taken up for consideration.

Cusack of Scott in the chair at 4:38 p.m.

Crawford of Story offered the following amendment H—6395 filed by him and Monroe of Des Moines and moved its adoption:

H—6395

Amend House File 1503 as follows:

1. Page 1, line 9, by striking the word "or".

2. Page 1, line 11, by inserting after the word "Code," the following "or the practice of pharmacy as defined in chapter one hundred fifty-five (155) of the Code,".

3. Page 1, by inserting in line 21 after the word "or" the word "employed".

4. Page 1, by striking lines 24 and 25 and inserting in lieu thereof the following "this state, and when acting while within the scope of the employer's license."

5. Page 1, by inserting after line 28 the following new subsection:

"e. The care of the sick rendered in connection with the practice of the religious tenets of any church or order by the adherents thereof which is not performed for hire, or if performed for hire by those who depend upon prayer or spiritual means for healing in the practice of the religion of their church or denomination, so

long as they do not otherwise engage in the practice of nursing as practical nurses."

6. Page 2, by striking lines 19 through 23, and inserting in lieu thereof the following "or a physician."

7. Page 2, by striking lines 26 and 27, and inserting in lieu thereof the following, "are recognized by the medical and nursing professions and are approved by the board, as being proper to be performed by a licensed practical nurse."

8. Page 3, line 2 by inserting after the word "dentistry" the following "or podiatry".

Amendment H—6395 was adopted.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1503)

The ayes were, 85:

Anderson	Egenes	Koogler	Patchett
Avenson	Evans	Krause	Pavich
Baker	Fitzgerald	Kreamer	Pellett
Bennett	Gentleman	Lageschulte	Poncy
Bina	Gilloon	Lindeen	Rinas
Binneboese	Griffee	Lipsky	Scheelhaase
Bittle	Hansen	Lonergan	Spencer
Bortell	Hargrave	McElroy	Spradling
Brandt	Harper	Menke	Stromer
Branstad	Harvey	Mennenga	Svoboda
Brockett	Hennessey	Middleswart	Tauke
Brunow	Higgins	Middleton	Tofte
Cochran	Hines	Millen	Walter
Connors	Hinkhouse	Miller, A. V.	Welden
Crabb	Horn	Miller, K. D.	Wells
Crawford	Howell	Miller, O. L.	West
Daggett	Hullinger	Monroe	Woods
Den Herder	Hutchins	Nealson	Wulff
Dieleman	Jesse	Newhard	Wyckoff
Doyle	Jochum	Oakley	Mr. Speaker (Cusack)
Dunton	Jordan	O'Halloran	
Dyrland	Junker		

The nays were, none.

Absent or not voting, 14:

Byerly	Halvorson	Perkins	Small
Clark	Husak	Readinger	Spear
Danker	Nielsen	Schroeder	Varley
Drake	Norland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1499, a bill for an act relating to the Iowa law enforcement academy, was taken up for consideration.

Brandt of Black Hawk offered amendment H—6511 filed by her. Division was requested as follows:

H—6511

Amend House File 1499 as follows:

H—6511A

1. Page 1, by striking lines 22 and 23.

H—6511B

2. Page 1, line 31, by striking the words "One member" and inserting in lieu thereof the words "Two members".

H—6511C

3. Page 2, line 6, by inserting after the word "academy" the following: "and who have been employed by a law enforcement agency within one year".

Brandt of Black Hawk moved the adoption of amendment H—6511A.

Amendment H—6511A lost.

On motion by Brandt of Black Hawk, amendment H—6511B was adopted.

Brandt of Black Hawk moved the adoption of amendment H—6511C.

A non-record roll call was requested.

The ayes were 43, nays 28.

Amendment H—6511C was adopted.

Debate having exceeded the allowed time, Brandt of Black Hawk moved that the rules be suspended for the further consideration of House File 1499.

A non-record roll call was requested.

The ayes were 52, nays 20.

The motion prevailed and the rules were suspended.

Speaker Cochran in the chair at 5:10 p.m.

Wyckoff of Benton offered the following amendment H—6513 filed by him from the floor and moved its adoption:

H—6513

Amend House File 1499 as follows:

1. Page 2, line 4, by inserting after

3 the word "course" the words "approved by the
4 council".

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 35, nays 49.

Amendment H—6513 lost.

Lipsky of Linn moved to reconsider the vote by which amendment H—6511C was adopted by the House on May 4, 1976.

Brandt of Black Hawk asked for unanimous consent to withdraw amendment H—6511C.

Objection was raised.

On the motion to reconsider amendment H—6511C, a non-record roll call was requested.

The ayes were 56, nays 14.

The motion prevailed and the House reconsidered amendment H—6511C.

Brandt of Black Hawk asked and received unanimous consent to withdraw amendment H—6511C.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1499)

The ayes were, 78:

Anderson	Dyrland	Jordan	Norland
Avenson	Egenes	Junker	Oakley
Baker	Evans	Koogler	O'Halloran
Bennett	Fitzgerald	Lageschulte	Patchett
Bina	Gentleman	Lindeen	Pavich
Binneboese	Gilloon	Lipsky	Poncy
Bittle	Griffee	Lonergan	Readinger
Bortell	Hansen	McElroy	Rinas
Brandt	Hargrave	Menke	Scheelhaase
Branstad	Harper	Mennenga	Spencer
Brockett	Hennessey	Middleswart	Spradling
Brunow	Higgins	Middleton	Stromer
Connors	Hines	Millen	Svoboda
Crawford	Hinkhouse	Miller, A. V.	Tauke
Cusack	Horn	Miller, K. D.	Walter
Daggett	Howell	Miller, O. L.	Welden
Den Herder	Hullinger	Monroe	Wells
Dieleman	Hutchins	Newhard	Woods
Doyle	Jesse	Nielsen	Mr. Speaker
Dunton	Jochum		

The nays were, 9:

Halvorson	Kreamer	Pellett	Wulff
Harvey	Nealson	Tofte	Wyckoff
Krause			

Absent or not voting, 12:

Byerly	Danker	Perkins	Spear
Clark	Drake	Schroeder	Varley
Crabb	Husak	Small	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Jesse of Polk called up for consideration **House File 584, a bill** for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, amended by the Senate as follows:

H—5733

Amend House File 584, as amended and passed by the House and reprinted, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* SHORT TITLE. This Act shall be known and may be cited as the "Iowa Competition Law".

Sec. 2. *NEW SECTION.* CONSTRUCTION. This Act shall be construed to complement and be harmonized with the applied laws of the United States which have the same or similar purpose as this Act. This construction shall not be made in such a way as to constitute a delegation of state authority to the federal government, but shall be made to achieve uniform application of the state and federal laws prohibiting restraints of economic activity and monopolistic practices.

Sec. 3. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Commodity" means tangible or intangible property, real, personal, or mixed.

2. "Enterprise" means a business, commercial or professional entity, including a corporation, partnership, limited partnership, professional corporation, proprietorship, incorporated or unincorporated association, or other form of organization.

3. "Government agency" means the state, its political subdivisions, and any public agency supported in whole or in part by taxation.

4. "Person" means a natural person, estate, trust, enterprise or government agency.

5. "Price" includes the terms and conditions of sale, rental, rate, fee, or any other form of payment for a commodity or service.

6. "Relevant market" means the geographical area of actual or potential competition in a line of commerce, all or any part of which is within this state.

7. "Service" means any activity which is performed in whole or part for financial gain.

8. "Trade or commerce" means any economic activity involving or relating to any commodity, service, or business activity.

Sec. 4. *NEW SECTION.* RESTRAINT PROHIBITED. A contract, combination, or conspiracy between two or more persons shall not restrain or monopolize trade or commerce in a relevant market.

Sec. 5. *NEW SECTION.* MONOPOLY PROHIBITED. A person shall not attempt to establish or establish,

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maintain, or use a monopoly of trade or commerce in a relevant market for the purpose of excluding competition or of controlling, fixing, or maintaining prices.

Sec. 6. *NEW SECTION.* EXEMPTIONS. This Act shall not be construed to prohibit:

1. The activities of any labor organization, individual members of such an organization, or group of such organizations, of any employer or group of employers, or of any groups of employees, if these activities are directed solely to legitimate labor objectives which are permitted under the laws of either this state or the United States.

2. The activities of any agricultural or horticultural organization, whether incorporated or unincorporated, or of the individual members of such organizations, if these activities carry out the legitimate objectives of such organizations, to the extent permitted under the laws of either this state or the United States.

3. The activities of persons engaged in the production of agricultural products when these persons act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing the products of these persons, to the extent permitted under the laws of either this state or the United States. Activities included under this subsection are the maintaining of marketing and purchasing agencies in common and the making of necessary contracts and agreements to effect such purposes. However, such associations must be operated for the mutual benefit of these persons acting as producers to qualify under this subsection.

4. The activities or arrangements expressly

approved or regulated by any regulatory body or officer acting under authority of this state or of the United States.

Sec. 7. *NEW SECTION.* ATTORNEY GENERAL TO ENFORCE. The attorney general, with such assistance as may be required from time to time of the county attorneys in their respective counties, shall institute all civil actions and proceedings brought under this Act in the name of the state.

Sec. 8. *NEW SECTION.* VENUE. A suit or proceeding brought under this Act may be brought in the county where the cause of action arose, where any defendant resides or transacts business, or where an act in furtherance of the conduct prohibited by this Act occurred.

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Sec. 9. *NEW SECTION.* INVESTIGATION.

1. If the attorney general has reasonable cause to believe that a person has engaged in or is engaging in conduct prohibited by this Act, the attorney general shall make such investigation as is deemed necessary and may, prior to the commencement of a suit against this person under this Act:

a. Issue written demand on this person, its officers, directors, partners, fiduciaries, or employees to compel their attendance before the attorney general and examine them under oath;

b. Issue written demand to produce, examine, and copy a document or tangible item in the possession of this person or its officers, directors, partners, or fiduciaries;

c. Upon an order of a district court, pursuant to a showing that such is reasonably necessary to an investigation being conducted under this section:

(1) Compel the attendance of any other person before the attorney general and examine this person under oath;

(2) Require the production, examination, and copying of a document or other tangible item in the possession of such person; and,

d. Upon an order of a district court, impound a document or other tangible item produced pursuant to this section and retain possession of it until the completion of all proceedings arising out of the investigation.

2. A written demand or court order issued pursuant to this section shall contain the following information, as applicable:

a. A reference to this Act and a general description of the subject matter being investigated;

b. The date, time and place at which any person is to appear or to produce documents or other tangible items;

c. Where the production of documents or other tangible items is required, a description of such documents or items by class with sufficient clarity so that they may be reasonably identified.

3. Any procedure, testimony taken, or material produced under this section shall be sealed by the court and be kept confidential by the attorney general, until an action is filed against a person under this Act for the violation under investigation, unless confidentiality is waived by the person being investigated and the person who has testified, answered interrogatories, or produced material, or unless disclosure is authorized by the court. However, the

Page 4

attorney general may, at any time, transmit information collected under this section to the antitrust division of the United States department of justice and to the attorney general's office of any other state.

4. This Act shall not be construed to limit or abridge statutory or constitutional limitations on self-incrimination.

Sec. 10. *NEW SECTION.* INVESTIGATION ENFORCEMENT. If a person objects or otherwise fails to obey a written demand or court order issued under section nine (9) of this Act, the attorney general may file in the district court of the county in which the person resides or maintains a principal place of business within this state an application for an order to enforce the demand or order. Notice of hearing and a copy of the application shall be served upon the person, who may appear in opposition to the application. If the court finds that the demand or order is proper, that there is reasonable cause to believe there has been a violation of this Act, and that the information sought or document or object demanded is relevant to the violation, it shall order the person to comply with the demand or order, subject to such modification as the court may prescribe. Upon motion by the person and for good cause shown, the court may make any further order in the proceedings which justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense.

Sec. 11. *NEW SECTION.* PROTECTIVE ORDERS. Upon application of any person who was served a written demand or court order under section nine (9) of this Act, upon notice and hearing, and for good cause shown, the district court may make any order which justice requires to protect the person from annoyance, embarrassment, oppression, or undue burden of expense, including the following:

1. That the examination of this person shall not be taken or that documents or other tangible items shall not be produced for inspection and copying;

2. That the examination or production of documents or other tangible items shall be had only on specified terms and conditions, including a change in the time or place;

3. That certain matters shall not be inquired into or that the scope of the examination or production shall be limited to certain matters;

4. That the examination or production and inspection shall be conducted with only those persons present as designated by the court;

Page 5

5. That the transcript of the examination shall be sealed and be opened only by order of the court;

6. That a trade secret or other confidential research, development, or commercial information shall not be disclosed or shall be disclosed only in a designated way.

Sec. 12. *NEW SECTION.* REMEDIES. The state or a person who is injured or threatened with injury by conduct prohibited under this Act may bring suit to:

1. Prevent or restrain conduct prohibited under this Act and remove the conduct's effect by injunction, divestiture, divorcement, dissolution of domestic enterprises right to do business in this state, compelling the forfeiture or restraint of the issuance of a certificate of incorporation, permit to transact business, license, or franchise, or granting other equitable relief. The state may bring suit under this section without posting bond.

2. Recover actual damages resulting from conduct prohibited under this Act.

3. Recover, at the court's discretion, exemplary damages which do not exceed twice the actual damages awarded under subsection two (2) of this section if:

a. The trier of fact determines that the prohibited conduct is willful or flagrant; and,

b. The person bringing suit is not the state.

4. Recover the necessary costs of bringing suit, including a reasonable attorney fee. However, the state may not recover any attorney fee.

Sec. 13. *NEW SECTION.* CIVIL PENALTY. In addition to suit under section twelve (12) of this Act, the state may bring suit to assess a civil penalty against an enterprise whose conduct is prohibited under this Act. The suit may be tried to the jury and the civil penalty provided for in this section shall be imposed by the court. The civil penalty assessed shall not exceed ten percent of the total value of the specific commodities by their brand, make, and size or of services either of which were the subject of the prohibited conduct sold in the relevant market in this state by the enterprise in each year in which this conduct occurred, but this penalty shall not

exceed one hundred fifty thousand (150,000) dollars. In computing this penalty, only the four most recent years in which the prohibited conduct occurred, as of commencement of suit under this section, shall be used in the computation.

Sec. 14. *NEW SECTION.* LIMITATIONS.

1. Suit by the state under section thirteen (13)

Page 6

of this Act must be commenced within four years after the cause of action accrues or, if there is fraudulent concealment of this cause of action, within four years after the cause of action becomes known, whichever period is later.

2. Suit by any person under section twelve (12) of this Act must be commenced within four years after the cause of action accrues. However, if this cause is based, in whole or part, on the same set of facts as alleged in a suit brought under section thirteen (13) of this Act, this period shall be extended until one year after the suit brought under section thirteen (13) of this Act is concluded.

Sec. 15. *NEW SECTION.* PRIMA FACIE EVIDENCE. A final decree or judgment, other than a consent decree or consent judgment entered before trial, in a suit brought by the state under sections twelve (12) and thirteen (13) of this Act, is prima facie evidence against the defendant in a suit brought by any person other than the state under section twelve (12) of this Act as to all matters respecting which this decree or judgment would be an estoppel between the state and the defendant. This section shall not affect the application of collateral estoppel or issue preclusion.

Sec. 16. Chapter five hundred fifty-three (553), Code 1975, is repealed.

Sec. 17. *NEW SECTION.* EFFECTIVE DATE. This Act shall take effect on January 1, 1977."

Jesse of Polk offered the following amendment H—6523, to the Senate amendment H—5733, filed by him from the floor and division was requested:

H—6523

Amend the Senate amendment, H—5733, to House File 584, as amended, passed, and reprinted by the House, as follows:

H—6523A

1. Page 2, by striking lines 28 through 31 and inserting in lieu thereof the following: "United States. These associations may have marketing and purchasing agencies in common and their members may make the necessary contracts and agreements to effect such".

2. Page 2, line 33, by striking the words "these persons" and inserting in lieu thereof the words "the members of these associations".

3. Page 3, line 50, by striking the words ". However, the" and inserting in lieu thereof the words "for the purposes of interstate cooperation in enforcing this Act and similar state and federal laws."

4. Page 4, by striking lines 1 through 4.

H—6523B

5. Page 4, by inserting after line 7 the following:

"5. Evidence obtained from a natural person pursuant to the provisions of this section shall not be introduced in a subsequent criminal prosecution of this person. However, evidence obtained from a natural person pursuant to a grand jury proceeding may be so introduced."

H—6523A

6. Page 4, line 30, by striking the word "Upon" and inserting in lieu thereof the words "Before the attorney general files an application under section ten (10) of this Act and upon".

H—6523B

7. Page 5, by inserting after line 48 the following:

"Sec. ..... *NEW SECTION.* CRIMINAL PENALTIES. A person or a natural person having substantial control over an enterprise who knowingly and willfully engages in conduct prohibited by this Act shall be, upon conviction, fined not to exceed fifty thousand, imprisoned in the county jail for not more than one year, or both so fined and imprisoned.

Sec. ..... *NEW SECTION.* ELECTION OF REMEDIES. The bringing of suit to assess a civil penalty against a person by filing a petition shall be an election of remedies to not bring a criminal prosecution against this person. The bringing of a criminal prosecution against a person by filing an information or returning an indictment shall be an election of remedies to not bring suit to assess a civil penalty against this person."

8. Page 5, line 50, by striking the words "under section thirteen (13)" and inserting in lieu thereof the words "to assess a civil penalty or to obtain

Page 2

a criminal conviction under".

9. Page 6, line 1, by striking the word "of".

H—6523A

10. Page 6, line 6, by striking the words "by any person".

11. Page 6, line 8, by inserting after the word

"accrues" the words "or, if there is a fraudulent concealment of this cause of action, within four years after the cause of action becomes known, whichever period is later".

12. Page 6, line 11, by striking the word "extended" and inserting in lieu thereof the word "suspended".

H—6523B

13. Page 6, line 17, by striking the words "under sections twelve".

14. Page 6, line 18, by striking the words "(12) and thirteen (13) of this Act,".

H—6523C

15. Page 6, by striking lines 28 and 29.

By unanimous consent the rules were suspended and the following corrective amendment H—6524, to amendment H—6523B, (to the Senate amendment H—5733), filed by Jesse of Polk from the floor, was adopted:

H—6524

Amend amendment H—6523 to Senate amendment H—5733, to House File 584, as passed and reprinted, as follows:

1. Page 1, line 36, by inserting after the word "thousand" the following: "(50,000) dollars".

Jesse of Polk moved the adoption of amendment H—6523A, to the Senate amendment H—5733.

Amendment H—6523A was adopted.

Jesse of Polk moved the adoption of amendment H—6523B, as amended, to the Senate amendment H—5733.

Roll call was requested by Bina of Scott and Higgins of Scott.

On the question "Shall amendment H—6523B, as amended, to the Senate amendment H—5733, be adopted?"

The ayes were, 58:

Anderson	Gilloon	Koogler	Patchett
Avenson	Griffee	Krause	Pavich
Baker	Hargrave	Lindeen	Poncy
Bina	Harper	Lonergan	Rinas
Binneboese	Hennessey	Mennenga	Scheelhaase
Brandt	Higgins	Middleswart	Spencer
Brunow	Hines	Miller, A. V.	Spradling
Connors	Hinkhouse	Miller, K. D.	Svoboda
Crawford	Horn	Monroe	Tauke
Cusack	Howell	Newhard	Tofte
Dieleman	Hullinger	Nielsen	Walter
Doyle	Hutchins	Norland	Wells
Dunton	Jesse	Oakley	Wyckoff
Dyrland	Jochum	O'Halloran	Mr. Speaker
Fitzgerald	Jordan		

The nays were, 27:

Bennett	Den Herder	Kreamer	Nealson
Bittle	Egenes	Lageschulte	Pellett
Bortell	Evans	Lipsky	Readinger
Branstad	Gentleman	McElroy	Stromer
Brockett	Hansen	Menke	Welden
Crabb	Harvey	Millen	Wulff
Daggett	Junker	Miller, O. L.	

Absent or not voting, 14:

Byerly	Halvorson	Schroeder	Varley
Clark	Husak	Small	West
Danker	Middleton	Spear	Woods
Drake	Perkins		

Amendment H—6523B, as amended, was adopted.

Jesse of Polk moved the adoption of amendment H—6523C, to the Senate amendment H—5733.

A non-record roll call was requested.

The ayes were 51, nays 31.

Amendment H—6523C was adopted.

Brockett of Marshall offered amendment H—6454, to the Senate amendment H—5733, filed by him and requested division as follows:

H—6454

Amend the Senate amendment, H—5733, to House File 584, as amended, passed and reprinted by the House, page 5, by inserting after line 48 the following:

H—6454A

"Sec. ..... COSTS OF UNSUCCESSFUL SUIT.

1. If a person against whom a suit is brought under sections twelve (12) or thirteen (13) of this Act prevails in the action, the court may permit this person to recover the necessary costs or part of the costs of defending in the action, including a reasonable attorney fee, from the state or person bringing the suit.

H—6454B

2. There is appropriated from the general fund of the state from moneys not otherwise appropriated an amount sufficient to pay any costs recovered from the state under subsection one (1) of this section."

Brockett of Marshall moved the adoption of amendment H—6454A, to the Senate amendment H—5733.

Roll call was requested by Kreamer of Polk and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6454A, to the Senate amendment H—5733, be adopted?"

The ayes were, 37:

Bennett	Egenes	Lageschulte	Oakley
Bittle	Evans	Lindeen	Pellett
Bortell	Halvorson	Lipsky	Spencer
Branstad	Hansen	McElroy	Stromer
Brockett	Harper	Menke	Tauke
Crabb	Harvey	Millen	Tofte
Crawford	Hinkhouse	Miller, K. D.	Welden
Daggett	Junker	Nealson	Wulff
Den Herder	Kreamer	Nielsen	Wyckoff
Dyrland			

The nays were, 48:

Anderson	Fitzgerald	Jochum	Norland
Avenson	Gentleman	Jordan	Patchett
Baker	Gilloon	Koogler	Pavich
Bina	Hargrave	Krause	Poncy
Binneboese	Hennessey	Lonergan	Readinger
Brandt	Higgins	Mennenga	Rinas
Brunow	Hines	Middleswart	Scheelhaase
Connors	Horn	Middleton	Spradling
Cusack	Howell	Miller, A. V.	Svoboda
Dieleman	Hullinger	Miller, O. L.	Walter
Doyle	Hutchins	Monroe	Wells
Dunton	Jesse	Newhard	Mr. Speaker

Absent or not voting, 14:

Byerly	Griffee	Schroeder	Varley
Clark	Husak	Small	West
Danker	O'Halloran	Spear	Woods
Drake	Perkins		

Amendment H—6454A lost.

Brockett of Marshall asked and received unanimous consent to withdraw amendment H—6454B.

Jesse of Polk moved that the House concur in the Senate amendment H—5733, as amended.

The motion prevailed and the House concurred in the Senate amendment H—5733, as amended.

Jesse of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 584)

The ayes were, 63:

Anderson	Fitzgerald	Jordan	O'Halloran
Avenson	Gentleman	Koogler	Patchett
Baker	Gilloon	Krause	Pavich
Bina	Griffee	Lipsky	Poncy
Binneboese	Hargrave	Lonergan	Readinger
Brandt	Harper	Mennenga	Rinas
Brunow	Harvey	Middleswart	Scheelhaase
Connors	Hennessey	Middleton	Spencer
Crawford	Higgins	Miller, A. V.	Spradling
Cusack	Hines	Miller, K. D.	Svoboda
Dieleman	Hinkhouse	Miller, O. L.	Tauke
Doyle	Horn	Monroe	Walter
Dunton	Howell	Newhard	Wells
Dyrland	Hutchins	Nielsen	Wyckoff
Egenes	Jesse	Norland	Mr. Speaker
Evans	Jochum	Oakley	

The nays were, 22:

Bennett	Daggett	Lageschulte	Nealson
Bittle	Den Herder	Lindeen	Pellett
Bortell	Halvorson	McElroy	Tofte
Branstad	Hansen	Menke	Welden
Brockett	Junker	Millen	Wulff
Crabb	Kreamer		

Absent or not voting, 14:

Byerly	Hullinger	Small	Varley
Clark	Husak	Spear	West
Danker	Perkins	Stromer	Woods
Drake	Schroeder		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(House File 1200)

I move to reconsider the vote by which House File 1200 passed the House on May 4, 1976.

BITTLE of Polk

(House File 1200)

I move to reconsider the vote by which House File 1200 passed the House on May 4, 1976.

BENNETT of Ida

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber Monday, May 3, 1976. Had I been present I would have voted "aye" on Senate File 1141, House File 1512, and the open credit age amendment H—6468 to House File 1512. I would also have voted "aye" on House File 1502, the busing bill. A bill I had submitted on busing was incorporated into House File 1502.

PONCY of Wapello

I was necessarily absent from the House chamber when the vote was taken on House Files 1371, 1503 and 1546. Had I been present I would have voted "aye" on all these bills.

READINGER of Polk

I had to be absent from the floor during the debate of the following bills: House Files 1164, 1371, 1503 and 1546. Had I been present I would have voted "nay" on House File 1164 and "aye" on House Files 1371, 1503 and 1546.

DUNTON of Keokuk

I was necessarily absent from the House chamber when House Files 1498, 1512, 1490 and 1502 and Senate Files 503, 1141 and 204 passed the House. Had I been present I would have voted "aye" on these bills.

COCHRAN of Webster

SPONSOR WITHDRAWN

(Amendment H—6444 to House File 1069)

Harper of Davis requested her name be withdrawn as a sponsor of amendment H—6444 to **House File 1069.**

AMENDMENTS FILED

H—6519

Amend House File 1444 as follows:
1. Page 1, line 9, by inserting after the word "a" the word "simple".

BRANDT of Black Hawk

H—6520

Amend House File 1444, page 1, by striking all of lines 9 through 11 and inserting in lieu thereof the following: "shall be guilty of a simple misdemeanor and upon conviction shall be punished by a fine not to exceed twenty-five dollars."

HARVEY of Scott

H—6522

Amend amendment H—6118 to Senate File 204, as amended, passed and reprinted by the Senate, as follows:
1. Page 1, line 42, by striking the words "*of the county*" and inserting in lieu thereof the words "*in a county with a population of over two hundred fifty thousand*"

HARVEY of Scott
TAUKE of Dubuque
DOYLE of Woodbury

H—6518

Amend Senate File 1126 as follows:
1. Page 1, line 19, by striking the figure

"324,163" and inserting in lieu thereof the figure "391,607".

CRAWFORD of Story

H—6517

Amend Senate File 1285 as follows:

1. Page 1, by striking line 1 and inserting in lieu thereof the following:

"Section 1. Section nineteen A point nine (19A.9), subsection nine (9), Code 1975, is amended to read as follows:

9. For emergency employment for not more than sixty calendar days in any twelve-month period without examination, and for intermittent employment for not more than one hundred [eighty] *twenty* calendar days in any twelve-month period. For intermittent employment the employee must have had a probationary, permanent, or temporary appointment.

Sec. 2. The provisions of section nineteen A point".

2. Page 1, lines 3 and 4, by striking the words "one hundred eighty" and inserting in lieu thereof the words "a specified number of".

3. Page 1, line 13, by striking the figure "2" and inserting in lieu thereof the figure "3".

4. Title, line 1, by inserting after the word "Act" the words "relating to limiting intermittent employment under the merit employment system to a period of not more than one hundred twenty calendar days out of any twelve-month period,".

BITTLE of Polk

H—6521

Amend Senate File 1310 as follows:

1. Page 1, line 7, by inserting after the word "pharmacist," the words "psychologist, speech pathologist, audiologist".

BRANDT of Black Hawk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:38 p.m. until 9:00 a.m., Wednesday, May 5, 1976.

JOURNAL OF THE HOUSE

One Hundred Fifteenth Calendar Day—Seventy-sixth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, MAY 5, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Jim Albertson, pastor of the Saint Paul Methodist Church, Cherokee, Iowa.

The Journal of Tuesday, May 4, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom Gary, Cherokee, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie on request of Crabb of Crawford; Drake of Muscatine on request of Varley of Adair.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Twenty eighth grade students from Dallas Community Junior High School, Grimes, Iowa, accompanied by Bill Wineland. By Varley of Adair.

Sixty-five ninth grade students from Carlisle High School, Carlisle, Iowa, accompanied by Linda Blazicek and Dennis Reinertson. By Anderson of Jasper.

Thirty-one eighth grade students from Guthrie Center Community School, Guthrie Center, Iowa, accompanied by Miss Van Hoff and Mr. Hansen. By Hutchins of Guthrie.

Thirty eighth grade students from St. Joseph's School, Earling, Iowa, accompanied by Marc Harrison. By Hutchins of Guthrie.

Forty fifth grade students from Fellows School, Ames, Iowa,

accompanied by Myra Haas. By Hines of Story and Crawford of Story.

Twenty-nine students from the senior government class of Harlan Community High School, Harlan, Iowa, accompanied by Ted Williams. By Danker of Pottawattamie.

Twenty-eight students (classmates of Barb Nesheim, House Page) from Benton High School, Van Horne, Iowa, accompanied by Don Logan. By Husak of Tama and Svoboda of Iowa.

One hundred thirty eighth grade students from Vinton Community School, Vinton, Iowa, accompanied by Pete Costello and Sharyl Stulken. By Wyckoff of Benton.

Thirty-three students from St. Paul's Lutheran School, Readlyn, Iowa, accompanied by Mark Mischnick. By Avenson of Fayette.

Twenty-seven sixth grade students from Kimballton Elementary School, Elk Horn, Iowa, accompanied by Mrs. Nelson, Mr. Mertz and Mr. Madsen. By Danker of Pottawattamie.

PETITION FILED

The following petition was received and placed on file:

By Menke of O'Brien from five constituents favoring passage of House File 1069, relating to the maximum interest rate which may be paid by persons borrowing for a business purpose.

SENATE MESSAGE CONSIDERED

Senate File 1283, a bill for an act relating to and making an appropriation to the Iowa beer and liquor control department.

Read first time and referred to committee on **appropriations.**

SUPPLEMENTAL REPORTS OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Your committee on House administration reports the following resignation from the officers and employees of the House:

Paul Brutsche—Doorkeeper, effective April 23, 1976

Also:

MR. SPEAKER: Your committee on House administration reports the following appointments to the officers and employees of the House:

Robert E. Simpson—House Committee Research Assistant, effective April 16, 1976.

Arthencery S. Vaughn—Doorkeeper, effective April 27, 1976.

WELLS of Linn, Chair

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent that Rule 48 be suspended for the committee on appropriations transportation subcommittee meeting.

MOTION TO RECONSIDER LOST
(House File 1200)

Bittle of Polk called up for consideration the motion to reconsider **House File 1200,** filed on **May 4, 1976,** and moved to reconsider the vote by which House File 1200, a bill for an act relating to the assessment date, collection period, and delinquency dates of property taxes, passed the House on May 4, 1976.

Bennett of Ida asked for unanimous consent that action on House File 1200 be deferred.

Objection was raised.

Bennett of Ida moved that action on House File 1200 be deferred.

The motion lost.

On the motion to reconsider, roll call was requested by Bennett of Ida and Harvey of Scott.

Rule 70 was invoked.

On the question "Shall the vote by which House File 1200 passed the House be reconsidered?"

The ayes were, 23:

Bennett	Evans	Millen	**Tofte**
Bortell	Harvey	Miller, O. L.	**Varley**
Branstad	Lageschulte	Nealson	**Welden**
Crabb	Lindeen	Pellett	**Wulff**
Daggett	McElroy	Perkins	**Wyckoff**
Den Herder	Menke	**Stromer**	

The nays were, 56:

Anderson	Dyrland	Jesse	Pavich
Avenson	Egenes	Jochum	Poncy
Baker	Fitzgerald	Jordan	Readinger
Bina	Gentleman	Junker	Scheelhaase
Binneboese	Gilloon	Koogler	Small
Bittle	Griffee	Krause	**Spencer**
Brandt	Halvorson	Lipsky	**Spradling**
Brockett	Harper	Mennenga	**Svoboda**
Brunow	Hennessey	Middleswart	**Tauke**
Connors	Hinkhouse	Miller, A. V.	**Walter**
Crawford	Horn	Monroe	**Wells**
Cusack	Howell	Newhard	**West**
Dieleman	Hullinger	Norland	**Woods**
Doyle	Hutchins	Patchett	**Mr. Speaker**

Absent or not voting, 20:

Byerly	Hansen	Kreamer	Oakley
Clark	Hargrave	Lonergan	O'Halloran
Danker	Higgins	Middleton	Rinas
Drake	Hines	Miller, K. D.	Schroeder
Dunton	Husak	Nielsen	Spear

The motion lost.

MOTION TO RECONSIDER LOST
(House File 1480)

Krause of Palo Alto called up for consideration the motion to reconsider **House File 1480**, filed on April 30, 1976, and moved to reconsider the vote by which House File 1480, a bill for an act relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties, passed the House on April 30, 1976.

A non-record roll call was requested.

The ayes were 16, nays 53.

The motion lost.

CONSIDERATION OF BILLS
APPROPRIATIONS CALENDAR

The House resumed consideration of House File 1216, a bill for an act appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department.

Kreamer of Polk offered the following amendment H—6181 filed by him and moved its adoption:

H—6181

Amend House File 1216 as follows:
1. Page 1, line 19, by striking the figure
"$1,339,373" and inserting in lieu thereof the
figure "$1,362,309".

Amendment H—6181 was adopted.

Dunton of Keokuk offered the following amendment H—6204 filed by him and moved its adoption:

H—6204

Amend House File 1216 as follows:
1. Page 1, by inserting after line 19 the following

section:

"Sec. 2. Section nineteen point seven (19.7), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The proceeds of such loan shall be applied toward the payment of costs and obligations necessitated by such actual or potential disaster and the reimbursement of local funds from which such expenditures have been made. Any such project for repair, rebuilding or restoration of state property for which no specific appropriation has been made, shall, before work is begun thereon, be subject to approval or rejection by the executive council. *The executive council may incur expenses necessary to perform or cause to be performed duties imposed on the council by this section and may pay such expenses from money in the state treasury not otherwise appropriated.*"

2. By renumbering remaining sections and correcting internal references in accordance with the amendment.

Amendment H—6204 was adopted.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1216)

The ayes were, 84:

Anderson	Dunton	Jordan	Patchett
Avenson	Dyrland	Junker	Pavich
Baker	Egenes	Koogler	Pellett
Bennett	Evans	Krause	Perkins
Bina	Fitzgerald	Kreamer	Poncy
Binneboese	Gentleman	Lageschulte	Readinger
Bittle	Griffee	Lindeen	Scheelhaase
Bortell	Halvorson	Lipsky	Spencer
Brandt	Hansen	McElroy	Spradling
Branstad	Hargrave	Menke	Stromer
Brockett	Harper	Mennenga	Svoboda
Brunow	Harvey	Middleswart	Tauke
Byerly	Hennessey	Millen	Tofte
Connors	Higgins	Miller, A. V.	Walter
Crabb	Hinkhouse	Miller, K. D.	Welden
Crawford	Horn	Miller, O. L.	Wells
Cusack	Howell	Nealson	West
Daggett	Hullinger	Newhard	Woods
Den Herder	Hutchins	Norland	Wulff
Dieleman	Jesse	Oakley	Wyckoff
Doyle	Jochum	O'Halloran	Mr. Speaker

The nays were, none.

Absent or not voting, 15:

Clark	Hines	Monroe	Small
Danker	Husak	Nielsen	Spear
Drake	Lonergan	Rinas	Varley
Gilloon	Middleton	Schroeder	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1204, a bill for an act relating to the transfer of funds between state departments, institutions and agencies, with report of committee recommending amendment and passage, was taken up for consideration.

Cusack of Scott offered the following amendment H—6488 filed by the committee on appropriations and moved its adoption:

H—6488

Amend House File 1204 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section eight point thirty-nine (8.39), Code 1975, is amended by adding the following new unnumbered paragraph after unnumbered paragraph two (2):

NEW UNNUMBERED PARAGRAPH. Prior to any transfer of funds pursuant to this section, the state comptroller shall notify the legislative fiscal committee of the proposed transfer. The notice from the state comptroller shall include information concerning the amount of the proposed transfer, the departments, institutions or agencies affected by the proposed transfer and the reasons for the proposed transfer. The legislative fiscal committee shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made."

Amendment H—6488 was adopted.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1204)

The ayes were, 66:

Anderson	Dyrland	Jochum	Patchett
Avenson	Evans	Jordan	Pavich
Baker	Fitzgerald	Koogler	Perkins
Bina	Gilloon	Krause	Poncy
Binneboese	Griffee	Kreamer	Rinas
Bittle	Hansen	Lonergan	Scheelhaase
Bortell	Hargrave	Menke	Small
Brandt	Harper	Mennenga	Spencer
Branstad	Hennessey	Middleswart	Spradling
Brunow	Higgins	Middleton	Svoboda
Byerly	Hines	Miller, A. V.	Walter
Connors	Hinkhouse	Miller, K. D.	Welden
Cusack	Horn	Miller, O. L.	Wells
Den Herder	Howell	Newhard	Woods
Dieleman	Hullinger	Norland	Wyckoff
Doyle	Hutchins	O'Halloran	Mr. Speaker
Dunton	Jesse		

The nays were, 25:

Bennett	Halvorson	McElroy	Stromer
Brockett	Harvey	Millen	Tauke
Crabb	Junker	Nealson	Tofte
Crawford	Lageschulte	Oakley	Varley
Daggett	Lindeen	Pellett	West
Egenes	Lipsky	Readinger	Wulff
Gentleman			

Absent or not voting, 8:

Clark	Drake	Monroe	Schroeder
Danker	Husak	Nielsen	Spear

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

RULE 27 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend Rule 27 for the purpose of introducing **House File 1567** without a title.

INTRODUCTION OF BILLS

House File 1566, by committee on ways and means, a bill for an act relating to filing fees in civil matters.

Read first time and placed on ways and means calendar.

House File 1567, by committee on ways and means, a bill for (untitled relating to legalizing proceedings for the sale of land by the North Scott Community School District).

Read first time and placed on ways and means calendar.

APPROPRIATIONS CALENDAR

House File 1565, a bill for an act to appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource programs, was taken up for consideration.

Miller of Buchanan offered the following amendment H—6525 filed by Miller of Buchanan, Wyckoff, Welden, Hansen, Tofte, Hinkhouse and Jordan from the floor and moved its adoption:

H—6525

Amend House File 1565 as follows:

1. Page 1, by inserting after line 22 the following new sections:

"Sec. 2. *NEW SECTION.* DISPOSITION OF CERTAIN FEDERAL FUNDS. Not less than seventy-five percent

of the funds made available by the federal government to this state under United States public law ninety-three dash six hundred forty-seven (93-647), hereafter referred to in this section as title twenty (XX), shall be allocated by the department of social services among the several counties of the state on the basis of the populations of the respective counties. The funds shall be used by the county board of social welfare, with approval of the county board of supervisors, to match county or locally-generated public or private funds in the manner and for the purposes authorized by title twenty (XX) and federal regulations adopted thereunder.

Not more than twenty-five percent of the funds made available to the state by the federal government pursuant to title twenty (XX) shall be retained for use directly by the department.

Sec. 3. Section two (2) of this Act shall take effect July 1, 1977."

2. Title, line 5, by inserting after the word "programs" the words ", and prescribing the manner in which federal title twenty (XX) funds shall be allocated by the department".

Roll call was requested by Miller of Buchanan and Wyckoff of Benton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6525 be adopted?"

The ayes were, 41:

Anderson	Hansen	Lindeen	Perkins
Baker	Hinkhouse	Lonergan	Rinas
Bennett	Howell	Menke	Stromer
Binneboese	Hullinger	Millen	Tofte
Branstad	Hutchins	Miller, K. D.	Welden
Brockett	Jordan	Miller, O. L.	Wells
Brunow	Junker	Monroe	West
Clark	Koogler	Nealson	Woods
Crabb	Kreamer	Nielsen	Wulff
Evans	Lageschulte	Pellett	Wyckoff
Halvorson			

The nays were, 51:

Avenson	Dunton	Jochum	Pavich
Bina	Dyrland	Krause	Poncy
Bittle	Egenes	Lipsky	Readinger
Bortell	Fitzgerald	McElroy	Scheelhaase
Brandt	Gentleman	Mennenga	Small
Byerly	Gilloon	Middleswart	Spencer
Connors	Griffee	Middleton	Spradling
Crawford	Hargrave	Miller, A. V.	Svoboda
Cusack	Harvey	Newhard	Tauke
Daggett	Hennessey	Norland	Varley
Den Herder	Higgins	Oakley	Walter
Dieleman	Hines	O'Halloran	Mr. Speaker
Doyle	Horn	Patchett	

Absent or not voting, 7:

Danker	Harper	Jesse	Spear
Drake	Husak	Schroeder	

Amendment H—6525 lost.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1565)

The ayes were, 89:

Anderson	Egenes	Koogler	Pavich
Avenson	Evans	Krause	Pellett
Baker	Fitzgerald	Lageschulte	Perkins
Bina	Gentleman	Lindeen	Poncy
Binneboese	Gilloon	Lipsky	Readinger
Bittle	Griffee	Lonergan	Rinas
Bortell	Halvorson	McElroy	Scheelhaase
Brandt	Hansen	Menke	Small
Branstad	Hargrave	Mennenga	Spencer
Brockett	Harper	Middleswart	Spradling
Brunow	Harvey	Middleton	Stromer
Byerly	Hennessey	Millen	Svoboda
Clark	Higgins	Miller, A. V.	Tauke
Connors	Hines	Miller, K. D.	Tofte
Crabb	Hinkhouse	Miller, O. L.	Varley
Crawford	Horn	Monroe	Walter
Cusack	Howell	Newhard	Welden
Daggett	Hullinger	Nielsen	West
Den Herder	Hutchins	Norland	Woods
Dieleman	Jochum	Oakley	Wulff
Doyle	Jordan	O'Halloran	Wyckoff
Dunton	Junker	Patchett	Mr. Speaker
Dyrland			

The nays were, 3:

Bennett	Kreamer	Nealson

Absent or not voting, 7:

Danker	Husak	Schroeder	Wells
Drake	Jesse	Spear	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER TABLED
(House File 1565)

Cusack of Scott asked for unanimous consent that **House File 1565** be immediately messaged to the Senate.

Objection was raised.

Cusack of Scott moved to reconsider the vote by which House File 1565 passed the House on May 5, 1976.

Tauke of Dubuque moved that the motion to reconsider House File 1565 be deferred and that the bill retain its place on the calendar.

Monroe of Des Moines moved that the motion to reconsider be tabled.

A non-record roll call was requested.

The ayes were 58, nays 24.

The motion to table prevailed.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Newhard of Jones on request of Binneboese of Plymouth.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed sixty-two members present, thirty-seven absent.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1087, a bill for an act making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1087)

The ayes **were, 77:**

Avenson	Evans	Junker	Pellett
Baker	Fitzgerald	Lageschulte	Perkins
Bennett	Gentleman	Lindeen	Poncy
Bina	Gilloon	Lipsky	Rinas
Binneboese	Griffee	Lonergan	Scheelhaase
Bittle	Halvorson	McElroy	Schroeder
Bortell	Hansen	Menke	Small
Brandt	Harper	Mennenga	Spencer
Branstad	Harvey	Middleswart	Spradling
Brunow	Hennessey	Millen	Svoboda
Byerly	Higgins	Miller, A. V.	Tauke
Clark	Hinkhouse	Miller, K. D.	Tofte
Crabb	Horn	Miller, O. L.	Walter
Crawford	Howell	Nealson	Welden
Cusack	Hullinger	Norland	Wells
Daggett	Husak	Oakley	West
Den Herder	Hutchins	O'Halloran	Wulff
Dieleman	Jochum	Patchett	Wyckoff
Dunton	Jordan	Pavich	Mr. Speaker
Dyrland			

The nays **were, none.**

Absent or not voting, 22:

Anderson	Egenes	Kreamer	Readinger
Brockett	Hargrave	Middleton	Spear
Connors	Hines	Monroe	Stromer
Danker	Jesse	Newhard	Varley
Doyle	Koogler	Nielsen	Woods
Drake	Krause		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1285, a bill for an act temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application of the provisions of the Act, with report of committee recommending passage, was taken up for consideration.

Bittle of Polk offered the following amendment H—6517 filed by him and moved its adoption:

H—6517

Amend Senate File 1285 as follows:

1. Page 1, by striking line 1 and inserting in lieu thereof the following:

"Section 1. Section nineteen A point nine (19A.9), subsection nine (9), Code 1975, is amended to read as follows:

9. For emergency employment for not more than sixty calendar days in any twelve-month period without examination, and for intermittent employment for not more than one hundred [eighty] *twenty* calendar days in any twelve-month period. For intermittent

employment the employee must have had a probationary, permanent, or temporary appointment.

Sec. 2. The provisions of section nineteen A point".

2. Page 1, lines 3 and 4, by striking the words "one hundred eighty" and inserting in lieu thereof the words "a specified number of".

3. Page 1, line 13, by striking the figure "2" and inserting in lieu thereof the figure "3".

4. Title, line 1, by inserting after the word "Act" the words "relating to limiting intermittent employment under the merit employment system to a period of not more than one hundred twenty calendar days out of any twelve-month period,".

Amendment H—6517 was adopted.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1285)

The ayes were, 81:

Avenson	Dyrland	Junker	Poncy
Baker	Evans	Lageschulte	Rinas
Bennett	Fitzgerald	Lindeen	Scheelhaase
Bina	Gentleman	Lipsky	Schroeder
Binneboese	Gilloon	Lonergan	Small
Bittle	Griffee	McElroy	Spencer
Bortell	Halvorson	Menke	Spradling
Brandt	Hansen	Mennenga	Stromer
Branstad	Harper	Middleswart	Svoboda
Brockett	Harvey	Millen	Tauke
Brunow	Hennessey	Miller, A. V.	Tofte
Byerly	Higgins	Miller, K. D.	Varley
Clark	Hinkhouse	Miller, O. L.	Walter
Crabb	Horn	Norland	Welden
Crawford	Howell	Oakley	Wells
Cusack	Hullinger	O'Halloran	West
Daggett	Husak	Patchett	Woods
Den Herder	Hutchins	Pavich	Wulff
Dieleman	Jochum	Pellett	Wyckoff
Doyle	Jordan	Perkins	Mr. Speaker
Dunton			

The nays were, 2:

Kreamer	Nealson

Absent or not voting, 16:

Anderson	Egenes	Koogler	Newhard
Connors	Hargrave	Krause	Nielsen
Danker	Hines	Middleton	Readinger
Drake	Jesse	Monroe	Spear

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

House File 1314, a bill for an act relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation and state transportation commission, and funding the state department of transportation's share for administration of the state merit system, was taken up for consideration.

Svoboda of Iowa offered the following amendment H—6030 filed by her and moved its adoption:

H—6030

Amend House File 1314 as follows:

1. Page 2, line 3, by inserting after the word "poses" the following: ", including payment to highway maintenance personnel of a premium of fifteen percent based upon and in addition to the wages which they earn for adjusted working hours during the winter season".

Amendment H—6030 lost.

Welden of Hardin offered the following amendment H—6540 filed by him from the floor and moved its adoption:

H—6540

Amend House File 1314, page 5 by adding after line 18 the following new section:

"Sec. .....

1. Section three hundred seven point fourteen (307.14), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. Aeronautics division.

NEW SUBSECTION. River transportation division.

2. Section three hundred seven point twenty-five (307.25), Code 1975, is amended by striking subsections one (1) and two (2).

3. Section three hundred seven point twenty-five (307.25), subsection five (5), Code 1975, is amended to read as follows:

5. Administer the provisions of chapters 322A, 325, 327, 327A, *and* 327B[, 328, 329 and 330].

4. Chapter three hundred seven (307), Code 1975, is amended by adding the following new sections:

NEW SECTION. AERONAUTICS DIVISION. The administrator of the aeronautics division shall have the following duties and responsibilities:

1. Advise and assist the director in the development of aeronautics, including but not limited

to the location of air terminals, accessibility of air terminals by other modes of public transportation, protective zoning provisions considering safety factors, noise, and air pollution, facilities for private and commercial aircraft, air freight facilities and such other physical and technical aspects as may be necessary to meet present and future needs.

2. Administer the provisions of chapters three hundred twenty-eight (328), three hundred twenty-nine (329), three hundred thirty (330) and three hundred thirty A (330A) of the Code.

3. Perform such other duties and responsibilities as may be assigned by the director and the commission.

NEW SECTION. RIVER TRANSPORTATION DIVISION. The administrator of the river transportation division shall have the following duties and responsibilities:

1. Advise and assist the director in the development of river transportation and port facilities in the state.

2. Perform such other duties and responsibilities as may be assigned by the director and the commission."

Amendment H—6540 was adopted.

Brunow of Appanoose offered the following amendment H—6526 filed by him and Krause of Palo Alto from the floor and moved its adoption:

H—6526

Amend House File 1314 as follows:

1. Page 5, by striking lines 19 through 35.

2. Page 6, by striking lines 1 through 33.

Roll call was requested by Kreamer of Polk and Scheelhaase of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—6526 be adopted?"

The ayes were, 40:

Baker	Daggett	Howell	Nielsen
Bennett	Den Herder	Hutchins	Norland
Bina	Doyle	Jordan	Pellett
Binneboese	Fitzgerald	Junker	Perkins
Bortell	Griffee	Krause	Scheelhaase
Branstad	Halvorson	Lonergan	Schroeder
Brunow	Hansen	McElroy	Spencer
Clark	Harper	Menke	Stromer
Crabb	Higgins	Miller, A. V.	Wells
Cusack	Horn	Miller, O. L.	Mr. Speaker

The nays were, 52:

Anderson	Gilloon	Lipsky	Rinas
Avenson	Hargrave	Mennenga	Small
Bittle	Harvey	Middleswart	Spradling
Brandt	Hines	Millen	Svoboda
Brockett	Hinkhouse	Miller, K. D.	Tauke
Byerly	Hullinger	Monroe	Tofte
Crawford	Husak	Nealson	Varley
Dieleman	Jesse	Oakley	Walter
Dunton	Jochum	O'Halloran	Welden
Dyrland	Koogler	Patchett	West
Egenes	Kreamer	Pavich	Woods
Evans	Lageschulte	Poncy	Wulff
Gentleman	Lindeen	Readinger	Wyckoff

Absent or not voting, 7:

Connors	Drake	Middleton	Spear
Danker	Hennessey	Newhard	

Amendment H—6526 lost.

Gilloon of Dubuque offered the following amendment H—6527 filed by him from the floor and moved its adoption:

H—6527

Amend House File 1314 as follows:

1. Page 6, line 14 by striking "1975" and inserting in lieu thereof "1974".

2. Page 6, line 33 by striking "1975" and inserting in lieu thereof "1974".

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 49, nays 39.

Amendment H—6527 was adopted.

Schroeder of Pottawattamie invoked Rule 32 on House File 1314 and the bill was referred to the committee on ways and means.

Small of Johnson asked for unanimous consent to suspend the rules on House File 1314.

Objection was raised.

Small of Johnson moved that the rules be suspended for the further consideration of House File 1314.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 54, nays 37.

The motion prevailed and the rules were suspended.

Welden of Hardin offered the following amendment H—6543 filed by him and Small of Johnson from the floor:

H—6543

Amend House File 1314 as follows:

1. Page 5, by inserting after line 18 the following section:

"Sec. ..... Chapter three hundred six (306), Code 1975, is amended by adding the following new section:

***NEW SECTION.* It is declared to be the policy of the state of Iowa that relocation of primary highways through cultivated land should be avoided to the maximum extent possible. Whenever the volume of traffic for which the road is designed or other conditions require such relocation, diagonal routes should be avoided wherever possible.**

It is further declared that improvement of two-lane roads should utilize the existing right-of-way unless alignment or other conditions make changes imperative, and when any two-lane road is expanded to a four-lane road, the normal procedure would be that the additional right-of-way would be contiguous to the existing right-of-way unless relocated for compelling reasons."

Brandt of Black Hawk rose on a point of order that amendment H—6543 was not germane.

The Speaker ruled the point well taken and amendment H—6543 not germane.

Wyckoff of Benton moved that the rules governing germaneness be suspended for the consideration of amendment H—6543.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 57, nays 31.

The motion prevailed and the rules were suspended.

Wyckoff of Benton offered amendment H—6544, to amendment H—6543, filed by Wyckoff, Miller of Buchanan and Husak from the floor. Division was requested as follows:

H—6544

Amend amendment H—6543, to page 5 of House File 1314, as follows:

H—6544A

1. Page 1, line 9, by striking the word "should" and inserting in lieu thereof the word "shall".

H—6544B

2. Page 1, by striking lines 12 and 13 and inserting in lieu thereof the following: "conditions require such location or relocation, diagonal routes exceeding five miles in length shall be avoided wherever possible."

Wyckoff of Benton moved the adoption of amendment H—6544A, to amendment H—6543.

A non-record roll call was requested.

The ayes were 43, nays 20.

Amendment H—6544A was adopted.

Wyckoff of Benton moved the adoption of amendment H—6544B, to amendment H—6543.

A non-record roll call was requested.

The ayes were 43, nays 26.

Amendment H—6544B was adopted.

Small of Johnson in the chair at 4:09 p.m.

Brandt of Black Hawk offered the following amendment H—6545, to amendment H—6543, filed by her from the floor and moved its adoption:

H—6545

Amend H—6543 to House File 1314 as follows:

1. Page 1, by inserting the following after line 21: "This section shall not apply to the location of Interstate 380 between Cedar Rapids and Waterloo."

Roll call was requested by Millen of Van Buren and Lageschulte of Bremer.

Rule 70 was invoked.

On the question "Shall amendment H—6545, to amendment H—6543, be adopted?"

The ayes were, 42:

Avenson	Fitzgerald	Lageschulte	Rinas
Bina	Gentleman	Lipsky	Schroeder
Brandt	Gilloon	Middleton	Spradling
Brunow	Hargrave	Monroe	Tauke
Byerly	Harvey	Nielsen	Tofte
Clark	Higgins	Norland	Walter
Cusack	Horn	Oakley	Wells
Den Herder	Jesse	O'Halloran	Wulff
Doyle	Jochum	Patchett	Mr. Speaker (Small)
Dunton	Koogler	Pavich	
Egenes	Krause	Readinger	

The nays were, 50:

Anderson	Evans	Kreamer	Pellett
Baker	Griffee	Lindeen	Perkins
Bennett	Halvorson	Lonergan	Poncy
Binneboese	Hansen	McElroy	Scheelhaase
Bittle	Harper	Menke	Spencer
Bortell	Hines	Mennenga	Stromer
Branstad	Hinkhouse	Middleswart	Svoboda
Brockett	Howell	Millen	Varley
Cochran	Hullinger	Miller, A. V.	Welden
Crabb	Husak	Miller, K. D.	West
Crawford	Hutchins	Miller, O. L.	Woods
Dieleman	Jordan	Nealson	Wyckoff
Dyrland	Junker		

Absent or not voting, 7:

Connors	Danker	Hennessey	Spear
Daggett	Drake	Newhard	

Amendment H—6545 lost.

Scheelhaase of Woodbury in the chair at 5:38 p.m.

Fitzgerald of Webster moved the previous question on House File 1314 and all motions and amendments filed thereto.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 55, nays 39.

The motion prevailed.

Welden of Hardin moved the adoption of amendment H—6543, as amended.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 51, nays 24.

Amendment H—6543, as amended, was adopted.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5282 filed by him on February 18, 1976, and found on page 519 of the House Journal.

By unanimous consent the following corrective amendment H—6551, filed by Husak of Tama from the floor, was adopted:

H—6551

Amend House File 1314 as follows:

1. Title page, line 1, by striking the word "duties" and inserting in lieu thereof the words "powers, duties, organization".

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 1314)

The ayes were, 67:

Anderson	Fitzgerald	Kreamer	Perkins
Avenson	Gentleman	Lageschulte	Poncy
Baker	Gilloon	Lindeen	Readinger
Bittle	Halvorson	Lipsky	Rinas
Branstad	Hargrave	Lonergan	Schroeder
Brockett	Harper	McElroy	Svoboda
Brunow	Hennessey	Mennenga	Tauke
Byerly	Hines	Middleswart	Tofte
Clark	Hinkhouse	Millen	Varley
Connors	Horn	Miller, A. V.	Walter
Crawford	Hullinger	Miller, K. D.	Welden
Den Herder	Husak	Monroe	Wells
Dieleman	Hutchins	Nealson	West
Dunton	Jesse	Nielsen	Woods
Dyrland	Jochum	Oakley	Wyckoff
Egenes	Jordan	Patchett	Mr. Speaker (Small)
Evans	Koogler	Pavich	

The nays were, 27:

Bennett	Cusack	Junker	Pellett
Bina	Doyle	Krause	Scheelhaase
Binneboese	Griffee	Menke	Spencer
Bortell	Hansen	Middleton	Spradling
Brandt	Harvey	Miller, O. L.	Stromer
Cochran	Higgins	Norland	Wulff
Crabb	Howell	O'Halloran	

Absent or not voting, 5:

Daggett	Drake	Newhard	Spear
Danker			

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

MOTION TO RECONSIDER PREVAILS
(Senate File 1210)

Hutchins of Guthrie called up for consideration the motion to reconsider Senate File 1210, filed on April 15, 1976, and moved to reconsider the vote by which Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund, passed the House on April 15, 1976.

A non-record roll call was requested.

The ayes were 59, nays 6.

The motion prevailed and the House reconsidered Senate File 1210.

Hutchins of Guthrie moved to reconsider the vote by which Senate File 1210 was placed on its last reading.

The motion prevailed.

Bennett of Ida offered the following amendment H—6452 filed by Bennett, et al., and moved its adoption:

H—6452

Amend Senate File 1210, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 5, by striking the word "townships,".

2. Page 1, line 17, by striking the words "a rate" and inserting in lieu thereof the word "rates".

3. Page 1, line 18, by inserting after the word "providing" the word "additional".

4. Page 1, by striking line 25 and inserting in lieu thereof the following:

" "Shall a tax the amount of which will not exceed the amount which would be raised by a uniform one dollar and sixty-two".

5. Page 1, line 33, by inserting after the word "district." the words "A county or city which is included in a unified law enforcement district shall not reduce the percent of its total general fund budget used for law enforcement purposes because of additional moneys collected pursuant to the voted levy."

6. Page 2, line 5, by inserting after the word "sheriff," the words "or administrative director of the law enforcement agency,".

7. Page 2, line 8, by striking the words "the sources of the revenue" and inserting in lieu thereof the words "in conjunction with the county board of supervisors and the city councils of the unified law enforcement district determine the amount of revenue available from sources other than the tax levy authorized by this Act and determine the amount of revenue needed to be raised by the tax levy authorized by this Act under the terms of an agreement executed under the provisions of chapter twenty-eight E (28E) of the Code".

8. Page 2, by striking lines 16 and 17 and inserting in lieu thereof the words "in the unified law enforcement district. The method of computing the tax levy shall be determined by the county board of supervisors unless the agreement under chapter twenty-eight E (28E) of the Code specifies a method."

9. Page 2, line 18, by striking the figure "1."

10. Page 2, line 23, by striking the word "; or" and inserting in lieu thereof the words "which shall

be determined by one of the following methods:".
11. Page 2, by striking lines 24 through 29 and inserting in lieu thereof the following:
"1. Levies based upon population computed as follows:".
12. Page 2, line 30, by striking the letter "b" and inserting in lieu thereof the letter "a".
13. Page 2, line 32, by striking the words and

Page 2

letter "paragraph "a" of".
14. Page 2, line 34, by striking the letter "c" and inserting in lieu thereof the letter "b".
15. Page 3, by striking lines 8 through 13 and inserting in lieu thereof the following subsection:
"2. Different levies for each city and the unincorporated area of the county located in the unified law enforcement district based upon the percentage of service to be provided to each political subdivision in the district."

Amendment H—6452 was adopted.

Connors of Polk offered the following amendment H—6343 filed by him and Hutchins of Guthrie and moved its adoption:

H—6343

Amend Senate File 1210, as amended, passed, and reprinted by the Senate, as follows:
1. Page 3, by inserting after line 33 the following section:
"Sec. ..... *NEW SECTION.* CITY CIVIL SERVICE AND RETIREMENT. The inclusion of a city in a unified law enforcement district shall not affect the prior establishment of a civil service system under chapter four hundred (400) of the Code or a pension or retirement system under either chapter four hundred ten (410) or four hundred eleven (411) of the Code."
2. By numbering sections as necessary.

Amendment H—6343 was adopted.

Hutchins of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time

On the question "Shall the bill pass?" (S.F. 1210)

The ayes were, 76:

Anderson	Bortell	Crabb	Egenes
Avenson	Brandt	Crawford	Fitzgerald
Baker	Branstad	Cusack	Gentleman
Bennett	Brockett	Dieleman	Gilloon
Bina	Brunow	Doyle	Griffee
Binneboese	Byerly	Dunton	Halvorson
Bittle	Connors	Dyrland	Hansen

Hargrave	Lageschulte	Norland	Spradling
Hennessey	Lindeen	Oakley	Stromer
Higgins	Lipsky	O'Halloran	Svoboda
Hines	Lonergan	Patchett	Tauke
Horn	McElroy	Pavich	Tofte
Howell	Menke	Pellett	Varley
Husak	Mennenga	Perkins	Walter
Hutchins	Middleton	Poncy	Wells
Jesse	Millen	Readinger	West
Jochum	Miller, A. V.	Rinas	Wyckoff
Jordan	Miller, K. D.	Scheelhaase	Mr. Speaker (Small)
Junker	Miller, O. L.	Spencer	
Krause			

The nays were, 10:

Clark	Koogler	Schroeder	Woods
Evans	Monroe	Welden	Wulff
Harvey	Nielsen		

Absent or not voting, 13:

Cochran	Drake	Hullinger	Nealson
Daggett	Harper	Kreamer	Newhard
Danker	Hinkhouse	Middleswart	Spear
Den Herder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Higgins of Scott called up for consideration **Senate File 1067,** a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified or specially designated parking places, and authorizing imposition of a penalty, amended by the House, further amended by the Senate as follows:

H—6309

Amend the House amendment S—5472 to Senate File 1067 as amended and passed by the Senate as follows:

1. Line 20, by inserting after the word "Establishing" the word "advisory".

2. Line 21, by striking the words "which must" and inserting in lieu thereof the word "to".

3. Line 22, by striking the word "followed" and **inserting in lieu thereof the word "considered".**

4. Line 23, by striking the words "in complying with" and inserting in lieu thereof the words "which elect to proceed under".

Readinger of Polk offered the following amendment H—6399, to the Senate amendment H—6309 (to the House amendment S—5472) filed by him and moved its adoption:

H—6399

Amend the Senate amendment H—6309 to the House amendment to Senate File 1067 as amended and passed by the Senate as follows:

1. By inserting after line 2 of the Senate amendment the following new section:

"1. By striking lines 3 and 4 of the House amendment and inserting in lieu thereof the following:

"1. Page 1, by striking line 23 and inserting in lieu thereof the words "on-street parking areas or off-street parking facilities shall in all cases where so required by chapters one hundred three A (103A) and one hundred four A (104A) of the Code, and may in all other cases,"." "

2. By renumbering the succeeding sections of the Senate amendment in accordance with the foregoing amendment.

3. By inserting after line 11 of the Senate amendment the following new section:

"6. Line 23, by inserting after the word "section." the words "The advisory standards promulgated under this paragraph shall not unnecessarily duplicate and shall not conflict with standards promulgated pursuant to chapters one hundred three A (103A) and one hundred four A (104A) of the Code." "

Amendment H—6399 was adopted.

Readinger of Polk moved that the House concur in the Senate amendment H—6309, as amended, to the House amendment S—5472 and recede from lines 3 and 4 of the House amendment S—5472.

The motion prevailed.

Readinger of Polk moved that the bill, as amended by the House, further amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1067)

The ayes were, 81:

Anderson	Clark	Fitzgerald	Horn
Avenson	Connors	Gentleman	Howell
Baker	Crabb	Gilloon	Husak
Bennett	Crawford	Griffee	Hutchins
Bina	Cusack	Halvorson	Jesse
Binneboese	Dieleman	Hansen	Jochum
Bortell	Doyle	Hargrave	Jordan
Brandt	Dunton	Harvey	Junker
Branstad	Dyrland	Hennessey	Koogler
Brunow	Egenes	Higgins	Krause
Byerly	Evans	Hines	Lageschulte

Lindeen	Miller, O. L.	Readinger	Walter
Lipsky	Monroe	Rinas	Welden
Lonergan	Nielsen	Scheelhaase	Wells
McElroy	Norland	Spradling	West
Menke	O'Halloran	Stromer	Woods
Mennenga	Patchett	Svoboda	Wulff
Middleton	Pavich	Tauke	Wyckoff
Millen	Pellett	Tofte	Mr. Speaker (Small)
Miller, A. V.	Perkins	Varley	
Miller, K. D.	Poncy		

The nays were, 3:

Bittle	Brockett	Kreamer

Absent or not voting, 15:

Cochran	Drake	Middleswart	Schroeder
Daggett	Harper	Nealson	Spear
Danker	Hinkhouse	Newhard	Spencer
Den Herder	Hullinger	Oakley	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(House File 1314)

I move to reconsider the vote by which House File 1314 passed the House on May 5, 1976.

BRANSTAD of Winnebago

(Amendment H—6543 to House File 1314)

I move to reconsider the vote by which amendment H—6543 to House File 1314 was adopted by the House on May 5, 1976.

BRANSTAD of Winnebago

(Amendment H—6545 to House File 1314)

I move to reconsider the vote by which amendment H—6545 to House File 1314 failed to be adopted.

BRANSTAD of Winnebago

MOTION TO RESCIND

(House File 1565)

I move to rescind the vote by which House File 1565 passed the House on May 5, 1976.

BAKER of Buena Vista

PROOF OF PUBLICATION

Published copy of House File 1567 and verified proof of publication of said bill in The North Scott Press, Eldridge, Iowa, on February 25, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATION OF VOTES

I was necessarily absent from the House chamber when the vote was taken on the motion to reconsider the vote by which House File 1200 passed the House. Had I been present, I would have voted "nay."

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber Tuesday, May 4, 1976. Had I been present, I would have voted "aye" on House Files 1200, 1371, 1499, 1503, 1559 and 584 and Senate File 1278, and on the question "Shall the rules be suspended to consider amendment H—6512, to amendment H—6476, to House File 1200. I would have voted "nay" on House File 1164 and Senate File 1092.

PERKINS of Greene

I was necessarily absent from the House chamber when the vote was taken on Senate Files 1087 and 1285. Had I been present, I would have voted "aye."

MIDDLETON of Black Hawk

I was necessarily absent from the House chamber when the vote was taken on Senate Files 1087 and 1285. Had I been present, I would have voted "aye" on these bills.

READINGER of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 5th day of May, 1976: House Files 91, 200, 292, 1011, 1063, 1162, 1359, 1403 and 1492.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 138 **Ways and means**
Relating to legalizing and validating the proceedings of the board of supervisors of the county of Black Hawk, in the state of Iowa, authorizing and providing for the issuance, sale and delivery of county care facility bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county.

S. B. 139 **Ways and means**
Relating to legalizing and validating the proceedings

of the board of directors of the Underwood Community School District, in the county of Pottawattamie, state of Iowa, authorizing and providing for the issuance, sale and delivery of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same be amended as follows, and when so amended the bill do pass:

H—6541

Amend Senate File 1191 as follows:
Page 1, by striking line 21 and inserting in lieu thereof the words "subsection.....$671,382
The general assembly anticipates that federal funds will be available to the regional library system in an amount approximating two hundred sixteen thousand (216,000) dollars. However if such federal funds do not become available, it is the intent of the general assembly that it will appropriate an amount of funds to replace those funds anticipated that do not become available during the fiscal year beginning July 1, 1976."

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred Senate File 1221, a bill for an act relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same be amended as follows, and when so amended the bill do pass:

H—6542

Amend Senate File 1221 as passed by the Senate as follows:
1. Page 1, line 14, by inserting before the word "For" the letter "a.".
2. Page 1, after line 16, by inserting the following:

"b. For salaries, support, maintenance, and miscellaneous purposes of the uniform commercial code division in performing records searches.....$38,700"

3. Page 2, by inserting after line 7 the following:

"Sec. ..... Section five hundred fifty-four point nine thousand four hundred seven (554.9407), Code 1975, is amended to read as follows:

554.9407 INFORMATION FROM FILING OFFICER.

1. If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

2. Upon *written* request of any person, the filing officer shall issue his *or her* certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any *financing* statement [of assignment thereof] *changes* and if there is, giving the date and hour of filing of each such [statement] *filing* and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be two dollars if the request for the certificate is on a form conforming to standards prescribed by the secretary of state; otherwise, three dollars. Upon request and the payment of the appropriate fee the filing officer shall furnish a certified copy of any filed financing statement or *financing* statement [of assignment] *changes* for a uniform fee of one dollar per page.

3. Upon telephone request of any person, the filing officer in the office of the secretary of state shall respond by phone stating whether there is on file on the date and hour upon which the request is made any presently effective financing statement naming a particular debtor and any financing statement changes and if there is, stating the date and hour of filing of each such filing and the names and addresses of each secured party therein. The uniform fee for this telephone search service shall be four dollars per each debtor name searched. All fees must

be prepaid before a person may utilize this telephone search service. A certificate confirming the information given to the person making the request shall be sent to that person by the filing officer upon request and payment of a fee of one dollar per debtor name searched. Upon request and the payment of the appropriate fee, the filing officer shall furnish a certified copy of any filed financing statement or financing statement changes for a uniform

fee of one dollar per page. The method of payment of fees imposed by this subsection shall be established by the secretary of state.

[3] *4.* Charging no more than a reasonable estimate of cost, in his *or her* discretion the secretary of state may adopt one or more of the following methods of providing information concerning public filings in his *or her* office to persons with an interest in this information that is related exclusively to the purposes of this Article:

[a. subscription telephone service;

b. subscription]

a. Subscription daily, weekly or monthly written summaries; *or*

[c. granting suitable space for the preparation of written summaries and the provision of telephone service by those persons deemed by the secretary of state to have a legitimate interest in regular examination of the secretary of state's public files, and

d. any].

b. Any other appropriate method of disseminating information.

However, the secretary of state shall not make space or services available to any person for examination and preparation of summaries of the secretary of state's public files except the space and services made available under chapter sixty-eight A (68A) of the Code.

5. Charging no more than a reasonable estimate of cost, in his or her discretion a county recorder may adopt one or more of the following methods of providing information concerning public filings in his or her office to persons with an interest in this information that is related exclusively to the purposes of this Article:

a. Subscription telephone service;

b. Subscription daily, weekly or monthly written summaries;

c. Granting suitable space for the preparation of written summaries and the provision of telephone

Page 3

service by those persons deemed by the county recorder to have a legitimate interest in regular examination of the county recorder's public files; or

d. Any other appropriate method of disseminating information.

6. Except with respect to willful misconduct, the state of Iowa, the secretary of state, *a county, a county recorder,* and their employees and agents are immune from liability as a result of errors or omissions in information *or assistance concerning the secretary of state's or a county recorder's public*

files supplied [pursuant to this subsection] *by them to any person.*

7. Fees collected by the secretary of state pursuant to this section shall be remitted by the secretary of state to the treasurer of state for deposit in the general fund of the state."

4. By renumbering the remaining sections accordingly.

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6539

Amend amendment H—5554 to House File 1069, page 1, by striking lines 5 through 30 and inserting in lieu thereof the following: "two (535.2), subsection two (2), Code 1975, is amended to read as follows:

2. Any domestic or foreign corporation or real estate investment trust as defined in section 856 of the Internal Revenue Code may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof, *and any other person borrowing money in the principal amount of thirty-five thousand dollars or more when the loan is secured by a real estate mortgage on agricultural land may agree in writing for payment of interest not exceeding ten cents on the hundred by the year,* and no such corporation or real estate investment trust *or other person* so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding.

Sec. ..... Nothing contained in this Act shall be construed to negate the provisions of Act of October 28, 1974, United States Public Law Number 93-501, 88 STATUTES 1557."

HENNESSEY of Delaware
HOWELL of Floyd
PELLETT of Cass

H—6528

Amend House File 1444 as follows:

1. Page 1, line 6, by adding after the word "carrying" the words "sand, gravel,"

2. Title page, line 1, by adding after the word "carrying" the words "sand, gravel,".

HARVEY of Scott
EGENES of Story

H—6529

Amend House File 1444 as follows:

1. Page 1, line 3, by inserting after the word "truck" the words "registered for a combined gross weight exceeding five tons".

2. Page 1, line 4, by inserting after the word "trailer" the words "registered for a gross weight exceeding five tons".

HARVEY of Scott

H—6538

Amend House File 1474 as follows:

1. Page 1, by inserting after line 13 the following:

"Sec. ..... Section one hundred thirteen point thirteen (113.13), Code 1975, is amended by adding the following unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An oral agreement which has been in effect over a period of ten years and substantiated by normal maintenance of the fence shall be recognized as a valid agreement."

2. By renumbering sections to conform to this amendment.

PELLETT of Cass
WYCKOFF of Benton
DAGGETT of Adams

H—6533

Amend House File 1511 as follows:

1. Page 2, by inserting after line 5, the following: "This section shall not apply to the location of Interstate 380 between Cedar Rapids and Waterloo."

BRANDT of Black Hawk

H—6534

Amend House File 1511 as follows:

1. Page 1, line 29, by striking "1977" and inserting in lieu thereof "1980".

BRANDT of Black Hawk

H—6535

Amend House File 1511 as follows:

1. Page 1, by striking lines 8 through 35.
2. Page 2, by striking lines 1 through 5.

BRANDT of Black Hawk

H—6546

Amend House File 1511 as follows:

1. Page 1, by striking lines 3 through 35 and inserting in lieu thereof the following:

NEW SECTION. "In establishing the location of any highway, the Department of Transportation shall consider the conservation of cultivated land in evaluation of the location feasibility."

2. Page 2, by striking lines 1 through 5.

BRANDT of Black Hawk

H—6547

Amend House File 1511 as follows:

1. Title page, by striking line 3.

BRANDT of Black Hawk

H—6530

Amend House File 1530 as follows:

1. Page 1, by inserting after line 15

the following: "This section shall not apply to the location of Interstate 380 between Cedar Rapids and Waterloo."

BRANDT of Black Hawk

H—6531

Amend House File 1530 as follows:

1. Page 1, by inserting after line 15, the following: "This policy shall not apply to any highway for which the route has been finalized by December 31, 1976."

BRANDT of Black Hawk

H—6532

Amend House File 1530 as follows:

1. Page 1, by striking lines 6 through 8.

BRANDT of Black Hawk

H—6548

Amend House File 1530 as follows:

1. Title page, by striking line 3.

BRANDT of Black Hawk

H—6549

Amend House File 1530 as follows:

1. Page 1, by striking lines 3 through 15 and inserting in lieu thereof the following:

NEW SECTION. **"In establishing the location** of any highway, the Department of Transportation **shall consider the conservation of cultivated** land in evaluation of the location feasibility."

BRANDT of Black Hawk

H—6537

Amend House File 1567 as follows:

1. Page 1, by inserting after line 28 the following:

"This Act being deemed of immediate importance, shall take effect and be in force from and after its **publication in The North Scott Press, a newspaper published in Eldridge, Iowa, and in The Dyersville** Commercial, a newspaper published in Dyersville, Iowa."

2. Title page, by inserting on lines 1 and 2 the words "An Act legalizing the proceedings for the sale of land by the North Scott Community School district."

COMMITTEE ON WAYS AND MEANS
NORLAND of Worth, Chair

H—6550

Amend Senate File 1269 as follows:

1. Page 2, by striking lines 5 through 10 and inserting in lieu thereof the words "part of the proposition, such lot being 40 feet off the South

side of Lots 11 and 47 of the Official Plat of the North ¾ of Section 22, Township 79, Range 24, also commencing at the Northeast corner of said Lot 11 and running thence South 98.8 feet, thence West 440.89 feet, thence North 98.8 ft. to the North line of said Lot 11, thence East 440.89 ft. to Place of beginning; and".

2. Page 2, line 16, by striking the words "for said Lot Eleven (11)".

3. Page 2, by striking lines 18 through 21 and inserting in lieu thereof the words "but it appears that the 40 feet off the South side of Lots 11 and 47 of the Official Plat of the North ¾ of Section 22, Township 79, Range 24, also commencing at the Northeast corner of said Lot 11 and running thence South 98.8 ft., thence West 440.89 feet, thence North 98.8 ft. to the North line of said Lot 11, thence East 440.89 ft. to Place of beginning, is part of the property owned by the Saydel Consolidated".

4. Page 3, by striking lines 4 through 8 and inserting in lieu thereof the following: "40 feet off the South side of Lots 11 and 47 of the Official Plat of the North ¾ of Section 22, Township 79, Range 24, also commencing at the Northeast corner of said Lot 11 and running thence South 98.8 ft., thence West 440.89 feet, thence North 98.8 ft. to the North line of said Lot 11, thence East 440.89 ft. to Place of beginning".

BYERLY of Polk

H—6536

Amend Senate File 1310 as amended, passed and reprinted as follows:

1. Page 9, line 14, by striking the words "each health care board" and inserting in lieu thereof the words "the board of medical examiners, the board of nursing examiners and the board of pharmacy examiners".

2. Page 9, line 23, by inserting after the word "board" the words "referred to in subsection one (1) of this section".

3. Page 12, by inserting after line 7 the following new subsection:

"4. The department shall employ such inspectors and clerical personnel as may be necessary to enable the board of podiatry examiners, the board of chiropractic examiners, the board of physical therapy examiners, the board of dental examiners, the board of optometry examiners, the board of psychology **examiners and the board of speech pathology and** audiology examiners to comply with the duties prescribed in this division. The department shall certify annually to each such board the expenses of the department for salaries and reimbursements to those employees and the expenses so certified shall constitute costs of sustaining the board.

The department shall certify costs to each such board based upon the portion of time the employees **serve each respective board. The department may** provide that any inspector or other employee serve more than one health care board.

Department employees shall be employees of the respective boards within the meaning of this division."

MONROE of Des Moines

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:42 p.m. until 9:00 a.m., Thursday, May 6, 1976.

JOURNAL OF THE HOUSE

One Hundred Sixteenth Calendar Day—Seventy-seventh Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, MAY 6, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Max Deffenbaugh, pastor of the First Baptist Church, Eldora, Iowa.

The Journal of Wednesday, May 5, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. A. Manderscheid, Boone, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of Bortell of Madison; McElroy of Fremont on request of Varley of Adair.

PRESENTATION OF ORANGE CITY TULIP QUEEN AND HER ATTENDANTS

Spradling of Sioux presented to the House Miss Diane Van Peursem, Orange City, Iowa, Queen of the 1976 (36th Annual) Tulip Festival. The Queen introduced the members of her court: Brenda Van Gorp, Rachel Klay, Mary Lenderink, Rachel Schuller, Kathy Verdoorn and Deb Muyskens.

Miss Van Peursem extended to the House an invitation (Breng ons een Bezoek) to attend the Orange City Tulip Festival, May 20, 21 and 22. The girls were all in colorful Dutch costumes.

Miss Van Peursem presented Speaker Cochran with a pair of wooden shoes manufactured by the Orange City Wooden Shoe Factory. Dutch almond cookies and almond patties were distributed in the House lounge to all present.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Forty-eight students from North Tama High School, Traer, Iowa, accompanied by Robert Clark (principal) and Don Lau and John Phillips (instructors). By Evans of Grundy.

Twenty-two sixth grade students from Bayard Elementary School, Bayard, Iowa, accompanied by Mrs. Croft. By Hutchins of Guthrie.

Thirty sixth grade students from Hubbard Elementary School, Hubbard, Iowa, accompanied by Mrs. Faust. By West of Marshall.

PETITIONS FILED

The following petitions were received and placed on file:

By Brunow of Appanoose from thirteen constituents favoring the passage of Senate File 205, relating to the issuance, continuance and termination of teachers' contracts, and opposing all amendments to Senate File 205.

By Fitzgerald of Webster from twenty-two residents of Iowa expressing support of legislation which would prohibit smoking in certain public places.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on Senate Files 1191 and 1221, under Rule 36.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 614

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 614, a bill for an Act relating to termination of parental rights and adoption and providing penalties, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
WILLIAM E. GLUBA, Chair	M. PETER MIDDLETON, Chair
MINNETTE F. DODERER	THOMAS J. HIGGINS
JAMES M. REDMOND	JOYCE LONERGAN
RICHARD R. RAMSEY	JOAN LIPSKY
ELIZABETH SHAW	BRICE C. OAKLEY

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

Senate File 357, a bill for an act relating to investment by state banks in revenue bonds issued by municipalities in support of industrial projects, with report of committee recommending amendment and passage, was taken up for consideration.

Newhard of Jones asked and received unanimous consent to withdraw amendment H—5224 filed by him on February 17, 1976, and found on page 415 of the House Journal.

Small of Johnson offered the following amendment H—5540 filed by the committee on commerce and moved its adoption:

H—5540

Amend Senate File 357, as amended and passed by the Senate as follows:

1. Page 1, line 22, by inserting after the word "foregoing" the words "whereby the municipality could receive revenues for payment of such bonds from any one person or any group of persons under common control".

2. Page 1, line 24, by inserting after the word "bank." the following: "A state bank shall obtain the express consent of the superintendent prior to investment by that bank of an amount in excess of twenty percent of its capital and surplus in bonds or securities issued by any one municipality."

Amendment H—5540 was adopted.

Newhard of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 357)

The ayes were, 83:

Anderson	Connors	Gilloon	Jochum
Avenson	Crabb	Griffee	Jordan
Baker	Crawford	Halvorson	Junker
Bennett	Cusack	Hansen	Krause
Bina	Danker	Harper	Lageschulte
Binneboese	Den Herder	Harvey	Lindeen
Bittle	Dieleman	Hennessey	Lipsky
Bortell	Doyle	Hines	Middleswart
Brandt	Drake	Hinkhouse	Millen
Branstad	Dunton	Horn	Miller, A. V.
Brockett	Dyrland	Howell	Miller, K. D.
Brunow	Evans	Hullinger	Miller, O. L.
Byerly	Fitzgerald	Husak	Nealson
Clark	Gentleman	Hutchins	Newhard

Norland	Poncy	Stromer	Wells
Oakley	Rinas	Svoboda	West
O'Halloran	Scheelhaase	Tauke	Woods
Patchett	Schroeder	Tofte	Wulff
Pavich	Small	Varley	Wyckoff
Pellett	Spencer	Walter	Mr. Speaker
Perkins	Spradling	Welden	

The nays were, none.

Absent or not voting, 16:

Daggett	Jesse	McElroy	Monroe
Egenes	Koogler	Menke	Nielsen
Hargrave	Kreamer	Mennenga	Readinger
Higgins	Lonergan	Middleton	Spear

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 487 WITHDRAWN

Newhard of Jones asked and received unanimous consent to withdraw **House File** 487 from further consideration by the House.

House File 1533, a bill for an act relating to state insurance exposures, was taken up for consideration.

Brockett of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1533)

The ayes were, 83:

Anderson	Drake	Hutchins	Poncy
Avenson	Dunton	Jesse	Readinger
Baker	Dyrland	Jochum	Rinas
Bennett	Evans	Junker	Scheelhaase
Bina	Fitzgerald	Koogler	Schroeder
Binneboese	Gentleman	Krause	Small
Bittle	Gilloon	Lageschulte	Spencer
Brandt	Griffee	Lindeen	Spradling
Branstad	Halvorson	Lipsky	Stromer
Brockett	Hansen	Middleswart	Svoboda
Brunow	Hargrave	Miller, A. V.	Tauke
Byerly	Harper	Miller, K. D.	Tofte
Clark	Harvey	Miller, O. L.	Varley
Connors	Hennessey	Nealson	Walter
Crabb	Higgins	Newhard	Welden
Crawford	Hines	Norland	West
Cusack	Hinkhouse	Oakley	Woods
Danker	Horn	Patchett	Wulff
Den Herder	Howell	Pavich	Wyckoff
Dieleman	Hullinger	Pellett	Mr. Speaker
Doyle	Husak	Perkins	

The nays were, 8:

Bortell	Jordan	Monroe

Absent or not voting, 13:

Daggett	McElroy	Middleton	O'Halloran
Egenes	Menke	Millen	Spear
Kreamer	Mennenga	Nielsen	Wells
Lonergan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 487, a bill for an act relating to the regulation of savings and loan associations organized under the laws of the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Hennessey of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 487)

The ayes were, 90:

Anderson	Dunton	Jochum	Perkins
Avenson	Dyrland	Jordan	Poncy
Baker	Egenes	Junker	Readinger
Bennett	Evans	Koogler	Rinas
Bina	Fitzgerald	Krause	Scheelhaase
Binneboese	Gentleman	Lageschulte	Schroeder
Bittle	Gilloon	Lindeen	Small
Bortell	Griffee	Lipsky	Spencer
Brandt	Halvorson	Menke	Spradling
Branstad	Hansen	Mennenga	Stromer
Brockett	Hargrave	Middleswart	Svoboda
Brunow	Harper	Miller, A. V.	Tauke
Byerly	Harvey	Miller, K. D.	Tofte
Clark	Hennessey	Miller, O. L.	Varley
Connors	Higgins	Monroe	Walter
Crabb	Hines	Nealson	Welden
Crawford	Hinkhouse	Newhard	Wells
Cusack	Horn	Norland	West
Danker	Howell	Oakley	Woods
Den Herder	Hullinger	Patchett	Wulff
Dieleman	Husak	Pavich	Wyckoff
Doyle	Hutchins	Pellett	Mr. Speaker
Drake	Jesse		

The nays were, none.

Absent or not voting, 9:

Daggett	McElroy	Millen	O'Halloran
Kreamer	Middleton	Nielsen	Spear
Lonergan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Jesse of Polk in the chair at 9:46 a.m.

House File 1451, a bill for an act relating to court reporters, was taken up for consideration.

Bittle of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1451)

The ayes were, 89:

Avenson	Dyrland	Junker	Poncy
Baker	Egenes	Koogler	Readinger
Bennett	Evans	Krause	Rinas
Bina	Fitzgerald	Lageschulte	Scheelhaase
Binneboese	Gentleman	Lindeen	Schroeder
Bittle	Gilloon	Lipsky	Small
Bortell	Griffee	Menke	Spencer
Brandt	Halvorson	Mennenga	Spradling
Branstad	Hansen	Middleswart	Stromer
Brockett	Hargrave	Middleton	Svoboda
Brunow	Harper	Millen	Tauke
Byerly	Harvey	Miller, A. V.	Tofte
Clark	Hennessey	Miller, K. D.	Varley
Cochran	Higgins	Miller, O. L.	Walter
Connors	Hines	Nealson	Welden
Crabb	Hinkhouse	Newhard	Wells
Crawford	Horn	Norland	West
Cusack	Howell	Oakley	Woods
Danker	Hullinger	Patchett	Wulff
Dieleman	Husak	Pavich	Wyckoff
Doyle	Hutchins	Pellett	Mr. Speaker
Drake	Jochum	Perkins	(Jesse)
Dunton	Jordan		

The nays were, 1:

Anderson

Absent or not voting, 9:

Daggett	Lonergan	Monroe	O'Halloran
Den Herder	McElroy	Nielsen	Spear
Kreamer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 829, a bill for an act relating to the administration of the Uniform Consumer Credit Code, was taken up for consideration.

Walter of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 829)

The ayes were, 89:

Anderson	Dyrland	Junker	Poncy
Avenson	Egenes	Koogler	Readinger
Baker	Evans	Krause	Rinas
Bennett	Fitzgerald	Lageschulte	Scheelhaase
Bina	Gentleman	Lindeen	Schroeder
Binneboese	Gilloon	Lipsky	Small
Bittle	Griffee	Menke	Spencer
Bortell	Halvorson	Mennenga	Spradling
Branstad	Hansen	Middleswart	Stromer
Brunow	Hargrave	Middleton	Svoboda
Byerly	Harper	Millen	Tauke
Clark	Harvey	Miller, A. V.	Tofte
Cochran	Hennessey	Miller, K. D.	Varley
Connors	Higgins	Miller, O. L.	Walter
Crabb	Hines	Nealson	Welden
Crawford	Hinkhouse	Newhard	Wells
Cusack	Horn	Norland	West
Danker	Howell	Oakley	Woods
Den Herder	Hullinger	Patchett	Wulff
Dieleman	Husak	Pavich	Wyckoff
Doyle	Hutchins	Pellett	Mr. Speaker (Jesse)
Drake	Jochum	Perkins	
Dunton	Jordan		

The nays were, none.

Absent or not voting, 10:

Brandt	Kreamer	Monroe	O'Halloran
Brockett	Lonergan	Nielsen	Spear
Daggett	McElroy		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 1149 AND 1197 WITHDRAWN

Krause of Palo Alto asked and received unanimous consent to withdraw **House Files 1149 and 1197** from further consideration by the House.

House File 1466, a bill for an act relating to the possession, receipt, and transportation of firearms by persons convicted of a felony and providing penalties, was taken up for consideration.

Newhard of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1466)

The ayes were, 92:

Anderson	Bortell	Cochran	Dieleman
Avenson	Brandt	Connors	Doyle
Baker	Branstad	Crabb	Drake
Bennett	Brockett	Crawford	Dunton
Bina	Brunow	Cusack	Dyrland
Binneboese	Byerly	Danker	Egenes
Bittle	Clark	Den Herder	Evans

Fitzgerald	Hutchins	Miller, O. L.	Spencer
Gentleman	Jochum	Monroe	Spradling
Gilloon	Jordan	Nealson	Stromer
Griffee	Junker	Newhard	Svoboda
Halvorson	Koogler	Norland	Tauke
Hansen	Krause	Oakley	Tofte
Hargrave	Lageschulte	Patchett	Varley
Harper	Lindeen	Pavich	Walter
Harvey	Lipsky	Pellett	Welden
Hennessey	Menke	Perkins	Wells
Higgins	Mennenga	Poncy	West
Hines	Middleswart	Readinger	Woods
Hinkhouse	Middleton	Rinas	Wulff
Horn	Millen	Scheelhaase	Wyckoff
Howell	Miller, A. V.	Schroeder	Mr. Speaker
Hullinger	Miller, K. D.	Small	(Jesse)
Husak			

The nays were, none.

Absent or not voting, 7:

Daggett	Lonergan	Nielsen	Spear
Kreamer	McElroy	O'Halloran	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1475, a bill for an act relating to the sale of property owned by merged area schools, was taken up for consideration.

Miller of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1475)

The ayes were, 90:

Anderson	Drake	Jordan	Pellett
Avenson	Dunton	Junker	Perkins
Baker	Dyrland	Koogler	Readinger
Bennett	Egenes	Krause	Scheelhaase
Bina	Evans	Lageschulte	Schroeder
Binneboese	Fitzgerald	Lindeen	Small
Bittle	Gentleman	Lipsky	Spencer
Bortell	Gilloon	Menke	Spradling
Brandt	Griffee	Mennenga	Stromer
Branstad	Halvorson	Middleswart	Svoboda
Brockett	Hansen	Middleton	Tauke
Brunow	Hargrave	Millen	Tofte
Byerly	Harper	Miller, A. V.	Varley
Clark	Harvey	Miller, K. D.	Walter
Cochran	Hennessey	Miller, O. L.	Welden
Connors	Higgins	Monroe	Wells
Crabb	Hines	Nealson	West
Crawford	Hinkhouse	Newhard	Woods
Cusack	Howell	Norland	Wulff
Danker	Hullinger	Oakley	Wyckoff
Den Herder	Husak	O'Halloran	Mr. Speaker
Dieleman	Hutchins	Patchett	(Jesse)
Doyle	Jochum	Pavich	

The nays were, none.

Absent or not voting, 9:

Daggett	Lonergan	Nielsen	Rinas
Horn	McElroy	Poncy	Spear
Kreamer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 546,** a bill for an act to exempt certain publicly-owned motor vehicles used for venereal disease investigation from use of state sign or other labeling and of official registration plates.

Wyckoff of Benton asked and received unanimous consent to reconsider the vote by which amendment H—5145 was adopted by the House and that amendment H—5145 be withdrawn.

Monroe of Des Moines offered the following amendment H—6321 filed by him and Wyckoff of Benton and moved its adoption:

H—6321

Amend Senate File 546 as amended and passed by the Senate as follows:

1. Page 1, by inserting after line 17 the following:

"Sec. ..... Chapter one hundred forty (140), Code 1975, is amended by adding the following new section:

NEW SECTION. If the commission determines that an unmarked vehicle should be used by state department of health employees for veneral disease investigation the commissioner may either assign or request the assignment of unmarked publicly-owned vehicles to the employees for use in the performance of their official duties or may request that the employees use their personal vehicles in the performance of their official duties. Any employee required to use a personal vehicle for conducting veneral disease investigations shall receive a mileage reimbursement at the rate of fifteen cents per mile for mileage incurred in the performance of the employee's official duties."

2. Amend the title, line 1, by striking everything after the word "Act" and inserting in lieu thereof the words "relating to the use of unmarked motor vehicles for venereal disease investigations."

3. By renumbering the remaining sections and correcting internal references in accordance with this amendment.

Amendment H—6321 was adopted.

With the withdrawal of amendment H—5145, amendments H—5180, H—5183, H—5188 and H—5187 are in order.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H—5180 (to page 1) filed by him on February 10, 1976, and found on pages 341 through 343 of the House Journal, making amendments H—5183 and H—5188 again out of order.

Baker of Buena Vista offered the following amendment H—5187 filed by him and Horn of Linn:

H—5187

Amend Senate File 546 as amended and passed by the Senate as follows:

Page 2, by striking line 33 and inserting in lieu thereof the words "enforcement [of police regulations] *and control*".

Monroe of Des Moines rose on a point of order that amendment H—5187 was not germane.

The Speaker ruled the point well taken and amendment H—5187 not germane.

Baker of Buena Vista asked for unanimous consent to consider amendment H—5187.

Objection was raised.

Baker of Buena Vista moved that the rules be suspended for the consideration of amendment H—5187.

A non-record roll call was requested.

The ayes were 31, nays 47.

The motion lost.

Junker of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 546)

The ayes were, 88:

Anderson	Brockett	Den Herder	Gentleman
Avenson	Byerly	Dieleman	Gilloon
Bennett	Clark	Doyle	Griffee
Bina	Cochran	Drake	Halvorson
Binneboese	Connors	Dunton	Hansen
Bittle	Crabb	Dyrland	Hargrave
Bortell	Crawford	Egenes	Harper
Brandt	Cusack	Evans	Harvey
Branstad	Danker	Fitzgerald	Hennessey

Higgins	Lipsky	O'Halloran	Svoboda
Hines	Menke	Pavich	Tauke
Horn	Mennenga	Pellett	Tofte
Howell	Middleswart	Perkins	Varley
Hullinger	Middleton	Poncy	Walter
Husak	Millen	Readinger	Welden
Hutchins	Miller, A. V.	Rinas	Wells
Jochum	Miller, O. L.	Scheelhaase	West
Jordan	Monroe	Schroeder	Woods
Junker	Nealson	Small	Wulff
Koogler	Newhard	Spencer	Wyckoff
Krause	Norland	Spradling	Mr. Speaker
Lageschulte	Oakley	Stromer	(Jesse)
Lindeen			

The nays were, 4:

Baker	Brunow	Hinkhouse	Miller, K. D.

Absent or not voting, 7:

Daggett	Lonergan	Nielsen	Spear
Kreamer	McElroy	Patchett	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

Speaker Cochran in the chair at 10:37 a.m.

HOUSE FILE 1311 WITHDRAWN

Cusack of Scott asked and received unanimous consent to withdraw **House File 1311** from further consideration by the House.

House File 1487, a bill for an act relating to bonds and pledge orders issued by cities, was taken up for consideration.

Rinas of Linn offered the following amendment H—6552 filed by him from the floor:

H—6552

Amend House File 1487 as follows:
1. Page 2, by striking lines 13 through 35.

Debate having exceeded the allowed time, the Speaker announced House File 1487 would be returned to the regular calendar.

Griffee of Chickasaw moved that the rules be suspended for the further consideration of House File 1487.

A non-record roll call was requested.

The ayes were 59, nays 18.

The motion prevailed and the rules were suspended.

Rinas of Linn asked for unanimous consent to withdraw amendment H—6552.

Objection was raised.

Rinas of Linn moved that amendment H—6552 be withdrawn.

The motion prevailed and amendment H—6552 was withdrawn.

(House File 1487 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Small of Johnson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford on request of Husak of Tama.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed seventy-two members present, twenty-seven absent.

RULE 48 SUSPENDED

Jesse of Polk asked and received unanimous consent that Rule 48 be suspended for the steering committee meeting.

BUSINESS PENDING

The House resumed consideration of **House File 1487,** a bill for an act relating to bonds and pledge orders issued by cities.

The House stood at ease until the fall of the gavel.

The House resumed session, Small of Johnson in the chair.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1487)

The ayes were, 68 :

Anderson	Drake	Koogler	Pellett
Avenson	Dunton	Krause	Perkins
Baker	Dyrland	Lindeen	Poncy
Bennett	Egenes	Lipsky	Readinger
Binneboese	Evans	Lonergan	Rinas
Bittle	Gentleman	Menke	Scheelhaase
Bortell	Griffee	Mennenga	Schroeder
Brandt	Halvorson	Millen	Spencer
Branstad	Hansen	Miller, A. V.	Spradling
Brockett	Hargrave	Miller, K. D.	Stromer
Brunow	Harper	Miller, O. L.	Svoboda
Clark	Hennessey	Nealson	Tauke
Cochran	Husak	Newhard	Varley
Crawford	Hutchins	Nielsen	Wulff
Cusack	Jesse	Norland	Wyckoff
Danker	Jordan	O'Halloran	Mr. Speaker
Dieleman	Junker	Patchett	(Small)
Doyle			

The nays were, 14:

Bina	Harvey	Jochum	Tofte
Byerly	Higgins	Lageschulte	Walter
Connors	Hines	Pavich	Welden
Gilloon	Howell		

Absent or not voting, 17:

Crabb	Horn	Middleswart	Spear
Daggett	Hullinger	Middleton	Wells
Den Herder	Kreamer	Monroe	West
Fitzgerald	McElroy	Oakley	Woods
Hinkhouse			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR

(15-Minute)

House File 1468, a bill for an act relating to payment of pension funds and insurance benefits to beneficiaries in cases involving a dissolution of marriage, was taken up for consideration.

Halvorson of Clayton offered the following amendment H—6434 filed by Jesse, et al., and moved its adoption:

H—6434

Amend House File 1468 as follows:

1. Page 2, by striking lines 8 through 20 and inserting in lieu thereof the following:

"Sec. 4. Chapter five hundred ninety-eight (598), Code 1975, is amended by adding the following new section:

NEW SECTION. A decree of dissolution shall automatically revoke any prior designation of one spouse

by the other as beneficiary of any policy or contract of life insurance, endowment or annuity on the life of the designating spouse and, unless otherwise ordered by the court in the decree of dissolution, such contract or policy shall be payable to the estate of the designating spouse or to such beneficiary as the designating spouse may thereafter name; provided that the company issuing such policy or contract shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless before such payment the company shall have written notice, by or on behalf of the insured or the estate of the insured or one of the heirs of the insured, or any other person having an interest in such policy or contract, of a claim thereunder and of the decree."

A non-record roll call was requested.

The ayes were 34, nays 27.

Amendment H—6434 was adopted.

With the adoption of amendment H—6434, the following amendments are out of order:

H—6172 (to page 2) filed by Halvorson of Clayton on April 6, 1976, and found on page 1668 of the House Journal.

H—6252 (to page 2) filed by Oakley of Clinton on April 12, 1976, and found on page 1881 of the House Journal.

Baker of Buena Vista rose on a point of order that debate had exceeded the fifteen minute time limit.

Nielsen of Polk moved that the rules be suspended for the further consideration of House File 1468.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 48, nays 36.

The motion, having failed to receive a constitutional majority, lost and House File 1468 was returned to the regular calendar.

REPORT OF STEERING COMMITTEE

REGULAR STEERING COMMITTEE CALENDAR

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

S. F. 205 An Act relating to the issuance, continuation, and termination of teachers' contracts. By Carr, Hansen, Murray, et al.

H. F. 1368 COMMITTEE BILL—An Act relating to the maximum permissible rates of finance charge applicable to consumer credit transactions involving open-end credit. By committee on commerce; Small, chair.

H. F. 1449 COMMITTEE BILL—An Act to prohibit the use of monitoring devices by employers against employees and providing a penalty. By committee on judiciary and law enforcement; Jesse, chair.

S. F. 367 COMMITTEE BILL—An Act relating to the location and operation of livestock feedlots, and defining nuisance as the term relates thereto. By Senate committee on agriculture; Nolin, chair.

H. F. 199 An Act relating to the marketing of livestock and providing penalties. By Husak, Crabb, Menke, et al.

JESSE of Polk, Chair

REPORT OF STEERING COMMITTEE

NONCONTROVERSIAL CALENDAR (15-Minute)

MR. SPEAKER: Your steering committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the steering committee calendar:

H. F. 1472 COMMITTEE BILL—An Act to change the requirements for awarding a permanent professional teachers' certificate. By committee on education; Patchett, chair.

S. F. 345 An Act relating to the method used by judges of election to select and certify potential jurors. By DeKoster.

JESSE of Polk, Chair

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

REREFERRED TO COMMITTEE ON AGRICULTURE
(House File 1474)

Husak of Tama asked and received unanimous consent that **House File 1474**, presently on the steering committee 15-minute noncontroversial calendar, be rereferred to the committee on **agriculture.**

House File 1485, a bill for an act relating to the recording of an instrument and a lien affecting real estate, was taken up for consideration.

Spradling of Sioux offered the following amendment H—6340 filed by him and moved its adoption:

H—6340

Amend House File 1485, page 2, line 34, by striking the word "books" and inserting in lieu thereof the word "system".

Amendment H—6340 was adopted.

Spradling of Sioux offered the following amendment H—5569 filed by him and moved its adoption:

H—5569

Amend House File 1485 as follows:

1. Page 6 by striking line 25 and inserting in lieu thereof the words "read as follows:".

2. Page 7, line 31, by striking the words "fifteen (15)" and inserting in lieu thereof the words "ten (10)".

Amendment H—5569 was adopted.

Oakley of Clinton offered the following amendment H—6553 filed by him from the floor and moved its adoption:

H—6553

Amend House File 1485 as follows:

1. Page 3, line 5, by striking the words "The book and page where" and inserting in lieu thereof the word "Where".

2. Page 4, line 16, by striking the word "book" and inserting in lieu thereof the word "system".

3. Page 5, line 6, by striking the word "January" and inserting in lieu thereof the word "July".

4. Page 5, line 19, by inserting after the figure "1975," the words "as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File two hundred ninety-two (292), section twelve (12),".

5. Page 5, lines 25 through 27, by striking the words "[and the indexing and the record of the account of such patient in the office of the county auditor shall constitute notice of such lien]".

6. Page 5, line 32, by inserting after the word "*Act.*" the words "The book shall be designated as an account book or index, and shall have no reference in any place to a lien."

7. Page 5, by striking line 33 through page 6, line 22.

8. Page 8, by adding after line 10 the following:

"Sec. ..... This Act shall be effective on January 1, 1977."

9. By renumbering the sections to conform with this amendment.

Amendment H—6553 was adopted.

Spradling of Sioux offered the following amendment H—5572 filed by him:

H—5572

Amend House File 1485 as follows:

1. Page 7, by adding after line 28 the following new subsection:

"8. The name and address of the owner of the property to be charged with the lien, as that name and address are shown in the real estate tax records in the office of the county auditor.

The recorder of the county shall forward by ordinary mail a copy of each lien claim to the owner of the property to be charged with the lien."

Oakley of Clinton offered the following amendment H—6554, to amendment H—5572, filed by him and moved its adoption:

H—6554

Amend House amendment H—5572 to House File 1485 as follows:

1. Page 1, line 7, by striking the word *"auditor"* and inserting in lieu thereof the word *"treasurer"*.

Amendment H—6554 was adopted.

Spradling of Sioux moved the adoption of amendment H—5572, as amended.

Amendment H—5572, as amended, was adopted.

Spradling of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1485)

The ayes were, 87:

Anderson	Egenes	Junker	Perkins
Avenson	Evans	Koogler	Poncy
Baker	Fitzgerald	Krause	Readinger
Bennett	Gentleman	Lageschulte	Rinas
Bina	Gilloon	Lindeen	Schroeder
Binneboese	Griffee	Lipsky	Small
Bortell	Halvorson	Lonergan	Spencer
Brandt	Hansen	Menke	Spradling
Branstad	Hargrave	Mennenga	Stromer
Brockett	Harper	Middleswart	Svoboda
Brunow	Harvey	Middleton	Tauke
Byerly	Hennessey	Millen	Tofte
Clark	Higgins	Miller, A. V.	Varley
Connors	Hines	Miller, O. L.	Walter
Crawford	Hinkhouse	Monroe	Welden
Cusack	Horn	Nealson	Wells
Danker	Howell	Newhard	West
Den Herder	Husak	Nielsen	Woods
Dieleman	Hutchins	Oakley	Wulff
Drake	Jesse	O'Halloran	Wyckoff
Dunton	Jochum	Pavich	Mr. Speaker
Dyrland	Jordan	Pellett	

The nays were, 1:
Bittle

Absent or not voting, 11:

Crabb	Hullinger	Miller, K. D.	Scheelhaase
Daggett	Kreamer	Norland	Spear
Doyle	McElroy	Patchett	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **Senate File 205**, a bill for an act relating to the issuance, continuation, and termination of teachers contracts.

Oakley of Clinton asked and received unanimous consent to withdraw amendment H—6235 (to title page) filed by him on April 8, 1976, and found on page 1808 of the House Journal and amendment H—6236 (to amendment H—6235) filed by him on April 8, 1976, and found on pages 1803 through 1813 of the House Journal.

Oakley of Clinton offered the following amendment H—6257 filed by him:

H—6257

Amend Senate File 205, as amended, passed, and reprinted by the Senate, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred seventy-nine point thirteen (279.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.13 CONTRACTS WITH TEACHERS—AUTOMATIC CONTINUATION—TERMINATION PROCEDURE.

1. a. Contracts with teachers, which for the purpose of this section means all certificated employees of a school district and nurses employed by the board, excluding superintendents, assistant superintendents, principals and assistant principals, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon, including but not limited to educational leaves and reimbursement for tuition paid by the teacher for courses approved by the board of directors, and which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

b. For the purpose of this section "educational leave" means a leave granted to an employee for the purpose of study including study in areas outside

of a teacher's area of specialization, travel, or other reasons deemed by the board to be of value to the school system.

c. A contract is invalid if the teacher is under contract with another board of directors to teach during the same time period, until a release from the other contract is achieved. The contract shall be signed by the president of the board when tendered. After it is signed by the teacher, the contract shall be filed with the secretary of the board before the teacher enters into performance under the contract.

2. If the teacher has been employed at least three consecutive years as a teacher in the same school district, the contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods, except as modified or terminated by mutual agreement of the board of directors and the teacher or as terminated in accordance with the provisions specified in this chapter. A contract shall not be offered by the employing board to a teacher under its jurisdiction prior to March first of any year. A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign

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effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs first. However, a teacher shall not be required to return a contract to the board less than twenty-one days after the contract has been offered.

3. a. The board may adopt a resolution finding just cause for terminating the contract with the teacher. If this resolution is adopted, the board shall cause the teacher to be notified in writing of it within five days of its adoption. This notice shall be served by receipted personal service or by certified mail. If served by certified mail, the act of mailing shall constitute completion of service. In any event, this notice shall not be served later than March fifteenth and shall state the specific reasons for considering the contract termination. These reasons shall be any just cause affecting performance of duties which may include incompentency, persistent or substantial neglect of duty, physical or mental disability or sickness which interferes with performance of duty as shown by competent medical evidence and following one year's leave of absence, or factors which require an adjustment, realignment, or reduction of the staff.

b. Before adoption of a resolution finding just

cause for termination is voted upon pursuant to paragraph a of this subsection, a member of the school administrative staff shall, at least thirty days prior to this vote, provide the teacher with a written statement of specific alleged deficiencies constituting grounds for termination.

c. At any time during proceedings under this section, the teacher's complete personnel file shall be made available to the teacher. This file shall contain a record of all periodic reviews between the teacher and appropriate supervisors.

4. a. Within ten days of service of notice under subsection three (3) of this section, the teacher may make written request to the secretary of the board that notifications be forwarded to the public employment relations board requesting appointment of a fact finder. This fact finder shall convene a fact finding hearing between ten and twenty days after the date the teacher makes written request to the secretary. The fact finder shall also cause reasonable written notice of the date, time, and location of the hearing

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to be given to the parties.

b. The fact finding hearing shall:

(1) Be reported by a person qualified to report proceedings before the courts of this state;

(2) Not be subject to chapter twenty-eight A (28A) of the Code;

(3) Not be limited to technical rules of evidence which preclude the introduction of evidence;

(4) Be subject to the rules governing the conduct and compensation of witnesses in civil cases, unless the context clearly dictates otherwise; and

(5) Be limited in scope to the specific reasons stated in the written notice served under paragraph a of subsection three (3) of this section.

c. The fact finding hearing may be attended as a matter of right by:

(1) Members of the board or their legal representatives, if any;

(2) The superintendent or the superintendent's representative; and

(3) The teacher and teacher's representatives, if any, but not to exceed five such representatives.

d. The fact finder may issue subpoenas in personam and subpoenas duces tecum upon the request of and showing by any party that the witnesses or material to be subject to the subpoena are material to the presentation of the applicant's case. At least three days prior to the hearing, each party shall notify the other parties of all witnesses and materials that will be presented at the hearing.

e. The costs of the hearing, except attorney fees, shall be paid by the board.

f. A complete transcript of the hearing shall be prepared. A copy of it shall be given to the teacher. The fact finder shall cause the hearing record to be certified to the board within twenty days of completion of the hearing.

g. Within ten days of receipt of the certified record, the board shall meet to determine whether to continue or terminate the teacher's contract. At the option of the teacher, this meeting shall be subject to chapter twenty-eight A (28A) of the Code. If the board determines to terminate the teacher's contract, it shall specify the specific grounds of just cause upon which the determination is based.

h. The transcript and material presented shall be subject to chapter sixty-eight A (68A) of the Code only if there is an appeal.

5. a. A teacher may appeal the board's deter-

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mination to terminate to the district court for the county in which the school district's principal offices are located. This appeal shall be filed within twenty days of service of the board's determination upon the teacher. The rules of civil procedure shall govern this appeal, except the court's review shall be on the certified transcript of the fact finding hearing.

b. The board's determination may be modified, reversed, or set aside if the court determines that:

(1) The board acted without or in excess of its authority; or

(2) The determination is not supported by a preponderance of the competent evidence in the record considered as a whole; or

(3) The determination was procured by fraud or is contrary to law.

c. If the court modifies, reverses, or sets aside the board's determination, it may also reinstate the teacher and award back pay. The court may assess costs of appeal and attorney fees.

6. a. The first three consecutive years of employment of a teacher in the same school district are a probationary period. However, a board of directors may waive the probationary period for any teacher who previously has served a probationary period in another school district. If the board is considering termination of a probationary teacher's contract, the board shall, at least thirty days prior to the vote on termination, notify the probationary teacher in writing of specific alleged deficiencies constituting grounds for termination. If the deficiencies are not corrected to the board's satisfaction, the contract of a probationary status

teacher may be terminated at the end of the contract period upon written notice to that effect prior to April first of any year. The written notice shall state the reasons for termination.

b. Following receipt of the written notice, the probationary teacher may request a private conference with the board. Within five days following receipt of the written notice that the board has voted to consider termination of a contract, the teacher may request in writing to the secretary of the board a private conference with the board. The private conference shall not be subject to chapter twenty-eight A (28A) of the Code and shall be held between ten days and twenty days following the receipt of the request. The secretary of the board shall notify the teacher in writing of the date, time, and location

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of the private conference. The conference shall be attended by members of the board and their legal representatives if any, the superintendent or the superintendent's representative, the teacher and the teacher's representatives, if any, not to exceed five representatives, and the teacher's immediate supervisor and the supervisor's representatives, if any. The discussion at the conference shall be limited to the specific reasons stated in the notice to consider termination. Any material removed from the teacher's personnel file or other material to be introduced at the conference shall be provided the teacher not less than five days preceding the conference. A participant in the conference shall not be liable for any damages to any person if any statement at the conference is determined to be erroneous if the statement was made in good faith.

c. Within three days following the private conference, the superintendent shall make a written recommendation to the board. The board, at its next meeting, shall by roll call vote decide the retention or termination of the probationary teacher. The board's decision shall be final and binding, unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section twenty point ten (20.10) of the Code.

Sec. 2. Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.24 DISCHARGE OF TEACHER.

1. The board may, by a majority vote, discharge any teacher for any just cause which may include incompetency, persistent or substantial neglect of duty. Prior to the discharge, the board shall conduct,

at a meeting of the board held for that purpose, a complete and impartial investigation of the specific reasons for the proposed action. The teacher shall receive three days written notice of the time and place of such meeting, a specification of the alleged causes for discharge, and a list of the witnesses proposed to be called by the board, together with a brief summary of their expected testimony. The teacher and the teacher's representatives, if any, not to exceed five shall be allowed to be present at the meeting, to call and cross-examine witnesses, and to otherwise make a defense. A record of the meeting shall be made and kept. Following the board

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decision to discharge the teacher, the teacher shall be notified promptly in writing, stating the specific reasons for the action.

2. Within twenty days following receipt of the decision of the board, the teacher may appeal the decision following the procedure stated in section two hundred seventy-nine point thirteen (279.13) of the Code. However, the superintendent may suspend a teacher for any of the reasons listed in this section and recommend that the board discharge the teacher. The superintendent shall immediately notify the board of the suspension. The board shall meet within seven days of receipt of the notice to consider discharging the teacher and shall conduct a complete and impartial investigation of the specific reasons for the recommended discharge in the same manner as if the teacher had not been suspended. The teacher shall be notified by personal service of the time and place of the meeting immediately after the meeting time and place have been set. If the board votes not to discharge the teacher, the teacher shall be reinstated and the board shall award back pay for the period during which the teacher was suspended.

Sec. 3. Section twenty point six (20.6), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Maintain a list of qualified persons representative of the public to be available to serve as fact finders in contract termination disputes under section two hundred seventy-nine point thirteen (279.13) of the Code and establish their compensation rates."

Patchett of Johnson asked and received unanimous consent to withdraw amendment H—6344, to amendment H—6257, filed by Patchett, et al., on April 20, 1976, and found on pages 2051 through 2057 of the House Journal.

Miller of Calhoun asked for unanimous consent to withdraw amendment H—6400, to amendment H—6257.

Objection was raised.

Avenson of Fayette moved to withdraw amendment H—6400, to amendment H—6257, filed by Miller of Calhoun and Bennett of Ida on April 23, 1976, and found on pages 2182 through 2188 of the House Journal.

The motion prevailed.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hutchins of Guthrie for the remainder of the day on request of Perkins of Greene.

Patchett of Johnson offered the following amendment H—6559, to amendment H—6257, filed by Patchett, Menke, Dyrland, Wulff, Norland, Oakley, Avenson, Stromer, Mennenga, Hansen, Jesse, Bittle, Bina, Egenes, Griffee, Hutchins, Wells, Baker, Walter, Newhard, Fitzgerald, Poncy, Pavich, Hennessey, Miller of Cerro Gordo, O'Halloran, Spencer, Howell, Drake, Lindeen, Junker, Gentleman, Evans, Bennett, Halvorson, Clark, Tofte, Harvey, Danker, Lageschulte, Millen, Small, Gilloon, Krause, Middleswart, Wyckoff, Jordan, Higgins, Harper, Cusack, Connors, Lipsky, Branstad, Schroeder, Perkins, Hargrave and Readinger from the floor and moved its adoption:

H—6559

Amend H—6257, filed by Oakley of Clinton, to Senate File 205, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 5 through 50 and inserting in lieu thereof the following:

"Section 1. Section two hundred seventy-nine point thirteen (279.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.13 CONTRACTS WITH TEACHERS—AUTOMATIC CONTINUATION.

1. Contracts with teachers, which for the purpose of this section means all certificated employees of a school district and nurses employed by the board, excluding superintendents, assistant superintendents, principals, and assistant principals, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon. The contract may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

The contract is invalid if the teacher is under contract with another board of directors to teach during the same time period until a release from the other contract is achieved. The contract shall be

signed by the president of the board when tendered, and after it is signed by the teacher, the contract shall be filed with the secretary of the board before the teacher enters into performance under the contract.

2. The contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods except as modified or terminated by mutual agreement of the board of directors and the teacher or as terminated in accordance with the provisions specified in this chapter. A contract shall not be offered by the employing board to a teacher under its jurisdiction prior to March fifteenth of any year. A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs first. However, a teacher shall not be required to return a contract to the board or to resign less than twenty-one days after the contract has been offered.

3. The board shall establish evaluation criteria

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and shall implement evaluation procedures. If an exclusive bargaining representative has been certified, the board shall negotiate in good faith with respect to evaluation procedures pursuant to chapter twenty (20) of the Code.

4. The superintendent or the superintendent's designee shall notify the teacher not later than March fifteenth that the superintendent will recommend in writing to the board at a regular or special meeting of the board held not later than March thirty-first **that the teacher's continuing contract be terminated effective at the end of the current school year.**

5. Such notification shall be in writing and shall be personally delivered to the teacher, or mailed by certified mail. The notification shall be complete when received by the teacher. The notification and the recommendation to terminate shall contain a short and plain statement of the reasons, which shall be for just cause, why the recommendation is being made. The notification shall be given at or before the time **the recommendation is given to the board.**

As a part of the termination proceedings, the **teacher's complete personnel file of employment by that board shall be available to the teacher, which file shall contain a record of all periodic evaluations between the teacher and appropriate supervisors.**

Within five days of the receipt of the written notice that the superintendent is recommending termina-

tion of the contract, the teacher may request, in writing to the secretary of the board, a private hearing with the board. The private hearing shall not be subject to chapter twenty-eight A (28A) of the Code and shall be held no sooner than ten days and no later than twenty days following the receipt of the request unless the parties otherwise agree. The secretary of the board shall notify the teacher in writing of the date, time, and location of the private hearing, and at least five days before the hearing shall also furnish to the teacher any documentation which may be presented to the board at the private hearing and a list of persons who may address the board in support of the superintendent's recommendation at the private hearing. At least three days before the hearing, the teacher shall provide any documentation he or she expects to present at the private hearing, along with the names of any persons who may address the board on behalf of the teacher. This exchange of information shall be at the time specified unless otherwise agreed.

6. The participants at the private hearing shall

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be at least a majority of the members of the board, their legal representatives, if any, the superintendent, the superintendent's designated representatives, if any, the teacher's immediate supervisor, the teacher, the teacher's representatives, if any, and the witnesses for the parties. The evidence at the private hearing shall be limited to the specific reasons stated in the superintendent's notice of recommendation of termination. No participant in the hearing shall be liable for any damages to any person if any statement at the hearing is determined to be erroneous as long as the statement was made in good faith. The superintendent shall present evidence and argument on all issues involved and the teacher may cross-examine, respond and present evidence and argument in his or her behalf relevant to all issues involved. Evidence may be by stipulation of the parties and informal settlement may be made by stipulation, consent, or default or by any other method agreed upon by the parties in writing. The board shall employ a certified shorthand reporter to keep a record of the private hearing. The proceedings or any part thereof shall be transcribed at the request of either party with the expense of transcription charged to the requesting party.

The presiding officer of the board may administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal or civil jurisdiction. The board shall cause subpoenas to be issued for such witnesses and the production of such books and papers as either

the board or the teacher may designate. The subpoenas shall be signed by the presiding officer of the board.

In case a witness is duly subpoenaed and refuses to attend, or in case a witness appears and refuses to testify or to produce required books or papers, the board shall, in writing, report such refusal to the district court of the county in which the administrative office of the school district is located, and the court shall proceed with the person or witness as though the refusal had occurred in a proceeding legally pending before the court.

The board shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but it shall hold the hearing in such manner as is best suited to ascertain and conserve the substantial rights of the parties. Process and procedure under this section shall be as summary as reasonably may be.

At the conclusion of the private hearing, the

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superintendent and the teacher may file written briefs and arguments with the board within three days or such other time as may be agreed upon.

If the teacher fails to timely request a private hearing or does not appear at the private hearing, the board may proceed and make a determination upon the superintendent's recommendation, which determination in that case shall be not later than April tenth, or not later than five days after the scheduled date for the private hearing, whichever is applicable. The board shall convene in open session and by roll call vote determine the termination or continuance of the teacher's contract.

Within five days after the private hearing, the board shall, in executive session, meet to make a final decision upon the recommendation and the evidence as herein provided. The board shall also consider any written brief and arguments submitted by the superintendent and the teacher.

The record for a private hearing shall include:

a. All pleadings, motions and intermediate rulings.

b. All evidence received or considered and all other submissions.

c. A statement of all matters officially noticed.

d. All questions and offers of proof, objections and rulings thereon.

e. All findings and exceptions.

f. Any decision, opinion, or conclusion by the board.

g. Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

The decision of the board shall be in writing and shall include findings of fact and conclusions of

law, separately stated. Fndings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts and supporting the findings. Each conclusion of law shall be supported by cited authority or by reasoned opinion.

When the board has reached a decision, opinion, or conclusion, it shall convene in open meeting and by roll call vote determine the continuance or discontinuance of the teacher's contract. The record of the private conference and findings of fact and exceptions shall be exempt from the provisions of chapter sixty-eight A (68A) of the Code. The secretary of the board shall immediately mail notice of the board's action to the teacher.

7. If the teacher is no longer a probationary

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teacher, the teacher may, within ten days, appeal the determination of the board to an adjudicator by filing a notice of appeal with the secretary of the board. The notice of appeal shall contain a concise statement of the action which is the subject of the appeal, the particular board action appealed from, the grounds on which relief is sought and the relief sought.

Within five days following receipt by the secretary of the notice of appeal, the board or the board's legal representative, if any, and the teacher or the teacher's representative, if any, may select an adjudicator who resides within the boundaries of the merged area in which the school district is located. If an adjudicator cannot be mutually agreed upon within the five-day period, the secretary shall notify the chairperson of the public employment relations board by transmitting the notice of appeal, and the chairperson of the public employment relations board shall within five days provide a list of five adjudicators to the parties. Within three days from receipt of the list of adjudicators, the parties shall select an adjudicator by alternately removing a name from the list until only one name remains. The person whose name remains shall be the adjudicator. The parties shall determine by lot which party shall remove the first name from the list submitted by the chairperson of the public employment relations board. The secretary of the board shall inform the chairperson of the public employee relations board of the name of the adjudicator selected.

If the teacher does not timely request an appeal to an adjudicator the decision, opinion, or conclusion of the board shall become final and binding.

Within thirty days after filing the notice of appeal, or within further time allowed by the adjudicator, the board shall transmit to the

adjudicator the original or a certified copy of the entire record of the private hearing which may be the subject of the petition. By stipulation of the parties to review the proceedings, the record of the case may be shortened. The adjudicator may require or permit subsequent corrections or additions to the shortened record.

The record certified and filed by the board shall be the record upon which the appeal shall be heard and no additional evidence shall be heard by the adjudicator. In such appeal to the adjudicator, especially when considering the credibility of witnesses, the adjudicator shall give weight to the

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fact findings of the board; but shall not be bound by them.

Before the date set for hearing a petition for review of board action, which shall be within ten days after receipt of the record unless otherwise agreed or unless the adjudicator orders additional evidence be taken before the board, application may be made to the adjudicator for leave to present evidence in addition to that found in the record of the case. If it is shown to the adjudicator that the additional evidence is material and that there were good reasons for failure to present it in the private hearing before the board, the adjudicator may order that the additional evidence be taken before the board upon conditions determined by the adjudicator. The board may modify its findings and decision in the case by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions, with the adjudicator and mail copies of the new findings or decisions to the teacher.

The adjudicator may affirm board action or remand to the board for further proceedings. The adjudicator shall reverse, modify, or grant any appropriate relief from the board action if substantial rights of the teacher have been prejudiced because the board action is:

a. In violation of a board rule or policy or contract; or

b. Unsupported by a preponderance of the competent evidence in the record made before the board when that record is viewed as a whole; or

c. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

The adjudicator shall, within fifteen days after the hearing, make a decision and shall give a copy of the decision to the teacher and the secretary of the board. The decision of the adjudicator shall become the final and binding decision of the board

unless either party within ten days notifies the secretary of the board that the decision is rejected. The board may reject the decision by majority vote, by roll call, in open meeting and entered into the minutes of the meeting. The board shall immediately notify the teacher of its decision by certified mail. The teacher may reject the adjudicator's decision by notifying the board's secretary in writing within ten days of the filing of such decision.

All costs of the adjudicator shall be shared equally

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by the teacher and the board.

8. If either party rejects the adjudicator's decision, the rejecting party shall, within thirty days of the initial filing of such decision, appeal to the district court of the county in which the administrative office of the school district is located. The notice of appeal shall be immediately mailed by certified mail to the other party. The adjudicator shall transmit to the reviewing court the original or a certified copy of the entire record which may be the subject of the petition. By stipulation of all parties to the review proceedings, the record of such a case may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional cost. The court may require or permit subsequent corrections or additions to the shortened record.

In proceedings for judicial review of the adjudicator's decision, the court shall not hear any further evidence but shall hear the case upon the certified record. In such judicial review, especially when considering the credibility of witnesses, the court shall give weight to the fact findings of the board; but shall not be bound by them. The court may affirm the adjudicator's decision or remand to the adjudicator or the board for further proceedings upon conditions determined by the court. The court shall reverse, modify, or grant any other appropriate relief from the board decision or the adjudicator's decision equitable or legal and including declaratory relief if substantial rights of the petitioner have been prejudiced because the action is:

a. In violation of constitutional or statutory provisions; or

b. In excess of the statutory authority of the board or the adjudicator; or

c. In violation of a board rule or policy or contract; or

d. Made upon unlawful procedure; or

e. Affected by other error of law; or

f. Unsupported by a preponderance of the competent evidence in the record made before the board and the adjudicator when that record is viewed as

a whole; or

g. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

An aggrieved or adversely affected party to the judicial review proceeding may obtain a review of any final judgment of the district court by appeal

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to the supreme court. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

9. The first two consecutive years of employment of a teacher in the same school district are a probationary period. However, a board of directors may waive the probationary period for any teacher who previously has served a probationary period in another school district and the board may extend the probationary period for an additional year with the consent of the teacher.

In the case of the termination of a probationary teacher's contract, the provisions of subsections four (4), five (5), and six (6), of this section shall apply.

The board's decision shall be final and binding unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section twenty point ten (20.10) of the Code.

Sec. 2. Section two hundred seventy-nine point twenty-four (279.24), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

279.24 DISCHARGE OF TEACHER. A teacher may be discharged at any time during the contract year for just cause. The superintendent or the superintendent's designee, shall notify the teacher immediately that the superintendent will recommend in writing to the board at a regular or special meeting of the board held not more than fifteen days after notification has been given to the teacher that the teacher's continuing contract be terminated effective immediately following a decision of the board. The procedure for dismissal shall be as provided in subsections five (5) through nine (9) of section two hundred seventy-nine point thirteen (279.13) of the Code. The superintendent may suspend a teacher under this section pending hearing and determination by the board."

2. By striking pages 2 through 6.

Roll call was requested by Stromer of Hancock and Small of Johnson.

On the question "Shall amendment H—6559, to amendment H—6257, be adopted?"

The ayes were, 79:

Anderson	Egenes	Krause	Readinger
Avenson	Evans	Lageschulte	Rinas
Baker	Fitzgerald	Lindeen	Scheelhaase
Bennett	Gentleman	Lipsky	Schroeder
Bina	Gilloon	Menke	Small
Binneboese	Griffee	Mennenga	Spear
Bittle	Halvorson	Middleswart	Spencer
Brandt	Hansen	Middleton	Spradling
Branstad	Hargrave	Millen	Stromer
Brockett	Harper	Miller, A. V.	Svoboda
Brunow	Harvey	Miller, O. L.	Tauke
Clark	Higgins	Nealson	Tofte
Connors	Hinkhouse	Newhard	Varley
Crawford	Horn	Norland	Walter
Cusack	Howell	Oakley	Wells
Danker	Hullinger	O'Halloran	West
Den Herder	Jesse	Patchett	Wulff
Drake	Jochum	Pavich	Wyckoff
Dunton	Jordan	Perkins	Mr. Speaker
Dyrland	Junker	Poncy	

The nays were, 13:

Bortell	Husak	Miller, K. D.	Pellett
Byerly	Koogler	Monroe	Welden
Dieleman	Lonergan	Nielsen	Woods
Hines			

Absent or not voting, 7:

Crabb	Doyle	Hutchins	McElroy
Daggett	Hennessey	Kreamer	

Amendment H—6559 was adopted.

Oakley of Clinton moved the adoption of amendment H—6257, as amended.

Amendment H—6257, as amended, was adopted.

With the adoption of amendment H—6257, as amended, the following amendments are out of order: H—3589, H—3591, H—3603, H—3623, H—3648, H—3649, H—3651, H—3654, H—3746, H—3810, H—3825, H—3857, H—3937, H—3975, H—3999, H—4049, H—4050, H—4051, H—4062, H—4065, H—4086, H—4113, H—4154, H—4182, H—4236, H—5285, H—5305, H—5321, H—5356, H—5713, H—6013, H—6023, H—6048, H—6069, H—6071, H—6100, H—6101, H—6102, H—6121, H—6122, H—6123, H—6124, H—6125, H—6127, H—6170, H—6205, H—6206, H—6210, H—6223, H—6238, H—6250, H—6283, H—6284, H—6290, H—6298, H—6304, H—6324, H—6325, H—6327, H—6341, H—6342, H—6351, H—6377, H—6416, H—6417, H—6418, H—6438, H—6439, H—6458, H—6459, H—6460, H—6471, H—6472, and H—6478.

Patchett of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 205)

The ayes were, 88:

Anderson	Egenes	Koogler	Perkins
Avenson	Evans	Krause	Poncy
Baker	Fitzgerald	Lageschulte	Readinger
Bennett	Gentleman	Lindeen	Rinas
Bina	Gilloon	Lipsky	Scheelhaase
Binneboese	Griffee	Menke	Schroeder
Bortell	Halvorson	Mennenga	Small
Brandt	Hansen	Middleswart	Spear
Branstad	Hargrave	Middleton	Spencer
Brockett	Harper	Millen	Spradling
Brunow	Harvey	Miller, A. V.	Stromer
Byerly	Hennessey	Miller, K. D.	Svoboda
Clark	Higgins	Monroe	Tauke
Connors	Hines	Nealson	Tofte
Crawford	Horn	Newhard	Varley
Cusack	Howell	Nielsen	Walter
Danker	Hullinger	Norland	Wells
Den Herder	Husak	Oakley	West
Dieleman	Jesse	O'Halloran	Woods
Drake	Jochum	Patchett	Wulff
Dunton	Jordan	Pavich	Wyckoff
Dyrland	Junker	Pellett	Mr. Speaker

The nays were, 5:

Bittle	Lonergan	Miller, O. L.	Welden
Hinkhouse			

Absent or not voting, 6:

Crabb	Doyle	Kreamer	McElroy
Daggett	Hutchins		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(Senate File 205)

Patchett of Johnson asked and received unanimous consent that **Senate File 205** be immediately messaged to the Senate.

COMMUNICATION FROM THE SECRETARY OF STATE

May 6, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1062, and Governor Robert D. Ray's item veto message were published in entirety in the Globe-Gazette, Mason

City, Iowa on May 4, 1976, and in The Perry Daily Chief, Perry, Iowa on May 3, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the vote was taken on Senate Files 357 and 487 and House File 1533. Had I been present, I would have voted "aye."

MIDDLETON of Black Hawk

I was necessarily absent from the House chamber when the vote was taken on House File 1486. Had I been present, I would have voted "aye."

HINKHOUSE of Cedar

MOTIONS TO RECONSIDER

(House File 1475)

I move to reconsider the vote by which House File 1475 passed the House on May 6, 1976.

SCHEELHAASE of Woodbury

(Amendment H—6526 to House File 1314)

I move to reconsider the vote by which H—6526 to House File 1314 failed to be adopted on May 5, 1976.

BRANDT of Black Hawk

REPORTS OF COMMITTEES

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **House File 1519**, a bill for an act to legalize the proceedings of the board of supervisors of Allamakee County in connection with contracts made for improvements to the Allamakee County Home and Allamakee County Courthouse, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

NORLAND of Worth, Chair

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1283**, a bill for an act relating to and making an appropriation to the Iowa beer and liquor control department, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6556

Amend House File 1538 as follows:

1. Page 4, by inserting after line 16 the following:

"h. The approximate price the applicant anticipates paying for rights-of-way."

2. Page 4, by inserting after line 25 the following:

"Sec. ..... *NEW SECTION.* Every person seeking to acquire an easement or other property interest for the construction of a pipeline shall:

1. Allow the landowner thirty days to cancel any agreement granting an easement or other interest and inform the landowner in writing of the right to cancel prior to the signing of the agreement by the landowner.

2. Provide the landowner with a form in duplicate of the notice for cancellation.

3. Not record any agreement until after the period for cancellation has expired.

4. Not include in the agreement any waiver of the right to cancel in accordance with this section."

3. Page 5, line 28, by inserting after the word "pipeline" the words "or underground storage".

4. Page 12, by inserting after line 29 the following:

"Sec. ..... *NEW SECTION.* INJURY TO PERSON OR PROPERTY. In case of injury to any person or property by any pipeline, negligence will be presumed on the part of the person or corporation operating the pipeline in causing said injury, but this presumption may be rebutted by proof. Such presumption shall not exist in favor of employees of the person or corporation operating the pipeline who are charged with or engaged in the construction, reconstruction, repair, or maintenance thereof, unless otherwise provided by the employer's liability and workmen's compensation laws of the state."

5. By renumbering the sections in accordance with this amendment.

HOWELL of Floyd
HENNESSEY of Delaware
DYRLAND of Clayton
DAGGETT of Adams
MILLER of Cerro Gordo
MENNENGA of Clinton
WYCKOFF of Benton
NEWHARD of Jones
LAGESCHULTE of Bremer
AVENSON of Fayette
HINKHOUSE of Cedar
MILLER of Buchanan
JORDAN of Linn
GRIFFEE of Chickasaw

H—6558

Amend Senate File 204, as amended, passed, and reprinted by the Senate as follows:

1. Page 2, by inserting after line 17 the following:

"Sec. ..... Section three hundred twenty-one A point one (321A.1), unnumbered paragraph one (1), and subsections two (2), four (4), six (6), eight (8), nine (9), and ten (10), Code 1975, are amended to read as follows:

[The following words and phrases when] *As* used in this chapter [shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where] *the following definitions shall apply unless* the context [clearly indicates a different meaning] *otherwise requires:*

2. JUDGMENT. Any judgment which shall have become final by expiration without appeal [during] *of* the time within which an appeal might have been perfected, or any judgment, if an appeal [from such judgment] has been perfected, which has not been stayed by the execution, filing and approval of a bond as provided in rule 337 (a) of the rules of civil procedure, or any judgment which shall have become final by affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action [arising] *for damages, which arose* out of the ownership, maintenance, or use of any motor vehicle, [for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof,] or upon a cause of action on an agreement of settlement for [such] *those* damages, *and for the payment of which this Act requires the maintenance of proof of financial responsibility.*

4. MOTOR VEHICLE. "Motor vehicle" means [every vehicle which is self-propelled but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires, but not operated upon rails] *a motor vehicle as defined in section three hundred twenty-one point one (321.1) of the Code and includes a motor vehicle which either is subject to registration, or is exempt from registration pursuant to either subsection one (1) of section three hundred twenty-one point eighteen (321.18) of the Code or section three hundred twenty-one point fifty-three (321.53) of the Code.* The term "car" or "automobile" shall be synonymous with the term "motor vehicle".

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6. NONRESIDENT OPERATING PRIVILEGE. The privilege conferred upon a nonresident by the laws of this state

pertaining to the operation by [him] *that person* of a motor vehicle, or the use of a motor vehicle owned by [him] *that person*, in this state.

8. OWNER. [A] *"Owner" means a* person who holds the legal title of a motor vehicle[, or in]. *In* the event a motor vehicle is the subject of a security agreement with a right of possession in the debtor, then [such] *the* debtor shall be deemed the owner for the purpose of this chapter, *and the secured party shall be exempt from the requirements of this Act respecting that vehicle.*

9. PERSON. [Every] *"Person" means and includes a* natural person, firm, [copartnership] *partnership*, association, or corporation.

10. PROOF OF FINANCIAL RESPONSIBILITY. [Proof] *"Proof of financial responsibility" means proof* of ability to respond in damages for liability[, on account of accidents occurring subsequent to the effective date of said proof,] arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of ten thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident. *"Damages" means and includes any amounts recoverable either as compensation for loss or as punitive or exemplary awards under the common law or statutes of this state.*

Sec. ..... Section three hundred twenty-one A point two (321A.2), subsection one (1), Code 1975, is amended to read as follows:

1. The director shall administer and enforce the provisions of this chapter and may make rules necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the director [under the provisions of sections 321A.4 to 321A.11] *when issued or taken in contested cases.*

[Such hearings] *Hearings* shall be held [before the director] *in accordance with the administrative procedure act and* as early as practicable within not to exceed twenty days after receipt of such request *and* in the county wherein the requesting person resides unless the director and such person agree that such hearing may be held in some other county. Upon [such]

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hearing the director **may administer oaths and may** issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination under oath of the person **requesting [such]** ***the*** **hearing.**

Sec. ..... Section three hundred twenty-one A point four (321A.4), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.4 FINANCIAL RESPONSIBILITY REQUIRED. Except as provided in this Act, a motor vehicle shall not be registered or operated in this state unless the owner has acquired and maintains proof of financial responsibility in a form permitted by this Act. With respect to a motor vehicle which is registered or required to be registered in this state, proof of financial responsibility is not in effect under this chapter unless and until filed with the county in which the motor vehicle is registered, or with the director. This section shall take effect January 1, 1977.

Sec. ..... Section three hundred twenty-one A point five (321A.5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred forty-three (143), section two (2), is amended by striking the section and inserting in lieu thereof the following:

321A.5 FAILURE OF PROOF—REVOCATION OF REGISTRATION—REISSUANCE.

1. Upon receipt of evidence by the director that any of the following conditions exist the director, without hearing, immediately shall revoke the registration of the motor vehicle involved or specified, and shall give notice thereof to the owner by certified mail, and shall request the voluntary surrender of registration to the department:

a. Failure by the owner to submit proof of financial responsibility within the time specified in a notice issued pursuant to section five (5) of this Act or within the time specified in a subsequent order issued pursuant to section five (5) of this Act.

b. Failure by the owner to satisfy a judgment against him or her within sixty days after that judgment has become final.

c. The occurrence of a motor vehicle accident within this state which results in bodily injury or death to any person, or in damage to the property of any person, where proof of financial responsibility is not in effect for the motor vehicle involved, if the motor vehicle is required to be registered in

this state.

d. The issuance of a uniform citation and complaint pursuant to chapter seven hundred fifty-three (753) of the Code, or the filing of a criminal complaint, information, or indictment, alleging an offense involving the use of a motor vehicle, where proof of financial responsibility is not in effect for the motor vehicle involved, if that motor vehicle is

required to be registered in this state.

e. The conviction of an owner of a violation of section six (6) of this Act.

2. The director may make application to the district court for a warrant authorizing the seizure of the registration plates of any motor vehicle for which registration has been revoked by the director pursuant to subsection one (1) of this section. The application shall be accompanied by affidavit of the director stating the specific statutory authority and the grounds upon which the revocation was based. Upon receipt of an application which meets the requirements of this subsection, the district court shall issue a warrant authorizing the seizure of specified registration plates, but without limit as to place of seizure or time of day. A peace officer may execute the warrant of seizure with or without the knowledge, consent or assistance of any operator or the registered owner of the motor vehicle.

3. A registration which has been revoked pursuant to subsection one (1) of this section shall not be reissued to that owner for that vehicle until the owner has paid to the department a reinstatement fee of ten dollars, has paid to the district court any costs imposed for the issuance and execution of any warrant, has satisfied or has been absolved of liability for any outstanding judgment and has submitted proof of financial responsibility in a form permitted by this Act.

Sec. ..... Section three hundred twenty-one A point six (321A.6), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-four (184), section one (1), is amended by striking the section and inserting in lieu thereof the following:

321A.6 NOTICE OF PROPOSED REVOCATION-HEARING.

1. Upon receipt of evidence by the director that any of the following conditions exist, the director immediately shall cause notice to be mailed by certified mail to the owner of the motor vehicle:

a. The proof of financial responsibility on record is by certificate of insurance and the director has

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received notice as provided in subsection three (3) of section twelve (12) of this Act from the insurance carrier of the pending cancellation by the carrier of the motor vehicle liability policy.

b. The proof of financial responsibility on record is by surety bond and a surety has given notice to the director pursuant to subsection three (3) of section twelve (12) of this Act of the pending cancellation of the bond.

c. The proof of financial responsibility on record is by self-insurance and a judgment entered against the owner has become final and has not been satisfied.

d. That proof of financial responsibility otherwise is or will become ineffective with respect to any motor vehicle being operated in this state.

e. The initiation of a criminal action in a manner specified in paragraph d of subsection one (1) of section four (4) of this Act where proof of financial responsibility has not been filed with the director and the motor vehicle is registered elsewhere than in this state or is not registered.

2. The notice required by subsection one (1) of this section shall be addressed to the owner at the address shown on the registration records, and shall be in the following form or in a similar form giving reasonable notice of the intent to revoke and the right of hearing:

NOTICE

This is to notify you that it is unlawful to operate a motor vehicle in Iowa unless the owner maintains proof of financial responsibility in the manner permitted by chapter 321A of the Code of Iowa.

The Iowa state department of transportation has been given notice by your _____ (department to insert "insurance carrier", "surety", or "judgment creditor") that your proof of financial responsibility will be ineffective as of _____ (department to insert effective date of cancellation of policy or bond, or the expiration date of the sixty-day period after entry of final judgment) unless you _____ (department to insert "submit new proof of financial responsibility" or "satisfy the judgment rendered against you").

You are given notice that unless you _____ (department to insert "submit proof of financial responsibility to the department", or "satisfy the judgment rendered against you and submit evidence to the department") at _____ (department to insert location of county registration office in county of residence of owner) or at _____ (department to

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insert location of department office) before the date specified above, the department will revoke the registration for the motor vehicle(s) with the following registration number(s): _____ (department to insert motor vehicle registration plate numbers).

You are entitled to have a hearing before the department if you wish to contest the authority of the department to revoke the registration(s) listed above, but in order to obtain a hearing you must contact the department at _____ (department to insert telephone number in county where hearing is required to be held) not later than 4:30 p.m., _____ (department to insert date not earlier than the tenth day after the notice is to be mailed).

If you do not establish proof of financial responsibility or request a hearing the department will revoke the registration(s) listed in this notice as of the date specified in paragraph two of this notice, and you then will have to pay certain fees and costs in order to have the registration reissued.

Director
Iowa Department of Transportation

3. If the owner requests a hearing as provided in subsection two (2) of this section within the period specified in the notice, the director shall cause a hearing to be held not less than two business days prior to the date upon which the proof of financial responsibility allegedly shall expire. If upon hearing the director determines that the proof of financial responsibility of the owner shall expire as alleged, the director shall issue an order of revocation effective as of the date the proof of financial responsibility shall expire. The order shall take effect as of that date unless the person submits proof of financial responsibility prior to that date.

4. If the owner to whom notice was mailed fails to submit proof of financial responsibility, and fails to request a hearing or fails to appear in person at a scheduled hearing, the director shall revoke the registration of that owner as provided in section four (4) of this Act.

5. Nothing in this section shall be deemed to prohibit informal settlement of any matter which could resolved at the hearing prescribed in subsection three (3) of this section, but the director may not agree to any waiver of section three (3) of this Act.

6. A notice mailed to an owner pursuant to this section shall be effective with respect to any other

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registration of the owner subject to revocation but not included in the written notice, if the owner is present for and is given actual notice at the time of hearing.

7. If proof of financial responsibility is to become ineffective for more than one owner because of action taken by the director with respect to an insurance carrier or a surety company, the director may consolidate hearings with respect to all owners affected by that action of the director.

Sec. ..... Section three hundred twenty-one A point seven (321A.7), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-four (184), sections two (2) and three (3), is amended by striking the section and inserting in lieu thereof the following:

321A.7 OPERATING VEHICLE WITHOUT PROOF OF RESPONSIBILITY—PENALTY.

1. It is unlawful for the owner of a motor vehicle required to be registered in this state, and for the nonresident owner of a motor vehicle not required to be registered in this state, to operate or to give permission, either express or implied, to any other person to operate in this state the motor vehicle of that owner when proof of financial responsibility is not in effect for that vehicle.

2. It is unlawful for a person to operate a motor vehicle in this state if the person has reason to know that proof of financial responsibility is not in effect for that motor vehicle.

3. A person convicted of violating this section shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a term not exceeding thirty days. However, upon any second or subsequent conviction the punishment shall be by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both fine and imprisonment.

Sec. ..... Section three hundred twenty-one A point eight (321A.8), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.8 SUSPENSION OF OPERATING PRIVILEGE. The director, upon receipt of notice of a conviction of violation of subsections one (1) or two (2) of section six (6) of this Act, shall suspend the operator's license or nonresident operating privilege of the person convicted. Notice of the suspension shall be mailed by certified mail to the owner not less than ten days prior to the effective date of the

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suspension. If the conviction is a first conviction the suspension shall be in effect for a period of thirty days. If the conviction is a second or subsequent conviction, the suspension shall be in effect for a period of one year.

Sec. ..... Section three hundred twenty-one A point nine (321A.9), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.9 COURTS TO REPORT JUDGMENTS. Whenever a judgment entered against a resident or a nonresident has become final, or whenever a person is convicted of a violation of section six (6) of this Act, the clerk of district court shall forward to the director a certified copy of that judgment. If the defendant is a nonresident, the director shall transmit a certified copy to the official in charge of the issuance of licenses and registrations of the state of which the defendant is resident.

Sec. ..... Section three hundred twenty-one A point ten (321A.10), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.10 METHODS OF PROVIDING PROOF OF FINANCIAL RESPONSIBILITY. Except as otherwise provided in this Act, proof of financial responsibility may be established by any of the following:

1. A motor vehicle liability policy.
2. A liability bond.
3. A certificate of self-insurance.

Sec. ..... Section three hundred twenty-one A point eleven (321A.11), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.11 CERTIFICATE OF INSURANCE OF RESIDENT. Proof of financial responsibility may be established for a motor vehicle required to be registered in this state by filing with the county treasurer or with the director the written certificate of any insurance carrier authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate shall give the effective date and termination date of the policy, and shall designate by explicit description or by appropriate reference all motor vehicles covered by that policy, unless the policy is issued to a person who is not the owner of a motor vehicle.

Sec. ..... Section three hundred twenty-one A point twelve (321A.12), Code 1975, is amended by striking the section and inserting in lieu thereof the

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following:

321A.12 CERTIFICATE OF INSURANCE OF NONRESIDENT.

1. The nonresident owner of a motor vehicle not required to be registered in this state may establish proof of financial responsibility by maintaining a liability policy which provides the coverages required by this chapter. That nonresident owner may submit proof of financial responsibility when required to do so by notice or order issued by the director by filing with the director a written certificate of an insurance carrier authorized to transact business in the state in which the motor vehicle described in the certificate is registered, or if the non-resident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms with the provisions of this chapter, and the director shall accept the same upon condition that the insurance carrier complies with the following provisions with respect to the policies certified:

a. The insurance carrier shall execute a power of attorney authorizing the director to accept on its behalf service of original notice or process in any action arising out of a motor vehicle accident

in this state.

b. The insurance carrier shall agree in writing that all policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

2. If any insurance carrier which has qualified to write motor vehicle liability policies defaults in any undertakings or agreements, the director, pursuant to an order issued after notice and hearing, shall disqualify that carrier and shall not thereafter accept as proof any certificate of that carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

Sec. ..... Section three hundred twenty-one A point thirteen (321A.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.13 MOTOR VEHICLE LIABILITY POLICY—TERMS—CONDITIONS.

1. A "motor vehicle liability policy" or "liability policy", means an owner's or an operator's policy of liability insurance issued by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

2. A liability policy shall not be certified by

an insurance carrier or accepted by the director as proof of financial responsibility unless all of the following conditions are met:

a. All motor vehicles with respect to which coverage is thereby to be granted are designated by explicit description or appropriate reference.

b. The person named as insured and any other person using a designated motor vehicle with the express or implied permission of the named insured shall be insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of that motor vehicle within the United States of America or the Dominion of Canada, but subject to limits, exclusive of interest and costs, with respect to each designated motor vehicle as follows: Ten thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and five thousand dollars because of injury to or destruction of property of others in any one accident.

c. The person named as insured shall be insured against loss from liability imposed by law for damages arising out of the use by the insured of any motor vehicle not owned by the insured, within the same territorial limits and subject to the same limits

of liability specified in paragraph b of this subsection.

d. The name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability shall be stated in the liability policy, and the policy shall contain an agreement or shall be endorsed that insurance is provided thereunder in accordance with and is subject to all the provisions of this chapter.

e. The liability policy shall contain the express condition that the policy may not be terminated by cancellation by the surety unless the insurance carrier mails notice of cancellation to the insured not less than fifteen days prior to the cancellation date.

f. The effective period of the policy shall be for a term of not less than six months. However, this paragraph shall not be deemed to prohibit a cancellation for cause.

3. A motor vehicle liability policy certified by an insurance carrier as proof of financial responsibility shall be subject to the following provisions:

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a. The liability of the insurance carrier with respect to the insurance coverage required by this Act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; the policy may not be canceled or annulled as to any liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; and no oral or written statement made by the insured or on the insured's behalf, and no violation of the terms of the policy by the insured shall defeat or void the policy.

b. The satisfaction by the insured of a final judgment shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of injury or damage.

c. The liability policy may not be terminated by cancellation unless the insurance carrier mails written notification of the cancellation to the director not less than fifteen days prior to the effective date of the cancellation. An insurance carrier may consolidate notifications respecting two or more insureds into a single notification to the director.

d. A notice of cancellation mailed to an insured by an insurance carrier pursuant to this Act either shall contain a statement, or shall be accompanied by a statement, that proof of financial responsibility must be maintained for all nonexempt registered motor vehicles, and that operating or permitting the operation of a nonexempt motor vehicle without maintaining proof of financial responsibility is a public offense.

Sec. ..... Section three hundred twenty-one A point fourteen (321A.14), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.14 TIME OF CERTIFICATION. A motor vehicle liability policy issued, reissued, renewed, or endorsed to include different or additional vehicles, in this state after November 1, 1976 shall be accompanied by a certificate of insurance in a form prescribed by the director. Not later than December 1 of 1976 and of each year thereafter, every insurance carrier which is authorized to certify motor vehicle liability policies for use in this state shall mail to its existing insureds a certificate of insurance for all liability policies. An owner of an insured motor vehicle shall, after November 1, 1976, submit a certificate of insurance to the county treasurer at the time of obtaining original registration of that motor vehicle by that owner. An owner reregistering

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a motor vehicle in this state for the year 1977 and for any year thereafter shall submit a certificate to the county treasurer at the time of applying for registration for that year.

Sec. ..... Section three hundred twenty-one A point fifteen (321A.15), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.15 SURETY BOND—TERMS—CONDITIONS.

1. Proof of financial responsibility may be evidenced by the bond of a surety company authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state. The bond shall be in a form prescribed by the director, and shall meet the terms, conditions, and amounts required of a motor vehicle liability insurance policy. In the case of a bond secured by real estate, the value of the unencumbered equities in the real estate must equal not less than fifty thousand dollars. The bond shall be filed with the director and shall constitute a lien in favor of the state upon the scheduled real estate of each surety, which lien shall exist in favor of any holder of a final judgment against the person because of loss resulting from the ownership, maintenance, use, or operation of a motor vehicle after the bond was filed, upon the filing of a notice and copy of the bond by the director in the office of the clerk of court of the county where such real estate is located. Any individual surety shall furnish satisfactory evidence of title to the real estate and the nature and extent of all encumbrances thereon and the value of the surety's interest therein, in such manner as the director may require. The notice

filed by the director shall contain, in addition to any other matters deemed by the director to be pertinent, a legal description of the real estate so scheduled, the name of the holder of the record title, the amount for which it stands as security, and the name of the person in whose behalf proof is so being made. Upon the filing of such notice the clerk of court shall retain the same as part of the records of such court and enter upon the encumbrance book the date and hour of filing, the name of the surety, the name of the record titleholder, the description of the real estate, and the further notation that a lien is charged on such real estate pursuant to the notice filed hereunder. From and after the entry of the foregoing upon the encumbrance book all persons shall be charged with notice thereof.

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2. If a final judgment rendered against the principal on the bond shall not be satisfied within sixty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. An action to foreclose any lien upon real estate scheduled by any surety under the provisions of this chapter shall be by equitable proceeding in the same manner as is provided for the foreclosure of real estate mortgages.

3. A judgment creditor may give written notice to the director after the expiration of not less than thirty days after a judgment becomes final if the judgment has not been satisfied. Upon receiving notice, or upon receipt of other evidence, the director shall proceed as provided in sections four (4) or five (5) of this Act, whichever is applicable.

4. If any surety defaults in any undertakings or agreements, the director, pursuant to an order issued after notice and hearing, shall not thereafter accept as proof of financial responsibility any bond of that surety, whether filed before or tendered after the effective date of that order, so long as the default continues.

5. If an owner submitting real estate as surety fails to satisfy a final judgment within sixty days after entry, the registration of that owner shall be revoked until compliance with this chapter is maintained, and that owner may not thereafter submit proof of financial responsibility in the form of either surety bond or self-insurance.

Sec. ..... Section three hundred twenty-one A point sixteen (321A.16), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.16 SELF-INSURANCE—TERMS—CONDITIONS.

1. Any person in whose name more than twenty-five motor vehicles are registered either within this state or elsewhere may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the director as provided in subsection two (2) of this section.

2. The director may, in his or her discretion, upon the application of a person qualified under subsection one (1) of this section, issue a certificate of self-insurance when satisfied that the person is possessed and will continue to be possessed of ability to pay judgments obtained against that person for

Page 14

damages arising out of the ownership, maintenance, or use of any vehicle owned by that person.

3. Upon not less than five-days' notice and a hearing pursuant to such notice, the director upon reasonable grounds may cancel a certificate of self-insurance. Failure to pay any judgment within sixty days after that judgment shall have become final shall constitute grounds for the cancellation of a certificate of self-insurance.

Sec. ..... Section three hundred twenty-one A point seventeen (321A.17), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.17 OTHER PROOF MAY BE REQUIRED. Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the director shall, upon notice pursuant to section five (5) of this Act, require other proof as required by this Act and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof. The department may adopt, amend and repeal rules specifying the conditions upon which proof of financial responsibility shall fail to fulfill the purposes of this chapter.

Sec. ..... Section three hundred twenty-one A point eighteen (321A.18), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.18 SURRENDER OF LICENSE AND REGISTRATION. Any person whose license or registration shall have been suspended or revoked as provided in this Act, upon request of the department immediately shall return the license or registration to the director. Failure to comply with this section is a violation of this Act.

Sec. ..... Section three hundred twenty-one A point nineteen (321A.19), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.19 TRANSFERS OF OWNERSHIP. Nothing in this Act shall be deemed to prevent the owner of a motor

vehicle, the registration of which has been suspended hereunder, from effecting a sale of that motor vehicle to another person whose rights or privileges are not suspended under this Act, nor to prevent the registration of that motor vehicle by the transferee.

Sec. ..... Section three hundred twenty-one A point twenty (321A.20), Code 1975, is amended by striking the section and inserting in lieu thereof the

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following:

321A.20 VIOLATIONS—PENALTIES.

1. Any person whose license or registration or nonresident's operating privilege has been suspended, denied or revoked under this Act, and who during such suspension, denial or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by him or her to be operated by another upon any highway, except as permitted under this Act, shall upon conviction be fined not more than five hundred dollars or imprisoned not exceeding six months, or both.

2. Any person convicted of willfully failing to return license or registration when required by section seventeen (17) of this Act shall be fined not more than five hundred dollars or imprisoned not to exceed thirty days, or both.

3. Any person who shall forge, counterfeit, or without authority sign, any evidence of proof of financial responsibility, or who files or offers for filing any evidence of proof knowing or having reason to believe that it is forged, counterfeited, or signed without authority shall upon conviction be fined not more than one thousand dollars or imprisoned not more than one year, or both.

4. Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall upon conviction be fined not more than five hundred dollars or imprisoned not more than ninety days, or both.

Sec. ..... Section three hundred twenty-one A point twenty-one (321A.21), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.21 EXEMPTIONS. A motor vehicle owned by the United States or by this state shall be exempt from the requirements of this Act.

Sec. ..... Section three hundred twenty-one A point twenty-two (321A.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.22 APPLICATION OF CHAPTER.

1. This chapter shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to January 1, 1977. Any person who

has before January 1, 1977, had his or her operator's license suspended or has had his or her motor vehicle registration plates suspended or who has been refused registration or license to operate a motor vehicle

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upon the highways of the state of Iowa, under the provisions of sections of the Code in effect before January 1, 1977, and has not had such suspension removed, as therein provided, shall not be issued an operator's license nor be entitled to registration of a motor vehicle in this state until proof of financial responsibility is filed with the director establishing compliance with this Act.

2. Nothing in this Act shall be construed to limit or reduce any remedies of a plaintiff in any action at law.

Sec. ..... Section three hundred twenty-one A point twenty-three (321A.23), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.23 DISCLOSURE REQUIRED BY MOTOR VEHICLE DEALERS. Whenever any dealer licensed under chapter three hundred twenty-two (322) of the Code sells a motor vehicle at retail and the transaction does not include the sale of liability insurance coverage which meets the requirements of this Act, the purchase order or invoice evidencing the transaction shall contain a statement in the following form:

"I understand that liability insurance coverage which is required by the Iowa Motor Vehicle Compulsory Financial Responsibility Act IS NOT INCLUDED in my purchase of the herein described motor vehicle. I have received a copy of this statement.

_____

(Purchaser's signature)

The seller shall print or stamp said statement on the purchase order or invoice in a distinctive color of ink and with clearly visible letters. Said statement shall be signed by the purchaser in the space provided therein on or before the date of delivery of the motor vehicle described in the purchase order or invoice and a copy thereof shall be given to the purchaser by the seller.

No civil liability shall arise on account of the failure of any person to comply with the provisions of this section.

Any person violating any provisions of this section commits a violation of this Act.

Sec. ..... Section three hundred twenty-one A point twenty-four (321A.24), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.24 COORDINATION WITH COUNTIES. The director shall establish procedures for certifying to county treasurers on an annual basis at the time of

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registration of motor vehicles in this state, and on an individual need basis, information respecting the existence or nonexistence of proof of financial responsibility respecting all persons subject to this Act. The director also shall establish procedures for the forwarding by county treasurers, and the recording with the department, of evidence of proof of financial responsibility submitted to county treasurers by persons subject to this Act.

Sec. ..... Section three hundred twenty-one A point twenty-five (321A.25), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321A.25 SHORT TITLE. This Act shall be known and may be referred to as the Iowa Motor Vehicle Compulsory Financial Responsibility Act.

Sec. ..... Section three hundred twenty-one point twenty (321.20), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. **Proof of financial responsibility** when required by chapter three hundred twenty-one A (321A) of the Code.

Sec. ..... Section three hundred twenty-one point twenty-four (321.24), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. **Prior to issuing any** registration the county treasurer shall verify that either the applicant has submitted proof of financial responsibility as required by chapter three hundred twenty-one A (321A) of the Code, or the director has certified proof of financial responsibility of record for that owner as provided in section twenty-three (23) of this Act, or the person is exempt from submitting proof of financial responsibility. Where required proof is not established by evidence submitted with the application or by certification of the director, registration shall not be issued. Proof of financial responsibility shall not be required for issuance of a certificate of title. Proof of financial responsibility submitted by an owner shall be forwarded by the county treasurer to the director as provided by departmental rule.

Sec. ..... Section three hundred twenty-one point forty-six (321.46), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. **Prior to issuing any** registration the county treasurer shall verify that either the applicant has submitted proof of financial responsibility as required by chapter three hundred twenty-one A (321A) of the Code, or the director has

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certified proof of financial responsibility of record for that owner as provided in chapter three hundred

twenty-one A (321A) of the Code. Where required proof is not established by evidence submitted with the application or by certification of the director, registration shall not be issued. Proof of financial responsibility shall not be required for issuance of a certificate of title. Proof of financial responsibility submitted by an owner shall be forwarded by the county treasurer to the director as provided by departmental rule.

Sec. ..... Section three hundred twenty-one point forty-seven (321.47), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Prior to issuing any registration the county treasurer shall verify that either the applicant has submitted proof of financial responsibility as required by chapter three hundred twenty-one A (321A) of the Code, or the director has certified proof of financial responsibility of record for that owner as provided in chapter three hundred twenty-one A (321A) of the Code. Where required proof is not established by evidence submitted with the application or by certification of the director, registration shall not be issued. Proof of financial responsibility shall not be required for issuance of a certificate of title. Proof of financial responsibility submitted by an owner shall be forwarded by the county treasurer to the director as provided by departmental rule.

Sec. ..... Section three hundred twenty-one point fifty-one (321.51), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Prior to issuing any registration the county treasurer shall verify that either the applicant has submitted proof of financial responsibility as required by chapter three hundred twenty-one A (321A) of the Code, or the director has certified proof of financial responsibility of record for that owner as provided in chapter three hundred twenty-one A (321A) of the Code. Where required proof is not established by evidence submitted with the application or by certification of the director, registration shall not be issued. Proof of financial responsibility shall not be required for issuance of a certificate of title. Proof of financial responsibility submitted by an owner shall be forwarded by the county treasurer to the director as provided by departmental rule.

Sec. ..... Section three hundred twenty-one point

Page 19

fifty-three (321.53), Code 1975, is amended to read as follows:

321.53 NONRESIDENT OWNERS OF PASSENGER VEHICLES AND TRUCKS. A nonresident owner, except as provided

in sections 321.54 and and 321.55, of a private passenger motor vehicle, not operated for hire, may operate or permit the operation of such vehicle within this state without registering such vehicle in, or paying any fees to this state subject to the condition that such vehicle at all times when operated in this state is duly registered in, and displays upon it a valid registration plate or plates issued for such vehicle in the place of residence of such owner, *and subject to the condition that the owner maintains proof of financial responsibility as required by chapter three hundred twenty-one A (321A) of the Code.* A nonresident who leases a vehicle from a resident owner shall not be considered a nonresident owner of such vehicle for the purpose of exemption under this section. This section shall be operative to the extent that under the laws of the foreign country, state, territory, or federal district of such nonresident owner's residence like exemptions and privileges are granted to vehicles registered under the laws, and owned by residents, of this state. A truck, truck tractor, trailer or semitrailer owned by a nonresident and operated on Iowa highways must have displayed upon it a valid registration plate or plates and a valid registration certificate, card, or other official evidence of its allowable weight in the state, district or county in which it is registered.

Sec. ..... Section three hundred twenty-one point fifty-nine (321.59), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Prior to issuing any certificate and special plates the department shall verify that either the applicant has submitted proof of financial responsibility where required by chapter three hundred twenty-one A (321A) of the Code, or the director has certified proof of financial responsibility of record for that owner as provided in chapter three hundred twenty-one A (321A) of the Code. Where required proof is not established by evidence submitted with the application or by certification of the director, a certificate or special plates shall not be issued.

Sec. ..... Section three hundred twenty-one point one hundred eighty-one (321.181), unnumbered paragraph three (3), sections three hundred twenty-one A point twenty-six (321A.26) through three hundred twenty-

Page 20

one A point thirty-nine (321A.39), section three hundred twenty-one point four hundred ninety-four (321.494), and section five hundred sixteen A point one (516A.1), unnumbered paragraph two (2), Code 1975, are repealed."

2. Title page, line 1, by inserting after the

word "vehicle" the words "and condition required prior to such registration".

MILLER of Buchanan
KOOGLER of Mahaska
BORTELL of Madison
WYCKOFF of Benton
WELDEN of Hardin
HANSEN of O'Brien
TOFTE of Winneshiek
JORDAN of Linn
SMALL of Johnson
BROCKETT of Marshall
HUSAK of Tama
HUTCHINS of Guthrie

H—6557

Amend the committee on appropriations amendment H—6542, to Senate File 1221 as passed by the Senate, by striking from page 3 of the amendment lines 1, 2 and 3 and inserting in lieu thereof the word *"service;"*.

MONROE of Des Moines

H—6555

Amend Senate File 1280 as amended and passed by the Senate, as follows:

1. Page 11, by striking lines 11 through 14.

BYERLY of Polk

H—6563

Amend Senate File 1310 as amended, passed and reprinted as follows:

1. Page 1, line 7, by inserting after the word "pharmacist," the words "psychologist, speech pathologist, audiologist,".

2. Page 2, line 4, by inserting after the word "nurse" the words ", psychologist, speech pathologist, audiologist".

3. Page 10, by striking lines 22 through 25 and inserting in lieu thereof the words "to a health care board or peer review committee. Any health care provider who violates the terms of this subsection shall be liable to any person aggrieved thereby for actual and punitive damages plus reasonable attorney fees."

4. Page 11, lines 9 and 10, by striking the words "and obligation, as a condition of licensure,".

5. Page 11, lines 18 and 19, by striking the words "and obligation, as a condition of licensure,".

6. Page 13, line 21, by striking the word "practitioners" and inserting in lieu thereof the words "providers or the claimants".

7. Page 14, line 30, by striking the words *"and if the plaintiff shall request,"*.

8. Page 14, by striking line 35 and inserting

in lieu thereof the words *"shall order and be given the necessary evidence, and shall consider"*.

9. Page 16, line 11, by striking the words "one hundred twenty" and inserting in lieu thereof the word "sixty".

10. Page 16, line 15, by striking the words "one hundred twenty" and inserting in lieu thereof the word "sixty".

11. Page 16, line 16, by striking the words "one hundred twenty" and inserting in lieu thereof the word "sixty".

12. Page 16, line 24, by inserting after the word "reporter" the words "when requested by a party to the arbitration".

13. Page 16, by striking lines 26 through 35.

14. Page 17, by inserting before line 1, the following new sections:

"Sec. 23. The general assembly finds that a critical situation continues to exist because of the high cost and impending unavailability of medical malpractice insurance. The general assembly further finds that to assure the uninterrupted delivery of health care services to the citizens of Iowa it is necessary to curtail excessive verdicts to persons who are damaged by medical accidents in order to keep

Page 2

medical malpractice insurance available in this state. The general assembly further finds that without medical liability insurance, physicians, other health care providers and hospitals cannot provide health care services to the public. It is the intent of section twenty-four (24) of this Act to protect the health and welfare of the people of this state by assuring health care.

Sec. 24. Chapter one hundred forty-seven (147), Code 1975, is amended by adding the following new section:

NEW SECTION. In an action for damages for personal injury against a health care practitioner or hospital, based on the alleged negligence of the health care practitioner in the practice of the profession or occupation, or upon the alleged negligence of the hospital in patient care, in which liability is admitted or established, the damages awarded for noneconomic losses incurred or to be incurred in the future by the claimant by reason of the personal injury, shall not exceed the sum of two hundred thousand dollars.

Sec. 25. Chapter six hundred twenty-four (624), Code 1975, is amended by adding the following new section:

NEW SECTION. JUDGMENTS IN MEDICAL MALPRACTICE ACTIONS.

1. As used in this section, the following

definitions shall apply unless the context otherwise requires:

a. "Health care provider" means as provided in section one (1) of this Act.

b. "Health care practitioner" means as provided in section one (1) of this Act.

c. "Hospital" means as provided in section one (1) of this Act.

d. "Medical malpractice action" means every action for damages for personal injury against a health care provider based upon alleged acts or omissions of a health care practitioner in the practice of his or her profession or occupation, or based upon alleged acts or omissions of a hospital in patient treatment or care.

e. "Future injuries" means and includes all legal harm which the trier of fact determines will be incurred by the injured party subsequent to the entry of judgment.

f. "Injured person" means the person during whose medical treatment or care the acts or omissions of malpractice are determined to have occurred.

Page 3

g. "Injured party" means a party plaintiff to a medical malpractice action who is determined to have suffered legal harm, and includes the injured person when a party.

h. "Injury" means and includes every legal harm for which damages are recoverable.

2. The trier of fact in every medical malpractice action shall find as separate facts with respect to each injured party the total amount to be awarded as damages for past injuries, if any, and the specific amounts to be awarded as damages for future injuries, if any. The award for future injuries shall be expressed in three elements, to the extent that each of the elements is found to be present; loss of future income, future expenses for care and treatment, and future noneconomic harm to be endured by the party.

3. The court, in a medical malpractice action in which the award for future injuries to a party exceeds fifty thousand dollars, shall enter, upon establishing that security for payment exists as provided in subsection five (5) of this section, a judgment ordering that those damages, in whole or in part, shall be payable to that party in installments, subject to the limitations contained in this section. Interest at the legal rate shall accrue on the unpaid balances of amounts awarded for future injuries. The court shall make a specific finding as to the dollar amount of regular installments which will be required to compensate the party for loss of future income, future expenses for care and treatment, and future noneconomic harm. The judgment

shall specify the recipient of periodic payments, the dollar amount of each regular payment, the portion of each payment attributable to each element of damages awarded, the interval between payments, the number of payments required to be made, and the amount of the judgment awarded for future expenses for care and treatment. A judgment ordering installment payments shall constitute a final judgment for purposes of appeal.

4. Attorney fees of the party receiving an award, if payable out of the judgment, shall be assessed by the court and applied pro rata against amounts awarded for past injuries and for future injuries. The amount thus determined by the court to be payable out of damages for future injuries shall be deducted by the court from the amount to be ordered paid in installments as provided in this section, and shall be deducted pro rata from those amounts awarded, if any, for loss of future income, future care and

treatment, and future noneconomic harm. The amount of attorney fees attributable to the award for future injuries shall be payable in full upon entry of judgment.

5. The court shall not enter a judgment for installment payments unless the judgment debtor establishes security for payment. Security for payment may be established by filing with the court a surety bond in the amount of the total damages which are payable in installments and conditioned on the timely payment of all damages payable pursuant to this section, or by filing of record in the action an admission of liability for payment of the judgment by one or more liability insurance carriers by whom the judgment debtor was insured, or by filing both a surety bond and admissions of liability in amounts sufficient to secure the payment of the total amount payable in installments.

A surety bond may be reduced in amount from time to time as permitted by the court, and may be terminated and the surety exonerated in the event of satisfaction of the judgment as provided in this section, or in the event admissions of liability are filed by one or more liability insurance carriers subsequent to the filing of the surety bond which establish security for the then outstanding balance of the judgment.

The judgment debtor or any other person on behalf of the judgment debtor may purchase from any life insurance company which holds a certificate of authority under the laws of the state an annuity to satisfy the obligations of the judgment. Upon approval by the court, such an annuity shall constitute security for payment within the meaning of this subsection.

Upon filing of a copy of that annuity with the court, any other security for payment previously filed shall be exonerated.

Nothing contained in this subsection shall require any liability insurance carrier to admit liability in excess of its policy limits, nor shall anything contained in this section impose liability upon an insurance carrier in excess of the amount specified in its admission of liability.

6. In the event that the court finds upon notice and hearing that the judgment debtor, or a person making payments on behalf of the judgment debtor, has exhibited a repeated failure to make timely payments, the court shall set aside the judgment for installment payments and enter judgment for payment of the balance owing in full.

Page 5

7. Except with respect to amounts representing loss of future income, a judgment for installment payment of damages for future injuries shall be a contingent award, and the right to payment shall vest only at such times and in such amounts as accrue pursuant to the judgment.

In the event of the death of the injured party that portion of the judgment constituted of damages for future expenses for care and treatment and damages for future noneconomic harm shall be deemed satisfied upon payment of amounts accrued up to the time of death. Funeral and burial expenses are expenses for care and treatment within the meaning of this subsection, and shall be deemed to have accrued prior to death. That portion of installments constituted of damages for loss of future income shall be paid to a spouse, parents and minor children to whom the deceased owed a legal duty of support, as provided by law, immediately prior to his or her death. In the event there are no such persons who survive the deceased, that portion of the judgment shall be deemed satisfied upon payment of amounts accrued up to the time of death.

The district court shall retain jurisdiction of any judgment in a medical malpractice action which orders installment payments, and upon the death of the recipient of installment payments, the dependents of the decedent in the case of an award for loss of future income or any other interested party to the action or a representative may petition the court for a modification of the judgment and for a redesignation of the recipient of payments, if any, in acordance with the rights of persons as established by this section. Unless otherwise ordered, the redesignated recipients of an award for loss of future income shall be paid in those amounts and at those intervals specified in the original judgment.

Payments shall continue until the remaining amounts awarded for that purpose have been depleted, or until the death of the last of those dependents, whichever occurs sooner. In the event of the death of the last surviving person to whom the injured party owed a duty of support prior to depletion of the amount awarded for loss of future income, the outstanding portions of the judgment shall be deemed satisfied upon payment of amounts accrued up to the time of death.

8. The supreme court is authorized to adopt rules relating to the apportionment of attorney fees of an injured party against past damages and future

Page 6

damages, and any other rules which may be necessary to implement the provisions of this section.

9. It is the intent of the general assembly in enacting this section to authorize the entry of judgments in malpractice actions against health care providers which provide for the payment of future damages through periodic payments rather than lump-sum payments. By authorizing periodic payment judgments, it is the further intent of the general assembly that the courts shall utilize such judgments to provide compensation sufficient to meet the needs of an injured plaintiff and those persons who are dependent on the plaintiff while eliminating the potential windfall from a lump-sum recovery which was intended to provide for the care of an injured plaintiff over an extended period who then dies shortly after the judgment is paid, leaving the balance of the judgment award to persons and purposes for which it was not intended. It is also the intent of the general assembly that all elements of the periodic payment program be specified with certainty in the judgment ordering such payments and that the judgment not be subject to modification at some future time which might alter the provisions of the original judgment other than as expressly permitted by this section.

This section shall apply to a judgment entered in a medical malpractice action on or after September 1, 1976, regardless of when the action was commenced."

15. By renumbering sections.

16. Amend the title, line 6, by inserting after the word "services," the words "for a limitation on amounts recoverable as damages for noneconomic harm in malpractice actions, for payment of certain portions of judgments in health care malpractice actions in installments rather than as a lump sum,".

SMALL of Johnson
HENNESSEY of Delaware
KREAMER of Polk

MILLEN of Van Buren
BINA of Scott
EVANS of Grundy
HALVORSON of Clayton
EGENES of Story
JORDAN of Linn
BROCKETT of Marshall
LONERGAN of Boone
KRAUSE of Palo Alto
MENNENGA of Clinton
STROMER of Hancock
HUTCHINS of Guthrie
CLARK of Lee
PELLETT of Cass
HARVEY of Scott
TOFTE of Winneshiek
SPENCER of Clay
HANSEN of O'Brien
DIELEMAN of Marion
BENNETT of Ida
READINGER of Polk
HOWELL of Floyd
DANKER of Pottawattamie
SCHEELHAASE of Woodbury
MENKE of O'Brien
NEALSON of Muscatine
LAGESCHULTE of Bremer
O'HALLORAN of Black Hawk
NEWHARD of Jones
HORN of Linn
WELDEN of Hardin
MIDDLESWART of Warren
NORLAND of Worth
KOOGLER of Mahaska
DEN HERDER of Sioux
BORTELL of Madison
HINKHOUSE of Cedar

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:20 p.m. until 9:00 a.m., Friday, May 7, 1976.

JOURNAL OF THE HOUSE

One Hundred Seventeenth Calendar Day—Seventy-eighth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, MAY 7, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Steven Root, pastor of the St. James Methodist Church, Cedar Rapids, Iowa.

The Journal of Thursday, May 6, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schroeder of Pottawattamie on request of Wulff of Black Hawk; Oakley of Clinton on request of Harvey of Scott; Cusack of Scott on request of Bina of Scott; Bittle of Polk on request of Brockett of Marshall; Binneboese of Plymouth on request of Newhard of Jones.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Thirty-six Student Council representatives from Williams Junior High School, Davenport, Iowa, accompanied by Ms. Buis, Mr. Hoover and Ms. Loken. By Bina of Scott.

Fifty-five fifth grade students from Washington Elementary School, Muscatine, Iowa, accompanied by Charles Christophersen. By Nealson of Muscatine.

Forty-three sixth grade students from Bryant Elementary School, Boone, Iowa, accompanied by Mrs. Enslow. By Lonergan of Boone.

PETITION FILED

The following petition was received and placed on file:

By Crabb of Crawford from twenty-two constituents in favor of House File 1069 and Senate File 1008, relating to the maximum interest rate which may be paid by persons borrowing for a business purpose, including certain agricultural loans.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House File 1519 and Senate 1283, under Rule 36.

INTRODUCTION OF BILLS

House File 1568, by committee on appropriations, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements.

Read first time and **placed on the appropriations calendar.**

House File 1569, by committee on appropriations, a bill for an act making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems.

Read first time and **placed on the appropriations calendar.**

House File 1570, by committee on appropriations, a bill for an act transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation.

Read first time and **placed on the appropriations calendar.**

House File 1571, by committee on appropriations, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation.

Read first time and **placed on the appropriations calendar.**

House File 1572, by committee on appropriations, a bill for an act discontinuing the use of certain architectural personnel and their support funds by the department of social services.

Read first time and **placed on the appropriations calendar.**

ANNOUNCEMENT BY THE SPEAKER

The following communication was received from the family of Representative James Caffrey:

Your kindness and sympathy
are more deeply appreciated
than any word of thanks
can ever express.

JIM'S FAMILY

HOUSE CONCURRENT RESOLUTION 138

By O'Halloran, Hullinger and Varley

Whereas, the Iowa Coal Research Project was established by the Sixty-fifth General Assembly, 1974 Session, with a $3 million, three-year appropriation, to provide a means of meeting the state's energy needs while simultaneously revitalizing Iowa's once thriving coal industry; and

Whereas, the primary goals of the project are to select, develop and demonstrate economical methods for strip mining Iowa coal and restoring the land and for cleaning the coal to meet current environmental standards; and

Whereas, a demonstration mine has been operating in Mahaska County since September of 1975 and 40,000 tons of coal have been extracted through an environmentally and economically acceptable surface mining procedure and sold to Iowa State University and the Corn Belt Power Cooperative in Humboldt, Iowa; and

Whereas, an experimental coal cleaning plant is being constructed on the Iowa State University campus to test and process the coal so that sulfur and ash content is sufficiently reduced to meet environmental standards; and

Whereas, The Energy and Mineral Resources Research Institute which is conducting the project has proposed the establishment of a second demonstration mine to facilitate economic studies of the dragline-scraper mining method and of a mining operation coordinated with an on-site coal cleaning facility; and

Whereas, it is estimated that $1.8 million in state funds would be necessary during the first year of

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operation of the second mine; and

Whereas, coal from the second demonstration mine could meet the coal needs of several state supported facilities at a net savings to the state and the state's initial investment would be repaid over a four-year period; *Now, Therefore,*

Be It Resolved by the House, the Senate Concurring, That the legislative council is requested to authorize the appointment of a joint interim subcommittee composed of members of the Senate and House Standing Committees on Energy to review the operations and accomplishments of the Iowa Coal Research Project to date and to study the need for additional funds to expand the project as proposed; and

Be It Further Resolved, That the joint interim subcommittee shall make a report of its findings to the legislative council and members of the Sixty-seventh General Assembly meeting in the year 1977.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 139

By Human Resources Subcommittee
of Committee on Appropriations

Whereas, the Attorney General of Iowa has recovered funds for the State of Iowa in an action in the United States District Court for the Southern District of New York for price fixing against several drug manufacturers; and

Whereas, after payment of refunds to all consumers who filed valid claims, there remained an excess consumer fund of $481,055; and

Whereas, the Attorney General of Iowa has filed with the court a proposed second stage allocation plan, which was approved by the court, wherein it was proposed that said excess consumer fund be distributed by agreement of the Attorney General with the Iowa State Department of Health to the Iowa State Department of Health for the purpose of combating current public health problems within the State of Iowa in the following manner:

(I)	Public health nursing services	15%
(II)	Rubella and other communicable testing and immunization	20%
(III)	Emergency medical technician-ambulance training	10%
(IV)	Establishing an Iowa health corps providing physicians and paramedics to rural areas	15%
(V)	Statewide perinatal care program including training for local physicians and the purchase of monitoring equipment	30%
(VI)	Emergency or contingency health purposes	10%: and

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Whereas, because of other program and funding developments which have occurred since the signing of the agreement on May 13, 1974, neither the emergency medical technician-ambulance training (10%) nor the Iowa health corps (15%) programs has required additional funding and such funds are unexpended; and

Whereas, the agreement requires the expenditure of the funds by the end of the biennium 1975-1976; and

Whereas, the Commissioner of Public Health proposes that the unexpended funds which were originally allocated for emergency medical technician-ambulance training (10%) and Iowa health corps (15%) be distributed in the following manner:

(I)	Well elderly clinics	$50,000
(II)	Venereal disease testing and screening	63,080; and

Whereas, amendment of the agreement to alter the allocation of principal and income of the excess consumer fund requires approval of both the court and the General Assembly of the State of Iowa; and

Whereas, the United States District Court for the Southern District of New York has approved the request to modify the existing agreement as proposed above;

Now, Therefore,

Be It Resolved by the House of Representatives, the Senate Concurring, That the General Assembly of the State of Iowa approve the modification of the

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existing agreement to permit expenditure of the funds originally allocated for emergency medical technician-ambulance training and Iowa health corps in the following manner:

(I)	Well elderly clinics	$50,000
(II)	Venereal disease testing and screening	63,080; and

Be It Further Resolved, That the agreement is amended to permit expenditure of the excess consumer funds by June 30, 1977.

Laid over under Rule 25.

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 614)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and the Senate concerning **House File 614**: Middleton of Black Hawk, chair; Higgins of Scott, Lonergan of Boone, Oakley of Clinton and Lipsky of Linn.

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION
(Senate Files 1191 and 1283)

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate Files 1191 and 1283.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, with report of committee recommending amendment and passage, was taken up for consideration.

Griffee of Chickasaw offered the following amendment

H—6541 filed by the committee on appropriations and moved its adoption:

H—6541

Amend Senate File 1191 as follows:

Page 1, by striking line 21 and inserting in lieu thereof the words "subsection $671,382

The general assembly anticipates that federal funds will be available to the regional library system in an amount approximating two hundred sixteen thousand (216,000) dollars. However if such federal funds do not become available, it is the intent of the general assembly that it will appropriate an amount of funds to replace those funds anticipated that do not become available during the fiscal year beginning July 1, 1976."

Amendment H—6541 was adopted.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S. F. 1191)

The ayes were, 79:

Avenson	Dunton	Jordan	Pellett
Baker	Dyrland	Junker	Perkins
Bennett	Egenes	Koogler	Poncy
Anderson	Evans	Lageschulte	Readinger
Bina	Fitzgerald	Lindeen	Rinas
Bortell	Gentleman	Lipsky	Small
Brandt	Gilloon	Menke	Spencer
Brockett	Griffee	Mennenga	Spradling
Brunow	Halvorson	Middleswart	Svoboda
Byerly	Hansen	Millen	Tauke
Clark	Hargrave	Miller, A. V.	Tofte
Connors	Harper	Miller, K. D.	Walter
Crabb	Harvey	Monroe	Welden
Crawford	Hennessey	Nealson	Wells
Daggett	Hinkhouse	Newhard	West
Danker	Horn	Nielsen	Woods
Den Herder	Howell	Norland	Wulff
Dieleman	Husak	O'Halloran	Wyckoff
Doyle	Hutchins	Patchett	Mr. Speaker
Drake	Jochum	Pavich	

The nays were, 4:

Branstad	Hullinger	Kreamer	Stromer

Absent or not voting, 16:

Binneboese	Hines	McElroy	Scheelhaase
Bittle	Jesse	Middleton	Schroeder
Cusack	Krause	Miller, O. L.	Spear
Higgins	Lonergan	Oakley	Varley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1283, a bill for an act relating to and making an appropriation to the Iowa beer and liquor control department, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1283)

The ayes were, 75:

Anderson	Fitzgerald	Kreamer	Pellett
Avenson	Gentleman	Lageschulte	Perkins
Bennett	Gilloon	Lindeen	Poncy
Bina	Griffee	Lipsky	Readinger
Brandt	Hansen	Menke	Rinas
Branstad	Hargrave	Mennenga	Small
Brockett	Harper	Middleswart	Spencer
Brunow	Harvey	Millen	Spradling
Byerly	Hennessey	Miller, A. V.	Stromer
Clark	Hinkhouse	Miller, K. D.	Tauke
Connors	Horn	Miller, O. L.	Tofte
Crabb	Howell	Monroe	Walter
Crawford	Hullinger	Nealson	Welden
Dieleman	Hutchins	Newhard	Wells
Doyle	Jochum	Nielsen	Woods
Drake	Jordan	Norland	Wulff
Dunton	Junker	O'Halloran	Wyckoff
Dyrland	Koogler	Patchett	Mr. Speaker
Egenes	Krause	Pavich	

The nays were, 4:

Baker	Bortell	Daggett	Danker

Absent or not voting, 20:

Binneboese	Halvorson	Lonergan	Schroeder
Bittle	Higgins	McElroy	Spear
Cusack	Hines	Middleton	Svoboda
Den Herder	Husak	Oakley	Varley
Evans	Jesse	Scheelhaase	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 1258)

Small of Johnson called up for consideration the motion to reconsider Senate File 1258, filed on April 28, 1976, and moved to reconsider the vote by which Senate File 1258, a bill for an act relating to the establishment of electric utility service areas and to the regulation of rural electric cooperative rates by the state commerce commission, passed the House on April 28, 1976.

A non-record roll call was requested.

The ayes were 31, nays 41.

The motion lost.

MOTION TO RECONSIDER WITHDRAWN
(House File 1366)

Miller of Buchanan asked and received unanimous consent to withdraw the motion to reconsider **House File 1366** filed by him on March 23, 1976.

MOTION TO RECONSIDER PENDING
(House File 1314)

Miller of Buchanan called up for consideration the motion to reconsider **House File 1314**, filed on May 5, 1976, and moved to reconsider the vote by which House File 1314, a bill for an act relating to limiting intermittent employment under the merit employment system to a period of not more than one hundred twenty calendar days out of any twelve-month period, relating to the powers, duties, organization and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation and state transportation commission, and funding the state department of transportation's share for administration of the state merit system, passed the House on May 5, 1976.

Brunow of Appanoose rose on a point of order that Miller of Buchanan was not eligible to call up the motion to reconsider.

The Speaker ruled the point well taken and the motion not in order.

Husak of Tama moved that the rules be suspended for the consideration of the motion to reconsider.

Roll call was requested by Tauke of Dubuque and Junker of Woodbury.

On the question "Shall the rules be suspended to reconsider House File 1314?"

The ayes were, 15:

Bennett	Harvey	Kreamer	Welden
Crabb	Husak	Miller, K. D.	Woods
Evans	Jordan	Nealson	Wyckoff
Gilloon	Junker	Tofte	

The nays were, 65:

Anderson	Drake	Koogler	Pavich
Avenson	Dunton	Krause	Pellett
Baker	Dyrland	Lageschulte	Perkins
Bina	Egenes	Lindeen	Poncy
Bortell	Fitzgerald	Lipsky	Readinger
Brandt	Gentleman	Lonergan	Rinas
Branstad	Halvorson	Mennenga	Spencer
Brockett	Hansen	Middleswart	Spradling
Brunow	Harper	Middleton	Stromer
Clark	Hennessey	Millen	Svoboda
Connors	Hinkhouse	Miller, A. V.	Tauke
Crawford	Horn	Monroe	Walter
Daggett	Howell	Newhard	Wells
Danker	Hullinger	Nielsen	West
Den Herder	Hutchins	O'Halloran	Wulff
Dieleman	Jochum	Patchett	Mr. Speaker
Doyle			

Absent or not voting, 19:

Binneboese	Hargrave	Menke	Schroeder
Bittle	Higgins	Miller, O. L.	Small
Byerly	Hines	Norland	Spear
Cusack	Jesse	Oakley	Varley
Griffee	McElroy	Scheelhaase	

The motion lost.

(The motion to reconsider House File 1314 pending.)

SPONSOR WITHDRAWN

(Amendment H—6563 to Senate File 1310)

Danker of Pottawattamie requests his name be withdrawn as a sponsor of amendment H—6563 to **Senate File 1310.**

STEERING COMMITTEE CALENDAR

Senate File 136, a bill for an act relating to the number of judgeships in judicial election districts, with report of committee recommending passage, was taken up for consideration.

Middleswart of Warren offered the following amendment H—5776 filed by Middleswart, et al.:

H—5776

Amend Senate File 136 as follows:

1. Page 2, by inserting after line 17 the following sections:

"Sec. ..... Section six hundred two point eighteen (602.18), unnumbered paragraph fourteen (14), Code 1975, is amended to read as follows:

Election district 5A shall consist of [the counties **of]** ***Polk county. Election district 5B shall consist of the counties of*** **Guthrie, Dallas, [Polk,] Jasper,** Madison, Warren, and Marion. Election district [5B] ***5C*** **shall consist of the counties of Adair, Adams,**

Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

Sec. ..... All judicial nominating commissioners in election district 5A as it existed on June 30, 1976, who are in office on that date shall continue to serve until the expiration of the term of their appointments or elections, but those commissioners who reside in Polk County shall become commissioners of judicial election district 5A as created by this Act, and those commissioners who reside in Guthrie, **Dallas, Jasper, Madison, Warren and Marion counties** shall become commissioners of judicial election district 5B as created by this Act. Effective July 1, 1976, judicial election district 5B shall be known as judicial election district 5C, but this change in name shall not affect its judicial nominating commissioners or their terms.

In judicial election districts 5A and 5B as they exist after the effective date of this Act, the governor shall appoint in July, 1976, in the manner provided in section forty-six point three (46.3) of the Code, electors of district 5A and electors of district 5B to their respective judicial nominating **commissons for terms commencing August 1, 1976, but** only if and to the extent necessary to provide for five appointive members of the judicial nominating commission in each of those judicial election districts. Such appointments shall be for staggered terms, to the extent practicable, ending January 31, 1980, and January 31, 1982, respectively. In the month of January when each of those terms expires and every six years thereafter the governor shall appoint district judicial nominating commissioners for six-year terms in the manner provided in section forty-six point three (46.3) of the Code.

In judicial election districts 5A and 5B as they exist after the effective date of this Act, the resident members of the bar shall elect, in the manner provided in chapter forty-six (46) of the Code,

Page 2

eligible electors of their respective districts to their respective judicial nominating commissions for terms commencing August 1, 1976, but only if and to the extent necessary to provide for five elective members of the judicial nominating commission in **each** of those judicial election districts. Such elections shall be for staggered terms, to the extent practicable, ending January 31, 1980, and **January 31, 1982, respectively, but the determination of which** newly elected members serve which terms shall be determined by lot by the newly elected **commissioners.** In the month of January when each of those terms expires and every six years thereafter such members of the bar of each such district shall elect district

nominating commissioners for six-year terms in the manner provided in section forty-six point four (46.4) of the Code."

2. Amend the title, line 1, by inserting after the words "relating to" the words "judicial election districts and to".

3. By renumbering sections as necessary.

Nielsen of Polk rose on a point of order that amendment H—5776 was not germane.

The Speaker ruled the point well taken and amendment H—5776 not germane.

Middleswart of Warren moved to suspend the rules governing germaneness for the consideration of amendment H—5776.

Nielsen of Polk rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Koogler of Mahaska moved to suspend the rules governing germaneness for the consideration of amendment H—5776.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 52, nays 37.

The motion prevailed and the rules were suspended.

Brunow of Appanoose in the chair at 11:14 a.m.

Middleswart of Warren moved the adoption of amendment H—5776.

Roll call was requested by Hutchins of Guthrie and Pellett of Cass.

Rule 70 was invoked.

On the question "Shall amendment H—5776 be adopted?"

The ayes were, 37:

Anderson	Doyle	Junker	Spear
Bina	Dunton	Koogler	Stromer
Bortell	Dyrland	Lageschulte	Svoboda
Brandt	Gilloon	McElroy	Tofte
Branstad	Halvorson	Middleswart	Welden
Brockett	Harvey	Miller, A. V.	West
Clark	Hennessey	Miller, O. L.	Wulff
Daggett	Hinkhouse	Monroe	Mr. Speaker (Brunow)
Danker	Hullinger	Pellett	
Dieleman	Hutchins		

The nays were, 48:

Avenson	Fitzgerald	Kreamer	Perkins
Baker	Gentleman	Lindeen	Poncy
Bennett	Hansen	Lonergan	Readinger
Byerly	Hargrave	Menke	Rinas
Cochran	Harper	Miller, K. D.	Small
Connors	Horn	Nealson	Spencer
Crabb	Howell	Newhard	Spradling
Crawford	Husak	Nielsen	Tauke
Den Herder	Jesse	Norland	Walter
Drake	Jochum	O'Halloran	Wells
Egenes	Jordan	Patchett	Woods
Evans	Krause	Pavich	Wyckoff

Absent or not voting, 14:

Binneboese	Higgins	Middleton	Scheelhaase
Bittle	Hines	Millen	Schroeder
Cusack	Lipsky	Oakley	Varley
Griffee	Mennenga		

Amendment H—5776 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krause of Palo Alto for the remainder of the day on request of Connors of Polk.

Middleswart of Warren asked and received unanimous consent to withdraw amendment H—4042 (to page 2) filed by him on June 3, 1975, and found on pages 2114 and 2115 of the House Journal.

Nielsen of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 136)

The ayes were, 77:

Avenson	Doyle	Horn	Menke
Baker	Drake	Howell	Middleswart
Bennett	Dunton	Hullinger	Millen
Bina	Dyrland	Husak	Miller, A. V.
Bortell	Egenes	Hutchins	Miller, K. D.
Branstad	Evans	Jochum	Miller, O. L.
Brockett	Fitzgerald	Jordan	Nealson
Cochran	Gentleman	Junker	Newhard
Clark	Gilloon	Koogler	Nielsen
Connors	Halvorson	Kreamer	Norland
Crabb	Hansen	Lageschulte	O'Halloran
Crawford	Hargrave	Lindeen	Patchett
Daggett	Harper	Lipsky	Pavich
Danker	Hennessey	Lonergan	Pellett
Den Herder	Hines	McElroy	Poncy

Readinger	Stromer	Welden	Wulff
Rinas	Tauke	Wells	Wyckoff
Spear	Tofte	West	Mr. Speaker
Spencer	Varley	Woods	(Brunow)
Spradling	Walter		

The nays were, 9:

Anderson	Dieleman	Hinkhouse	Monroe
Brandt	Harvey	Jesse	Perkins
Byerly			

Absent or not voting, 13:

Binneboese	Higgins	Middleton	Schroeder
Bittle	Krause	Oakley	Small
Cusack	Mennenga	Scheelhaase	Svoboda
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

House File 1472, a bill for an act to change the requirements for awarding a permanent professional teachers' certificate, was taken up for consideration.

Horn of Linn asked and received unanimous consent to withdraw amendment H—5817 filed by him on March 16, 1976, and found on page 1191 of the House Journal.

Horn of Linn offered the following amendment H—6566 filed by him from the floor and moved its adoption:

H—6566

Amend House File 1472 as follows:

1. Page 1, by striking everything after the period in line 17 and all of lines 18 through 21, and inserting in lieu thereof the following: *"The minimum requirements for awarding a permanent professional certificate shall be:*

1. a professional certificate,

2. four years of successful teaching experience, and

3. a master's degree or a professional degree beyond the baccalaureate degree."

Amendment H—6566 was adopted.

Horn of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1472)

The ayes were, 78:

Anderson	Dunton	Jordan	Pellett
Avenson	Dyrland	Junker	Perkins
Baker	Egenes	Koogler	Poncy
Bennett	Fitzgerald	Kreamer	Readinger
Bina	Gentleman	Lageschulte	Rinas
Bortell	Gilloon	Lindeen	Spear
Brandt	Halvorson	Lipsky	Spradling
Branstad	Hansen	Lonergan	Stromer
Byerly	Hargrave	McElroy	Tauke
Clark	Harper	Menke	Tofte
Cochran	Harvey	Middleswart	Varley
Connors	Hennessey	Millen	Walter
Crabb	Hines	Miller, A. V.	Wells
Crawford	Hinkhouse	Miller, K. D.	West
Daggett	Horn	Miller, O. L.	Woods
Danker	Howell	Newhard	Wulff
Den Herder	Hullinger	Norland	Wyckoff
Dieleman	Husak	O'Halloran	Mr. Speaker (Brunow)
Doyle	Hutchins	Patchett	
Drake	Jochum	Pavich	

The nays were, none.

Absent or not voting, 21:

Binneboese	Higgins	Monroe	Schroeder
Bittle	Jesse	Nealson	Small
Brockett	Krause	Nielsen	Spencer
Cusack	Mennenga	Oakley	Svoboda
Evans	Middleton	Scheelhaase	Welden
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Cochran in the chair at 12:02 p.m.

HOUSE INSISTS
(Senate File 1192)

Brunow of Appanoose moved that the House insist on its amendment to Senate File 1192 and that a conference committee be appointed.

The motion prevailed.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(15-Minute)

Senate File 345, a bill for an act relating to the method used by judges of election to select and certify potential jurors, with report of committee recommending passage, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—6567 filed by him from the floor and moved its adoption:

H—6567

Amend Senate File 345, as amended and passed by the Senate, as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section six hundred eight point two (608.2), Code 1975, is amended to read as follows:

608.2 APPOINTIVE COMMISSION TO SELECT. In each county [having situated therein a city with a population of fourteen thousand or more], the judges of the district court of the judicial district in which said county is located shall, on or before October [1] *first* of each year in which the general election is held, appoint three competent electors as a jury commission to select and make lists of the names of persons to serve as grand and petit jurors and talesmen for the two years beginning January [1] *first* after such election.

Sec. 2. Section six hundred nine point one (609.1), subsections one (1), two (2) and three (3), Code 1975, are amended to read as follows:

1. GRAND JURORS. A list of names and addresses of one hundred fifty *eligible* electors from which to select grand jurors.

2. PETIT JURORS. A list of names and addresses of *eligible* electors equal to one-eighth of the whole number of qualified electors in the county as shown by the [election registers of the previous general election] *current list of registered voters*, from which to select petit jurors.

3. TALESMEN. A list of the names and addresses of *eligible* electors equal to fifteen percent of the whole number of qualified electors as shown by the [election registers of the previous general election] *current list of registered voters*, in the city [or town] in which the district court is held and in the township or townships in which such city is located (but in no case exceeding five hundred names) from which to select talesmen.

Sec. 3. Section six hundred nine point two (609.2), Code 1975, is amended to read as follows:

609.2 NONELIGIBLE NAMES. The appointive commission, in the preparation of said lists, shall not place thereon the name of any person:

[1. Who is not an elector of the state.]

[2. Who is not of good moral character.]

[3. Who is not of sound judgment.]

[4. Who is not in full possession of the senses of hearing and seeing.]

[5. Who cannot speak, write, and read the English language.]

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[6. Who has served in said county and in the district court as a grand or petit juror since the

first day of January preceding the last general election.]

[7] *1.* Who by reason of the condition of his or her health, business, domestic duties, or other circumstances will probably be unable to serve as a juror.

[8] *2.* Who has, directly or indirectly, requested that his or her name be placed on said lists, or on any of them.

[9] *3.* Who has been exempted by law from jury service.

Sec. 4. Section six hundred nine point four (609.4), Code 1975, is amended to read as follows:

609.4 AUDITOR TO APPORTION AND CERTIFY. On or before the date of said meeting of the appointive commission, the county auditor shall apportion the number of grand and petit jurors to be selected among the several [election precincts] *political subdivisions of the county,* and the talesmen of which there shall be at least two, among the [precincts] *political subdivisions* from which the same are to be drawn, in each case as nearly as practicable in proportion to the number of [electors registered in such precincts as shown by the election registers of the last general election] *persons residing in the respective political subdivisions,* and certify said apportionment to such commission.

Sec. 5. Section six hundred nine point five (609.5), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

609.5 ADDITIONAL INFORMATION PROVIDED. For the purpose of aiding the appointive commission in drawing the jury lists, officials of the state and its political subdivisions shall furnish the appointive commission with copies of the current list of registered voters, tax assessments lists, lists of persons holding motor vehicle operators' licenses, or such other comprehensive lists of persons residing in the county as the commission may request. The clerk of the district court shall also deliver to the commission a list of all persons who have served as grand or petit jurors since January first of the preceding year.

Sec. 6. Section six hundred nine point seven (609.7), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

609.7 DEFINITIONS. As used in this chapter, the term "eligible elector" has the meaning assigned the

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term by section thirty-nine point three (39.3), subsection one (1), of the Code.

Sec. 7. Section six hundred nine point eleven (609.11), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

609.11 CERTIFICATION. When the jury lists prescribed by this chapter are completed, they shall be certified by the appointive commissioners in substantially the following form:

We, _____, _____, _____, and _____, constituting the jury commission for _____ county, do hereby certify that the foregoing lists do not, to our knowledge and belief, contain the name of any person who should be excluded under section six hundred nine point two (609.2) of the Code.

Sec. 8. Section six hundred eight point nine (608.9), six hundred nine point eight (609.8), six hundred nine point nine (609.9), six hundred nine point ten (609.10) and six hundred nine point thirteen (609.13), Code 1975, are repealed."

2. Title, line 1, by striking the words "by judges of election".

A non-record roll call was requested.

The ayes were 64, nays 8.

Amendment H—6567 was adopted.

With the adoption of amendment H—6567, the following amendment H—6568 filed by Monroe of Des Moines from the floor was out of order:

H—6568

Amend Senate File 345 as amended and passed by the Senate as follows:

1. Page 1, by striking lines 1 through 7, and renumbering the succeeding section accordingly.

2. Page 1, by striking lines 13A through 18 and inserting in lieu thereof the words "at any time while the polls are open on election day when their other duties permit. In precincts where the number of election officials exceeds three, tentative lists prepared by not less than".

3. Title, line 1, by striking the words "by judges of election".

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 345)

The ayes were, 78:

Anderson	Bortell	Clark	Danker
Avenson	Brandt	Connors	Den Herder
Baker	Branstad	Crabb	Dieleman
Bennett	Brunow	Crawford	Doyle
Bina	Byerly	Daggett	Drake

Dunton	Howell	Millen	Spear
Dyrland	Husak	Miller, A. V.	Spencer
Egenes	Hutchins	Miller, K. D.	Spradling
Fitzgerald	Jochum	Miller, O. L.	Stromer
Gentleman	Jordan	Monroe	Tauke
Gilloon	Junker	Newhard	Tofte
Halvorson	Koogler	Norland	Varley
Hansen	Kreamer	O'Halloran	Walter
Hargrave	Lindeen	Patchett	Welden
Harper	Lipsky	Pavich	Wells
Harvey	Lonergan	Perkins	West
Hennessey	McElroy	Readinger	Woods
Hines	Menke	Rinas	Wulff
Hinkhouse	Middleswart	Small	Mr. Speaker
Horn	Middleton		

The nays were, 3:

Nielsen	Poncy	Wyckoff

Absent or not voting, 18:

Binneboese	Griffee	Lageschulte	Pellett
Bittle	Higgins	Mennenga	Scheelhaase
Brockett	Hullinger	Nealson	Schroeder
Cusack	Jesse	Oakley	Svoboda
Evans	Krause		

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

MOTIONS TO RECONSIDER

(House File 1487)

I move to reconsider the vote by which House File 1487 passed the House on May 6, 1976.

RINAS of Linn

(Senate File 136)

I move to reconsider the vote by which Senate File 136 passed the House on May 7, 1976.

NIELSEN of Polk

(Senate File 136)

I move to reconsider the vote by which Senate File 136 passed the House on May 7, 1976.

KREAMER of Polk

EXPLANATION OF VOTES

I was necessarily absent from the House chamber when the votes were taken on amendments H—6559 and H—6257 and Senate File 205. Had I been present, I would have voted "aye."

HUTCHINS of Guthrie

I was necessarily absent from the House chamber when the vote was taken on House Files 1314, 1451, 829, 1466, 1475, 1487, and 1485, and Senate Files 1210, 1067, 357, 487, 546 and 205. Had I been present, I

would have voted "aye." Had I been present when the vote was taken on House File 1533, I would have voted "nay."

DAGGETT of Adams

I was necessarily absent from the House chamber when the vote was taken on Senate File 205. Had I been present, I would have voted "aye."

CRABB of Crawford

I was necessarily absent from the House chamber attending a Bicentennial Commission meeting when the vote was taken on the following bills: Senate Files 357, 487, 546 and 205, and House Files 1533, 1451, 829, 1466, 1475, 1487 and 1485. Had I been present, I would have voted "aye" on all of them.

McELROY of Fremont

SUBCOMMITTEE ASSIGNMENTS

Senate File 1309
Ways and Means
Dyrland, Chair
Anderson
West

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S. B. 133
Ways and Means
Anderson, Chair
Walter
Norland
West
Bittle

S. B. 134
Ways and Means
Hines, Chair
Branstad
Mennenga
Walter
West

S. B. 135
Ways and Means
Hutchins, Chair
Baker
Daggett
Junker
Middleton

S. B. 136
Ways and Means
Mennenga, Chair
Jochum
Junker
Svoboda
Egenes

S. B. 137
Ways and Means
Anderson, Chair
Hines
Readinger

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1568**, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1569**, a bill for an act making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing

systems, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same do pass.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1570, a bill for an act transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1571, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1572, a bill for an act discontinuing the use of certain architectural personnel and their support funds by the department of social services, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6575

Amend House File 1550 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The general assembly hereby finds and declares:

1. That the prevailing rate structure for the sale of electric power to users in the state of Iowa may be outdated and may no longer serve the best interests of the citizens of the state; and

2. That the Iowa state commerce commission is best qualified by reason of its skills and experience to critically examine existing rate structures, to analyze the available alternatives, and to propose those criteria to be used to design present rate structures which the commission deems necessary, and to implement those criteria unless specifically disapproved by the general assembly; and

3. That in order to provide for a critical evaluation of Iowa's energy consumption patterns and electric untility rate structures and for possible improvements in such rate structures, the general assembly enacts the provisions of this Act.

Sec. 2. Chapter four hundred ninety A (490A), Code 1975, is amended by adding the following new section:

NEW SECTION. REVIEW OF RATE STRUCTURES.

1. The commission shall conduct a continuing review of electric power consumption levels and patterns and user rate structures in Iowa. The review shall include but shall not be limited to an examination of:

a. Differences in electric power consumption levels and patterns resulting from the following:

(1) Seasonal demand fluctuations;

(2) Time of day demand fluctuations;

(3) Evidence or estimates of change in consumption patterns due to changes in price; and

(4) Income levels of users.

b. Electric power rate structures currently in effect in Iowa, and rate structures proposed or in effect in other parts of the country.

c. The relative advantages and disadvantages to consumers of the block rate system, lifeline service, peak hour schedules, metering devices and other methods which may be used to structure rate schedules.

2. The commission shall formulate, from time to time when the commission deems appropriate, new or revised criteria for evaluating and approving rate schedules submitted by utilities which supply electric power in Iowa and which are subject to rate regulation

Page 2

by the commission. Those criteria shall be designed to:

a. Eliminate any inequities to users resulting from existing rate structures.

b. Encourage conservation of electric power thereby conserving nonrenewable natural resources by eliminating or modifying the commonly used declining block rate structures.

c. Discourage use of electric power during periods of peak demand, or shift usage to other periods in order to better utilize existing power generating facilities and to avoid or define the need for new generating facilities.

d. Assure that rates are just, reasonable and sufficient, as required by this chapter, and otherwise comply with the laws of this state.

e. Correct other deficiencies identified by the commission.

3. The commission shall commence the review specified in subsection one (1) of this section

immediately on the effective date of this Act. The commission shall submit a report to the general assembly not later than January 15, 1977 detailing the findings and conclusions of the study conducted pursuant to subsection one (1) of this section. The report shall include the criteria formulated according to the guidelines established in subsection two (2) of this section which the commission proposes to use in evaluating and approving rate structures. Unless specifically disapproved by the general assembly the proposed criteria for evaluating and approving rate schedules submitted to the commission shall apply to utilities supplying electricity which are subject to rate regulation by the commission and filing rate tariffs after July 1, 1977. After July 1, 1978, rate schedules which fail to satisfy the criteria prescribed by the commission pursuant to this section shall be unlawful."

SMALL of Johnson
VARLEY of Adair
WELDEN of Hardin
O'HALLORAN of Black Hawk
JOCHUM of Dubuque
HENNESSEY of Delaware

H—6574

Amend Senate File 368 as amended, passed and reprinted by the Senate:

1. By striking everything after the enacting clause, and inserting in lieu thereof the following:

"Section 1. Section two hundred eleven point one (211.1), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

211.1 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Broker" means a compensated agent employed to negotiate sales of livestock.

2. "Consignment" means the transfer of possession of livestock to the care and custody of a livestock agency for the purpose of sale.

3. "Livestock" means cattle, horses, swine, sheep and poultry, but excluding any of those types of animals when bound for slaughter. "Livestock" does not include any other type of animal or fowl.

4. "Livestock history" means the information described in section three (3) of this Act.

5. "Livestock agency" means a person regularly engaged in livestock transactions and includes sales-yards, sales barns, auction markets, stockyards, order buyers, commission agents, and livestock dealers. A livestock agency is a merchant. A central public market is not a livestock agency or merchant.

6. "Merchant" means merchant as defined in section five hundred fifty-four point two thousand one hundred four (554.2104) of the Code.

7. "Owner" means a person having title to livestock which are the subject of a transaction.

8. "Person" means person as defined in section four point one (4.1) of the Code.

9. "Qualified livestock transaction" means as provided in section two (2) of this Act.

10. "Transaction" means either the sale of livestock, the brokering of livestock, or the consignment of livestock.

11. "Central public market" means a person who owns and operates a place, establishment, or facility which is registered as a stockyard, but who is not registered as a commission agent or dealer, under the United States Packers and Stockyards Act of 1921, as amended, Title VII, sections one hundred eighty-one (181) through two hundred thirty-one (231), United States Code.

Sec. 2. Section two hundred eleven point two (211.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

211.2 EXEMPTION OF TRANSACTIONS FROM IMPLIED WAR-

Page 2

RANTIES. A transaction which complies with section four (4) of this Act, as appropriate, is a qualified livestock transaction. Livestock which are the subject of a qualified livestock transaction shall be exempt from the implied warranties of section five hundred fifty-four point two thousand three hundred fourteen (554.2314) and five hundred fifty-four point two thousand three hundred fifteen (554.2315) of the Code with respect to that transaction, notwithstanding section five hundred fifty-four point two thousand three hundred sixteen (554.2316) of the Code. However, the exemption created by this section shall not be deemed to impair or modify any actual exclusion or modification of warranties as permitted by section five hundred fifty-four point two thousand three hundred sixteen (554.2316) of the Code.

Sec. 3. Section two hundred eleven point three (211.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

211.3 LIVESTOCK HISTORY.

1. When a written livestock history is to be used in a transaction, it shall be prepared on forms approved by, or prescribed and furnished by the department of agriculture. The form shall be signed by the owner of the livestock or his or her authorized agent, and shall state the names, mailing addresses, and residence or business locations of the present owner and all previous owners of the livestock within the thirty days preceding the date of the transaction.

2. If the identities of all previous owners within the preceding thirty days cannot be determined due to transactions which occurred outside the state

of Iowa, the form shall so indicate and shall provide full information concerning the out-of-state transaction resulting in the transportation of the livestock into Iowa.

3. If the livestock history is not available to the owner or a livestock agency due to the refusal of an owner to provide it, the owner or a livestock agency may prepare a livestock history which shall so indicate and which shall provide full information concerning its receipt of the livestock which are the subject of the transaction.

4. Except as provided in subsections two (2) and three (3) of this section, if the identities of all previous owners within the preceding thirty days are not determined or cannot be determined for any other reason, then the livestock shall not qualify for exemption under this Act.

5. The form shall require a description of the

Page 3

livestock including their number, breed and sex, and brands, tags, or other markings, if any.

6. The livestock history shall constitute an express warranty by the owner, or, by the livestock agency acting under the provisions of subsection three (3) of this section, as to the livestock which are the subject of the transaction.

7. If the livestock history is not the same for all livestock included in the transaction, a livestock history must be separately prepared and disclosed for all livestock included in the transaction.

8. Owners, and livestock agencies acting under the provisions of subsection three (3) of this section, shall retain one copy of each livestock history they prepare for at least two years after the date of the transactions to which it refers.

Sec. 4. Chapter two hundred eleven (211), Code 1975, is amended by adding the following new section:

NEW SECTION. 211.4 COMPLIANCE.

1. When selling livestock an owner who is not a livestock agency is deemed to have participated in a qualified livestock transaction if, prior to making the contract of sale, that owner does any of the following:

a. Delivers to the buyer a copy of the livestock history subscribed by that owner; or

b. Otherwise discloses the information required by the livestock history form; or

c. If the owner consigns the livestock to a livestock agency, the owner delivers a written livestock history to the livestock agency.

2. A livestock agency who participates in a transaction as the owner of the livestock, and who prepares a written livestock history as owner in accordance with section three (3) of this Act, and

who discloses the history as provided for in subsection three (3) of this section, is deemed to have **participated in a qualified livestock transaction.**

3. A livestock agency either selling livestock **on consignment or brokering the sale of livestock** is deemed to have participated in a qualified livestock transaction if it makes the livestock history form available at the place of business of the livestock agency for prospective buyers to see upon request prior to the making of a sale, and if it verbally announces immediately prior to the taking of bids or the receiving of other offers the name of the owner of the livestock and the number of owners previous thereto as reflected in the livestock history. The duty of the livestock agency in complying with this

Page 4

subsection shall be limited to accurately disclosing the livestock history as received by the livestock agency. The fact that a buyer did not hear the announcement shall not defeat the exemption claimed with respect to that buyer. If a livestock agency acting as a consignee or broker receives a written livestock history, the livestock agency shall retain the written history for two years from the date of receipt, regardless of whether or not the livestock agency participates in a qualified livestock **transaction.**

Sec. 5. Chapter two hundred eleven (211), Code 1975, is amended by adding the following new sections:

NEW SECTION. 211.5 EXEMPTION IS A DEFENSE.

In any action or proceeding, the implied warranty exemption which is created by section two (2) of this Act shall be a defense, and the burden of pleading the defense and of proving compliance with section four (4) of this Act shall be on the person or livestock agency asserting the defense. Proof of a material error in or material omission from information supplied shall defeat a claim of exemption, except as otherwise provided in subsection three (3) of section four (4) of this Act with respect to a livestock agency.

NEW SECTION. 211.6 NONCOMPLIANCE NOT EVIDENCE.

The election by any owner or by any livestock agency not to provide livestock history or not to make any verbal declaration of the history of livestock ownership in a transaction shall not be admissible as evidence in any action brought by the buyer in that transaction if offered by that buyer as proof of, or as fact tending to prove, any allegation or claim other than fraud or misrepresentation asserted by the buyer in that action.

NEW SECTION. 211.7 FALSE STATEMENT—PENALTY.

Any person who knowingly furnishes, completes or states false livestock history commits a misdemeanor,

punishable by a fine not exceeding one hundred dollars or by imprisonment in the county jail for not more than thirty days.

NEW SECTION. 211.8 VETERINARY INSPECTION.

1. INSPECTIONS. A livestock agency or central public market operating under a permit issued by the department of agriculture shall cause to be provided veterinary inspections by a qualified veterinary inspector who has been approved by the secretary of agriculture. The veterinary inspector shall visually inspect all livestock marketed and shall issue certificates as to the apparent health of

livestock so inspected. The veterinary inspector shall have other duties as determined by the secretary of agriculture.

2. CERTIFICATES. A livestock agency or central public market shall cause to be delivered with all livestock sold a verified veterinarian's certificate, on a form prescribed by the secretary of agriculture, which certifies that the health inspection of each animal sold was made during the twenty-four hour period immediately preceding the sale.

3. PENALTIES. A livestock agency or central public market which fails to comply with a duty imposed by this section commits a misdemeanor, and upon conviction may be sentenced to a fine not to exceed five hundred dollars, or to imprisonment in the county jail for a term not to exceed one year, or to both the fine and imprisonment.

4. INSPECTION FEES. The state department of agriculture shall collect a veterinary inspection fee agreed upon by the livestock agency or central public market and a qualified veterinary inspector, recommended by the livestock agency or central public market and approved by the secretary of agriculture plus a cost of administration not to exceed two dollars per month per livestock agency or central public market, on all livestock marketed through said livestock agency or central public market required to hold permits issued by the department of agriculture. Such fees, when collected, shall be placed by the secretary of agriculture in an "inspection fee revolving fund" under his or her jurisdiction. The department shall pay fees to each approved veterinary inspector for inspection services in accordance with agreements between such veterinarian and the livestock agency or central public market where inspections are accomplished, reduced by the allowable amounts for administration. Such fees shall be adjusted from time to time so that the amount collected will not exceed the costs of veterinary inspections and the administration thereof. The provisions of this section shall also apply to all livestock agencies or central

public markets receiving livestock moved into this state for sale through said livestock agency or central public market, except meat processing establishments or central public markets where full-time federal inspections are required and such requirement is complied with. Livestock agencies or central public markets not handling livestock shipped into this state for resale shall be exempt from the provisions of this section, as well as livestock meeting federal

Page 6

and state requirements for interstate shipment as to health at the time of entry into Iowa.

NEW SECTION. 211.9 BONDING CERTAIN LIVESTOCK AGENCIES. The secretary of agriculture may require reasonable bonds from every livestock agency operating in this state which is not presently bonded under the provisions of the United States Packers and Stockyards Act of 1921, as amended, Title VII, sections one hundred eighty-one (181) through two hundred thirty-one (231), United States Code, under such rules as he or she may prescribe to secure the performance of their obligations, and whenever the secretary after hearing under the Iowa Administrative Procedure Act finds any such agency is insolvent or has violated any provisions of this chapter he or she may suspend operations of the livestock agency forthwith for a reasonable specified period.

Sec. 6. Section five hundred fifty-four point two thousand three hundred fourteen (554.2314), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. This section does not apply to livestock which are the subject of a qualified livestock transaction as provided in section two hundred eleven point two (211.2) of the Code.

Sec. 7. Section five hundred fifty-four point two thousand three hundred fifteen (554.2315), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not apply to livestock which are the subject of a qualified livestock transaction as provided in section two hundred eleven point two (211.2) of the Code.

Sec. 8. Not later than September 30, 1976, the secretary of agriculture shall approve, or prescribe and distribute the forms to be used pursuant to this chapter. The distribution initially may be restricted to livestock agencies, veterinarians, and other outlets which in the discretion of the secretary will provide the widest practical dissemination and availability."

KOOGLER of Mahaska
HUSAK of Tama

PELLETT of Cass
LINDEEN of Henry
DANKER of Pottawattamie
HOWELL of Floyd
HUTCHINS of Guthrie
HINKHOUSE of Cedar
SPRADLING of Sioux
JORDAN of Linn
CRABB of Crawford
HARPER of Davis
LAGESCHULTE of Bremer
MILLER of Cerro Gordo
MILLER of Calhoun
SVOBODA of Iowa

H—6573

Amend Senate File 1072 as passed by the Senate as follows:

1. Page 2, by inserting after line 27 the following new section:

"Sec. ..... Section six hundred six point fifteen (606.15), subsection one (1), Code 1975, is amended to read as follows:

1. For filing any petition, appeal, or writ of error and docketing the same, [four] *seven* dollars. [Three] *Four* dollars of such fee shall remain in the county treasury for the use of the county, and [one dollar] *three dollars* of such fee shall be paid into the state treasury and deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and to be used for the purposes provided for in section 618.13."

2. Amend the title, line 1, by inserting after the word "agencies" the words ", and providing for an increase in filing fees to aid in offsetting the costs of operating the courts and agencies".

NORLAND of Worth
HANSEN of O'Brien
BAKER of Buena Vista
MENKE of O'Brien
SPENCER of Clay
HARPER of Davis
PONCY of Wapello
WEST of Marshall
HUTCHINS of Guthrie
NIELSEN of Polk
BRANSTAD of Winnebago

H—6571

Amend Senate File 1302, by striking everything after the enacting clause and inserting in

lieu thereof the following:

"Section 1. *NEW SECTION.* Except for real estate acquired for highway purposes and leased as consideration for such purchase, and such other lands as have been acquired for highway purposes subject to federal laws, rules and regulations, a state agency shall not lease to any person more than ten acres of state-owned agricultural land held under its jurisdiction without advertising for bids by two publications in a newspaper published in the county in which the land is situated. The first publication shall not be less than fifteen days prior to the date set for receiving bids. The agency shall lease the land to the highest responsible bidder submitting a sealed proposal. If in the judgment of the lessor agency the bids received are not acceptable, all bids may be rejected and new bids requested. If no bids are received, the agency may negotiate a lease at rates consistent with those for similar lands in the adjacent area of the state. The term of the lease shall not exceed three years. A state agency may lease real estate to any governmental authority for public purposes. Nothing in this section shall apply to real estate acquired by an agency where the leasing of agricultural lands was a part of the consideration for such purchase.

HUSAK of Tama

H—6569

Amend Senate File 1310 as follows:

Page 9, by striking lines 10 and 11.

MIDDLETON of Black Hawk
BRANSTAD of Winnebago

H—6570

Amend Senate File 1310, page 15, by adding after line 12, the following new subsection:

"3. Nothing contained in this section shall apply to those cases where the court has by order approved in advance of the filing of the case the contingency fee contract between the lawyer and his client."

NIELSEN of Polk

H—6572

Amend Senate File 1310, as follows:

1. Page 8, line 14, by inserting after the word "shall" the word "not".

2. Page 8, line 15, by adding following the period:

"However, the results of the hearing, if

sanctions are imposed upon the licensee therein, **shall be a matter of public record."**

WALTER of Pottawattamie
HARVEY of Scott
MENNENGA of Clinton
DANKER of Pottawattamie
GILLOON of Dubuque
HARPER of Davis

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 12:30 p.m. until 10:00 a.m., Monday, May 10, 1976.

JOURNAL OF THE HOUSE

One Hundred Twentieth Calendar Day—Seventy-ninth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, MAY 10, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Richard G. Mohr, pastor of the Airport Baptist Church, Des Moines, Iowa.

The Journal of Friday, May 7, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Harold Moessner, Oakdale, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Den Herder of Sioux on request of Bortell of Madison; Spencer of Clay on request of Tofte of Winneshiek; Hines of Story on request of Jochum of Dubuque; Patchett of Johnson for the morning session on request of Poncy of Wapello; Lageschulte of Bremer on request of Tauke of Dubuque; Scheelhaase of Woodbury on request of Hinkhouse of Cedar; Drake of Muscatine on request of Varley of Adair.

SPECIAL PRESENTATION

Oakley of Clinton and Mennenga of Clinton escorted to the Speaker's station and presented Christine Misiag, Miss Iowa Teenager from Clinton, Iowa. Christine is a sophomore at Mount Saint Clare Academy in Clinton. She will be competing in the national contest in Chicago in August.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Thirty sixth grade students from Dexfield Community School, Dexter, Iowa, accompanied by Mrs. Sanborn. By Varley of Adair and Bortell of Madison.

Fifty-seven fourth, fifth and sixth grade students from J. C. Hoglan Elementary School, Marshalltown, Iowa, accompanied by Mrs. Burt. By Brockett of Marshall.

Twenty eighth grade students from Urbandale Junior High School, Urbandale, Iowa, accompanied by Mrs. Forest. By Readinger of Polk.

Forty-seven seventh and eighth grade students from All Saints School, Des Moines, Iowa, accompanied by Mrs. Tracy. By Jesse of Polk.

Forty-one fourth grade students from Tama Intermediate School, Tama, Iowa, accompanied by Mr. Kruger and Mrs. Garwood. By Husak of Tama.

Twenty-eight fifth grade students from Fremont Elementary School, Fremont, Iowa, accompanied by Marguerite Lee. By Koogler of Mahaska.

Thirty-eight students from North Harrison School, Eagleville, Missouri (Dennis Perkins, cousin of Representative Perkins, is a member of this class), accompanied by Martha Woollums. By Perkins of Greene.

PETITION FILED

The following petition was received and placed on file:

By Krause of Palo Alto, a resolution from the Pocahontas County Bar Association urging the support of Senate File 1310, relating to health care malpractice.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 1568, 1569, 1570, 1571 and 1572, under Rule 36.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the members of the Second Conference Committee on the part of the Senate on House File 614, a bill for an Act relating to termination of parental rights and adoption, are as follows: The Senator from Scott, Mr. Gluba, chairperson; the Senator from Johnson, Ms. Doderer; the Senator from Clarke, Mr. Ramsey; the Senator from Linn, Mr. Redmond; and the Senator from Scott, Ms. Shaw.

STEVEN C. CROSS, Secretary

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION
(House Files 1571 and 1572)

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **House Files 1571 and 1572.**

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 116

Brandt of Black Hawk called up for consideration **House Concurrent Resolution 116** filed on March 15, 1976, and found on pages 1149 and 1150 of the House Journal.

Schroeder of Pottawattamie moved that House Concurrent Resolution 116 be referred to the committee on state government.

Brandt of Black Hawk moved that House Concurrent Resolution 116 be deferred and retained on the unfinished business calendar.

The motion prevailed.

CONSIDERATION OF BILLS

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(5-Minute)

Senate File 547, a bill for an act relating to the financing of levees and drainage districts, with report of committee recommending passage, was taken up for consideration.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—6209 filed by him on April 7, 1976, and found on pages 1721 through 1723 of the House Journal.

Byerly of Polk offered the following amendment H—6149 filed by him and moved its adoption:

H—6149

Amend Senate File 547 as passed by the Senate as follows:

1. Page 1, line 4, by striking the words "fifty thousand" and inserting in lieu thereof the words "two hundred thousand".

Amendment H—6149 was adopted.

Monroe of Des Moines offered the following amendment H—6150 filed by him:

H—6150

Amend Senate File 547, as passed by the Senate, page 1, by inserting after line 29 the following new section:

"Sec. ..... Section four hundred sixty-one point twenty-six (461.26), Code 1975, is repealed."

Perkins of Greene rose on a point of order that amendment H—6150 was not germane.

The Speaker ruled the point well taken and amendment H—6150 not germane.

Byerly of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 547)

The ayes were, 84:

Anderson	Dunton	Koogler	Pellett
Avenson	Dyrland	Krause	Perkins
Baker	Egenes	Kreamer	Poncy
Bennett	Evans	Lindeen	Readinger
Bina	Fitzgerald	Lipsky	Rinas
Bittle	Gentleman	McElroy	Small
Bortell	Gilloon	Menke	Spear
Brandt	Griffee	Mennenga	Spradling
Branstad	Hansen	Middleswart	Stromer
Brockett	Hargrave	Millen	Svoboda
Brunow	Harvey	Miller, A. V.	Tauke
Byerly	Hennessey	Miller, K. D.	Tofte
Clark	Higgins	Miller, O. L.	Varley
Connors	Hinkhouse	Monroe	Walter
Crabb	Horn	Nealson	Welden
Crawford	Hullinger	Newhard	Wells
Cusack	Husak	Nielsen	West
Daggett	Jesse	Norland	Woods
Danker	Jochum	Oakley	Wulff
Dieleman	Jordan	O'Halloran	Wyckoff
Doyle	Junker	Pavich	Mr. Speaker

The nays were, 1:

Schroeder

Absent or not voting, 14:

Binneboese	Harper	Lageschulte	Patchett
Den Herder	Hines	Lonergan	Scheelhaase
Drake	Howell	Middleton	Spencer
Halvorson	Hutchins		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 547)

Byerly of Polk moved to reconsider the vote by which Senate File 547 passed the House.

A non-record roll call was requested.

The ayes were 13, nays 57.

The motion lost.

House File 1508, a bill for an act relating to the registration of mobile homes, was taken up for consideration.

Koogler of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Miller of Buchanan refrained from voting.

On the question "Shall the bill pass?" (H.F. 1508)

The ayes were, 81:

Anderson	Dunton	Junker	Perkins
Avenson	Dyrland	Koogler	Poncy
Baker	Egenes	Krause	Readinger
Bennett	Evans	Kreamer	Rinas
Bina	Fitzgerald	Lindeen	Schroeder
Bittle	Gentleman	Lipsky	Small
Bortell	Gilloon	McElroy	Spear
Brandt	Griffee	Menke	Spradling
Branstad	Hansen	Mennenga	Stromer
Brockett	Hargrave	Middleswart	Svoboda
Brunow	Harvey	Miller, A. V.	Tauke
Byerly	Hennessey	Miller, O. L.	Tofte
Clark	Higgins	Monroe	Varley
Connors	Hinkhouse	Nealson	Walter
Crabb	Horn	Newhard	Welden
Crawford	Hullinger	Norland	West
Cusack	Husak	Oakley	Woods
Daggett	Jesse	O'Halloran	Wulff
Danker	Jochum	Pavich	Wyckoff
Dieleman	Jordan	Pellett	Mr. Speaker
Doyle			

The nays were, none.

Absent or not voting, 18:

Binneboese	Hines	Middleton	Patchett
Den Herder	Howell	Millen	Scheelhaase
Drake	Hutchins	Miller, K. D.	Spencer
Halvorson	Lageschulte	Nielsen	Wells
Harper	Lonergan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1050, a bill for an act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state, with report of committee recommending passage, was taken up for consideration.

Schroeder of Pottawattamie moved that the bill be read a last

time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1050)

The ayes were, 82:

Anderson	Dunton	Koogler	Perkins
Avenson	Dyrland	Krause	Poncy
Baker	Egenes	Kreamer	Readinger
Bennett	Evans	Lindeen	Rinas
Bina	Fitzgerald	Lipsky	Schroeder
Bittle	Gentleman	McElroy	Spear
Bortell	Gilloon	Menke	Spradling
Brandt	Griffee	Mennenga	Stromer
Branstad	Hansen	Middleswart	Svoboda
Brockett	Hargrave	Millen	Tauke
Brunow	Harvey	Miller, A. V.	Tofte
Byerly	Hennessey	Miller, K. D.	Varley
Clark	Higgins	Miller, O. L.	Walter
Connors	Hinkhouse	Nealson	Welden
Crabb	Horn	Newhard	Wells
Crawford	Hullinger	Norland	West
Cusack	Husak	Oakley	Woods
Daggett	Jesse	O'Halloran	Wulff
Danker	Jochum	Pavich	Wyckoff
Dieleman	Jordan	Pellett	Mr. Speaker
Doyle	Junker		

The nays were, 1:

Monroe

Absent or not voting, 16:

Binneboese	Harper	Lageschulte	Patchett
Den Herder	Hines	Lonergan	Scheelhaase
Drake	Howell	Middleton	Small
Halvorson	Hutchins	Nielsen	Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE 194 SUBSTITUTED FOR HOUSE FILE 830

Small of Johnson asked and received unanimous consent to substitute Senate File 194 for House File 830.

Senate File 194, a bill for an act relating to the selling of tangible goods by a licensee authorized to make supervised loans pursuant to the "Iowa Consumer Credit Code", was taken up for consideration.

Walter of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 194)

The ayes were, 75:

Anderson	Dunton	Lindeen	Readinger
Avenson	Egenes	Lipsky	Rinas
Baker	Fitzgerald	Menke	Schroeder
Bennett	Gentleman	Mennenga	Small
Bittle	Gilloon	Middleswart	Spear
Bortell	Griffee	Millen	Spradling
Brandt	Hansen	Miller, A. V.	Stromer
Branstad	Hargrave	Miller, K. D.	Svoboda
Brunow	Hennessey	Miller, O. L.	Tauke
Byerly	Higgins	Monroe	Tofte
Clark	Hinkhouse	Nealson	Varley
Connors	Hullinger	Newhard	Walter
Crabb	Husak	Norland	Wells
Crawford	Jesse	Oakley	West
Cusack	Jordan	O'Halloran	Woods
Daggett	Junker	Pavich	Wulff
Danker	Koogler	Pellett	Wyckoff
Dieleman	Krause	Perkins	Mr. Speaker
Doyle	Kreamer	Poncy	

The nays were, 4:

Bina	Dyrland	Harvey	Jochum

Absent or not voting, 20:

Binneboese	Halvorson	Hutchins	Nielsen
Brockett	Harper	Lageschulte	Patchett
Den Herder	Hines	Lonergan	Scheelhaase
Drake	Horn	McElroy	Spencer
Evans	Howell	Middleton	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1491, a bill for an act relating to tax sheltered annuities for employees of school boards, county school boards, area school boards, the state board of regents and the state board of public instruction, was taken up for consideration.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1491)

The ayes were, 79:

Anderson	Danker	Hennessey	Lipsky
Avenson	Dieleman	Higgins	Lonergan
Baker	Doyle	Hinkhouse	McElroy
Bina	Dunton	Horn	Menke
Bittle	Dyrland	Hullinger	Mennenga
Bortell	Egenes	Husak	Middleswart
Brandt	Evans	Jesse	Millen
Branstad	Fitzgerald	Jochum	Miller, A. V.
Brunow	Gentleman	Jordan	Miller, K. D.
Byerly	Gilloon	Junker	Nealson
Clark	Griffee	Koogler	Newhard
Connors	Hansen	Krause	Norland
Crabb	Hargrave	Kreamer	Oakley
Cusack	Harvey	Lindeen	O'Halloran

Pavich	Schroeder	Tauke	West
Pellett	Small	Tofte	Woods
Perkins	Spear	Varley	Wulff
Poncy	Spradling	Walter	Wyckoff
Readinger	Stromer	Welden	Mr. Speaker
Rinas	Svoboda	Wells	

The nays were, 4:

Bennett	Crawford	Daggett	Miller, O. L.

Absent or not voting, 16:

Binneboese	Halvorson	Hutchins	Nielsen
Brockett	Harper	Lageschulte	Patchett
Den Herder	Hines	Middleton	Scheelhaase
Drake	Howell	Monroe	Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1064, a bill for an act to abolish certain boards, committees and councils, with report of committee recommending passage, was taken up for consideration.

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1064)

The ayes were, 86:

Anderson	Dunton	Krause	Perkins
Avenson	Dyrland	Kreamer	Poncy
Baker	Egenes	Lindeen	Readinger
Bennett	Evans	Lipsky	Rinas
Bina	Fitzgerald	Lonergan	Schroeder
Binneboese	Gentleman	McElroy	Small
Bittle	Gilloon	Menke	Spear
Bortell	Griffee	Mennenga	Spradling
Brandt	Hansen	Middleswart	Stromer
Branstad	Hargrave	Millen	Svoboda
Brockett	Harvey	Miller, A. V.	Tauke
Brunow	Hennessey	Miller, K. D.	Tofte
Byerly	Higgins	Miller, O. L.	Varley
Clark	Hinkhouse	Monroe	Walter
Connors	Horn	Nealson	Welden
Crabb	Hullinger	Newhard	Wells
Crawford	Husak	Norland	West
Cusack	Jesse	Oakley	Woods
Daggett	Jochum	O'Halloran	Wulff
Danker	Jordan	Pavich	Wyckoff
Dieleman	Junker	Pellett	Mr. Speaker
Doyle	Koogler		

The nays were, none.

Absent or not voting, 13:

Den Herder	Hines	Lageschulte	Patchett
Drake	Howell	Middleton	Scheelhaase
Halvorson	Hutchins	Nielsen	Spencer
Harper			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1543, a bill for an act transferring the functions of the war surplus commodities board to the department of general services, was taken up for consideration.

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1543)

The ayes were, 85:

Anderson	Dunton	Koogler	Pellett
Avenson	Dyrland	Krause	Perkins
Baker	Egenes	Kreamer	Poncy
Bennett	Evans	Lindeen	Readinger
Bina	Fitzgerald	Lipsky	Rinas
Binneboese	Gentleman	Lonergan	Schroeder
Bittle	Gilloon	McElroy	Spear
Bortell	Griffee	Menke	Spradling
Brandt	Hansen	Mennenga	Stromer
Branstad	Hargrave	Middleswart	Svoboda
Brockett	Harvey	Millen	Tauke
Brunow	Hennessey	Miller, A. V.	Tofte
Byerly	Higgins	Miller, K. D.	Varley
Clark	Hinkhouse	Miller, O. L.	Walter
Connors	Horn	Monroe	Welden
Crabb	Hullinger	Nealson	Wells
Crawford	Husak	Newhard	West
Cusack	Jesse	Norland	Woods
Daggett	Jochum	Oakley	Wulff
Danker	Jordan	O'Halloran	Wyckoff
Dieleman	Junker	Pavich	Mr. Speaker
Doyle			

The nays were, none.

Absent or not voting, 14:

Den Herder	Hines	Middleton	Scheelhaase
Drake	Howell	Nielsen	Small
Halvorson	Hutchins	Patchett	Spencer
Harper	Lageschulte		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

APPROPRIATIONS CALENDAR

House File 1571, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation, was taken up for consideration.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1571)

The ayes were, 85:

Anderson	Egenes	Kreamer	Perkins
Avenson	Evans	Lindeen	Poncy
Bennett	Fitzgerald	Lipsky	Readinger
Bina	Gentleman	Lonergan	Rinas
Binneboese	Gilloon	McElroy	Schroeder
Bittle	Griffee	Menke	Small
Bortell	Hansen	Mennenga	Spear
Brandt	Hargrave	Middleswart	Spradling
Branstad	Harvey	Millen	Stromer
Brunow	Hennessey	Miller, A. V.	Svoboda
Byerly	Higgins	Miller, K. D.	Tauke
Clark	Hinkhouse	Miller, O. L.	Tofte
Connors	Horn	Monroe	Varley
Crabb	Hullinger	Nealson	Walter
Crawford	Husak	Newhard	Welden
Cusack	Jesse	Nielsen	Wells
Daggett	Jochum	Norland	West
Danker	Jordan	Oakley	Woods
Dieleman	Junker	O'Halloran	Wulff
Doyle	Koogler	Pavich	Wyckoff
Dunton	Krause	Pellett	Mr. Speaker
Dyrland			

The nays were, 2:

Baker	Brockett

Absent or not voting, 12:

Den Herder	Harper	Hutchins	Patchett
Drake	Hines	Lageschulte	Scheelhaase
Halvorson	Howell	Middleton	Spencer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1572 DEFERRED

Dunton of Keokuk asked and received unanimous consent that **House File 1572** be deferred and that the bill **retain its place on the calendar.**

STEERING COMMITTEE CALENDAR

House File 1550, a bill for an act relating to public utility rates, was taken up for consideration.

Small of Johnson offered the following amendment H—6575 filed by Small, et al.:

H—6575

1 Amend House File 1550 by striking everything after

the enacting clause and inserting in lieu thereof the following:

"Section 1. The general assembly hereby finds and declares:

1. That the prevailing rate structure for the sale of electric power to users in the state of Iowa may be outdated and may no longer serve the best interests of the citizens of the state; and

2. That the Iowa state commerce commission is best qualified by reason of its skills and experience to critically examine existing rate structures, to analyze the available alternatives, and to propose those criteria to be used to design present rate structures which the commission deems necsesary, and to implement those criteria unless specifically disapproved by the general assembly; and

3. That in order to provide for a critical evaluation of Iowa's energy consumption patterns and electric utility rate structures and for possible improvements in such rate structures, the general assembly enacts the provisions of this Act.

Sec. 2. Chapter four hundred ninety A (490A), Code 1975, is amended by adding the following new section:

NEW SECTION. REVIEW OF RATE STRUCTURES.

1. The commission shall conduct a continuing review of electric power consumption levels and patterns and user rate structures in Iowa. The review shall include but shall not be limited to an examination of:

a. Differences in electric power consumption levels and patterns resulting from the following:

(1) Seasonal demand fluctuations;

(2) Time of day demand fluctuations;

(3) Evidence or estimates of change in consumption patterns due to changes in price; and

(4) Income levels of users.

b. Electric power rate structures currently in effect in Iowa, and rate structures proposed or in effect in other parts of the country.

c. The relative advantages and disadvantages to consumers of the block rate system, lifeline service, peak hour schedules, metering devices and other methods which may be used to structure rate schedules.

2. The commission shall formulate, from time to time when the commission deems appropriate, new or revised criteria for evaluating and approving rate schedules submitted by utilities which supply electric power in Iowa and which are subject to rate regulation

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by the commission. Those criteria shall be designed to:

a. Eliminate any inequities to users resulting from existing rate structures.

b. Encourage conservation of electric power thereby conserving nonrenewable natural resources by eliminating or modifying the commonly used declining block rate structures.

c. Discourage use of electric power during periods of peak demand, or shift usage to other periods in order to better utilize existing power generating facilities and to avoid or define the need for new generating facilities.

d. Assure that rates are just, reasonable and sufficient, as required by this chapter, and otherwise comply with the laws of this state.

e. Correct other deficiencies identified by the commission.

3. The commission shall commence the review specified in subsection one (1) of this section immediately on the effective date of this Act. The commission shall submit a report to the general assembly not later than January 15, 1977 detailing the findings and conclusions of the study conducted pursuant to subsection one (1) of this section. The report shall include the criteria formulated according to the guidelines established in subsection two (2) of this section which the commission proposes to use in evaluating and approving rate structures. Unless specifically disapproved by the general assembly the proposed criteria for evaluating and approving rate schedules submitted to the commission shall apply to utilities supplying electricity which are subject to rate regulation by the commission and filing rate tariffs after July 1, 1977. After July 1, 1978, rate schedules which fail to satisfy the criteria prescribed by the commission pursuant to this section shall be unlawful."

Mennenga of Clinton offered the following amendment H—6580, to amendment H—6575, filed by him from the floor:

H—6580

Amend amendment H—6575, to House File 1550, as follows:

1. Page 2, by inserting after line 38, the following:

Sec. ..... 1. Section four hundred ninety A point six (490A.6), Code 1975, is amended to read as follows:

490A.6 CHANGE OF RATES—HEARING.

1. [No] *A* public utility subject to rate regulation shall *not* make effective any new or changed rate, charge, schedule or regulation except by filing the same with the commission [at least thirty days prior to the effective date thereof. The commission, for good cause shown, may allow changes in rates, charges, schedules or regulations to become effective on less than thirty days' notice] *which shall after investigating the proposed new or changed rates,*

charges, schedules, or regulations issue an order authorizing or prohibiting the new or changed rates, charges, schedules or regulations. A written statement by the commission justifying an order issued pursuant to this section shall accompany the order.

2. All public utilities, including those exempted from rate regulation by the provisions of section 490A.1, shall give written notice of any proposed increase of any rate or charge to all affected customers served by the public utility at least thirty days prior to the effective date thereof *and in the case of utilities subject to rate regulation at least thirty days prior to filing the proposed increase with the commission.* If the public utility is subject to rate regulation, the notice to affected customers shall also state that the customer has a right to file a written objection to such rate increase and that he may request the commission to hold a public hearing to determine if such rate increase should be allowed. The commission shall prescribe the manner and method that the written notice to each affected customer of the public utility shall be served.

3. Nothing in this chapter shall be taken to prohibit a public utility from establishing a sliding scale of rates and charges or from making provision for the automatic adjustment of rates and charges for public utility service provided that a schedule showing such sliding scale or automatic adjustment of rates and charges is first filed with *and authorized by* the commission.

4. Whenever there is filed with the commission by any public utility subject to rate regulation any new or changed rates, charges, schedules or

Page 2

regulations, the commission *shall investigate the same and* may[, prior to the effective date thereof,] docket the case as a formal proceeding and set the case for hearing. The commission shall give such notice of such formal proceedings as it deems appropriate. *The final decision by the commission shall be made within six months following the filing of the new or changed rates, charges, schedules or regulations with the commission.*

5. After the initiation of *the investigation or* such formal proceedings and pending the final decision thereon, the commission may, [at any time before they become effective, suspend the operation of such new or changed rates, charges, schedules or regulations, but not for a period longer than twelve months from the date when they would have become effective if not suspended] *upon the affirmative showing by the public utility that the imposition of the new or*

changed rates, charges, schedules or regulations is necessary for the continued operation of the utility, approve the imposition of the new or changed rates, charges, schedules or regulations until the commission has completed the investigation or formal proceedings and issued the final order.

6. [However, a public utility shall have the right at any time after said rates, charges, schedules or regulations have been suspended for ninety days to place in effect any or all of such suspended rates, charges, schedules or regulations by filing] *Public utilities effecting new or changed rates, charges, schedules or regulations pursuant to subsection five (5) of this section shall file* with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected thereunder in excess of the amounts which would have been collected under rates, charges, schedules or regulations finally approved by the commission. The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds. Such rate of interest shall be not less than five percent per annum, nor more than nine percent per annum.

7. If, after hearing and decision on all issues presented for determination in such rate proceeding, the commission shall find the rates, charges, schedules or rules of the utility to be unlawful, the same shall be set aside and the commission shall by order authorize and direct the utility to file rates, charges, schedules or rules which, when approved by

Page 3

the commission and placed in effect, will satisfy the requirements of this chapter. The rates, charges, schedules or rules so approved shall be lawful and effective unless changed as herein provided. [In the event a petition for rehearing is filed or a petition for judicial review is sought from an order concerning rates, charges, schedules or rules which are in effect under bond, those rates, charges, schedules or rules may, notwithstanding the terms of the Iowa administrative procedure Act, be continued in effect by the utility under the terms of a bond or other undertaking pending final determination of the application for rehearing or proceeding for judicial review of an order of the commission.] *A public utility may seek judicial review of a decision by the commission according to the provisions of chapter seventeen A (17A) of the Code.*

Jordan of Linn moved that House File 1550 be rereferred to the committee on commerce.

Evans of Grundy moved that action on House File 1550 be deferred until Tuesday afternoon, May 11, 1976.

Evans of Grundy and Jordan of Linn asked and received unanimous consent to withdraw their motions.

(House File 1550 and amendment H—6580, to amendment H—6575, pending and placed under unfinished business.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed seventy-one members present, twenty-eight absent.

SPONSOR ADDED

(Amendment H—6563 to Senate File 1310)

Schroeder of Pottawattamie requests he be added as a sponsor of amendment H—6563 to **Senate File 1310.**

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MOTIONS TO RECONSIDER

(Amendment H—5776 to Senate File 136)

I move to reconsider the vote by which amendment H—5776 to Senate File 136 failed to be adopted by the House on May 7, 1976.

KREAMER of Polk

(Senate File 1064)

I move to reconsider the vote by which Senate File 1064 passed the House on May 10, 1976.

SMALL of Johnson

EXPLANATIONS OF VOTES

Due to work on proposed committee bills on public works and on programs for senior citizens, I was absent from the House chamber part of Friday, May 7, and missed the votes on House File 1472 and Senate Files

1191, 1283, 136 and 345. Had I been present I would have voted "aye" on all of these noncontroversial bills.

CUSACK of Scott

I was necessarily absent from the House chamber when the votes were taken on Senate Files 136, 345, 1191 and 1283, and House File 1472. Had I been present, I would have voted "aye." On the motion to suspend the rules for the reconsideration of House File 1314, I would have voted "nay."

OAKLEY of Clinton

I was necessarily absent from the House chamber when the vote was taken on House Files 1508, 1050, 830, 1491, 1571 and 1572, and Senate Files 547, 1064 and 1543. Had I been present I would have voted "aye" on House Files 1508, 1050, 830, 1491, 1571 and 1572, and Senate Files 1064 and 1543, and "nay" on Senate File 547.

MIDDLETON of Black Hawk

I was necessarily absent from the House chamber when the votes were taken on House Files 1508, 1491, 1543 and 1571 and Senate Files 1050, 194, and 1064. Had I been present, I would have voted "aye."

HARPER of Davis

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of May, 1976: House Files 467, 689, 1281, 1299, 1462 and 1464.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 7, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 91, an act relating to fees for posting business signs on specific information panels and advertising permits.

House File 200, an act relating to the labeling of prescription drugs.

House File 292, an act to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities.

House File 1011, an act to amend the election laws of the State of Iowa.

House File 1063, an act relating to certain statutory provisions affecting the legal treatment of male and female persons.

House File 1162, an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code.

House File 1359, an act relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides.

House File 1403, an act relating to cities and specifically to authorization for issuance of revenue bonds.

House File 1492, an act relating to liability insurance for hospitals.

Senate File 488, an act relating to persons serving on state boards, commissions, and councils.

Senate File 1225, an act relating to the establishment of a Birth Defects Institute and specifiying its powers and duties and making an appropriation.

Senate File 1243, an act appropriating funds to the State Board of Regents for Aujeszky's disease research to be conducted by the Iowa State University of Science and Technology.

REPORT OF COMMITTEE

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **Senate File 356,** a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6592

Amend Senate File 356 as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 20 through 26 and inserting in lieu thereof the following subsection:

"3. Self-liquidating improvement" means any facility or property proposed to be leased in whole or in part to any person or governmental body to further the corporate purposes of the city and:

a. To aid in the commercial development of the district.

b. To further the purposes of the district; or

c. Not substantially reduce the city's property tax base."

2. Page 3, by inserting after line 35 the following lettered paragraph:

"..... A statement that taxes levied for the self-supported improvement district operation fund shall be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements financed pursuant to this Act for a specified length of time, along with any options to renew, if such taxes are to be used for this maintenance purpose."

3. Page 4, lines 30 and 31, by striking the words "on or before the date of publication of the notice," and inserting in lieu thereof the words "not less than fifteen days before the meeting".

4. Page 5, by striking lines 15 through 18 and

inserting in lieu thereof the words "The council must wait at least thirty days after the public hearing has been held before it may adopt".

5. Page 5, line 27, by inserting after the word "required" the words "in subsections four (4) and five (5) of this section".

6. Page 6, by striking lines 16 through 18 and inserting in lieu thereof the words "of at least forty percent of all owners of property within the proposed district or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the proposed district."

7. Page 7, by striking lines 29 through 35.

8. Page 8, lines 1 and 2, by striking the words "Except as limited in subsection one (1) of this section, the" and inserting in lieu thereof the word "The".

9. Page 8, line 16, by striking the words ", and where a".

10. Page 8, by striking lines 17 through 22 and inserting in lieu thereof the words ". However, if a remonstrance has been filed with the clerk signed

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by at least twenty-five percent of all owners of property within the district and all property proposed to be included representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all the property in the district and all property proposed to be included, the amending ordinance must be adopted by unanimous vote of the council."

11. Page 8, by inserting after line 26 the following subsection:

"..... At any time prior to council amendment of the ordinance creating the district, the entire matter of amending such ordinance shall be withdrawn from council consideration if a petition is filed with its clerk containing the signatures of at least forty percent of all owners of property within the district and all property proposed to be included or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the district and all property proposed to be included."

12. Page 9, by striking lines 19 through 25 and inserting in lieu thereof the words "of two members. However, if a remonstrance has been filed with the clerk signed by at least twenty-five percent of all owners of property within the district representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all the property in the district, the rescission of the ordinance creating the district, and any subsequent

ordinances amending the district, requires a unanimous vote of the council.

At any time prior to action of the council rescinding the ordinance creating the district, and any subsequent ordinances amending the district, the entire matter of dissolving a district shall be withdrawn from council consideration if a petition is filed with its clerk containing the signatures of at least forty percent of all owners of property within the district or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the district."

13. Page 9, line 32, by striking the words "owners of".

14. Page 9, by striking lines 33 through 35 and inserting in lieu thereof the words "at least twenty-five percent of all owners of property within the district representing ownership of property with an assessed value of twenty-five percent or more of the

Page 3

assessed value of all property in the district".

15. Page 10, line 10, by inserting after the word "Act." the words "If no planning or zoning commission exists, the council shall call a hearing on a proposed improvement upon receipt of a petition."

16. Page 10, line 14, by inserting after the word "in" the words "subsections four (4) and five (5) of".

17. Page 10, line 22, by striking the words "At the meeting".

18. Page 10, by striking lines 23 through 29 and inserting in lieu thereof the words "The council must wait at least thirty days after the public hearing has been held before it may take action to order construction of the improvement. The provisions of section three (3), subsections seven (7) and nine (9), of this Act relating to the adoption of the ordinance establishing a district, the requisite vote therefor, the remonstrance thereto and the withdrawal of the entire matter from council consideration apply to the adoption of the resolution ordering the construction of the improvement."

19. Page 10, line 33, by striking the words "Code, provided that "improvement" as used in" and inserting in lieu thereof the word "Code."

20. Page 10, by striking lines 34 and 35.

21. Page 11, by striking lines 1 and 2.

22. Page 12, by striking lines 10 through 15 and inserting in lieu thereof the following subsection:

"2. Before the council may order the construction of a self-liquidating improvement, and after hearing thereon, it must find that the self-liquidating improvement and the leasing of a part or the whole

of it to any person or governmental body will further the corporate purposes of the city and will:

a. Aid in the commercial development of the district.

b. Further the interests of the district; or

c. Not substantially reduce the city's property tax base."

23. Page 12, line 19, by striking the words "Code, provided that "improvement" " and inserting in lieu thereof the word "Code."

24. Page 12, by striking lines 20 through 30 and inserting in lieu thereof the following subsection:

"..... The adoption of a resolution ordering the construction of a self-liquidating improvement is a legislative determination that the proposed self-liquidating improvement and the leasing of a part or the whole of it to any person or governmental body

Page 4

will further the corporate purposes of the city and will:

a. Aid in the commercial development of the district.

b. Further the interests of the district; or

c. Not substantially reduce the city's property tax base."

25. Page 13, line 9, by striking the word "city" and inserting in lieu thereof the word "district".

26. Page 14, line 11, by inserting after the word "district." the words "The taxes levied for this fund may also be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements financed pursuant to this Act for a specified length of time with one or more options to renew if such is clearly stated in the petition which requests the council to authorize construction of the improvement or self-liquidating improvement, whether or not such petition is combined with the petition requesting creation of a district. Parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section."

27. Page 14, line 13, by striking the words "However, a property".

28. Page 14, by striking lines 14 through 24.

29. Page 14, line 28, by striking the word "district" and inserting in lieu thereof the word "district,".

30. Page 14, line 32, by inserting after the words "self-liquidating improvement." the words "However, parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section."

31. Page 15, line 1, by striking the words "However, a property owner whose income during the".

32. Page 15, by striking lines 2 through 11.
33. Page 15, by striking lines 23 through 35.
34. Page 16, by striking lines 1 through 4 and inserting in lieu thereof the words "However, parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section."
35. Page 16, line 13, by inserting after the word "Act." the words "When self-supported municipal improvement district bonds are issued and taxes are levied in accordance with chapter seventy-six (76) of the Code, the taxes shall continue to be levied, until the bonds and interest thereon are paid in full, against all of the taxable property that was included

Page 5

in the district at the time of the issuance of the bonds, regardless of any subsequent removal of any property from the district or the dissolution of the district."

NORLAND of Worth, Chair

AMENDMENTS FILED

H—6588

Amend H—6543 to House File 1314 as follows:
1. Page 1, by inserting the following after line 21: "This section shall not apply to those highways that are part of the national system of interstate and defense highways and have previously received corridor approval from the United States Department of Transportation."

BRANDT of Black Hawk

H—6582

Amend H—6575 to House File 1550 as follows:
1. Page 2, line 6, by striking the word "by" and inserting in lieu thereof a period.
2. Page 2, by striking all of lines 7 and 8.

TAUKE of Dubuque

H—6583

Amend H—6575 to House File 1550, page 2, line 6 by striking the word "by" and inserting in lieu the following:
", including consideration of the effect of".

WELDEN of Hardin
VARLEY of Adair

H—6584

Amend H—6575 to House File 1550 as follows:
1. Page 2, by striking all after the period in line 25, all of lines 26 through 38, and inserting in lieu thereof the following: "Unless specifically disapproved by the general assembly the method for structuring rate schedules prescribed by the commission pursuant to this sub-

section shall be used by utilities supplying natural gas and electricity which are subject to rate regulation by the commission in determining rate tariffs filed after July 1, 1977. After July 1, 1978 rate schedules which are not designed according to the method prescribed by the commission pursuant to this subsection shall be unlawful."

EVANS of Grundy
TAUKE of Dubuque
WALTER of Pottawattamie

H—6585

Amend H—6575 to House File 1550 as follows:

1. Page 2, by striking all after the period in line 29.

2. Page 2, by striking lines 30 through 38 and inserting in lieu thereof the following:

"The criteria formulated under subsection two (2) of this section shall apply to rate schedules submitted to the commission after January 1 of the year following approval of the criteria by resolution adopted by a majority of the members of the general assembly."

WELDEN of Hardin
KREAMER of Polk
VARLEY of Adair

H—6577

Amend House File 1568 as follows:

1. Page 1, by adding after line 13 the following:

"5. For the construction of a liquor warehouse with relating areas and moving the general office to Camp Dodge $1,820,000

6. Mechanized conveyor system for liquor warehouse ..... 660,000".

CRABB of Crawford
SCHROEDER of Pottawattamie
NEALSON of Muscatine
HANSEN of O'Brien
MENKE of O'Brien
TOFTE of Winneshiek
BENNETT of Ida
WULFF of Black Hawk
WEST of Marshall
BROCKETT of Marshall
BORTELL of Madison
LIPSKY of Linn
EGENES of Story
VARLEY of Adair
STROMER of Hancock
WELDEN of Hardin
READINGER of Polk
PELLETT of Cass

MILLEN of Van Buren
KREAMER of Polk
JUNKER of Woodbury
BITTLE of Polk
OAKLEY of Clinton
McELROY of Fremont
GENTLEMAN of Polk

H—6586

Amend House File 1568 as follows:

1. Page 1, line 7, by inserting after the word "new" the words "self-service".

2. Page 1, line 8, by inserting after the word "relocation" the words "and conversion to self-service".

LIPSKY of Linn

H—6589

Amend Senate File 449 as passed by the Senate as follows:

1. Page 1, line 9, by striking the word "assessment" and inserting in lieu thereof the words "excise tax on corn".

2. Page 2, line 5, by striking the word "Assessment" and inserting in lieu thereof the words "Excise tax on corn".

3. Page 2, line 8, by striking the words "five hundred producers" and inserting in lieu thereof the words "twenty percent of the producers of each district".

4. Page 2, line 13, by striking the word "written" and inserting in lieu thereof the word "mail".

5. Page 2, lines 13 and 14, by striking the words "this Act" and inserting in lieu thereof the words "the secretary".

6. Page 2, line 28, by striking the word "each" and inserting in lieu thereof the word "a".

7. Page 2, line 29, by striking the word "may" and inserting in lieu thereof the word "will".

8. Page 2, line 30, by inserting after the word "producers" the words "from each district".

9. Page 4, line 2, by striking the words "appoint a nominating" and inserting in lieu thereof the words "publish in a newspaper of general circulation a notice requesting nominations by producers of qualified producers which will be submitted to an election".

10. Page 4, line 6, by striking the word "nominating" and inserting in lieu thereof the word "election".

11. Page 4, line 6, by striking the words "nominate two" and inserting in lieu thereof the words "publish the names of nominated".

12. Page 4, line 8, by striking the words "Additional candidates may" and inserting in lieu thereof the words "All candidates must".

13. Page 4, line 19, by striking the words "shall

serve" and inserting in lieu thereof the words "may attend meetings of the board as observers."

14. Page 4, by striking lines 20 through 23.

15. Page 4, by striking lines 31 through 33.

16. Page 4, line 34, by striking the words "of new or larger" and inserting in lieu thereof the words "and growth of".

17. Page 5, by inserting after line 19 the following: "The board shall not conduct political actions through campaigning or advertising to perpetuate itself during a scheduled referendum."

18. Page 5, line 30, by striking the word "assess-

Page 2

ment" and inserting in lieu thereof the words "excise tax on corn".

19. Page 6, line 23, by inserting after the word "vote." the following: "Any election in which less than twenty-five percent of the eligible producers vote shall be declared no contest."

20. Page 6, line 24, by striking the word "ASSESSMENT" and inserting in lieu thereof the words "EXCISE TAX ON CORN".

21. Page 6, line 25, by striking the word "assessment" and inserting in lieu thereof the words "excise tax on corn".

22. Page 6, line 25, by striking the word "Assessments" and inserting in lieu thereof the words "The excise tax on corn".

23. Page 6, line 30, by striking the word "assessment" and inserting in lieu thereof the words "the excise tax on corn".

24. Page 6, lines 34 and 35, by striking the word "assessment" and inserting in lieu thereof the words "the excise tax on corn".

25. Page 6, by inserting after line 35 the following: "This deduction shall be properly designated as an excise tax on corn and the total amount shall be shown."

26. Page 7, line 1, by striking the word "ASSESSMENT" and inserting in lieu thereof the words "THE EXCISE TAX ON CORN".

27. Page 7, lines 1 and 2, by striking the word "assessment" and inserting in lieu thereof the words "excise tax on corn".

28. Page 7, line 15, by striking the word "ASSESSMENT" and inserting in lieu thereof the words "EXCISE TAX ON CORN".

29. Page 7, lines 15 and 16, by striking the word "assessment" and inserting in lieu thereof the words "excise tax on corn".

30. Page 7, lines 24 and 25, by striking the words "the total number of producers voting favor" and inserting in lieu thereof the words "at least twenty-five percent of the eligible producers have voted

in favor of".

31. Page 7, line 32, by striking the word "Assessments" and inserting in lieu thereof the words "The excise tax on corn".

32. Page 8, by striking lines 12 through 26 and inserting in lieu thereof the following:

"Sec. 27. *NEW SECTION.* VOLUNTARY EXCISE TAX ON CORN. Participation in the corn promotion and research program shall be completely voluntary. Anyone wishing

Page 3

to have the excise tax on corn withheld by the first purchaser may certify his or her willingness by signing a withholding certificate which shall be provided by the board to each first purchaser in the state. Any collections of the excise tax on corn not covered by a withholding certificate shall be unlawful. All withholding certificates must be forwarded to the secretary who shall be required to maintain them on file for a period of not less than five years."

33. Page 9, line 4, by striking the word "promotion" and inserting in lieu thereof the words "market development".

34. Page 9, by striking line 5 and inserting in lieu thereof the following: "of this state."

35. Page 9, by striking lines 10 and 11 and inserting in lieu thereof the following: "legislation or perpetuate their contracts through political or promotional activity."

36. Amend the title, line 2, by striking the word "assessments" and inserting in lieu thereof the words "an excise tax on corn".

SCHEELHAASE of Woodbury
WYCKOFF of Benton
HOWELL of Floyd

H—6590

Amend Senate File 449 as follows:

1. Page 2, line 16, by striking the words "a majority" and inserting in lieu thereof the words "sixty percent".

2. Page 6, line 33, by inserting after the word "purchaser" the words "shall, if the producer authorizes a deduction".

3. Page 6, line 34, by striking the words "shall show the total" and inserting in lieu thereof the words "have the".

4. Page 7, line 1, by striking the word "The" and inserting in lieu thereof the words "If authorized, the".

5. Page 7, line 24, by striking the words "a majority" and inserting in lieu thereof the words "sixty percent".

6. Page 8, by striking lines 12 through 26.

7. By renumbering the remaining sections.

PERKINS of Greene

H—6576

Amend Senate File 1126 as amended and passed by the Senate as follows:

Page 1, after line 19 by inserting the words:

"For gathering and controlling bibliographical data on newspapers .....$17,170".

SMALL of Johnson

H—6587

Amend Senate File 1221 as follows:

1. Page 1, by inserting after line 25 the following new section:

"Sec. ..... Section nine point four (9.4), subsection two (2), Code 1975, is amended to read as follows:

2. For a copy of any law or record, upon the request of any private person or corporation, [fifty] *a fee to be determined by the secretary of state not to exceed ten* cents per page."

TAUKE of Dubuque

H—6578

Amend Senate File 1280 as follows:

1. Page 6, by inserting after line 31E the following section:

"Sec. ..... Section three hundred twenty-one point two hundred eighty-one (321.281), Code 1975, is amended by striking unnumbered paragraph four (4)."

OAKLEY of Clinton

H—6579

Amend Senate File 1280 as amended and passed by the Senate as follows:

1. Strike page 11, line 15 through page 13, line 28.

2. Page 15, by striking lines 15 through 32 and inserting in lieu thereof the following:

"Sec. ..... Section forty-seven point three (47.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section eighteen (18), is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

The costs of conducting a special election called by the governor, general election, and the primary election held prior to the general election shall be paid by the county.

Sec. ..... Section forty-nine point seventy-three (49.73), subsection two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section forty (40), is amended to read as follows:

2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days

before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than seven o'clock a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter two hundred eighty A (280A) of the Code. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at nine o'clock p.m. for state primary and general elections and other partisan elections, *and for any other election held concurrently therewith*, and at eight o'clock p.m. for all other elections."

MONROE of Des Moines
OAKLEY of Clinton

H—6581

Amend Senate File 1280 as amended and passed by the Senate as follows:

1. Page 6, by inserting after line 31E the following:

"Sec. ..... Section three hundred twenty-five point eleven (325.11), Code 1975, is amended to read as follows:

325.11 RULES OF PROCEDURE. The [commission] *board* shall adopt rules governing the procedure to be followed in the filing of applications and in the conduct of hearings.

Sec. ..... Section three hundred twenty-five point thirty-two (325.32), Code 1975, is amended to read as follows:

325.32 ADDITIONAL RULES. The [board] *department* shall promulgate such other safety rules as it may deem necessary to [govern and control] *regulate* the operation of motor vehicles upon the highways and the maintenance and inspection thereof.

Sec. ..... Section three hundred twenty-five point thirty-four (325.34), Code 1975, is amended to read as follows:

325.34 MISDEMEANOR—PENALTY. Every owner, officer, agent, or employee of any motor carrier, and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, [or regulation,] direction, demand, or requirement or any part or provision thereof, [of the commission] *issued or adopted pursuant to the provisions of this chapter*, or who procures, aids, or abets any corporation or person in his failure to obey, observe, or comply with any such order, decision, rule,

direction, demand, [or regulation] or any part or provision thereof, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a period of not to exceed thirty days.

Sec. ..... Section three hundred twenty-five point thirty-five (325.35), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

No motor vehicle engaged in the transportation of property under a certificate of convenience and necessity issued under the provisions of this chapter shall be operated on the highways of this state unless there shall have been paid to the [board] *department* for the administration of this chapter an annual fee in the amount of five dollars; provided, however,

Page 2

that the fee herein provided shall not be imposed on any tractor or truck tractor; provided, however, that the fee herein provided for each semitrailer shall be in the amount of six dollars.

Sec. ..... Section three hundred twenty-six point eleven (326.11), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The [executive secretary] *director* may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to his prorate fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent identification is issued, except that the temporary authority shall expire after thirty days.

Sec. ..... Section three hundred twenty-six point eighteen (326.18), Code 1975, is amended to read as follows:

326.18 FULLY REGISTERED FOR INTERSTATE MOVEMENT. When a nonresident fleet owner has registered vehicles on a prorated basis, the vehicles shall be considered fully registered insofar as interstate commerce is concerned. The privileges granted to a nonresident pursuant to this chapter shall permit the operation of a vehicle which is simultaneously engaged in interstate movements and intrastate commerce, provided that the owner has intrastate authority or rights granted by the transportation regulation board. The board may also enter into reciprocity agreements pursuant to section 326.5 to permit interstate and intrastate movement of vehicles registered on a prorate basis by a nonresident fleet owner, provided the owner has intrastate authority granted by the [Iowa state commerce commission] *transportation regulation board* and the jurisdiction in which the nonresident is base plated grants the same privilege to an Iowa base plated vehicle. Each vehicle upon which an Iowa base

plate is required to be displayed under this chapter shall be considered fully registered for both interstate commerce and intrastate commerce.

Sec. ..... Section three hundred twenty-six point thirty-three (326.33), Code 1975, is amended to read as follows:

326.33 RULES ADOPTED. The [board] *department* may promulgate any rules deemed necessary to carry out the provisions of this chapter. Such rule-making authority shall be subject to the provisions of chapter 17A.

Sec. ..... Section three hundred twenty-six point forty-five (326.45), Code 1975, is amended to read

Page 3

as follows:

326.45 ISSUANCE—TITLE OBLIGATION. The [board] *department* shall, upon receiving application and payment of proper registration fee in compliance with the provisions of this chapter, issue registration identification to the carrier. Upon the issuance of Iowa base plates, the [board] *department* shall notify the carrier of his obligation to title the vehicle and furnish the carrier with a title letter to be presented to the county treasurer of his county of residence and returned to the [board] *department*. If the titling requirements of this section and chapter 321 are not satisfied within thirty days of issuance of registration identification, the carrier's registration shall be canceled until such time as the requirements are satisfied.

Sec. ..... Section three hundred twenty-seven point eight (327.8), Code 1975, is amended to read as follows:

327.8 ISSUANCE. Upon the filing of the application and if the applicant shall otherwise comply with the terms and conditions of this chapter, the board shall issue to the applicant a permit as herein defined. The actual operation of such motor vehicle or vehicles shall not begin without the written approval of the [state] department, stating that the applicant has complied with the prescribed safety regulations.

Sec. ..... Section three hundred twenty-seven point eleven (327.11), Code 1975, is amended to read as follows:

327.11 PAYMENT OF FEE. It shall be the duty of the [board] *department* to collect all permit fees provided in this chapter, and failure to pay any such permit fee within thirty days after the time the same shall become due shall be cause for revocation of the permit of the truck operator in arrears.

Sec. ..... Section three hundred twenty-seven point fourteen (327.14), Code 1975, is amended to read as follows:

327.14 PERMIT—NATURE OF. Permits issued hereunder shall be personal property and may be sold, transferred, leased, or assigned under such reasonable rules [and regulations] as may be [fixed by the board] *prescribed according to the provisions of this chapter.*

Sec. ..... Section three hundred twenty-seven point twenty-two (327.22), Code 1975, is amended to read as follows:

327.22 VIOLATIONS—PUNISHMENT. Every owner, officer, agent, or employee of any truck operator,

Page 4

and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of this chapter, or who fails to obey, observe, or comply wih any order, decision, rule, [or regulation,] direction, demand, or requirement or any part or provision thereof, [of the commission, or the department,] *issued or adopted pursuant to the provisions of this chapter* or who procures, aids, or abets any corporation or person in his failure to obey, observe, or comply with any such order, decision, rule, direction, demand, [or regulation] or any part or provision thereof, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a period of not to exceed thirty days.

Sec. ..... Section three hundred twenty-seven A point eighteen (327A.18), Code 1975, is amended to read as follows:

327A.18 PENALTIES. Every owner, officer, agent or employee of any liquid transport carrier, and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule [or regulation], direction, demand, or requirement or any part or provision thereof [of the board] *issued or adopted pursuant to the provisions of this chapter,* or who procures, aids or abets any corporation or person in his failure to obey, observe, or comply with any such order, decision, rule, direction, demand [or regulation] or any part or provision thereof, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a period of not to exceed thirty days.

Sec. ..... Section three hundred twenty-seven A point nineteen (327A.19), Code 1975, is amended to read as follows:

327A.19 FEE FOR OPERATION. No certificate of convenience and necessity shall be issued nor continued in force until the holder thereof shall have paid to the [board] *department* an annual certificate fee

for each motor vehicle operated thereunder in the amount of five dollars, except that the fee for a tractor or truck tractor shall be fifteen dollars, and except that the fee herein provided shall not be imposed on any trailer or semitrailer. Fees collected pursuant to the provisions of this section shall be remitted to the treasurer of state and

Page 5

credited to the general fund of the state."

2. By renumbering the sections to conform with this amendment.

KRAUSE of Palo Alto

H—6591

Amend Senate File 1310 as reprinted and passed by the Senate as follows:

1. Page 7, line 15, by inserting after the word "to" the words "and shall".

2. Page 7, line 17, by striking the word "may" and inserting in lieu thereof the word "shall".

OAKLEY of Clinton

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 4:48 p.m. until 9:00 a.m., Tuesday, May 11, 1976.

JOURNAL OF THE HOUSE

One Hundred Twenty-first Calendar Day—Eightieth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, MAY 11, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Charles Khiyalie, District Superintendent and Assistant to the Methodist Bishop, Moradabad, India. Reverend Khiyalie, who is sponsored by the United Methodist Church, is visiting churches throughout the United States.

The Journal of Monday, May 10, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dale Christensen, Lake City, Iowa.

PRESENTATION OF VISITORS

Welden of Hardin presented to the House Miss Lorella Renaldi, an AFS student from Italy, attending Iowa Falls High School, Iowa Falls, Iowa. Miss Renaldi is a guest in the home of Mr. and Mrs. Rieber.

Fitzgerald of Webster presented to the House five members of a Group Study Exchange program and their Rotarian leader from District 128 in Norway. They were accompanied by Denise Baker, an AFS student from Australia. Clarence Rice of the Fort Dodge Rotary Club also accompanied them.

The Speaker announced the following visitors were present in the House chamber:

Forty fifth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Mrs. Farnsworth. By Brunow of Appanoose.

Forty fourth grade students from Grant School, Oskaloosa, Iowa, accompanied by Mrs. Francine Jones and Mrs. Carole Hasselman. By Koogler of Mahaska.

Thirty-two eighth grade students from Schaller Community School, Schaller, Iowa. By Bennett of Ida.

Seventy eighth grade students from St. Joseph's School, Bode, Iowa, accompanied by Father David Hogan, Mrs. Dena Reeves and Louis Bassler. By Krause of Palo Alto.

Sixty-five senior government class students from Johnston Senior High School, Johnston, Iowa, accompanied by Dave Pitz. By Readinger of Polk.

Fifty-five fifth grade students from Valley Park School, Cedar Falls, Iowa, accompanied by Mrs. Hall, Mrs. Purdy and Mrs. Danner. By Brandt of Black Hawk and O'Halloran of Black Hawk.

Forty-four ninth grade students from Fairfield Junior High School, Fairfield, Iowa, accompanied by Mrs. Franklin. By Millen of Van Buren.

Thirty-five students from the bicentennial class of St. Albert High School, Council Bluffs, Iowa, accompanied by Father Gorden Gittens and Mary Braugh (instructors). By Danker of Pottawattamie, Pavich of Pottawattamie, Schroeder of Pottawattamie and Walter of Pottawattamie.

PETITION FILED

The following petition was received and placed on file.

By Husak of Tama from fourteen members of the Reinig-Friedrichs Post No. 72, Toledo, Iowa, urging support of House File 1111, a bill for additional construction at the Iowa Veterans Home.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 356, under Rule 36.

INTRODUCTION OF BILL

House File 1573, by committee on appropriations, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a performance audit and evaluation committee, providing for their respective powers and duties, and making an appropriation.

Read first time and **placed on the appropriations calendar.**

HOUSE CONCURRENT RESOLUTION 140

By Cusack, Daggett, Dyrland, Anderson, Bina, Griffee, Hansen, Monroe, Hargrave and Higgins

Whereas, the federal government has in recent months on a number of occasions reduced its level of commitment or discontinued its support for various existing programs in education, social services and other fields, including but not limited to programs carried on by or through Board of Regents institutions. Title twenty (XX) of the United States Social Security Act, Title three (III) programs for the aging and Title seven (VII) nutrition programs; and

Whereas, the federal revenue sharing programs on which local governments have come to rely to a significant extent are also in peril of reduction or discontinuance; and

Whereas, these actions or the apprehension that such actions are about to be taken nearly always result in requests that the General Assembly appropriate money to replace the federal funds which have been lost or the loss of which is anticipated; and

Whereas, the lack of a uniform policy guideline for responding to these pleas tend to make the General Assembly's response disorganized and inconsistent; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is authorized to establish during the 1976 legislative interim a study committee on federal fund replacement and allocation policy, to review the present and prospective situation relative to existing programs begun or being supported to a significant extent with federal funds which are being or may be cut back or

discontinued, and recommend a consistent state policy which may be followed by the General Assembly in responding to requests for appropriations to replace federal funds for support of programs such as those referred to in the preamble to this resolution. The study committee shall also review current policies and practices regarding allocation of funds received by Iowa under Title twenty (XX) of the United States Social Security Act, in particular the allocation of these funds to Department of Social Services administrative districts, and recommend any changes in current allocation of these funds which are deemed appropriate. The study committee shall submit its report to the Sixty-seventh General Assembly upon its convening in January, 1977.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 141

By Cusack and Higgins

Whereas, the problems currently being encountered by the State of Iowa in regard to capacity of the state's penal and correctional institutions, the rewriting of Iowa's criminal code, and other factors have engendered much discussion of the philosophies which underlie sentencing, incarceration and probation or parole of convicted felons in this state; and

Whereas, it has become apparent that these are matters of serious concern to many Iowans, but that there is considerable disagreement among legislators and the general public as to the most desirable and effective policies to be followed in these matters, and a legislative study may assist in formulating conclusions as to such policies; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is authorized to establish during the 1976 legislative interim a study committee to study and make recommendations for future state policy with respect to:

1. The merits of determinate sentencing of convicted felons, as against indeterminate sentencing.

2. The concept of rehabilitation of incarcerated felons, the extent and manner in which this concept is to be applied, and the implications of the rehabilitation concept as so applied for funding of Iowa's penal institutions.

3. The role of the Board of Parole in determining when parole is to be granted, and in supervising parolees.

4. The consequences of each of the three foregoing matters for future development and funding of both state

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correctional institutions and community-based correctional facilities; and

Be It Further Resolved, That the study committee shall submit its report to the Sixty-seventh General Assembly upon its convening in January, 1977.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on April 30, 1976, insisted on its amendment to House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, and that the members of the conference committee, appointed on May 10, 1976, on the part of the Senate are: The Senator from Des Moines, Mr. Miller; the Senator from Clarke, Mr. Ramsey; the

Senator from Linn, Mr. Robinson; the Senator from Cerro Gordo, Mr. Scott; and the Senator from Hardin, Mr. Taylor.

Also: That the Senate has on May 10, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1279, a bill for an act to legalize the proceedings of the Polk County Commissioner regarding an election in and for the City of Pleasant Hill.

Also: That the Senate has on May 10, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1322, a bill for an act providing for an appropriation to the department of revenue.

Also: That the Senate has on May 10, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1323, a bill for an act to provide funds to supplement funds appropriated to the law library for books, periodicals and publications.

Also: That the Senate has on May 10, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1324, a bill for an act relating to the compensation and benefits for state employees and nonelected state officials.

STEVEN C. CROSS, Secretary

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION
(House Files 1568, 1569 and 1570)

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House Files 1568, 1569 and 1570.

CONSIDERATION OF BILLS

UNFINISHED BUSINESS

The House resumed consideration of **House File 1550**, a bill for an act relating to public utility rates, and amendment H—6580 (found on pages 2561 through 2563) to amendment H—6575 (found on pages 2559 through 2561 of the House Journal).

Small of Johnson asked and received unanimous consent to withdraw amendment H—6580 filed by Mennenga of Clinton.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—6584, to amendment H—6575, filed by Evans, et al., on May 10, 1976, and found on pages 2570 and 2571 of the House Journal.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—6585, to amendment H—6575, filed by

Welden, et al., on May 10, 1976, and found on page 2571 of the House Journal.

Welden of Hardin offered the following amendment H—6583, to amendment H—6575, filed by him and Varley of Adair:

H—6583

Amend H—6575 to House File 1550, page 2, line 6 by striking the word "by" and inserting in lieu the following:
", including consideration of the effect of".

Fitzgerald of Webster moved the previous question on House File 1550 with respect to speaking and the filing of amendments.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 53, nays 32.

The motion prevailed.

Welden of Hardin moved the adoption of amendment H—6583, to amendment H—6575.

A non-record roll call was requested.

The ayes were 46, nays 34.

Amendment H—6583 was adopted.

Small of Johnson offered the following amendment H—6593, to amendment H—6575, filed by him and Welden of Hardin from the floor and moved its adoption:

H—6593

Amend H—6575 to House File 1550 as follows:
1. Page 1, lines 16 and 17, by striking the words "unless specifically disapproved by the general assembly".
2. Page 2, line 21, by striking the word "The".
3. Page 2, by striking lines 22 through 38 and inserting in lieu thereof the following: "If, based on the facts determined in the review, the commission determines that modifications in current rate structures are in the public interest, the commission shall effect such changes by rule pursuant to the provisions of chapter seventeen A (17A) of the Code."

Amendment H—6593 was adopted.

With the adoption of amendment H—6593, amendment H—6582, to amendment H—6575, filed by Tauke of Dubuque on

May 10, 1976, and found on page 2570 of the House Journal, was out of order.

By unanimous consent the following corrective amendment H—6598, to amendment H—6575, filed by Varley of Adair from the floor was adopted:

H—6598

Amend amendment H—6575, to House File 1550, as follows:

1. Page 2, line 12, by striking the word "define" and inserting in lieu thereof the word "defer".

Walter of Pottawattamie offered the following amendment H—6594, to amendment H—6575, filed by him and Pavich of Pottawattamie from the floor and moved its adoption:

H—6594

Amend amendment H—6575 to House File 1550 as follows:

1. Page 2, by striking lines 12 and 13 and inserting in lieu thereof the following: "facilities."

A non-record roll call was requested.

The ayes were 33, nays 49.

Amendment H—6594 lost.

Small of Johnson moved the adoption of amendment H—6575, as amended.

A non-record roll call was requested.

The ayes were 62, nays 23.

Amendment H—6575, as amended, was adopted.

With the adoption of amendment H—6575, as amended, the following amendments are out of order:

H—6016 (to page 1) filed by Small, et al., on March 26, 1976, and found on pages 1463 and 1464 of the House Journal.

H—6378 (to page 1) filed by Varley and Small on April 22, 1976, and found on page 2165 of the House Journal.

H—6484 (to amendment H—6016 to page 1) filed by Evans of Grundy on April 30, 1976, and found on pages 2357 and 2358 of the House Journal.

H—6509 (to amendment H—6016) filed by Varley of Adair on

May 3, 1976, and found on pages 2384 and 2385 of the House Journal.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1550)

The ayes were, 67:

Anderson	Evans	Krause	Readinger
Avenson	Fitzgerald	Lageschulte	Rinas
Bina	Gentleman	Lindeen	Small
Bittle	Gilloon	Lipsky	Spear
Brandt	Griffee	Mennenga	Spencer
Brunow	Halvorson	Middleswart	Spradling
Byerly	Hargrave	Middleton	Stromer
Connors	Harper	Miller, A. V.	Svoboda
Crabb	Hennessey	Miller, K. D.	Tauke
Crawford	Higgins	Nealson	Varley
Cusack	Horn	Newhard	Walter
Den Herder	Howell	Norland	Welden
Doyle	Hullinger	Oakley	Wells
Drake	Husak	O'Halloran	Woods
Dunton	Hutchins	Patchett	Wulff
Dyrland	Jesse	Pavich	Mr. Speaker
Egenes	Jochum	Poncy	

The nays were, 28:

Baker	Danker	Koogler	Nielsen
Bennett	Dieleman	Kreamer	Pellett
Binneboese	Hansen	Lonergan	Scheelhaase
Bortell	Harvey	McElroy	Schroeder
Branstad	Hinkhouse	Menke	Tofte
Brockett	Jordan	Millen	West
Clark	Junker	Miller, O. L.	Wyckoff

Absent or not voting, 4:

Daggett	Hines	Monroe	Perkins

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 1550)

Small of Johnson moved to reconsider the vote by which House File 1550 passed the House on May 11, 1976.

A non-record roll call was requested.

The ayes were 39, nays 49.

The motion lost.

APPROPRIATIONS CALENDAR

House File 1568, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements, was taken up for consideration.

Small of Johnson in the chair at 11:38 a.m.

Lipsky of Linn offered the following amendment H—6586 filed by her and moved its adoption:

H—6586

Amend House File 1568 as follows:
1. Page 1, line 7, by inserting after the word "new" the words "self-service".
2. Page 1, line 8, by inserting after the word "relocation" the words "and conversion to self-service".

Amendment H—6586 was adopted.

Crabb of Crawford offered the following amendment H—6577 filed by Crabb, et al., and moved its adoption:

H—6577

Amend House File 1568 as follows:
1. Page 1, by adding after line 13 the following:
"5. For the construction of a liquor warehouse with relating areas and moving the general office to Camp Dodge $1,820,000
6. Mechanized conveyor system for liquor warehouse ..... 660,000".

Roll call was requested by Millen of Van Buren and Crabb of Crawford.

On the question "Shall amendment H—6577 be adopted?"

The ayes were, 33:

Bennett	Evans	Lindeen	Schroeder
Bittle	Gentleman	Lipsky	Strømer
Bortell	Halvorson	Menke	Tauke
Branstad	Hansen	Millen	Tofte
Brockett	Harper	Nealson	Varley
Crabb	Junker	Oakley	Welden
Crawford	Kreamer	Pellett	West
Drake	Lageschulte	Readinger	Wulff
Egenes			

The nays were, 60:

Anderson	Binneboese	Clark	Dieleman
Avenson	Brandt	Connors	Doyle
Baker	Brunow	Cusack	Dunton
Bina	Byerly	Danker	Dyrland

Fitzgerald	Hutchins	Miller, K. D.	Scheelhaase
Gilloon	Jesse	Miller, O. L.	Spear
Griffee	Jochum	Newhard	Spencer
Hargrave	Jordan	Nielsen	Spradling
Harvey	Koogler	Norland	Svoboda
Hennessey	Krause	O'Halloran	Walter
Higgins	Lonergan	Patchett	Wells
Hinkhouse	Mennenga	Pavich	Woods
Horn	Middleswart	Perkins	Wyckoff
Howell	Middleton	Poncy	Mr. Speaker
Hullinger	Miller, A. V.	Rinas	(Small)
Husak			

Absent or not voting, 6:

Cochran	Den Herder	McElroy	Monroe
Daggett	Hines		

Amendment H—6577 lost.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1568)

The ayes were, 79:

Anderson	Dyrland	Koogler	Perkins
Avenson	Egenes	Kreamer	Poncy
Baker	Evans	Lageschulte	Readinger
Bennett	Fitzgerald	Lindeen	Rinas
Bittle	Gentleman	Lipsky	Scheelhaase
Bortell	Gilloon	Lonergan	Schroeder
Brandt	Griffee	McElroy	Spear
Branstad	Hansen	Menke	Spradling
Brockett	Hargrave	Mennenga	Stromer
Brunow	Harper	Middleswart	Svoboda
Byerly	Hennessey	Middleton	Varley
Clark	Higgins	Millen	Walter
Cochran	Horn	Miller, A. V.	Welden
Connors	Howell	Miller, K. D.	Wells
Crabb	Hullinger	Newhard	West
Crawford	Husak	Norland	Woods
Cusack	Hutchins	O'Halloran	Wulff
Den Herder	Jesse	Patchett	Wyckoff
Drake	Jochum	Pavich	Mr. Speaker
Dunton	Jordan	Pellett	(Small)

The nays were, 12:

Bina	Doyle	Junker	Spencer
Danker	Harvey	Miller, O. L.	Tauke
Dieleman	Hinkhouse	Nealson	Tofte

Absent or not voting, 8:

Binneboese	Halvorson	Krause	Nielsen
Daggett	Hines	Monroe	Oakley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Cochran in the chair at 12:24 p.m.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1574, by committte on ways and means, a bill for an act to legalize and validate the proceedings of the board of supervisors of the county of Black Hawk, in the state of Iowa, authorizing and providing for the issuance, sale and delivery of county care facility bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county.

Read first time and **placed on ways and means calendar.**

House File 1575, by committee on ways and means, a bill for an act to legalize and validate the proceedings of the board of directors of the Underwood Community School District, in the county of Pottawattamie, state of Iowa, authorizing and providing for the issuance, sale and delivery of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

Read first time and **placed on ways and means calendar.**

House File 1576, by committee on ways and means, a bill for an act relating to the amount of the homestead tax credit allowed for claims filed between January 1, 1976, and July 1, 1976, and approved in any special charter city which levies and collects its own taxes and making the Act retroactive.

Read first time and **placed on ways and means calendar.**

SENATE MESSAGES CONSIDERED

Senate File 1322, a bill for an act making an appropriation to the Iowa department of revenue.

Read first time and referred to committee on **appropriations.**

Senate File 1323, a bill for an act to provide funds to supplement funds appropriated to the law library for books, periodicals, and publications.

Read first time and referred to committee on **appropriations.**

Senate File 1324, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations.

Read first time and referred to committee on **appropriations.**

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed sixty-two members present, twenty-seven absent.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

House File 1569, a bill for an act making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1569)

The ayes were, 78:

Anderson	Den Herder	Hennessey	Lageschulte
Avenson	Dieleman	Higgins	Lindeen
Baker	Doyle	Hines	Lipsky
Bennett	Drake	Hinkhouse	Lonergan
Bina	Dunton	Horn	Menke
Bortell	Dyrland	Howell	Middleswart
Brunow	Egenes	Hullinger	Millen
Byerly	Fitzgerald	Husak	Miller, A. V.
Clark	Gentleman	Jochum	Miller, K. D.
Connors	Gilloon	Jordan	Miller, O. L.
Crabb	Griffee	Junker	Nealson
Crawford	Hansen	Koogler	Nielsen
Cusack	Hargrave	Krause	Oakley
Daggett	Harper	Kreamer	Patchett

Pavich	Scheelhaase	Svoboda	Wells
Pellett	Small	Tauke	Wulff
Perkins	Spencer	Varley	Wyckoff
Poncy	Spradling	Walter	Mr. Speaker
Rinas			

The nays were, 8:

Brockett	Evans	Harvey	Tofte
Danker	Halvorson	Schroeder	Welden

Absent or not voting, 18:

Binneboese	Jesse	Newhard	Spear
Bittle	McElroy	Norland	Stromer
Brandt	Mennenga	O'Halloran	West
Branstad	Middleton	Readinger	Woods
Hutchins	Monroe		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1570, a bill for an act transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation, was taken up for consideration.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" **(H.F. 1570)**

The ayes were, 74:

Anderson	Egenes	Junker	Oakley
Avenson	Evans	Koogler	Patchett
Bennett	Fitzgerald	Krause	Pavich
Bina	Gilloon	Kreamer	Poncy
Bittle	Griffee	Lageschulte	Rinas
Bortell	Halvorson	Lindeen	Scheelhaase
Brandt	Hansen	Lipsky	Schroeder
Brockett	Hargrave	Lonergan	Spencer
Brunow	Harper	Menke	Spradling
Byerly	Hennessey	Mennenga	Svoboda
Clark	Higgins	Middleswart	Tauke
Connors	Hines	Millen	Tofte
Crawford	Hinkhouse	Miller, A. V.	Varley
Cusack	Horn	Miller, K. D.	Walter
Den Herder	Howell	Miller, O. L.	Wells
Dieleman	Hullinger	Nealson	Wulff
Doyle	Husak	Newhard	Wyckoff
Drake	Hutchins	Norland	Mr. Speaker
Dunton	Jordan		

The nays were, 16:

Baker	Danker	Jochum	Small
Branstad	Dyrland	Nielsen	Stromer
Crabb	Gentleman	Pellett	Welden
Daggett	Harvey	Perkins	Woods

Absent or not voting, 9:

Binneboese	Middleton	O'Halloran	Spear
Jesse	Monroe	Readinger	West
McElroy			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 830 WITHDRAWN

Small of Johnson asked and received unanimous consent to withdraw **House File 830** from further consideration by the House.

AMENDMENT H—6581 WITHDRAWN
(Senate File 1280)

Krause of Palo Alto asked and received unanimous consent to withdraw amendment H—6581 to **Senate File 1280** filed by him on May 10, 1976, and found on pages 2576 through 2580 of the House Journal.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 10, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 628, a bill for an act relating to school bus transportation requirements.

Also: That the Senate has on May 7, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 85, a bill for an act relating to a complete revision of the criminal laws of the State of Iowa.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 628

H—6601

Amend House File 628, as amended and passed by the House as follows:

1. Page 1, by inserting the following section before line 1:

"Section 1. Section two hundred eighty-five point one (285.1), subsection three (3), Code 1975, is amended to read as follows:

3. In any district where transportation by school bus is impracticable or where school bus service is not available, the board may require the parents or guardian to transport their children to the school designated for attendance. The parent or guardian shall be reimbursed for such transportation service for elementary pupils by the board of resident district for the distance one way from the pupil's residence to the school designated for attendance at the rate of [twenty-eight] *fifty-six* cents per mile per day irrespective of number of children transported. For high schol pupils, the parent or guardian shall be reimbursed [forty] *eighty* dollars per pupil per year for such service, provided, however, no family shall receive more than [eighty] *one hundred sixty* dollars per year for transporting the members of the family who attend high school. The provisions of this section shall apply to eligible nonpublic school pupils as well as to eligible public school pupils. However, reimbursement for nonpublic school pupils shall not exceed [forty] *eighty* dollars per pupil per year.

The provisions of this subsection shall be effective for transportation of children commencing with the second semester of the school year beginning July 1, 1975."

2. Page 1, by inserting after line 11 the following section:

"Sec. ..... Section two hundred eighty-five point one (285.1), subsection seventeen (17), paragraph c, Code 1975, is amended to read as follows:

c. Utilizing the transportation reimbursement provision of subsection 3. However, no reimbursement shall exceed [forty] *eighty* dollars per nonpublic school pupil per year."

3. Page 1, by inserting after line 28 the following: "Claims shall be allowed where practical, and at the option of the public school district of the pupil's residence, subject to approval by the area education agency of the pupil's residence, under the provisions of subsection three (3) of section two hundred eighty-five point nine (285.9) of the Code, the public school district of the pupil's residence may transport any pupil to a school located

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in a contiguous public school district outside the boundary lines of the public school district of the pupil's residence. The public school district of the pupil's residence may contract with the contiguous public school district or with a private contractor under the provisions of section two hundred eighty-five point five (285.5) of the Code to transport the pupils to the school of attendance within the boundary lines of the contiguous public school district. The public school district in which the pupil resides

may contract with the contiguous public school district or with a private contractor under the provisions of section two hundred eighty-five point five (285.5) of the Code to transport the pupil from the pupil's residence or from designated school bus collection locations to the school located within the boundary lines of the contiguous public school district, subject to the approval of the area education agency of the pupil's residence. The public school district of the pupil's residence may utilize the reimbursement provisions of section two hundred eighty-five point one (285.1), subsection three (3) of the Code."

4. Page 2, by inserting after line 6 the following section:

"Sec. ..... Section two hundred eighty-five point ten (285.10), subsection nine (9), Code 1975, is amended to read as follows:

9. In the discretion of the board, furnish a school bus and services of a qualified driver to an organization of, or sponsoring activities for, senior citizens, children, or handicapped persons in this state. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver *except when the bus is used for transporting pupils to and from extracurricular activities sponsored by the school.* A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils."

5. Page 2, by inserting after line 6 the following:

"Sec. ..... Section two hundred eighty-five point eleven (285.11), subsection seven (7), Code 1975, is amended to read as follows:

7. No bus shall leave the public highway to receive or discharge pupils *unless their safety is enhanced thereby, or the private road is maintained in the same manner as a public roadway provided that such bus shall not proceed more than five hundred (500) feet on such private road. Vehicles transporting*

Page 3

physically handicapped pupils are exempt from the requirement that the private roadway be comparable in width and construction to a public roadway.".

6. Page 3, by inserting after line 3 the following section:

"Sec. ..... Section three hundred twenty-one point three hundred seventy-three (321.373), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. A school bus may be equipped with a white flashing strobe light mounted on the roof of the bus to afford optimum visibility during periods of inclement weather. The lights shall be of a type approved by the department of transportation and shall

be installed and operated in accordance with rules promulgated by the department of public instruction. Each new school bus put into initial service after January 1, 1977 shall be equipped with such a light."

7. Page 3, by adding after line 10 the following:

"Sec. ..... 1. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Fremont Gazette, a newspaper published in Fremont, Iowa, and in The Record, a newspaper published in Cedar Rapids, Iowa.

2. The sections of this Act amending section two hundred eighty-five point one (285.1), subsection five (5), Code 1975; section two hundred eighty-five point two (285.2), unnumbered paragraph four (4), Code 1975; section two hundred eighty-five point one (285.1), subsection three (3), Code 1975; and section two hundred eighty-five point one (285.1), subsection seventeen (17), shall take effect after its publication as provided in paragraph one (1) of this section. The remaining sections of this Act shall take effect on July 1, 1976."

8. Renumber sections and correct internal references in conformance with this amendment.

RULE 48 SUSPENDED

Avenson of Fayette asked and received unanimous consent to suspend Rule 48 for the committee on appropriations subcommittee on transportation.

STEERING COMMITTEE CALENDAR

Senate File 449, a bill for an act relating to the establishment of a corn promotion fund to receive assessments made on the sale of corn, to establish an Iowa corn promotion board, to provide for a referendum among corn producers, and to provide penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Scheelhaase of Woodbury offered the following amendment H—6589 filed by Scheelhaase, et al., and requested division as follows:

H—6589

Amend Senate File 449 as passed by the Senate as follows:

H—6589A

1. Page 1, line 9, by striking the word "assessment" and inserting in lieu thereof the words "excise tax on corn".

2. Page 2, line 5, by striking the word "Assessment" and inserting in lieu thereof the words "Excise tax on corn".

H—6589B

3. Page 2, line 8, by striking the words "five hundred producers" and inserting in lieu thereof the words "twenty percent of the producers of each district".

H—6589C

4. Page 2, line 13, by striking the word "written" and inserting in lieu thereof the word "mail".

5. Page 2, lines 13 and 14, by striking the words "this Act" and inserting in lieu thereof the words "the secretary".

H—6589B

6. Page 2, line 28, by striking the word "each" and inserting in lieu thereof the word "a".

7. Page 2, line 29, by striking the word "may" and inserting in lieu thereof the word "will".

8. Page 2, line 30, by inserting after the word "producers" the words "from each district".

9. Page 4, line 2, by striking the words "appoint a nominating" and inserting in lieu thereof the words "publish in a newspaper of general circulation a notice requesting nominations by producers of qualified producers which will be submitted to an election".

10. Page 4, line 6, by striking the word "nominating" and inserting in lieu thereof the word "election".

11. Page 4, line 6, by striking the words "nominate two" and inserting in lieu thereof the words "publish the names of nominated".

12. Page 4, line 8, by striking the words "Additional candidates may" and inserting in lieu thereof the words "All candidates must".

H—6589D

13. Page 4, line 19, by striking the words "shall serve" and inserting in lieu thereof the words "may attend meetings of the board as observers."

14. Page 4, by striking lines 20 through 23.

15. Page 4, by striking lines 31 through 33.

H—6589C

16. Page 4, line 34, by striking the words "of new or larger" and inserting in lieu thereof the words "and growth of".

H—6589F

17. Page 5, by inserting after line 19 the following: "The board shall not conduct political actions through campaigning or advertising to perpetuate itself during a scheduled referendum."

H—6589A

18. Page 5, line 30, by striking the word "assess-

ment" and inserting in lieu thereof the words "excise tax on corn".

H—6589B

19. Page 6, line 23, by inserting after the word "vote." the following: "Any election in which less than twenty-five percent of the eligible producers vote shall be declared no contest."

H—6589A

20. Page 6, line 24, by striking the word "ASSESSMENT" and inserting in lieu thereof the words "EXCISE TAX ON CORN".

21. Page 6, line 25, by striking the word "assessment" and inserting in lieu thereof the words "excise tax on corn".

22. Page 6, line 25, by striking the word "Assessments" and inserting in lieu thereof the words "The excise tax on corn".

23. Page 6, line 30, by striking the word "assessment" and inserting in lieu thereof the words "the excise tax on corn".

24. Page 6, lines 34 and 35, by striking the word "assessment" and inserting in lieu thereof the words "the excise tax on corn".

25. Page 6, by inserting after line 35 the following: "This deduction shall be properly designated as an excise tax on corn and the total amount shall be shown."

26. Page 7, line 1, by striking the word "ASSESSMENT" and inserting in lieu thereof the words "THE EXCISE TAX ON CORN".

27. Page 7, lines 1 and 2, by striking the word "assessment" and inserting in lieu thereof the words "excise tax on corn".

28. Page 7, line 15, by striking the word "ASSESSMENT" and inserting in lieu thereof the words "EXCISE TAX ON CORN".

29. Page 7, lines 15 and 16, by striking the word "assessment" and inserting in lieu thereof the words "excise tax on corn".

H—6589B

30. Page 7, lines 24 and 25, by striking the words "the total number of producers voting favor" and inserting in lieu thereof the words "at least twenty-five percent of the eligible producers have voted in favor of".

H—6589A

31. Page 7, line 32, by striking the word "Assessments" and inserting in lieu thereof the words "The excise tax on corn".

H—6589E

32. Page 8, by striking lines 12 through 26 and

inserting in lieu thereof the following:
"Sec. 27. *NEW SECTION.* VOLUNTARY EXCISE TAX ON CORN. Participation in the corn promotion and research program shall be completely voluntary. Anyone wishing

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to have the excise tax on corn withheld by the first purchaser may certify his or her willingness by signing a withholding certificate which shall be provided by the board to each first purchaser in the state. Any collections of the excise tax on corn not covered by a withholding certificate shall be unlawful. All withholding certificates must be forwarded to the secretary who shall be required to maintain them on file for a period of not less than five years."

H—6589C

33. Page 9, line 4, by striking the word "promotion" and inserting in lieu thereof the words "market development".

34. Page 9, by striking line 5 and inserting in lieu thereof the following: "of this state."

H—6589F

35. Page 9, by striking lines 10 and 11 and inserting in lieu thereof the following: "legislation or perpetuate their contracts through political or promotional activity."

H—6589A

36. Amend the title, line 2, by striking the word "assessments" and inserting in lieu thereof the words "an excise tax on corn".

Scheelhaase of Woodbury asked and received unanimous consent to consider amendment H—6589E out of order.

Scheelhaase of Woodbury moved the adoption of amendment H—6589E.

Roll call was requested by Husak of Tama and Crabb of Crawford.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6589E be adopted?"

The ayes were, 33:

Anderson	Evans	Lonergan	Perkins
Baker	Gentleman	Mennenga	Poncy
Bina	Gilloon	Miller, K. D.	Scheelhaase
Binneboese	Griffee	Miller, O. L.	Spear
Brockett	Halvorson	Oakley	Svoboda
Crawford	Harper	O'Halloran	Walter
Doyle	Jochum	Patchett	Woods
Drake	Lipsky	Pavich	Wyckoff
Dyrland			

The nays were, 54:

Avenson	Dunton	Koogler	Readinger
Bennett	Fitzgerald	Krause	Rinas
Bittle	Hansen	Kreamer	Schroeder
Bortell	Hargrave	Lageschulte	Spencer
Brandt	Harvey	Lindeen	Spradling
Branstad	Hennessey	McElroy	Tauke
Brunow	Hines	Menke	Tofte
Byerly	Hinkhouse	Middleswart	Varley
Clark	Horn	Millen	Welden
Connors	Howell	Miller, A. V.	Wells
Crabb	Husak	Nealson	West
Danker	Hutchins	Norland	Wulff
Den Herder	Jesse	Pellett	Mr. Speaker
Dieleman	Junker		

Absent or not voting, 12:

Cusack	Higgins	Middleton	Nielsen
Daggett	Hullinger	Monroe	Small
Egenes	Jordan	Newhard	Stromer

Amendment H—6589E lost.

Scheelhaase of Woodbury asked and received unanimous consent to withdraw amendments H—6589A, H—6589B, H—6589C, H—6589D and H—6589F.

Svoboda of Iowa rose on a point of order and invoked Rule 32.

The Speaker ruled the point well taken.

Husak of Tama moved to suspend Rule 32 for further consideration of Senate File 449.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 52, nays 31.

The motion prevailed and Rule 32 was suspended.

Svoboda of Iowa offered the following amendment H—5001 filed by her and moved its adoption:

H—5001

Amend Senate File 449, as passed by the Senate, as follows:

1. Page 1, line 12, by inserting after the word "corn" the words ", including the development of corn products for human consumption".

2. Page 4, line 30, by inserting after the word "products" the words ", including the development of corn products for human consumption".

3. Page 8, line 8, by inserting after the period the following: "Not less than fifteen percent of the moneys expended for market development on an

annual basis shall be expended for the development of corn products for human consumption."

A non-record roll call was requested.

The ayes were 16, nays 62.

Amendment H—5001 lost.

Husak of Tama offered the following amendment H—5543 filed by the committee on agriculture and moved its adoption:

H—5543

Amend Senate File 449 as passed by the Senate as follows:

1. Page 2, line 3, by inserting after the word "producer" the words "but shall not include sweet corn, popcorn or seed corn".

2. Page 7, line 18, by striking the word "last" and inserting in lieu thereof the word "least".

3. Page 7, line 30, by striking the word "one" and inserting in lieu thereof the word "five".

4. Page 9, lines 26 and 27, by striking the words ", sale, storage, processing, handling,".

Amendment H—5543 was adopted.

Perkins of Greene offered amendment H—6590 filed by him and requested division as follows:

H—6590

Amend Senate File 449 as follows:

H—6590A

1. Page 2, line 16, by striking the words "a majority" and inserting in lieu thereof the words "sixty percent".

H—6590B

2. Page 6, line 33, by inserting after the word "purchaser" the words "shall, if the producer authorizes a deduction".

3. Page 6, line 34, by striking the words "shall show the total" and inserting in lieu thereof the words "have the".

4. Page 7, line 1, by striking the word "The" and inserting in lieu thereof the words "If authorized, the".

H—6590A

5. Page 7, line 24, by striking the words "a majority" and inserting in lieu thereof the words "sixty percent".

H—6590B

6. Page 8, by striking lines 12 through 26.

7. By renumbering the remaining sections.

Perkins of Greene moved the adoption of amendment H—6590A.

A non-record roll call was requested.

The ayes were 29, nays 52.

Amendment H—6590A lost.

Perkins of Greene asked and received unanimous consent to withdraw amendment H—6590B.

Pellett of Cass offered the following amendment H—6599 filed by him and Wyckoff of Benton from the floor:

H—6599

Amend Senate File 449 as follows:

1. Page 7, line 5, by inserting after the word "board." the words "The first purchaser shall retain, as payment for collecting the assessment, five percent of the first five hundred dollars deducted and forwarded to the secretary during a crop year and one percent of the remaining moneys collected and forwarded during the crop year. A crop year starts on September first of each year and ends on the succeeding August thirty-first."

Wyckoff of Benton offered the following amendment H—6600, to amendment H—6599, filed by him and Pellett of Cass from the floor and moved its adoption:

H—6600

Amend amendment H—6599 to Senate File 449 as follows:

1. Page 1, line 4, by striking the word "five" and inserting in lieu theref the word "ten".

A non-record roll call was requested.

The ayes were 27, nays 49.

Amendment H—6600 lost.

Pellett of Cass moved the adoption of amendment H—6599.

A non-record roll call was requested.

The ayes were 38, nays 38.

Amendment H—6599 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jordan of Linn for the remainder of the day on request of Miller of Buchanan.

Baker of Buena Vista offered the following amendment H—6606 filed by him from the floor and moved its adoption:

H—6606

Amend Senate File 449, as follows:
1. Page 5, by inserting after line 3 the following subsection:
"..... In performing the duties under subsections three (3) and four (4) of this section, the board shall first offer any contracts or agreements to the Iowa development commission."

Roll call was requested by Perkins of Greene and Baker of Buena Vista.

On the question "Shall amendment H—6606 be adopted?"

The ayes were, 38:

Anderson	Egenes	Lonergan	Perkins
Baker	Evans	Mennenga	Scheelhaase
Binneboese	Gentleman	Millen	Spradling
Bittle	Halvorson	Miller, K. D.	Svoboda
Bortell	Hennessey	Miller, O. L.	Tauke
Brockett	Higgins	Nealson	Walter
Byerly	Hutchins	Norland	Welden
Crawford	Koogler	Patchett	Woods
Daggett	Lageschulte	Pavich	Wyckoff
Drake	Lipsky		

The nays were, 49:

Avenson	Doyle	Husak	Poncy
Bennett	Dunton	Jochum	Readinger
Bina	Dyrland	Junker	Rinas
Brandt	Gilloon	Krause	Schroeder
Branstad	Griffee	Lindeen	Spear
Brunow	Hansen	McElroy	Spencer
Clark	Harper	Menke	Stromer
Connors	Harvey	Middleswart	Tofte
Crabb	Hines	Miller, A. V.	Varley
Cusack	Hinkhouse	Newhard	Wells
Danker	Horn	O'Halloran	West
Den Herder	Howell	Pellett	Mr. Speaker
Dieleman			

Absent or not voting, 12:

Fitzgerald	Jesse	Middleton	Oakley
Hargrave	Jordan	Monroe	Small
Hullinger	Kreamer	Nielsen	Wulff

Amendment H—6606 lost.

Danker of Pottawattamie moved to reconsider the vote by which amendment H—6599 failed to be adopted by the House.

Roll call was requested by Danker of Pottawattamie and Pellett of Cass.

Rule 70 was invoked.

On the question "Shall the vote by which amendment H—6599 failed to be adopted be reconsidered?"

The ayes were, 45:

Anderson	Dieleman	Jesse	Oakley
Baker	Doyle	Junker	Pellett
Binneboese	Dyrland	Krause	Poncy
Bittle	Evans	Lageschulte	Readinger
Bortell	Griffee	Lindeen	Scheelhaase
Brockett	Halvorson	Lipsky	Svoboda
Byerly	Harper	Lonergan	Tauke
Clark	Harvey	Miller, K. D.	Walter
Crabb	Hines	Miller, O. L.	West
Crawford	Horn	Nealson	Woods
Daggett	Howell	Nielsen	Wyckoff
Danker			

The nays were, 48:

Avenson	Gentleman	McElroy	Rinas
Bennett	Gilloon	Menke	Schroeder
Bina	Hansen	Mennenga	Small
Brandt	Hargrave	Middleswart	Spear
Branstad	Hennessey	Millen	Spencer
Connors	Higgins	Miller, A. V.	Spradling
Cusack	Hinkhouse	Monroe	Stromer
Den Herder	Hullinger	Newhard	Tofte
Drake	Husak	Norland	Varley
Dunton	Jochum	O'Halloran	Welden
Egenes	Koogler	Pavich	Wells
Fitzgerald	Kreamer	Perkins	Mr. Speaker

Absent or not voting, 6:

Brunow	Jordan	Patchett	Wulff
Hutchins	Middleton		

The motion lost.

Husak of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Harper of Davis refrained from voting.

On the question "Shall the bill pass?" (S.F. 449)

The ayes were, 58:

Avenson	Clark	Fitzgerald	Hinkhouse
Bennett	Connors	Griffee	Horn
Bittle	Crabb	Halvorson	Howell
Bortell	Crawford	Hansen	Husak
Brandt	Den Herder	Harvey	Hutchins
Branstad	Dieleman	Hennessey	Jesse
Byerly	Dunton	Hines	Junker

Koogler	Miller, A. V.	Perkins	Stromer
Krause	Miller, O. L.	Readinger	Tauke
Lageschulte	Monroe	Rinas	Tofte
Lindeen	Nealson	Schroeder	Varley
McElroy	Newhard	Spear	Welden
Menke	Norland	Spencer	Wells
Mennenga	O'Halloran	Spradling	Mr. Speaker
Middleswart	Pellett		

The nays were, 37:

Anderson	Drake	Jochum	Pavich
Baker	Dyrland	Kreamer	Poncy
Bina	Egenes	Lipsky	Scheelhaase
Binneboese	Evans	Lonergan	Small
Brockett	Gentleman	Millen	Svoboda
Brunow	Gilloon	Miller, K. D.	Walter
Cusack	Hargrave	Nielsen	West
Daggett	Higgins	Oakley	Woods
Danker	Hullinger	Patchett	Wyckoff
Doyle			

Absent or not voting, 4:

Harper	Jordan	Middleton	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER TABLED
(Senate File 449)

Husak of Tama asked for unanimous consent that Senate File 449 be immediately messaged to the Senate.

Objection was raised.

Husak of Tama moved to reconsider the vote by which Senate File 449 passed the House on May 11, 1976.

Tauke of Dubuque moved to defer the motion to reconsider Senate File 449 and that the bill be placed on the reconsideration calendar.

Crabb of Crawford moved that the motion to reconsider be tabled.

A non-record roll call was requested.

The ayes were 52, nays 30.

The motion to table prevailed.

SENATE AMENDMENT CONSIDERED
HOUSE REFUSES TO CONCUR

Jesse of Polk called up for consideration **Senate File 85, a bill**

for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6605 to the House amendment:

H—6605

Amend the House amendment, S—5603, to Senate File 85, as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking lines 31 through 46.

2. Page 2, by inserting after line 5 the following:

"..... Page 5, line 11, by inserting after the word "burglary" the words "in the first degree" ".

3. Page 2, by striking lines 20 through 28.

4. Page 3, by striking lines 3 through 5 and inserting in lieu thereof the words "expressly or tacitly acquiesce in and was not one".

5. Page 4, by striking lines 8 through 10, and inserting in lieu thereof the following:

"..... Page 10, by striking lines 20 through 29 and inserting in lieu thereof the following: "force to prevent the escape of any person from any jail, penal institution, correctional facility, or similar place of confinement, or place of trial or other judicial proceeding, or to prevent the escape from custody of any person who is being transported from any such place of confinement, trial or judicial proceeding to any other such place, except that deadly force may not be used to prevent the escape of one who the correctional officer or peace officer knows or should have known is charged with the commission of a misdemeanor." "

6. Page 4, by striking lines 11 through 20.

7. Page 4, by inserting after line 20 the following:

"..... Page 10, by inserting after line 29 the following:

"Sec. ..... *NEW SECTION.* DEATH. "Death" means the condition determined by the following standard: A person will be considered dead if in the announced opinion of a physician, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of two physicians, based on ordinary standards of medical

practice, that person has experienced an irreversible cessation of spontaneous brain functions. Death will have occurred at the time when the relevant functions ceased.

A physician or a person acting on the direct orders of a physician who ceases to provide medical attention to a person who is dead, as defined in paragraph one (1) of this section, shall not be criminally liable

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for such cessation of medical attention." "

8. Page 4, by striking line 21.

9. Page 4, by striking lines 23 through 44.

10. Page 5, line 46, by inserting after the word "person" the word "intentionally".

11. Page 7, line 15, by striking the word and figures "59B, line 62" and inserting in lieu thereof the word and figures "15B, lines 62 and 63".

12. Page 7, by striking lines 29 through 36.

13. Page 7, by striking lines 37 through 44.

14. Page 8 by striking line 2.

15. Page 8, by striking lines 10 through 38.

16. Page 8, line 12, by striking the word "When" and inserting in lieu thereof the word "If".

17. Page 8, by striking lines 39 through 45.

18. Page 8, by striking line 46 through page 9, line 27.

19. Page 9, by striking lines 28 through 36.

20. Page 9, by striking lines 37 through 41.

21. Page 9, by striking lines 42 through 43.

22. Page 9, by inserting after line 43 the following:

"..... Page 20A, by inserting after line 8 the following:

"Sec. ..... *NEW SECTION.* RESISTANCE TO SEXUAL ABUSE. Under the provisions of this division it shall not be necessary to establish physical resistance by a participant in order to establish that an act of sexual abuse was committed by force and against the will of the participant." "

23. Page 10, line 19, by striking the words " "such person or another" " and inserting in lieu thereof the words " "either party" ".

24. Page 10, by striking lines 23 through 25.

25. Page 10, line 28, by striking the word " "state" " and inserting in lieu thereof the words " "state department of health" ".

26. Page 10, by striking lines 29 through 32.

27. Page 10, by striking lines 36 through 38.

28. Page 10, by striking lines 41 through 43.

29. Page 10, by striking lines 44 through 46.

30. Page 10, by striking lines 47 through 50.

31. Page 11, by striking line 26.

32. Page 11, by striking lines 40 through 42.

33. Page 11, by striking lines 46 through 49.

34. **Page 13, by striking lines 1 through 25.**
35. Page 13, by striking line 50A.
36. Page 14, by striking lines 3 through 17.
37. Page 14, by striking lines 27 through 39.
38. **Page 15, by striking lines 34 through 37.**

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39. Page 15, by striking lines 43 and 44.
40. Page 15, by striking lines 45 and 46.
41. Page 16, by striking lines 10 and 11.
42. Page 16, by striking lines 47 and 48 and inserting in lieu thereof the following: "of any crime defined in Division VIII of this Act, except "assault" as defined in section eight hundred one (801) of this Act and "harassment" as defined in section eight hundred eight (808) of this Act."
43. Page 17, by striking lines 7 and 8.
44. Page 17, by striking lines 12 through 17.
45. Page 17, by striking lines 29 through 46.
46. **Page 18, line 31, by inserting after the word** "pardoned" the words "or has had his or her civil rights restored".
47. Page 18, by striking line 37, through page 21, line 4.
48. Page 21, line 37, by striking the word "similiar" and inserting in lieu thereof the word "similar".
49. Page 21, by striking lines 42 through 50.
50. Page 22, by striking lines 35 through 38 and inserting in lieu thereof the following: "WITHOUT A LICENSE. Any person who without a license carries on or transacts any business or occupation for which a license is required by any law of this State commits a simple misdemeanor." "
51. Page 23, by striking lines 2 through 15, and inserting in lieu thereof the following:

"..... Page 62, by inserting after line 5 the following:

"Sec. ..... *NEW SECTION.* Any person who knowingly sells or offers for sale material depicting sado-masochistic abuse, excretory functions, and bestiality which the average adult taking the material as a whole in applying contemporary community standards would find that it appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political, or artistic value where such material is sold or offered for sale with merchandise or services which is unrelated to such material shall, upon conviction be guilty of a simple misdemeanor." "

52. Page 24, by striking lines 33 through 35.
53. Page 24, by striking line 46.
54. Page 26, by striking line 46.
55. Page 28, by striking line 34.
56. Page 28, by striking lines 35 through 39.

57. Page 28, by striking lines 40 and 41.
58. Page 30, by striking lines 28 and 29.

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59. Page 31, by striking lines 3 and 4.
60. Page 32, by striking lines 1 and 2 and inserting in lieu thereof the following:
"..... Page 130B, line 37, by striking the word "either" and inserting in lieu thereof the word "any".
..... Page 130B, by striking lines 42 through 57 and inserting in lieu thereof the following:
"b. The information sought by way of deposition cannot adequately be disclosed by a bill of particulars and is necessary in order that the defendant receive a fair trial.
c. Other circumstances necessitating discovery by deposition, provided that:
1. The prospective witness to be deposed has not previously been examined at a preliminary hearing by the party requesting the deposition; and,
2. Prior to the taking of any deposition, a list of all witnesses expected to be called by the moving party at trial is furnished to the nonmoving party. Those witnesses shall be subject to pretrial discovery by the nonmoving party. Notwithstanding the provisions of this subparagraph, if the moving party is the defendant, the moving party need not disclose whether or not the defendant intends to testify at trial." "
61. Page 32, by striking line 3 through page 33, line 2.
62. Page 33, by striking lines 9 and 10.
63. Page 33, by striking line 34 through page 34, line 7.
64. Page 34, by striking lines 9 through 16.
65. Page 35, by striking lines 11 through 13.
66. Page 35, by striking lines 14 through 20.
67. Page 35, by striking lines 21 through 25.
68. Page 36, by striking lines 45 through 47.
69. Page 36, by striking line 49 through page 37, line 5.
70. Page 37, by striking line 6.
71. Page 37, by striking lines 11 through 18.
72. Page 37, by striking lines 31 through 40.
73. Page 37, by striking line 48 through page 38, line 6.
74. Page 38, by striking lines 27 and 28.
75. Page 38, by striking lines 29 through 34.
76. Page 40, by striking lines 3 through 9.
77. Page 40, by striking lines 11 through 34.
78. Page 40, by striking line 35.
79. Page 41, by striking line 28 through page 42, line 9.

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80. Page 42, by striking lines 16 through 18.
81. Page 42, by striking lines 26 through 28.
82. Page 43, by striking lines 14 and 15.
83. Page 46, by striking line 1 through page 47, line 43.
84. Page 47, by striking line 45 through page 48, line 4.
85. Page 48, by striking line 5 through page 49, line 7.
86. Page 49, by striking from line 36 through page 51, line 27, and inserting in lieu thereof the following:

"..... Page 337, line 11, by inserting after the word "while" the words *"having ten or more hundredths of one per centum by weight of alcohol in the blood or while"*.

..... Page 337, line 15, by inserting after the word "offense" the words *"and shall be imprisoned in the county jail not less than two days"*.

..... Page 337, line 19, by inserting after the word "offense" the words *"and shall be imprisoned in the county jail not less than two days"*."

87. Page 51, by inserting after line 27 the following:

"..... Page 337, by inserting after line 28 the following:

"Sec. ..... Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraphs five (5) and six (6), Code 1975, are amended to read as follows:

This section shall not apply to a person operating a motor vehicle while under the influence of a narcotic, hypnotic or other drug if such substances were prescribed for such person and have been taken under such prescription and in accordance with the directions of a [reputable doctor of medicine] *medical practioner as defined in section one hundred fifty-five point three (155.3), subsection eleven (11), of the Code,* provided however there is no evidence of the consumption of alcohol and further provided said [doctor of medicine] *medical practioner* has not directed such person to refrain from operating a motor vehicle.

[For the purposes of this section, evidence that there was, at the time, more than ten-hundredths of one per centum by weight of alcohol in his blood shall be admitted as presumptive evidence that the defendant was under the influence of an alcoholic beverage.] No previous conviction for, or plea of guilty to, an offense under this section occurring more than

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six years prior to the date of the violation being charged shall be used to determine that the violation

being charged is a second, third or subsequent offense." "

88. Page 51, lines 44 through 47 by striking the words ", *notwithstanding the provisions of section three hundred twenty-one point two hundred twelve (321.212) of the Code,*".

89. Page 51, line 49, by striking the word "twenty" and inserting in lieu thereof the words "[twenty] *eighty*".

90. Page 51, by striking line 50 through page 52, line 11 and inserting in lieu thereof the words "year; or if the person is a".

91. Page 52, line 38, by striking the word "anual" and inserting in lieu thereof the word "annual".

92. Page 54, by inserting after line 46 the following:

"..... Page 381, by striking lines 10 through 17."

93. Page 56A by striking lines 26 through 28, and page 57 by striking lines 1 through 36, and inserting in lieu thereof the following:

"508. Page 78, by striking lines 33 through 35 and inserting in lieu thereof the following:

"Sec. 505. *NEW SECTION.* FAILURE TO APPEAR.

1. Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original citation attached to the law enforcement agency which issued the original citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously. This subsection shall not apply in any case in which the citation alleges a simple misdemeanor and in which the person cited has submitted bond as provided in subsection two (2) of this section.

2. In the case of a citation which alleges the commission of a simple misdemeanor and in which the person cited has submitted an appearance bond in the form of cash, check, or guaranteed arrest bond certificate as defined in section three hundred twenty-one point one (321.1) of the Code, the court shall not issue an arrest warrant for failure to appear,

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but shall order a forfeiture of the bond as provided in subsection four (4) of section one thousand one hundred seven (1107) of chapter two (2) of this Act." "

94. Page 57, by inserting after line 36 the following:

"509. Page 97, by inserting after line 21 the following new subsection:

"4. The provisions of subsections one (1), two (2) and three (3) of this section shall not apply to a case in which a simple misdemeanor is charged by police citation pursuant to section five hundred five (505) of chapter two (2) of this Act or by uniform citation and complaint pursuant to section seven hundred fifty-three point fifteen (753.15) of the Code, and in which the defendant has submitted appearance bond in the form of cash, check, or guaranteed arrest bond certificate as defined in section three hundred twenty-one point one (321.1) of the Code. Where a defendant fails to appear as required in such a case, the court shall enter a judgment of forfeiture of the bond which shall be final upon entry and shall not be set aside." "

95. Page 58, line 5, by striking the word "quadruplicate" and inserting in lieu thereof the words "[quadruplicate] *quintuplicate*".

96. Page 58, line 7, by striking the words "a copy to" and inserting in lieu thereof the words "[a copy] *two copies* to".

97. Page 58, lines 14 and 15, by striking the words "*and seven hundred fifty-three point six (753.6) of the Code*" and inserting in lieu thereof the words "*of the Code and five hundred two (502) of chapter two (2) of this Act*".

98. Page 58, lines 17 and 18, by striking the words "*and seven hundred fifty-three point seven (753.7) of the Code*" and inserting in lieu thereof the words "*and five hundred three (503) of chapter two (2) of this Act*".

99. Page 58, line 29, by striking the word and figure "section 755.4" and inserting in lieu thereof the words and figures "section [755.4] *four hundred seven (407) of chapter two (2) of this Act*".

100. Page 58, line 45, by striking the words and figures "July 1, [1974] *1976*" and inserting in lieu thereof the words and figures "[July] *January* 1, [1974] *1978*".

101. Page 59, line 15, by striking the word "[TRAFFIC]" and inserting in lieu thereof the words "TRAFFIC *AND*".

102. Page 59, line 18, by striking the word

Page 8

"[traffic]" and inserting in lieu thereof the words "traffic *and*".

103. Page 59, by striking lines 29 through 33 and inserting in lieu thereof the words "[nonmoving scheduled violations] applicable to commercial carriers. The collection".

104. Page 61, lines 33, 34 and 35, by striking the words "three hundred twenty-one point four hundred

fifteen (321.415),".

105. Page 62, by striking lines 19, 20 and 21, and inserting in lieu therof the words "is thirty dollars."

106. Page 62, by inserting after line 23 the following new paragraph:

"Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in a subparagraph of this paragraph F."

107. Page 66, line 18, by striking the word "ten" and inserting in lieu thereof the word "five".

108. Page 66, lines 30 and 31, by striking the words "one hundred six point fifteen (106.15), subsection two (2),".

109. Page 67, line 12, by striking the word "ten" and inserting in lieu thereof the word "five".

110. Page 67, lines 48 and 49, by striking the words "one hundred eleven point forty-four (111.44),".

111. Page 67, line 50, through page 68, line 1, by striking the words ", one hundred eleven point forty-eight (111.48)".

112. Page 70, line 28, by striking the words "[traffic] *scheduled*" and inserting in lieu thereof the words "traffic *violations, whether or not scheduled, and for all other scheduled*".

113. Page 70, line 34, by striking the words "[Traffic] *scheduled*" and inserting in lieu thereof the words "Traffic *violations, whether or not scheduled, and all other scheduled*".

114. Page 70, line 39, by striking the words "[traffic] *scheduled*" and inserting in lieu thereof the words "traffic *violations, whether or not scheduled, and any other scheduled*".

115. Page 70, line 45, by striking the words "[traffic] *scheduled*" and inserting in lieu thereof the words "traffic *and scheduled*".

116. Page 70, by striking lines 47 through 50, and page 71 by striking lines 1 through 9.

117. Page 71, by striking lines 10 through 13.

118. Page 71, by striking lines 28 through 32.

119. Page 72, lines 26 and 27, by striking the words "to persons eighteen years of age or older".

Page 9

120. Page 72, lines 29 and 30, by striking the words "eighteen years of age and older".

121. Renumbering the sections and paragraphs to conform with this amendment.

Fitzgerald of Webster moved the previous question on **Senate File 85.**

Roll call was requested by Branstad of Winnebago and Stromer of Hancock.

Rule 69 was invoked.

On the question "Shall the previous question motion prevail?"

The ayes were, 59:

Anderson	Evans	Jesse	Perkins
Avenson	Fitzgerald	Jochum	Poncy
Baker	Gilloon	Koogler	Rinas
Bina	Griffee	Krause	Scheelhaase
Binneboese	Hargrave	Lonergan	Small
Brandt	Harper	Mennenga	Spear
Brockett	Hennessey	Middleswart	Spencer
Brunow	Higgins	Miller, A. V.	Spradling
Byerly	Hines	Miller, O. L.	Svoboda
Connors	Hinkhouse	Monroe	Walter
Cusack	Horn	Newhard	Wells
Dieleman	Howell	Nielsen	Woods
Doyle	Hullinger	O'Halloran	Wyckoff
Dunton	Husak	Patchett	Mr. Speaker
Dyrland	Hutchins	Pavich	

The nays were, 33:

Bennett	Den Herder	Lindeen	Readinger
Bittle	Drake	Lipsky	Schroeder
Bortell	Egenes	McElroy	Stromer
Branstad	Gentleman	Menke	Tauke
Clark	Halvorson	Millen	Tofte
Crabb	Harvey	Nealson	Varley
Crawford	Junker	Oakley	Welden
Daggett	Lageschulte	Pellett	West
Danker			

Abent or not voting, 7:

Hansen	Kreamer	Miller, K. D.	Wulff
Jordan	Middleton	Norland	

The motion prevailed.

On the motion to concur in amendment H—6605, a non-record roll call was requested.

The ayes were 3, nays 88.

The motion lost and the House refused to concur in the Senate amendment H—6605.

MOTION TO RECONSIDER
(House File 1491)

I move to reconsider the vote by which House File 1491 passed the House on May 10, 1976.

HARVEY of Scott

PROOF OF PUBLICATION

Published copy of **House File 1574** and verified proof of publication of said bill in the Waterloo Courier, Waterloo, Iowa, on

May 3, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the vote was taken on House Files 1569 and 1570. Had I been present, I would have voted "aye" on these bills.

MIDDLETON of Black Hawk

I was necessarily absent from the House chamber when the votes were taken on House Files 1508, 1491, 1543, and 1571 and Senate Files 547, 1050, 194, and 1064. Had I been present, I would have voted "aye."

HUTCHINS of Guthrie

I was necessarily absent from the House chamber when the votes were taken on House Files 1569 and 1570. Had I been present, I would have voted "aye" on both of these.

O'HALLORAN of Black Hawk

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 10, 1976, he approved and transmitted to the Secretary of State the following bill:

Senate File 1275, an act appropriating and allocating funds to the State Board of Regents to supplement funds appropriated for the 1975-1976 Fiscal Year.

REPORT OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR SPEAKER: Your committee on appropriations has considered **House File 1573**, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a performance audit and evaluation committee, providing for their respective powers and duties, and making an appropriation, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6597

Amend House File 1368 as follows:

1. Page 1, by inserting after line 30 the following:

"Sec. 3. Section five hundred thirty-five point two (535.2), subsection two (2), Code 1975, is amended to read as follows:

2. Any domestic or foreign corporation or real estate investment trust as defined in section 856 of the Internal Revenue Code may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof, *and any other person borrowing money in the principal amount of thirty-five thousand dollars or more when the loan is secured by a real estate mortgage on agricultural land may agree in writing for payment of interest not exceeding ten cents on the hundred by the year,* and no such corporation or real estate investment trust *or other person* so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding.

Sec. 4. Nothing contained in this Act shall be construed to negate the provisions of Act of October 28, 1974, United States Public Law Number 93-501, 88 STATUTES 1557."

2. Amend the title, line 1, by inserting after the word "rates" the words "of interest, including the maximum rate which may be charged on certain loans secured by a mortgage on agricultural land, and including the maximum rates".

HENNESSEY of Delaware

H—6608

Amend House File 1368, page 1, as follows:

1. By striking lines 4 through 9 and inserting in lieu thereof the following:

"3. If the billing cycle is monthly, the charge may not exceed an amount equal to one and one half percent of that part of the maximum amount pursuant to subsection 2 which is [five] *three* hundred dollars or less and one and one fourth percent of that part of the maximum amount which is more than [five] *three* hundred dollars. If the billing cycle is not monthly,".

2. By striking lines 19 through 24 and inserting in lieu thereof the following:

"3. If the billing cycle is monthly, the charge may not exceed an amount equal to one and one half percent of that part of the maximum amount pursuant to subsection 2 which is [five] *three* hundred dollars or less and one and one fourth percent of that part of the maximum amount which is more than [five] *three* hundred dollars. If the billing cycle is not monthly,".

WELDEN of Hardin

H—6604

Amend House File 1449 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Employer" means any person employing one or more employees, but does not include the law enforcement agencies of the state or political subdivisions of the state, or agencies of the federal government.

2. "Employee" means a person who performs labor and services for another for compensation.

3. "Monitoring device" means any electronic listening device or microphone, whether used singly or in combination to provide monitoring of any conversation of employees during the course of employment.

Sec. 2. *NEW SECTION.* PROHIBITION—PENALTY.

1. An employer shall not in any way use to the detriment of an employee information concerning an employee gained from the installation or maintenance of a monitoring device.

2. An employer who violates the provisions of this section or any person who assists an employer in this violation shall be, upon conviction, guilty of a misdemeanor."

HULLINGER of Decatur

H—6603

Amend H—6173 to House File 1482 as follows:

1. Page 1, by inserting after line 20 the following:

"Sec. ..... *NEW SECTION.* There shall be posted in a location visible from all entrances to an establishment open to the public which uses or offers for sale microwave ovens a notice stating that microwave ovens are being used, including use for the purposes of demonstration, on the premises. This section shall be enforced by the department of agriculture. Persons who violate the provisions of this section shall be subject to a civil penalty not to exceed one hundred dollars."

2. By renumbering the remaining sections and correcting internal references in accordance with this amendment.

DOYLE of Woodbury

H—6611

Amend House File 1561 as follows:

1. Page 2, line 6, by striking the word "eighteen" and inserting in lieu thereof the words "[eighteen] *fifteen*".

2. Page 2, line 34, by striking the words "*the exempt property*" and inserting in lieu thereof the words "*property not subject to taxation under this chapter*".

3. Page 2, line 35, by striking the words "*the exempt property*" and inserting in lieu thereof the

words *"property not subject to taxation under this chapter"*.

BRANSTAD of Winnebago
MILLER of Buchanan
NORLAND of Worth

H—6607

Amend Senate File 1072 as follows:

1. Page 2, line 14, by striking the figures "5,029,257" and inserting in lieu thereof the figures "5,204,257".

2. Page 2, by inserting after line 23 the following:

"9. APPELLATE COURT

For salaries, support, maintenance and miscellaneous purposes .....$350,000".

GRIFFEE of Chickasaw

H—6609

Amend Senate File 1072 as follows:

1. Page 1, line 18, by striking the figures "681,623" and inserting in lieu thereof the figures "685,973".

2. Page 1, line 22, by striking the figures "236,198" and inserting in lieu thereof the figures "240,298".

3. Page 1, line 30, by striking the figures "34,049" and inserting in lieu thereof the figures "34,909".

4. Page 2, line 23, by striking the figures "57,592" and inserting in lieu thereof the figures "59,492".

GRIFFEE of Chickasaw

H—6596

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

1. Page 14, by inserting after line 7 the following:

"Sec. ..... The college of medicine of the state university of Iowa shall give preference to persons applying for admission to the college of medicine to those persons who agree to practice medicine in rural areas and to practice in areas of the state where the doctor-patient ratio indicates there is a shortage of persons engaged in the general practice of medicine."

2. Renumber the remaining section.

MILLER of Buchanan

H—6602

Amend Senate File 1310, as passed by the Senate and reprinted, as follows:

1. Page 7, line 3, by striking the words "or nonadoption".

MENNENGA of Clinton

H—6610

Amend Senate File 1310, as amended, passed, and reprinted by the Senate, as follows:

1. Page 5, by striking lines 2 through 6.

2. Page 6, by inserting after line 2 the following:

"a. To mandate continuing education requirements as a condition of license renewal for health care providers, except hospitals, and to promulgate rules to create continuing education requirements at a minimum level of fifteen contact hours per year per licensee or its equivalent. These rules shall be promulgated solely for the purposes of assuring a continued maintenance of skills and knowledge by a licensee which is directly related to and commensurate with the current level of competency in the licensee's profession. A licensee shall report annually that the licensee has complied with the requirements of this paragraph. The report shall be on a form provided by the appropriate board."

3. Page 6, line 3, by striking the letter "a" and inserting in lieu thereof the letter "b".

4. Page 6, by inserting after line 5 the following:

"c. To require additional professional education, professional retraining, re-examination, or any combination of education, retraining, and re-examination as a condition precedent to the reinstatement of a license or any privilege incident to it or to the termination of any suspension."

5. Page 6, line 6, by striking the letter "b" and inserting in lieu thereof the letter "d".

6. Page 6, line 10, by striking the letter "c" and inserting in lieu thereof the letter "e".

7. Page 6, line 13, by striking the letter "d" and inserting in lieu thereof the letter "f".

8. Page 6, line 15, by striking the letter "e" and inserting in lieu thereof the letter "g".

9. Page 6, line 18, by striking the letter "f" and inserting in lieu thereof the letter "h".

10. Page 6, line 25, by striking the letter "g" and inserting in lieu thereof the letter "i".

11. Page 6, line 27, by striking the letter "h" and inserting in lieu thereof the letter "j".

JESSE of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:40 p.m., until 9:00 a.m., Wednesday, May 12, 1976.

JOURNAL OF THE HOUSE

One Hundred Twenty-second Calendar Day—Eighty-first Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, MAY 12, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Tom Strong, pastor of the First Baptist Church, Creston, Iowa.

The Journal of Tuesday, May 11, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. T. E. Jessen, Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of Bortell of Madison; Hines of Story on request of Hinkhouse of Cedar.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Twenty seniors from Central Webster High School, Burnside, Iowa, accompanied by Jim Ainslie. By Fitzgerald of Webster.

Twenty-eight sixth grade students from Lamoni Elementary School, Lamoni, Iowa, accompanied by Suzanne Edwards. By Hullinger of Decatur.

Twenty-five eighth grade students from St. Joseph's School, Dedham, Iowa, accompanied by Sister Rose Ellen Dondelinge and four others. By Perkins of Greene.

PETITIONS FILED

The following petitions were received and placed on file:

By Husak of Tama from seven residents of Grinnell, Iowa, in favor of House File 1111, a bill for additional construction at the Iowa Veterans Home.

By Miller of Calhoun, a resolution from the Pocahontas County Bar Association urging the support of Senate File 1310, relating to health care malpractice.

By Newhard of Jones from 150 residents of Cedar County requesting that road use fund money be distributed on current need study.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on House File 1573, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 10, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1320, a bill for an act to correct internal code reference under the individual income tax.

Also: That the Senate has on May 10, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1321, a bill for an act relating to accumulated distributions of trusts under the individual income tax.

Also: That the Senate has on May 10, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1408, a bill for an act relating to reports, claims, tax returns and statements to be filed with payments made to the state.

Also: That the Senate has, on May 12, 1976, insisted on its amendment to the House amendment to Senate File 85, a bill for an act relating to a complete revision of the criminal laws of the State of Iowa, and that the members of the conference committee on the part of the Senate are: The Senator from Wapello, Mr. Glenn, chair; the Senator from Woodbury, Mr. Kelly; the Senator from Clarke, Mr. Ramsey; the Senator from Dallas, Mr. Rodgers; and the Senator from Polk, Mr. Willits.

Also: That the Senate has on April 29, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1314, a bill for an act making appropriations to the department of social services to fund current programs under the jurisdiction of the department.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1072, a bill for an act making an appropriation to judicial courts and agencies, with report of committee recommending passage, was taken up for consideration.

Dunton of Keokuk offered the following amendment H—5407 filed by him and moved its adoption:

H—5407

Amend Senate File 1072 as follows:

1. Page 1, line 10, by inserting after the word "court" the words "as determined by the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two (2), unless an Act setting such salaries is approved by the 1976 Session of the Sixty-sixth General Assembly,".

2. Page 2, line 6, after the word "magistrates," insert the words "as determined by the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two (2), unless an Act setting such salaries is approved by the 1976 Session of the Sixty-sixth General Assembly,".

Amendment H—5407 was adopted.

Griffee of Chickasaw offered the following amendment H—6609 filed by him and moved its adoption:

H—6609

Amend Senate File 1072 as follows:

1. Page 1, line 18, by striking the figures "681,623" and inserting in lieu thereof the figures "685,973".

2. Page 1, line 22, by striking the figures "236,198" and inserting in lieu thereof the figures "240,298".

3. Page 1, line 30, by striking the figures "34,049" and inserting in lieu thereof the figures "34,909".

4. Page 2, line 23, by striking the figures "57,592" and inserting in lieu thereof the figures "59,492".

Amendment H—6609 was adopted.

Hansen of O'Brien asked and received unanimous consent to withdraw amendment H—5234 filed by Hansen, et al., on February 17, 1976, and found on pages 429 and 430 of the House Journal, making the following amendments to amendment H—5234 out of order:

H—5775 filed by Middleswart, et al., on March 15, 1976, and found on pages 1159 through 1161 of the House Journal.

H—6213 filed by Middleswart of Warren on April 7, 1976, and found on pages 1710 and 1711 of the House Journal.

Griffee of Chickasaw offered the following amendment H—6607 filed by him and moved its adoption:

H—6607

Amend Senate File 1072 as follows:

1. Page 2, line 14, by striking the figures "5,029,257" and inserting in lieu thereof the figures "5,204,257".

2. Page 2, by inserting after line 23 the following:

"9. APPELLATE COURT

For salaries, support, maintenance and miscellaneous purposes .....$350,000".

Amendment H—6607 was adopted.

Miller of Buchanan offered the following amendment H—5841 filed by him and Jordan of Linn:

H—5841

Amend Senate File 1072 as passed by the Senate as follows:

1. Page 2, by inserting after line 27 the following:

"Sec. ..... Funds appropriated to the district court pursuant to sections one (1) and two (2) of this Act shall not be used to pay any salary of a district judge, district associate judge or magistrate, after December 30 of the year in which the district judge, district associate judge or magistrate is required to stand for retention in office if such district judge, district associate judge or magistrate is not retained in office.

Sec. ..... Section six hundred two point fifty-six (602.56), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

602.56 RETENTION OF JUDICIAL MAGISTRATES. Judicial magistrates appointed under authority of sections six hundred two point fifty (602.50), six hundred two point fifty-one (602.51) and six hundred two point fifty-nine (602.59) of the Code shall stand for retention in office within the county of their residence at the judicial election in 1976 and every two years thereafter. Judicial magistrates shall be placed on the ballot and shall be subject to the same provisions for retention as are applicable to district associate judges, except that the terms of office of magistrates shall be as provided in sections

six hundred two point fifty (602.50), six hundred two point fifty-one (602.51) and six hundred two point fifty-nine (602.59) of the Code, respectively, but subject to the condition that a magistrate who is not retained in office shall continue to serve and shall be entitled to hold office only until January first next following the election. A judicial officer who is not retained in office shall not thereafter be eligible for appointment to any judicial office in this state.

Sec. ..... Section six hundred five point twenty-seven (605.27), subsection one (1), Code 1975, is amended to read as follows:

1. Retire a district judge [or], *a* district associate judge *or any magistrate* of the district court or a judge of the supreme court for permanent physical or mental disability which substantially interferes with the performance of his judicial duties."

2. By renumbering sections.

Oakley of Clinton rose on a point of order that amendment H—5841 was not germane.

The Speaker ruled the point well taken and amendment H—5841 not germane.

Norland of Worth offered the following amendment H—6573 filed by Norland, et al., and moved its adoption:

H—6573

Amend Senate File 1072 as passed by the Senate as follows:

1. Page 2, by inserting after line 27 the following new section:

"Sec. ..... Section six hundred six point fifteen (606.15), subsection one (1), Code 1975, is amended to read as follows:

1. For filing any petition, appeal, or writ of error and docketing the same, [four] *seven* dollars. [Three] *Four* dollars of such fee shall remain in the county treasury for the use of the county, and [one dollar] *three dollars* of such fee shall be paid into the state treasury and deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and to be used for the purposes provided for in section 618.13."

2. Amend the title, line 1, by inserting after the word "agencies" the words ", and providing for an increase in filing fees to aid in offsetting the costs of operating the courts and agencies".

Amendment H—6573 was adopted.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1072)

The ayes were, 86:

Anderson	Dyrland	Koogler	Pellett
Avenson	Egenes	Lageschulte	Perkins
Baker	Evans	Lindeen	Poncy
Bennett	Fitzgerald	Lipsky	Readinger
Bina	Gentleman	McElroy	Rinas
Binneboese	Gilloon	Menke	Scheelhaase
Bortell	Griffee	Mennenga	Schroeder
Brandt	Halvorson	Middleswart	Small
Branstad	Hansen	Middleton	Spear
Brockett	Hargrave	Millen	Spencer
Brunow	Harper	Miller, A. V.	Spradling
Byerly	Harvey	Miller, K. D.	Svoboda
Clark	Hennessey	Miller, O. L.	Tauke
Connors	Higgins	Monroe	Tofte
Crabb	Hinkhouse	Nealson	Varley
Crawford	Horn	Newhard	Walter
Cusack	Howell	Norland	Wells
Danker	Hullinger	Oakley	West
Dieleman	Husak	O'Halloran	Woods
Doyle	Hutchins	Patchett	Wyckoff
Drake	Jochum	Pavich	Mr. Speaker
Dunton	Jordan		

The nays were, 1:

Junker

Absent or not voting, 12:

Bittle	Hines	Kreamer	Stromer
Daggett	Jesse	Lonergan	Welden
Den Herder	Krause	Nielsen	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1564 DEFERRED

Norland of Worth asked and received unanimous consent to temporarily defer action on **House File 1564.**

HOUSE FILE 1573 DEFERRED

Byerly of Polk asked and received unanimous consent to temporarily defer action on **House File 1573.**

MOTION TO RECONSIDER WITHDRAWN
(House File 1475)

Scheelhaase of Woodbury asked and received unanimous con-

sent to withdraw his motion to reconsider **House File 1475** filed by him on May 6, 1976.

HOUSE FILE 1449 DEFERRED

Oakley of Clinton asked and received unanimous consent to temporarily defer action on **House File 1449.**

WAYS AND MEANS CALENDAR

House File 1564, a bill for an act relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of assessment, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review, was taken up for consideration.

Norland of Worth asked and received unanimous consent to withdraw amendment H—6493 filed by him on April 30, 1976, and found on page 2358 of the House Journal.

Norland of Worth offered the following amendment H—6613 filed by him from the floor and moved its adoption:

H—6613

Amend House File 1564 as follows:

1. Page 1, line 18, by striking the word "he" and inserting in lieu thereof the words "[he] *the assessor*".

2. Page 1, line 21, by striking the word "he" and inserting in lieu thereof the words "[he] *the assessor*".

Amendment H—6613 was adopted.

Bennett of Ida asked for unanimous consent to defer action on House File 1564.

Objection was raised.

Millen of Van Buren moved that action on House File 1564 be temporarily deferred.

The motion prevailed.

STEERING COMMITTEE NONCONTROVERSIAL CALENDAR
(5-Minute)

SENATE FILE 1280 SUBSTITUTED FOR HOUSE FILE 1551

Oakley of Clinton asked and received unanimous consent to substitute Senate File 1280 for House File 1551.

Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor, was taken up for consideration.

Oakley of Clinton offered the following amendment H—6578 filed by him and moved its adoption:

H—6578

Amend Senate File 1280 as follows:
1. Page 6, by inserting after line 31E the following section:
"Sec. ..... Section three hundred twenty-one point two hundred eighty-one (321.281), Code 1975, is amended by striking unnumbered paragraph four (4)."

Amendment H—6578 was adopted.

Byerly of Polk offered the following amendment H—6555 filed by him:

H—6555

Amend Senate File 1280 as amended and passed by the Senate, as follows:
1. Page 11, by striking lines 11 through 14.

Baker of Buena Vista rose on a point of order that debate on Senate File 1280 had exceeded the time limit.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the further consideration of Senate File 1280.

Byerly of Polk moved the adoption of amendment H—6555.

Amendment H—6555 lost.

Monroe of Des Moines offered the following amendment H—6579 filed by him and Oakley of Clinton and moved its adoption:

H—6579

Amend Senate File 1280 as amended and passed by the Senate as follows:
1. Strike page 11, line 15 through page 13, line 28.

2. Page 15, by striking lines 15 through 32 and inserting in lieu thereof the following:

"Sec. ..... Section forty-seven point three (47.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section eighteen (18), is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

The costs of conducting a special election called by the governor, general election, and the primary election held prior to the general election shall be paid by the county.

Sec. ..... Section forty-nine point seventy-three (49.73), subsection two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section forty (40), is amended to read as follows:

2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than seven o'clock a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter two hundred eighty A (280A) of the Code. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at nine o'clock p.m. for state primary and general elections and other partisan elections, *and for any other election held concurrently therewith,* and at eight o'clock p.m. for all other elections."

Amendment H—6579 was adopted.

Oakley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1280)

The ayes were, 92:

Anderson	Brandt	Cusack	Egenes
Avenson	Branstad	Danker	Evans
Baker	Brockett	Den Herder	Fitzgerald
Bennett	Brunow	Dieleman	Gentleman
Bina	Byerly	Doyle	Gilloon
Binneboese	Clark	Drake	Griffee
Bittle	Crabb	Dunton	Halvorson
Bortell	Crawford	Dyrland	Hansen

Hargrave	Koogler	Newhard	Spencer
Harper	Krause	Norland	Spradling
Harvey	Lageschulte	Oakley	Stromer
Hennessey	Lindeen	O'Halloran	Svoboda
Higgins	Lipsky	Patchett	Tauke
Hinkhouse	McElroy	Pavich	Tofte
Horn	Menke	Pellett	Varley
Howell	Middleswart	Perkins	Walter
Hullinger	Middleton	Poncy	Welden
Husak	Millen	Readinger	Wells
Hutchins	Miller, A. V.	Rinas	West
Jesse	Miller, K. D.	Scheelhaase	Woods
Jochum	Miller, O. L.	Schroeder	Wulff
Jordan	Monroe	Small	Wyckoff
Junker	Nealson	Spear	Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Connors	Hines	Lonergan	Nielsen
Daggett	Kreamer	Mennenga	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

OBJECTION TO IMMEDIATE MESSAGE
(Senate File 1280)

Oakley of Clinton asked for unanimous consent that **Senate File 1280** be immediately messaged to the Senate.

Objection was raised.

The House resumed consideration of **House File 1564,** a bill for an act relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of assessment, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review.

West of Marshall asked and received unanimous consent to withdraw amendment H—6456 filed by Daggett of Adams on April 28, 1976, and found on page 2299 of the House Journal.

Svoboda of Iowa offered the following amendment H—6621 filed by her and Mennenga of Clinton from the floor:

H—6621

Amend House File 1564 as follows:

1. Page 1, by inserting before line 1 the following section:

"Section 1. Section four hundred twenty-five point twenty-eight (425.28), Code 1975, is amended by adding the following unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon request from any city or county assessor or county treasurer, the department of revenue may release the names of claimants who received reimbursement warrants to the assessor or treasurer. This information shall be held confidential by the assessor or treasurer except if used to notify such claimants by mail or in person that they may be eligible for future reimbursements, or to mail reimbursement forms or filing information to such claimants."

Junker of Woodbury rose on a point of order that amendment H—6621 was not germane.

The Speaker ruled the point well taken and amendment H—6621 not germane.

West of Marshall offered the following amendment H—6620 filed by him and Husak of Tama from the floor:

H—6620

Amend House File 1564 as follows:

1. Page 1, line 32, by striking the word "paragraph" and inserting in lieu thereof the words "paragraphs five (5) and".

2. Page 1, by inserting after line 35 the following:

"[In] *Effective January 1, 1977, in* assessing and determining the actual value of agricultural property [fifty percent consideration shall be given to each of the following factors:]

[a. The] *the value shall be computed on the basis of the* productivity and net earning capacity *of the property* determined on the basis of the use for agricultural purposes capitalized at a rate representing a fair return on the investment, such rate to be established by the state board of tax review and applied uniformly among counties and among classes of property.

b. The [fair and reasonable market] value of such property [as defined herein, but such market value] shall be based only on its current use and not on its potential value for other uses *and the actual value of a structure located on agricultural land which is not used for agricultural purposes shall*

be the fair and reasonable market value of the structure."

Wells of Linn rose on a point of order that amendment H—6620 was not germane.

The Speaker ruled the point well taken and amendment H—6620 not germane.

Husak of Tama moved to suspend the rules governing germaneness for the consideration of amendment H—6620.

Roll call was requested by Husak of Tama and Bennett of Ida.

Rule 70 was invoked.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

On the question "Shall the rules be suspended to consider amendment H—6620?"

The ayes were, 35:

Anderson	Den Herder	Kreamer	Pellett
Bennett	Drake	Lageschulte	Schroeder
Bortell	Egenes	Lindeen	Stromer
Branstad	Evans	McElroy	Tofte
Brockett	Gentleman	Menke	Varley
Clark	Halvorson	Millen	Welden
Crabb	Hansen	Miller, K. D.	West
Crawford	Harvey	Miller, O. L.	Wyckoff
Danker	Husak	Nealson	

The nays were, 61:

Avenson	Griffee	Krause	Poncy
Baker	Hargrave	Lipsky	Readinger
Bina	Harper	Lonergan	Rinas
Binneboese	Hennessey	Mennenga	Scheelhaase
Bittle	Higgins	Middleswart	Small
Brandt	Hinkhouse	Middleton	Spear
Brunow	Horn	Miller, A. V.	Spencer
Byerly	Howell	Monroe	Spradling
Connors	Hullinger	Newhard	Svoboda
Cusack	Hutchins	Norland	Tauke
Dieleman	Jesse	Oakley	Walter
Doyle	Jochum	O'Halloran	Wells
Dunton	Jordan	Patchett	Woods
Dyrland	Junker	Pavich	Wulff
Fitzgerald	Koogler	Perkins	Mr. Speaker
Gilloon			

Absent or not voting, 3:

Daggett	Hines	Nielsen

The motion lost.

Bennett of Ida offered the following amendment H—6623 filed by him and Pellett of Cass:

H—6623

Amend House File 1564 as follows:

1. Page 1, line 32, by striking the word "paragraph" and inserting in lieu thereof the words "paragraphs five (5) and".

2. Page 1, by inserting after line 35 the following:

"In assessing and determining the actual value of agricultural property fifty percent consideration shall be given to each of the following factors:

a. The productivity and net earning capacity determined on the basis of the use for agricultural purposes capitalized at a rate [representing a fair return on the investment, such rate] *of not less than eight percent* to be established by the state board of tax review and applied uniformly among counties and among classes of property.

b. The fair and reasonable market value of such property as defined herein, but such market value shall be based only on its current use and not on its potential value for other uses."

Husak of Tama rose on a point of order that amendment H—6623 was not germane.

The Speaker ruled the point well taken and amendment H—6623 not germane.

Branstad of Winnebago asked for unanimous consent to suspend the rules to consider amendment H—6623.

Objection was raised.

Svoboda of Iowa asked for unanimous consent to suspend the rules governing germaneness to consider amendment H—6621.

Objection was raised.

(House File 1564 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Small of Johnson in the chair.

QUORUM CALL

Roll call was requested by Clark of Lee and Lageschulte of Bremer to determine that a quorum was present:

Present, 72:

Anderson	Drake	Jordan	Pavich
Avenson	Egenes	Koogler	Pellett
Baker	Evans	Krause	Perkins
Bennett	Gentleman	Lageschulte	Readinger
Bina	Gilloon	Lindeen	Schroeder
Bortell	Griffee	Lipsky	Spencer
Brandt	Halvorson	Lonergan	Spradling
Branstad	Hansen	Menke	Svoboda
Brockett	Hargrave	Middleswart	Tofte
Brunow	Harvey	Millen	Varley
Byerly	Hennessey	Miller, A. V.	Walter
Clark	Higgins	Miller, K. D.	Welden
Crabb	Hinkhouse	Miller, O. L.	West
Crawford	Howell	Nealson	Woods
Cusack	Hullinger	Nielsen	Wulff
Daggett	Husak	Norland	Wyckoff
Danker	Hutchins	Oakley	Mr. Speaker (Small)
Den Herder	Jochum	O'Halloran	
Dieleman			

Absent, 27:

Binneboese	Fitzgerald	McElroy	Rinas
Bittle	Harper	Mennenga	Scheelhaase
Cochran	Hines	Middleton	Spear
Connors	Horn	Monroe	Stromer
Doyle	Jesse	Newhard	Tauke
Dunton	Junker	Patchett	Wells
Dyrland	Kreamer	Poncy	

WAYS AND MEANS CALENDAR

BUSINESS PENDING

The House resumed consideration of **House File 1564**, a bill for an act relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of assessment, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review.

Bennett of Ida moved that the rules governing germaneness be suspended for the consideration of amendment H—6623.

Roll call was requested by Varley of Adair and Drake of Muscatine.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6623?"

(The original roll call was not recorded and the vote was retaken as follows.)

The ayes were, 44:

Bennett	Egenes	Kreamer	Perkins
Bortell	Evans	Lageschulte	Readinger
Branstad	Gentleman	Lindeen	Schroeder
Brockett	Halvorson	Lipsky	Stromer
Clark	Hansen	McElroy	Tauke
Crabb	Harvey	Menke	Tofte
Crawford	Hinkhouse	Millen	Varley
Daggett	Hutchins	Miller, K. D.	Welden
Danker	Jordan	Nealson	West
Den Herder	Junker	Oakley	Wulff
Drake	Koogler	Pellett	Wyckoff

The nays were, 52:

Anderson	Dyrland	Jochum	Patchett
Avenson	Fitzgerald	Krause	Pavich
Baker	Gilloon	Lonergan	Poncy
Bina	Griffee	Mennenga	Rinas
Binneboese	Hargrave	Middleswart	Scheelhaase
Brandt	Harper	Middleton	Spencer
Brunow	Hennessey	Miller, A. V.	Spradling
Byerly	Higgins	Miller, O. L.	Svoboda
Cochran	Horn	Monroe	Walter
Connors	Howell	Newhard	Wells
Cusack	Hullinger	Nielsen	Woods
Dieleman	Husak	Norland	Mr. Speaker
Doyle	Jesse	O'Halloran	(Small)
Dunton			

Absent or not voting, 3:

Bittle	Hines	Spear

The motion lost.

Husak of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1564)

The ayes were, 89:

Anderson	Cochran	Evans	Hinkhouse
Avenson	Connors	Fitzgerald	Horn
Baker	Crabb	Gentleman	Howell
Bennett	Crawford	Gilloon	Hullinger
Bina	Cusack	Griffee	Husak
Bittle	Den Herder	Halvorson	Hutchins
Brandt	Dieleman	Hansen	Jesse
Branstad	Doyle	Hargrave	Jochum
Brockett	Drake	Harper	Jordan
Brunow	Dunton	Harvey	Junker
Byerly	Dyrland	Hennessey	Koogler
Clark	Egenes	Higgins	Krause

Lageschulte	Miller, O. L.	Readinger	Varley
Lindeen	Newhard	Rinas	Walter
Lipsky	Nielsen	Scheelhaase	Welden
Lonergan	Norland	Spear	Wells
McElroy	Oakley	Spencer	West
Menke	O'Halloran	Spradling	Woods
Mennenga	Patchett	Stromer	Wulff
Midddleswart	Pavich	Svoboda	Wyckoff
Middleton	Pellett	Tauke	Mr. Speaker (Small)
Miller, A. V.	Perkins	Tofte	
Miller, K. D.	Poncy		

The nays were, 6:

Bortell	Danker	Nealson	Schroeder
Daggett	Millen		

Absent or not voting, 4:

Binneboese	Hines	Kreamer	Monroe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 1564)

Husak of Tama asked for unanimous consent that **House File 1564** be immediately messaged to the Senate.

Objection was raised.

Husak of Tama moved to reconsider the vote by which House File 1564 passed the House.

A non-record roll call was requested.

The ayes were 26, nays 50.

The motion lost.

APPROPRIATIONS CALENDAR

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **House File 1573**, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a performance audit and evaluation committee, providing for their respective powers and duties, and making an appropriation.

Crabb of Crawford offered the following amendment H—6612 filed by him from the floor:

H—6612

Amend Senate File 1573 as follows:
1. By striking everything after the enacting

clause and inserting in lieu thereof the following:
"Section 1. Section eleven point four (11.4), Code 1975, is amended by adding the following new subsection:
NEW SUBSECTION. Conduct a performance audit and evaluation of operations of state departments to ascertain that sums appropriated have been or are being expended for the purposes for which such appropriations were made, either upon direction of the general assembly by resolution, or the legislative council during interims.
Performance auditing is an extension of the auditing function which examines the operating, managerial or administrative performance of selected aspects of an activity or organization to identify opportunities for effectiveness in carrying out procedures or operations in relation to the goals of the organization."
2. Amend the title by striking all of lines 1 through 4 and inserting in lieu thereof the following: "An Act relating to performance auditing and evaluation by the auditor of state."

Crabb of Crawford offered the following amendment H—6624, to amendment H—6612, filed by him from the floor and moved its adoption:

H—6624
Amend amendment H—6612, to House File 1573, as follows:
1. Page 1, line 18, by inserting after the word "for" the following: "greater efficiency, economy, or improved".

Amendment H—6624 was adopted.

Fitzgerald of Webster moved the previous question on House File 1573 with respect to the filing of amendments only.

A non-record roll call was requested

The ayes were 51, nays 34.

The motion prevailed.

Crabb of Crawford moved the adoption of amendment H—6612, as amended.

Roll call was requested by Crabb of Crawford and Danker of Pottawattamie.

On the question "Shall amendment H—6612, as amended, be adopted?"

The ayes were, 14:

Bennett	Crabb	Millen	Tofte
Bortell	Danker	Nealson	Welden
Branstad	Hansen	Pellett	Wyckoff
Brockett	Lindeen		

The nays were, 74:

Anderson	Egenes	Junker	Poncy
Avenson	Evans	Koogler	Readinger
Baker	Fitzgerald	Krause	Rinas
Bina	Gentleman	Lageschulte	Scheelhaase
Binneboese	Griffee	Lipsky	Schroeder
Bittle	Halvorson	Menke	Spear
Brandt	Hargrave	Mennenga	Spencer
Byerly	Harper	Middleswart	Spradling
Clark	Harvey	Middleton	Svoboda
Cochran	Hennessey	Miller, K. D.	Tauke
Connors	Higgins	Miller, O. L.	Varley
Crawford	Hinkhouse	Monroe	Walter
Cusack	Horn	Newhard	Wells
Daggett	Howell	Norland	West
Den Herder	Hullinger	Oakley	Woods
Dieleman	Husak	O'Halloran	Wulff
Doyle	Jesse	Patchett	Mr. Speaker (Small)
Drake	Jochum	Pavich	
Dunton	Jordan	Perkins	

Absent or not voting, 11:

Brunow	Hines	Lonergan	Nielsen
Dyrland	Hutchins	McElroy	Stromer
Gilloon	Kreamer	Miller, A. V.	

Amendment H—6612, as amended, lost.

Lipsky of Linn offered the following amendment **H—6625** filed by her from the floor and moved its adoption:

H—6625

Amend House File 1573 as follows:

1. Page 1, by striking lines 2 through 22 and inserting in lieu thereof the following:

"1. The legislative fiscal bureau shall be responsible for conducting performance audits and evaluations of operations of state agencies under the direction and control of the performance audit and evaluation committee.

2. The legislative fiscal director shall serve as performance auditor; however, the legislative fiscal director may employ a deputy director who shall be responsible for carrying out the performance audit and evaluation program of the legislative fiscal bureau under the administrative supervision of the legislative fiscal director. The deputy director shall be employed as provided in section two point fifty (2.50) of the Code."

2. Page 1, line 24, by striking the word "DIVISION".

3. Page 2, by striking lines 6 through 8 and

inserting in lieu thereof the words "budgetary limitations may require."

4. Page 3, by striking lines 7 through 21.

5. Page 3, lines 24 and 25, by striking the words "performance audit and evaluation division" and inserting in lieu thereof the words "legislative fiscal bureau".

6. Page 3, line 30, by striking the word "division" and inserting in lieu thereof the word "bureau".

7. Page 5, lines 28 and 29, by striking the words "and its divisions".

8. Page 6, by striking lines 2 through 7, and inserting in lieu thereof the words "the work of the staff of the legislative fiscal bureau.".

9. Page 7, by striking lines 1 through 9 and inserting in lieu thereof the words "[approval of the legislative council]. The administrative head of the legislative fiscal bureau shall be the legislative fiscal director. The".

10. By renumbering sections to conform to this amendment.

11. Amend the title, by striking lines 1 through 4, and inserting in lieu thereof the words "An Act relating to performance audit and evaluation of state agencies by the legislative fiscal bureau, creating a performance audit and evaluation committee, specifying the powers and duties of the legislative fiscal director and the committee, and making an appropriation."

A non-record roll call was requested.

The ayes were 26, nays 54.

Amendment H—6625 lost.

Lipsky of Linn offered the following amendment **H—6616** filed by her from the floor and moved its adoption:

H—6616

Amend House File 1573 as follows:

1. Page 1, by striking lines 12 through 15 and inserting in lieu thereof the words "performance auditor shall be appointed as provided in section two point fifty (2.50) of the Code."

2. Page 7, by striking lines 33 and 34 and inserting in lieu thereof the words "as shall be authorized by the legislative council."

Amendment H—6616 was adopted.

Griffee of Chickasaw offered the following amendment **H—6628** filed by Griffee, Cusack, Small, Patchett, Horn, Norland, Krause, Higgins and Monroe from the floor and moved its adoption:

H—6628

Amend House File 1573 as follows:

1. Page 3, line 2, by inserting after the word "committee" the following: "has given the respective chairpersons of standing committees of the house and senate, and subcommittees on appropriations of the house and senate committees on appropriations, an opportunity to review such report, and the performance audit and evaluation committee".

A non-record roll call was requested.

The ayes were 31, nays 43.

Amendment H—6628 lost.

Hargrave of Johnson offered the following amendment H—6630 filed by Hargrave, Dyrland and Anderson from the floor:

H—6630

Amend House File 1573 as follows:

1. Page 4, by inserting after line 20 the following:

"Sec. ..... *NEW SECTION.* The general assembly shall examine the need for the continued existence of state agencies as defined in section two (2), subsection six (6), of this Act at least every six years in accord with the schedule provided in this Act. The appropriation subcommittees in each house responsible for the appropriation of the state agency shall jointly hold a public hearing on the existence of the state agency in the year the state agency is scheduled for examination. The performance audit and evaluation division shall submit a report on that state agency to the appropriation subcommittee prior to the public hearing. The appropriation subcommittee shall make a recommendation to the general assembly regarding the continued existence of the state agency.

1. a. The general assembly shall in 1977 and every six years thereafter examine the following state agencies: the legislative fiscal bureau, the department of public defense, the campaign finance disclosure commission, the occupational safety and health review commission, the board of physical therapy examiners, the board of nursing examiners, the board of psychology examiners, the Iowa mental health authority, the commission on aging, the board of regents, the Iowa state historical department, the Iowa natural resources council, and the department of environmental quality.

b. Sections two point forty-eight (2.48) through two point fifty-two (2.52), and chapters twenty-nine (29), fifty-six (56), eighty-eight (88), one hundred

forty-eight A (148A), one hundred fifty-two (152), one hundred fifty-four A (154A), two hundred twenty-five B (225B), two hundred forty-nine B (249B), two hundred sixty-two (262), three hundred three (303), four hundred fifty-five A (455A), and four hundred fifty-five B (455B), Code 1975, are repealed. This paragraph shall be effective July 1, 1978.

2. a. The general assembly shall in 1978 and every six years thereafter examine the following state agencies: the office for planning and programming, the capital planning commission, the public employment relations board, the department of public safety, the board of engineering examiners, the board of examiners of shorthand reporters, the board of chiropractic examiners, the state fair board, the board of parole, the Iowa library department, the department of soil conservation, the Iowa civil rights commission, and the Iowa housing finance authority.

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b. Chapters seven A (7A), eighteen A (18A), twenty (20), eighty (80), one hundred fourteen (114), one hundred fifteen (115), one hundred fifty-one (151), one hundred seventy-three (173), two hundred forty-seven (247), three hundred three A (303A), four hundred sixty-seven A (467A), and six hundred one A (601A), Code 1975, and Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-eight (138), are repealed. This paragraph shall be effective on July 1, 1979.

3. a. The general assembly shall in 1979 and every six years thereafter examine the following state agencies: the code editor, the executive council, the board of accountancy, the board of optometry examiners, the board of pharmacy examiners, the Iowa department of agriculture, the Iowa drug abuse authority, the state geological board, the Iowa state commerce commission, the Iowa commission for the blind, and the board of bar examiners.

b. Chapters fourteen (14), nineteen (19), one hundred sixteen (116), one hundred fifty-four (154), one hundred fifty-five (155), one hundred fifty-nine (159), two hundred twenty-four B (224B), three hundred five (305), four hundred seventy-four (474), six hundred one B (601B), and six hundred ten (610), Code 1975, are repealed. This paragraph shall be effective on July 1, 1980.

4. a. The general assembly shall in 1980 and every six years thereafter examine the following state agencies: the Iowa state board of examiners for nursing home administrators, the supreme court clerk, the state comptroller, the department of general services, the Iowa development commission, the bonus board, the Iowa real estate commission, the board of architectural examiners, the board of podiatry

examiners, the board of funeral directors and embalmer examiners, the department of social services, the state department of transportation, the governor's committee on employment of the handicapped, and the citizens' aide.

b. Sections one hundred forty-seven point one hundred eighteen (147.118) through one hundred forty-seven point one hundred thirty-four (147.134), sections six hundred eighty-five point one (685.1) through six hundred eighty-five point five (685.5), and chapters eight (8), eighteen (18), twenty-eight (28), thirty-five (35), one hundred seventeen (117), one hundred eighteen (118), one hundred forty-nine (149), one hundred fifty-six (156), two hundred seventeen (217), three hundred seven (307), six hundred one

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F (601F), and six hundred one G (601G), Code 1975, are repealed. This paragraph shall be effective July 1, 1981.

5. a. The general assembly shall in 1981 and every six years thereafter examine the following state agencies: the department of banking, the court administrator of the judicial department, the commission on uniform state laws, the midwest nuclear compact, the Iowa crime commission, the industrial commissioner, the state conservation commission, the board of watchmaking examiners, the state department of health, the state board of dentistry, the commission of veteran affairs, the higher education facilities commission, and the department of revenue.

b. Section five hundred twenty-four point two hundred one (524.201) through five hundred twenty-four point two hundred twenty-seven (524.227), sections six hundred eighty-five point six (685.6) through six hundred eighty-five point ten (685.10), and chapters five (5), eight B (8B), eighty C (80C), eighty-six (86), one hundred seven (107), one hundred twenty (120), one hundred thirty-five (135), one hundred fifty-three (153), two hundred fifty (250), two hundred sixty-one (261), and four hundred twenty-one (421), Code 1975, are repealed. This paragraph shall be effective July 1, 1982.

6. a. The general assembly shall in 1982 and every six years thereafter examine the following state agencies: the legislative service bureau, the upper Mississippi riverway compact, the Iowa law enforcement academy and council, the bureau of labor, the energy policy council, the Iowa board of landscape architectural examiners, the Iowa beer and liquor control department, the state board of medical examiners, the board of examiners for the licensing and regulation of hearing aid dealers, the department of public instruction, and the commission on the status of women.

b. Sections two point fifty-eight (2.58) through two point sixty-six (2.66), and chapters twenty-seven A (27A), eighty B (80B), ninety-one (91), ninety-three (93), one hundred eighteen A (118A), one hundred twenty-three (123), one hundred forty-eight (148), one hundred forty-eight B (148B), one hundred fifty (150), one hundred fifty A (150A), one hundred fifty-four A (154A), two hundred fifty-seven (257), three hundred four A (304A), and six hundred one (601), Code 1975, are repealed. This paragraph shall be effective July 1, 1983."

2. By renumbering the sections to conform with

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this amendment.

3. Amend the title, line 1, by striking the word "creating" and inserting in lieu thereof the words "to provide for legislative review of state agencies including the creation of".

Koogler of Mahaska rose on a point of order that amendment H—6630 was not germane.

The Speaker ruled the point well taken and amendment H—6630 not germane.

Hargrave of Johnson moved that the rules governing germaneness be suspended for the consideration of amendment H—6630.

Roll call was requested by Oakley of Clinton and Patchett of Johnson.

On the question "Shall the rules be suspended to consider amendment H—6630?"

The ayes were, 53:

Bennett	Evans	Kreamer	Perkins
Bittle	Gentleman	Lageschulte	Readinger
Bortell	Gilloon	Lindeen	Rinas
Branstad	Griffee	Lipsky	Schroeder
Brockett	Halvorson	McElroy	Stromer
Clark	Hansen	Millen	Tauke
Crawford	Hargrave	Miller, K. D.	Tofte
Daggett	Harvey	Nealson	Varley
Danker	Hennessey	Newhard	Walter
Den Herder	Howell	Oakley	Welden
Dieleman	Husak	Patchett	West
Drake	Jochum	Pavich	Wulff
Dyrland	Junker	Pellett	Wyckoff
Egenes			

The nays were, 36:

Anderson	Brandt	Cusack	Hinkhouse
Avenson	Brunow	Doyle	Horn
Baker	Byerly	Dunton	Hullinger
Bina	Connors	Fitzgerald	Jordan
Binneboese	Crabb	Higgins	Koogler

Krause	Miller, O. L.	Poncy	Wells
Lonergan	Nielsen	Spear	Woods
Mennenga	Norland	Spencer	Mr. Speaker
Middleswart	O'Halloran	Spradling	(Small)
Miller, A. V.			

Absent or not voting, 10:

Cochran	Hutchins	Middleton	Scheelhaase
Harper	Jesse	Monroe	Svoboda
Hines	Menke		

The motion prevailed and the rules were suspended.

Hargrave of Johnson asked for unanimous consent to withdraw amendment H—6630.

Objection was raised.

Hargrave of Johnson moved to withdraw amendment H—6630.

Roll call was requested by Kreamer of Polk and Bennett of Ida.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6630 be withdrawn?"

The ayes were, 60:

Anderson	Fitzgerald	Jordan	Pavich
Avenson	Gilloon	Junker	Perkins
Baker	Griffee	Koogler	Poncy
Bina	Hargrave	Krause	Rinas
Binneboese	Harper	Lonergan	Scheelhaase
Brandt	Hennessey	Mennenga	Spear
Brunow	Higgins	Middleswart	Spencer
Byerly	Hinkhouse	Middleton	Spradling
Cochran	Horn	Miller, A. V.	Svoboda
Connors	Howell	Miller, O. L.	Walter
Cusack	Hullinger	Monroe	Wells
Dieleman	Husak	Newhard	Woods
Doyle	Hutchins	Norland	Wyckoff
Drake	Jesse	O'Halloran	Mr. Speaker
Dunton	Jochum	Patchett	(Small)
Dyrland			

The nays were, 83:

Bennett	Danker	Kreamer	Pellett
Bittle	Den Herder	Lageschulte	Readinger
Bortell	Egenes	Lindeen	Schroeder
Branstad	Evans	Lipsky	Stromer
Brockett	Gentleman	McElroy	Tauke
Clark	Halvorson	Menke	Tofte
Crabb	Hansen	Millen	West
Crawford	Harvey	Oakley	Wulff
Daggett			

Absent or not voting, 6:

Hines	Nealson	Varley	Welden
Miller, K. D.	Nielsen		

Amendment H—6630 was withdrawn.

Avenson of Fayette asked and received unanimous consent to withdraw the following amendment H—6635 filed by him and Schroeder of Pottawattamie from the floor:

H—6635

Amend House File 1573 as follows:

1. Page 4, by inserting after line 20 the following new section:

"Sec. 5. *NEW SECTION.* LEGISLATIVE AUDIT DIVISION OF THE LEGISLATIVE FISCAL BUREAU—APPOINTMENT AND REMOVAL OF LEGISLATIVE AUDITOR.

1. There is established a legislative audit division of the legislative fiscal bureau which shall operate under the direction and control of the fiscal and performance audit committee and which shall be placed under the administrative supervision of the director of the legislative fiscal bureau.

2. The administrative head of the legislative audit division shall be the legislative auditor. The legislative auditor shall be appointed by the fiscal and performance audit committee, upon recommendation of the legislative fiscal director and subject to approval of the legislative council.

3. The employment of the legislative auditor may be terminated upon recommendation of the legislative fiscal director and by a majority vote of the members of the fiscal and performance audit committee. An appeal of the termination decision may be taken to the legislative council which shall affirm or reject the termination action by a majority vote of its members.

Sec. 6. *NEW SECTION.* DUTIES RELATING TO THE LEGISLATIVE AUDIT DIVISION. The fiscal and performance audit committee shall:

1. Direct the legislative auditor to conduct any audit, that in its judgment is necessary or proper to carry out the purposes of this Act, or to assist the general assembly in the proper discharge of its duties.

2. Study and review the audit, submitted by the legislative auditor. The committee shall refer to the appropriate standing committees of the general assembly information that, in its opinion, warrants action by the committee.

3. Review each audit conducted by the legislative audit division before it is issued.

Sec. 7. *NEW SECTION.* FUNCTIONS OF THE LEGISLATIVE AUDIT DIVISION. The legislative audit division shall:

1. Conduct annual audits of all state agencies as defined in section two (2), subsection six (6) of this Act and compile a written report of such audits that show the following:

a. Whether funds have been expended for the

purposes authorized by the general assembly.
b. Whether receipts of state agencies have been

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accounted for and paid into the general fund of the state or any special fund as may be provided by law.
c. Such other data, information and recommendations as the legislative auditor may deem necessary in accordance with directions and supervision of the fiscal and performance audit committee.
2. Submit a copy of the annual financial audit report of each state agency to the governor, state comptroller, and the state agency which is audited after review of the fiscal and performance audit committee.
3. Report immediately to the committee on surety bonds and insurance when an audit discloses a shortage in the accounts of any official or employee of a state agency.
4. Report immediately in writing to the fiscal and performance audit committee, governor, and other appropriate officials any instance of misfeasance or apparent violation of penal statutes by the audit of any state agency.
5. Conduct special audits of state agencies upon request of the fiscal and performance audit committee.

Sec. 8. *NEW SECTION.* DUTIES OF LEGISLATIVE AUDITOR. The legislative auditor shall:
1. Recommend the employment and supervise all employees of the legislative audit division of the legislative fiscal bureau in such positions and at such salaries as shall be approved by the legislative council.
2. Supervise all expenditures of the legislative audit division under the direction of the legislative fiscal director and approval of the legislative council.
3. Carry out such other duties as required by the fiscal and performance audit committee under the supervision of the legislative fiscal director.

Sec. 9. *NEW SECTION.* ACCESS TO STATE OFFICES AND DEPARTMENTS—COOPERATION WITH STATE AGENCIES—SUBPOENA POWER.
1. The legislative auditor and employees of the legislative audit division shall at all times have access to any state agency as defined in section two (2), subsection six (6) of this Act, and to all books, records, and other instrumentalities and properties used in the performance of statutory duties. However, the fiscal and performance audit committee and employees of the division shall not have access to confidential records unless they are data or records from which individual identities are not ascertainable

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or data or records which has been masked so that individual identities are not ascertainable. Such state agency shall cooperate with the legislative auditor in the performance of his or her duties and shall make available to the legislative auditor such books, records, instrumentalities, and property that may be requested by the legislative auditor.

2. The legislative auditor shall cooperate with the auditor of state and may request information from the auditor of state who shall provide such information as provided in subsection one (1) of this section.

3. The legislative auditor shall, in all matters pertaining to his or her duties, have power with the approval of the fiscal and performance audit committee to issue subpoenas of all kinds, administer oaths and examine witnesses, either orally or in writing. Expenses incurred in carrying out such powers shall be paid as in the case of other expenses of the legislative fiscal bureau.

b. In case any witness subpoenaed refuses to attend, or produce documents, books, and papers, or shall attend and refuse to make oath, or being sworn refuses to testify, the legislative auditor may apply to the district court for the enforcement of attendance and answers to questions as provided by law in the matter of taking depositions."

2. Page 7, line 2, by striking the word "*two*" and inserting in lieu thereof the word "*three*".

3. Page 7, line 3, by inserting after the word "*division*" the words ", *the legislative audit division*".

4. Page 7, line 9, by inserting after the word "*director.*" the words "*The administrator of the legislative audit division shall be the legislative auditor appointed as provided in section five (5) of this Act and subject to the administrative supervision of the legislative fiscal director.*"

5. Page 8, by inserting after line 29 the following:

"Sec. 20. Section eight point five (8.5), subsection four (4), Code 1975, is amended to read as follows:

4. DELEGATED POWERS AND DUTIES. Perform and exercise all those duties and powers now delegated by law and performed by the state auditor *and by the legislative auditor* which relate to bookkeeping and accounting.

Sec. 21. Section eleven point three (11.3), Code 1975, is amended to read as follows:

11.3 STATE DEPARTMENT OF TRANSPORTATION. The

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annual audit of the accounts of the state department of transportation shall be made by accountants from

the [office of the auditor of state] *legislative fiscal bureau* and there is hereby annually appropriated from any funds in the state treasury, not otherwise appropriated, a sum sufficient to defray the cost of the audit.

Sec. 22. Section eleven point twenty-five (11.25), subsection two (2), Code 1975, is amended to read as follows:

2. Individual audit reports giving the results of all examinations and audits of all departments and establishments and all fiscal officers of the [state and] local governments.

Sec. 23. Section eleven point twenty-seven (11.27), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter five (5), section two (2), is amended by striking the section and inserting in lieu thereof the following:

11.27 BIENNIAL REPORT. The biennial report shall include statistics on building and loan associations which are required by law to be published biennially.

Sec. 24. Section eleven point twenty-eight (11.28), Code 1975, is amended to read as follows:

11.28 INDIVIDUAL AUDIT REPORTS. The individual audit reports shall include exhibits and schedules to report data similar to that now required by [section 11.4] *section seven (7) of this Act*, and shall as nearly as possible correspond and be prepared similar in form to the audit reports rendered by certified public accountants[, and such]. *Such* reports shall include information as to the assets and liabilities of the various departments and institutions audited as of the beginning and close of the fiscal year audited, the receipts and expenditures of cash, the disposition of materials and other properties, and the net income and net operating cost. These reports shall also set forth the cost as to each inmate, member, or student per year in the various classifications of expenses, and shall make comparisons thereof, and shall give such other information, suggestions, and recommendations as may be deemed of advantage and to the best interests of the taxpayers of the state[, provided, that the daily audit report of the state treasury shall be submitted to the state comptroller; provided, further, that copies of all individual audit reports of all state departments and establishments shall be transmitted to the executive council and to the state comptroller's office after the completion of each audit, and that

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copies]. *Copies* of all local government audits shall, until otherwise provided, be also supplied to the comptroller's office[, provided, further, that copies of such audit reports shall also be supplied] *and* to the officers of the counties, schools, and cities,

as now provided by law; and, provided further, that summaries of the findings, recommendations, and comparisons, together with any other information deemed essential, shall be printed and distributed to members of the [legislature] *general assembly*, and such officials, including state officers, as may be designated by the executive council.

Sec. 25. Section eighty point nineteen (80.19), Code 1975, is amended to read as follows:

80.19 PUBLIC SAFETY EDUCATION. The commissioner may co-operate with any recognized agency in the education of the public in highway safety.

Any recognized agency receiving appropriations of state money for public safety shall annually file with the [auditor of state] *legislative fiscal bureau* an itemized statement of all its receipts and expenditures.

Sec. 26. Section one hundred twenty-three point fifty-seven (123.57), Code 1975, is amended to read as follows:

123.57 EXAMINATION OF ACCOUNTS. The financial condition and transactions of all offices, departments, stores, warehouses, and depots of the department shall be examined at least once each year by the [state auditor] *legislative fiscal bureau* and at shorter periods if requested by the director[,] *or the* governor[, or executive council] *upon approval of the fiscal and performance audit committee.*

Sec. 27. Section one hundred fifty-nine point twenty-six (159.26), Code 1975, is amended to read as follows:

159.26 DUTIES OF BOARD. The duties of the agriculture marketing board shall include the following: (1) To elect a chairman, a secretary, and from time to time such other officers as it may deem advisable; (2) to keep accurate books, records, and accounts of all its dealings, which books, records and accounts shall be audited annually by the [auditor of state] *legislative fiscal bureau.*

Sec. 28. Section one hundred seventy-three point nineteen (173.19), Code 1975, is amended to read as follows:

173.19 AUDITING OF ACCOUNTS. Prior to the annual convention, the [auditor of state] *legislative auditor* shall examine [and report to the executive council

upon] all financial affairs of the board.

Sec. 29. Section one hundred seventy-nine point three (179.3), subsection eight (8), Code 1975, is amended to read as follows:

8. To keep accurate books, records, and accounts of all its dealings, which book, records, and accounts shall be open to inspection and audit by the board of directors of the Iowa state dairy association or

its representatives, and shall be audited annually by the [auditor of state] *legislative auditor.*

Sec. 30. Section one hundred eighty-four A point nine (184A.9), Code 1975, is amended to read as follows:

184A.9 AUDIT. Moneys collected under authority of this chapter shall be subject to audit by the [auditor of state] *legislative auditor* and shall be used by the council first for the payment of collection expenses and for payment of the costs and expenses arising in connection with conducting any required referendums, and secondly by the turkey marketing council for market development.

Sec. 31. Section one hundred eighty-five point twenty-six (185.26), Code 1975, is amended to read as follows:

185.26 DEPOSIT OF FUNDS. Assessments collected by the secretary from a sale of soybeans shall be deposited in the office of the treasurer of state together with any gifts, or any federal or state grant as may be received by the board, and placed in a special fund to be known as the soybean promotion fund. Moneys collected shall be subject to audit by the [auditor of state] *legislative auditor.* From moneys collected, the board shall first pay the costs of referendums, elections and other expenses incurred in the administration of this chapter, and thereafter moneys may be expended for the purpose of market development. The fund shall be subject at all times to warrants by the state comptroller, drawn upon the written requisition of the chairman of the board and attested to by the secretary of the board.

Sec. 32. Section one hundred ninety-six A point nineteen (196A.19), Code 1975, is amended to read as follows:

196A.19 USE OF EGG FUND. Moneys collected under the authority of this chapter shall be subject to audit by the [auditor of state] *legislative auditor* and shall be used by the Iowa egg council first for the payment of collection and refund expenses, second for payment of the costs and expenses arising in connection with conducting referendums, and third

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for market development. Any moneys remaining in the Iowa egg fund after a referendum is held when a majority of the voters do not favor extending the tax shall continue to be expended in accordance with the provisions of this chapter until exhausted.

Sec. 33. Section two hundred eighteen point seven (218.7), Code 1975, is amended to read as follows:

218.7 ACCOUNTING AND REPORTS. The business manager shall be responsible to the division director in control of his particular institution and shall file such accounting and other statistical reports

and statements with the [auditor of state] *legislative fiscal bureau*, as the [auditor] *legislative auditor* may designate by written request to the particular division director, at such times and periods as the [auditor] *legislative auditor* might require.

Sec. 34. Section two hundred eighteen point eight (218.8), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Subject to the orders and directions of the division director in control of his particular institution and to the written request of the [auditor of state] *legislative auditor* made to such division director, such business manager shall have the following powers, duties and responsibilities:

Sec. 35. Section two hundred forty-six point forty-six (246.46), Code 1975, is amended to read as follows:

246.46 WHO MAY VISIT. The following persons are authorized to visit said institutions at pleasure: The governor, secretary of state, auditor of state, *legislative auditor*, treasurer of state, secretary of agriculture, members of the general assembly, judges of the supreme and district courts, including district associate judges and judicial magistrates, county attorneys, and all regular officiating ministers of the gospel. No other person shall be granted admission except by permission of the warden.

Sec. 36. Section three hundred two point eleven (302.11), Code 1975, is amended to read as follows:

302.11 SCHOOL FUND ACCOUNTS—AUDIT OF LOSSES. The state comptroller shall keep the school fund accounts in books provided for that purpose, separate and distinct from the revenue books. The [auditor of state] *legislative auditor* shall audit all losses to the permanent school or university fund which shall have been occasioned by the defalcation, mismanagement, or fraud of the agents or officers controlling and managing the same, and for this purpose shall prescribe such regulations for those officers as may be necessary

Page 8

to ascertain such losses.

Sec. 37. Section three hundred two point twelve (302.12), Code 1975, is amended to read as follows:

302.12 BONDS TO COVER LOSSES. When any sum not less than one thousand dollars shall be so audited and so become a debt of the state to the fund, as provided by the Constitution, the [auditor of state] *legislative auditor* shall issue the bond or bonds of the state in favor of the fund, bearing six percent interest, payable semiannually on the first day of January and July after issuance, and the amount to pay the interest as it becomes due is appropriated out of any funds in the state treasury.

Sec. 38. Sections eleven point one (11.1), eleven

point two (11.2), eleven point four (11.4), and eleven point five (11.5), Code 1975, are repealed."

6. Page 9, by striking lines 1 and 2 and inserting in lieu thereof the following:

"Sec. 40. EFFECTIVE DATE.

1. The effective date of sections one (1), two (2), three (3), four (4), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), and forty (40) of this Act shall be January 1, 1977, except those provisions relating to the appointment and powers and duties of the legislative auditor. The remaining sections of this Act including those provisions relating to the appointment and powers and duties of legislative auditor shall be effective July 1, 1978.

2. Effective July 1, 1978, all books, papers, records and property of the state audit division of the office of auditor of state shall be transferred to the legislative fiscal bureau."

7. By renumbering sections and internal references to sections to conform to this amendment.

8. Amend the title, by striking lines 2 and 3 and inserting in lieu thereof the words ", and a legislative audit division within the legislative fiscal bureau and a fiscal and performance audit committee, providing for their".

Byerly of Polk offered the following amendment H—6615 filed by him from the floor and moved its adoption:

H—6615

Amend House File 1573, page 5, by striking lines 6 and 7 and inserting in lieu thereof the words "be composed of the chairpersons".

Amendment H—6615 was adopted.

With the adoption of amendment H—6615, amendment H—6617 filed by Varley of Adair from the floor as follows, was out of order:

H—6617

Amend House File 1573 by striking on page 5, line 6 the words "or their designees".

Cusack of Scott offered amendment H—6626 filed by him from the floor and requested division as follows:

H—6626

Amend House File 1573 as follows:

H—6626A

1. Page 5, line 12, by inserting after the word "senate." the words "The chairpersons of the

appropriations subcommittees of the house of representatives and the senate may participate as ex officio members of the committee when performance audits and evaluations are conducted on state agencies or programs which are the responsibility of the respective subcommittees."

H—6626B

2. Page 8, line 6, by striking the words "*chairpersons* and minority party ranking" and inserting in lieu thereof the words "[and minority ranking]".

On motion by Cusack of Scott, amendment H—6626A was adopted.

Cusack of Scott moved the adoption of amendment H—6626B.

A non-record roll call was requested.

The ayes were 35, nays 44.

Amendment H—6626B lost.

Patchett of Johnson offered the following amendment H—6638 filed by him from the floor and moved its adoption:

H—6638

Amend House File 1573 as follows:

1. Page 5, by striking everything after the period in line 22 and all of lines 23 through 26.

Amendment H—6638 lost.

Perkins of Greene in the chair at 4:50 p.m.

Mennenga of Clinton offered amendment H—6637 filed by Byerly, Mennenga and Walter from the floor. Division was requested as follows:

H—6637

Amend House File 1573 as follows:

H—6637A

1. Page 6, by inserting after line 12 the following section:

"Sec. ..... Section two point forty-six (2.46), subsection one (1), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The committee shall implement procedures for budgets for the fiscal year beginning July 1, 1977 and thereafter which will direct state agencies to submit budgets to the general assembly developed on a performance basis specifying the purposes and objectives for which funds are requested, the costs of the programs proposed for

achieving these objectives and quantitative data measuring the accomplishments and work performed under each program.

This section is effective July 1, 1976."

2. Page 7, by inserting after line 19 the following section:

"Sec. ..... Section two point forty-nine (2.49), subsection one (1), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Recommend to the performance audit and evaluation committee no later than August 1, 1976 procedures for the implementation of performance budgeting as defined in section two point forty-six (2.46), subsection one (1), of the Code.

This section is effective July 1, 1976."

H—6637B

3. Page 8, by inserting after line 29 the following section:

"Sec. ..... Chapter two (2), Code 1975, is amended by adding the following new section:

NEW SECTION. State agencies shall submit budgets to the general assembly in the manner prescribed by the performance audit and evaluation committee, with the approval of the legislative council.

This section is effective July 1, 1976."

H—6637A

4. Page 9, line 1, by striking the word "The" and inserting in lieu thereof the words "Unless otherwise provided, the".

5. By renumbering sections as necessary.

Mennenga of Clinton moved the adoption of amendment H—6637A.

Amendment H—6637A was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton for the remainder of the day on request of Evans of Grundy.

Byerly of Polk asked and received unanimous consent to withdraw amendment H—6637B.

Byerly of Polk offered the following amendment H—6639 filed by him from the floor and moved its adoption:

H—6639

Amend House File 1573 as follows:

1. Page 1, lines 6 and 7, by striking the words

"performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

2. Page 1, lines 12 and 13, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

3. Page 1, lines 18 and 19, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

4. Page 1, line 25, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

5. Page 1, line 33, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

6. Page 2, line 9, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

7. Page 2, line 14, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

8. Page 2, line 18, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

9. Page 3, lines 1 and 2, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

10. Page 3, lines 12 and 13, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

11. Page 3, lines 16 and 17, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

12. Page 3, lines 20 and 21, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

13. Page 3, lines 29 and 30, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

14. Page 4, line 10, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

15. Page 4, line 27, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

16. Page 4, line 34, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

17. Page 5, line 5, by striking the words

Page 2

"performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

18. Page 5, lines 23 and 24, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

19. Page 5, line 27, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

20. Page 6, line 1, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

21. Page 6, line 10, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

22. Page 6, lines 18 and 19, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

23. Page 6, line 35, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

24. Page 7, line 12, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

25. Page 7, line 16, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

26. Page 7, lines 22 and 23, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

27. Page 7, line 24, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

28. Page 7, lines 33 and 34, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

29. Page 8, lines 2 and 3, by striking the words "*performance audit and evaluation*" and inserting in lieu thereof the words "*fiscal and performance audit*".

30. Amend the title, lines 2 and 3, by striking the words "performance audit and evaluation" and inserting in lieu thereof the words "fiscal and performance audit".

Amendment H—6639 was adopted.

Small of Johnson in the chair at 4:56 p.m.

Byerly of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1573)

The ayes were, 90:

Anderson	Bina	Brandt	Byerly
Avenson	Binneboese	Branstad	Clark
Baker	Bittle	Brockett	Cochran
Bennett	Bortell	Brunow	Connors

Crawford	Higgins	Middleswart	Schroeder
Cusack	Hinkhouse	Middleton	Spear
Daggett	Horn	Millen	Spencer
Den Herder	Howell	Miller, A. V.	Spradling
Dieleman	Hullinger	Miller, K. D.	Stromer
Doyle	Husak	Monroe	Svoboda
Drake	Hutchins	Newhard	Tauke
Dunton	Jesse	Nielsen	Tofte
Dyrland	Jochum	Norland	Varley
Egenes	Jordan	Oakley	Walter
Evans	Junker	O'Halloran	Welden
Fitzgerald	Koogler	Patchett	Wells
Gentleman	Krause	Pavich	West
Gilloon	Lageschulte	Pellett	Woods
Hansen	Lindeen	Perkins	Wulff
Hargrave	Lonergan	Poncy	Wyckoff
Harper	McElroy	Readinger	Mr. Speaker (Small)
Harvey	Menke	Rinas	
Hennessey	Mennenga	Scheelhaase	

The nays were, 2:

Crabb	Danker

Absent or not voting, 7:

Griffee	Hines	Lipsky	Nealson
Halvorson	Kreamer	Miller, O. L.	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1276**, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same be amended as follows, and when so amended the bill do pass:

H—6614

Amend Senate File 1276 as follows:

1. Page 1, line 21, by striking the words "five million (5,000,000)" and inserting in lieu thereof the words "four million (4,000,000)".

2. Page 1, line 29, by striking the words "fifteen million (15,000,000)" and inserting in lieu thereof the words "twelve million (12,000,000)".

3. Page 1, by inserting after line 32 the following:

"Sec. 5. There is appropriated from the general

fund of the state for the fiscal period beginning July 1, 1976 to the department of transportation the following amounts to be used in the manner designated.

1. For public transit purposes to implement a state assistance plan $2,000,000

2. For railroad assistance including but not limited to branch-line improvement, terminal car control analysis, rail inspections, and special hearings $3,000,000

Sec. 6. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 the sum of twelve million (12,000,000) dollars, or so much thereof as is necessary, to be deposited in the road use tax fund."

4. Title page, line 4, by inserting after the word "Act" the words "and making additional funds available to the department of transportation".

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1323**, a bill for an act to provide funds to supplement funds appropriated to the law library for books, periodicals, and publications, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

QUORUM CALL

Roll call was requested by Patchett of Johnson and Bina of Scott to determine that a quorum was present.

Present, 82:

Anderson	Evans	Lageschulte	Poncy
Avenson	Fitzgerald	Lonergan	Readinger
Baker	Gentleman	McElroy	Rinas
Bennett	Gilloon	Menke	Scheelhaase
Bina	Griffee	Mennenga	Schroeder
Binneboese	Hansen	Middleswart	Small
Bittle	Hargrave	Middleton	Spencer
Bortell	Harper	Millen	Spradling
Brandt	Harvey	Miller, A. V.	Stromer
Branstad	Higgins	Miller, K. D.	Svoboda
Brunow	Hinkhouse	Miller, O. L.	Tauke
Connors	Horn	Newhard	Tofte
Crawford	Howell	Nielsen	Varley
Cusack	Hullinger	Norland	Walter
Daggett	Husak	Oakley	Welden
Danker	Hutchins	O'Halloran	West
Dieleman	Jesse	Patchett	Woods
Drake	Jochum	Pavich	Wulff
Dunton	Jordan	Pellett	Wyckoff
Dyrland	Koogler	Perkins	Mr. Speaker
Egenes	Krause		

Absent, 17:

Brockett	Doyle	Junker	Monroe
Byerly	Halvorson	Kreamer	Nealson
Clark	Hennessey	Lindeen	Spear
Crabb	Hines	Lipsky	Wells
Den Herder			

CONFERENCE COMMITTEE APPOINTED
(Senate File 1192)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **Senate File 1192**: Rinas of Linn, chair; Brandt of Black Hawk, Krause of Palo Alto, Bortell of Madison and Menke of O'Brien.

CONFERENCE COMMITTEE APPOINTED
(House File 1277)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **House File 1277**: Hutchins of Guthrie, chair; Baker of Buena Vista, Cusack of Scott, Hansen of O'Brien and West of Marshall.

CONFERENCE COMMITTEE APPOINTED
(Senate File 85)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **Senate File 85**: Jesse of Polk, chair; Nielsen of Polk, Oakley of Clinton, Gentleman of Polk and Kreamer of Polk.

SIFTING COMMITTEE APPOINTED

Pursuant to Rule 56, the Speaker propounded the question to the House "Shall a sifting committee be appointed at this time?"

On the question, the vote disclosed the House favors the appointment of a sifting committee.

The Speaker announced the appointment of the following members to the sifting committee:

Fitzgerald of Webster, chair
Hargrave of Johnson, ranking majority member
Millen of Van Buren, ranking minority member
Bina of Scott

Brunow of Appanoose
Drake of Muscatine
Hansen of O'Brien
Husak of Tama
McElroy of Fremont
Oakley of Clinton
O'Halloran of Black Hawk
Poncy of Wapello
Scheelhaase of Woodbury
Stromer of Hancock
Wells of Linn

Fitzgerald of Webster moved that the following categories be exempt from the sifting committee calendar:

1. Unfinished business.
2. House Files amended by the Senate.
3. House and Senate Files that are governed by the joint rules of the General Assembly.
4. Motions to reconsider.
5. Conference committee reports, also bills in conference committee.
6. Appropriations calendar.
7. Ways and Means calendar.
8. Steering Committee Noncontroversial Bill calendar.
9. Steering Committee calendar.
10. Unanimous Consent calendar.

As of today all bills not exempt are under the jurisdiction of the sifting committee.

The motion prevailed.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk for the remainder of the day and May 13, 1976, on request of Nielsen of Polk; Monroe of Des Moines for the remainder of the day, May 13 and May 14 on request of Lonergan of Boone.

HOUSE FILE 1551 WITHDRAWN

Oakley of Clinton asked and received unanimous consent to withdraw **House File 1551** from further consideration by the House.

HOUSE FILE 1360 WITHDRAWN

Connors of Polk asked and received unanimous consent to withdraw **House File 1360** from further consideration by the House.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **Senate File 1276**, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act, with report of committee recommending amendment and passage, was taken up for consideration.

Brunow of Appanoose offered the following amendment H—6614 filed by the committee on appropriations:

H—6614

Amend Senate File 1276 as follows:

1. Page 1, line 21, by striking the words "five million (5,000,000)" and inserting in lieu thereof the words "four million (4,000,000)".

2. Page 1, line 29, by striking the words "fifteen million (15,000,000)" and inserting in lieu thereof the words "twelve million (12,000,000)".

3. Page 1, by inserting after line 32 the following:

"Sec. 5. **There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 to the department of transportation the following amounts to be used in the manner designated.**

1. For public transit purposes to implement a state assistance plan..... $ 2,000,000

2. For railroad assistance including but not limited to branchline improvement, terminal car control analysis, rail inspections, and special hearings .....$ 3,000,000

Sec. 6. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 the sum of twelve million (12,000,000) **dollars, or so much thereof as is necessary, to be deposited in the road use tax fund.**"

4. **Title page**, line 4, by inserting after the word "Act" the words "and making additional funds available to the department of transportation".

Fitzgerald of Webster moved the previous question on Senate File 1276 with respect to the filing of amendments only.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 54, nays 28.

The motion prevailed.

Drake of Muscatine rose on a point of order that amendment H—6614 was not germane.

The Speaker ruled the point well taken and amendment H—6614 not germane.

Fitzgerald of Webster moved that the rules governing germaneness be suspended for the consideration of amendment H—6614.

Roll call was requested by Stromer of Hancock and Harvey of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H—6614?"

The ayes were, 53:

Anderson	Hargrave	Koogler	Pavich
Avenson	Harper	Krause	Perkins
Baker	Hennessey	Lonergan	Poncy
Bina	Higgins	Mennenga	Rinas
Binneboese	Hinkhouse	Middleswart	Scheelhaase
Brandt	Horn	Miller, A. V.	Small
Brunow	Howell	Miller, K. D.	Spencer
Connors	Hullinger	Miller, O. L.	Spradling
Cusack	Husak	Newhard	Svoboda
Dieleman	Hutchins	Nielsen	Wells
Dunton	Jesse	Norland	Woods
Dyrland	Jochum	O'Halloran	Wyckoff
Fitzgerald	Jordan	Patchett	Mr. Speaker
Gilloon			

The nays were, 28:

Bennett	Drake	McElroy	Stromer
Bittle	Egenes	Menke	Tauke
Bortell	Evans	Millen	Tofte
Branstad	Gentleman	Oakley	Varley
Crawford	Hansen	Pellett	Welden
Daggett	Harvey	Readinger	West
Danker	Lageschulte	Schroeder	Wulff

Absent or not voting, 18:

Brockett	Doyle	Kreamer	Monroe
Byerly	Griffee	Lindeen	Nealson
Clark	Halvorson	Lipsky	Spear
Crabb	Hines	Middleton	Walter
Den Herder	Junker		

The motion prevailed.

Welden of Hardin offered amendment H—6622, to amendment H—6614, filed by Welden, Millen and Varley from the floor. Division was requested as follows:

H—6622

Amend amendment H—6614 to Senate File 1276 as follows:

H—6622A

1. By striking lines 2 through 4.

H—6622B

2. Line 7 by striking the words "twelve million (12,000,000)" and inserting in lieu thereof the words "thirteen million (13,000,000)".

H—6622C

3. By striking lines 14 and 15.

Welden of Hardin moved the adoption of amendment H—6622A, to amendment H—6614.

Roll call was requested by Crawford of Story and Bennett of Ida.

On the question "Shall amendment H—6622A be adopted?"

The ayes were, 27:

Bennett	Drake	Lageschulte	Stromer
Bittle	Egenes	McElroy	Tauke
Bortell	Evans	Menke	Tofte
Branstad	Gentleman	Millen	Varley
Crawford	Hansen	Pellett	Welden
Daggett	Harvey	Readinger	Wulff
Danker	Junker	Schroeder	

The nays were, 52:

Anderson	Fitzgerald	Jordan	Perkins
Avenson	Gilloon	Koogler	Poncy
Baker	Griffee	Krause	Rinas
Bina	Hargrave	Lonergan	Scheelhaase
Binneboese	Harper	Mennenga	Small
Brandt	Hennessey	Middleswart	Spencer
Brunow	Hinkhouse	Miller, A. V.	Spradling
Connors	Horn	Miller, K. D.	Svoboda
Cusack	Howell	Miller, O. L.	Walter
Dieleman	Hullinger	Nielsen	Wells
Doyle	Hutchins	O'Halloran	Woods
Dunton	Jesse	Patchett	Wyckoff
Dyrland	Jochum	Pavich	Mr. Speaker

Absent or not voting, 20:

Brockett	Halvorson	Lindeen	Newhard
Byerly	Higgins	Lipsky	Norland
Clark	Hines	Middleton	Oakley
Crabb	Husak	Monroe	Spear
Den Herder	Kreamer	Nealson	West

Amendment H—6622A lost.

Welden of Hardin moved the adoption of amendment H—6622B, to amendment H—6614.

Roll call was requested by Welden of Hardin and Bittle of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—6622B be adopted?"

The ayes were, 30:

Bennett	Drake	Lageschulte	Schroeder
Bittle	Egenes	McElroy	Stromer
Bortell	Evans	Menke	Tauke
Brandt	Gentleman	Millen	Tofte
Branstad	Hansen	Nielsen	Varley
Crawford	Harvey	Pellett	Welden
Daggett	Horn	Readinger	Wulff
Danker	Junker		

The nays were, 51:

Anderson	Gilloon	Krause	Poncy
Avenson	Griffee	Lonergan	Rinas
Baker	Hargrave	Mennenga	Scheelhaase
Bina	Harper	Middleswart	Small
Binneboese	Hennessey	Middleton	Spencer
Brunow	Hinkhouse	Miller, A. V.	Spradling
Connors	Howell	Miller, K. D.	Svoboda
Cusack	Hullinger	Miller, O. L.	Walter
Dieleman	Husak	Newhard	Wells
Doyle	Hutchins	O'Halloran	Woods
Dunton	Jochum	Patchett	Wyckoff
Dyrland	Jordan	Pavich	Mr. Speaker
Fitzgerald	Koogler	Perkins	

Absent or not voting, 18:

Brockett	Halvorson	Lindeen	Norland
Byerly	Higgins	Lipsky	Oakley
Clark	Hines	Monroe	Spear
Crabb	Jesse	Nealson	West
Den Herder	Kreamer		

Amendment H—6622B lost.

Welden of Hardin moved the adoption of amendment H—6622C, to amendment H—6614.

Amendment H—6622C lost.

Avenson of Fayette offered amendment H—6631, to amendment H—6614, filed by him from the floor and requested division as follows:

H—6631

Amend amendment H—6614, to Senate File 1276, as follows:

H—6631A

1. Page 1, by striking lines 16 through 19, the words "and special hearings" from line 20, and inserting in lieu thereof the following:

"2. For deposit in the railroad assistance fund to be used exclusively for branch line restoration, conservation and improvement".

H—6631B

2. Page 1, line 20, by striking the figures "$3,000,000" and inserting in lieu thereof the figures "$1,500,000".

Avenson of Fayette moved the adoption of amendment H—6631A, to amendment H—6614.

A non-record roll call was requested.

The ayes were 26, nays 51.

Amendment H—6631A lost.

Avenson of Fayette asked for unanimous consent to withdraw amendment H—6631B.

Objection was raised.

Avenson of Fayette moved that amendment H—6631B, to amendment H—6614, be withdrawn.

Roll call was requested by Bittle of Polk and Dunton of Keokuk.

On the question "Shall amendment H—6631B be withdrawn?"

The ayes were, 52:

Anderson	Egenes	Junker	Rinas
Avenson	Evans	Koogler	Scheelhaase
Bennett	Fitzgerald	Krause	Spencer
Bina	Griffee	McElroy	Spradling
Binneboese	Hansen	Menke	Stromer
Bortell	Hargrave	Mennenga	Svoboda
Branstad	Harper	Millen	Tauke
Brunow	Hennessey	Miller, A. V.	Varley
Crawford	Higgins	Miller, K. D.	Walter
Cusack	Howell	Newhard	Wells
Doyle	Husak	O'Halloran	Woods
Drake	Hutchins	Pavich	Wyckoff
Dyrland	Jochum	Poncy	Mr. Speaker

The nays were, 25:

Baker	Dunton	Jordan	Perkins
Bittle	Gentleman	Lonergan	Readinger
Brandt	Gilloon	Miller, O. L.	Schroeder
Connors	Harvey	Nielsen	Small
Daggett	Hinkhouse	Patchett	Tofte
Danker	Horn	Pellett	Wulff
Dieleman			

Absent or not voting, 22:

Brockett	Hines	Lipsky	Norland
Byerly	Hullinger	Middleswart	Oakley
Clark	Jesse	Middleton	Spear
Crabb	Kreamer	Monroe	Welden
Den Herder	Lageschulte	Nealson	West
Halvorson	Lindeen		

Amendment H—6631B was withdrawn.

Wulff of Black Hawk offered the following amendment H—6642, to amendment H—6614, filed by Wulff, Branstad, Bennett, Drake and Halvorson from the floor and moved its adoption:

H—6642

Amend H—6614 to Senate File 1276 as follows:

1. Page 1, line 23, by striking "twelve million (12,000,000)" and inserting in lieu thereof the words "fourteen million three hundred thousand (14,300,000)".

Roll call was requested by Schroeder of Pottawattamie and Millen of Van Buren.

Rule 70 was invoked.

On the question "Shall amendment H—6642 be adopted?"

The ayes were, 26:

Bennett	Drake	Menke	Stromer
Bittle	Egenes	Millen	Tauke
Bortell	Evans	Pellett	Tofte
Branstad	Hansen	Perkins	Varley
Crawford	Harvey	Readinger	Welden
Daggett	Junker	Schroeder	Wulff
Danker	McElroy		

The nays were, 54:

Anderson	Gentleman	Jordan	Patchett
Avenson	Gilloon	Koogler	Pavich
Baker	Griffee	Krause	Poncy
Bina	Hargrave	Lonergan	Rinas
Binneboese	Harper	Mennenga	Scheelhaase
Brandt	Hennessey	Middleswart	Small
Brunow	Higgins	Middleton	Spradling
Connors	Hinkhouse	Miller, A. V.	Svoboda
Cusack	Horn	Miller, K. D.	Walter
Dieleman	Howell	Miller, O. L.	Wells
Doyle	Hullinger	Newhard	Woods
Dunton	Husak	Nielsen	Wyckoff
Dyrland	Hutchins	O'Halloran	Mr. Speaker
Fitzgerald	Jochum		

Absent or not voting, 19:

Brockett	Halvorson	Lindeen	Oakley
Byerly	Hines	Lipsky	Spear
Clark	Jesse	Monroe	Spencer
Crabb	Kreamer	Nealson	West
Den Herder	Lageschulte	Norland	

Amendment H—6642 lost.

Stromer of Hancock offered the following amendment H—6646, to amendment H—6614, filed by him and Krause of Palo Alto from the floor and moved its adoption:

H—6646

Amend the Dunton amendment, H—6614, to Senate File 1276, as passed by the Senate, as follows:

1. On line 25, after the word "fund." by inserting the following: "Any funds disbursed under this section shall be distributed in accordance with the manner in which they were distributed on January 1, 1976."

Roll call was requested by Stromer of Hancock and Varley of Adair.

On the question "Shall amendment H—6646 be adopted?"

The ayes were, 25:

Baker	Drake	Junker	Perkins
Bennett	Egenes	Krause	Scheelhaase
Binneboese	Evans	Menke	Schroeder
Bortell	Hansen	Millen	Stromer
Branstad	Harper	Miller, O. L.	Tofte
Daggett	Hutchins	Pellett	Welden
Danker			

The nays were, 56:

Anderson	Gentleman	Jordan	Readinger
Avenson	Gilloon	Koogler	Rinas
Bina	Griffee	Lonergan	Small
Bittle	Hargrave	McElroy	Spencer
Brandt	Harvey	Mennenga	Spradling
Brunow	Hennessey	Middleswart	Svoboda
Connors	Higgins	Middleton	Tauke
Crawford	Hinkhouse	Miller, A. V.	Varley
Cusack	Horn	Miller, K. D.	Walter
Dieleman	Howell	Newhard	Wells
Doyle	Hullinger	Nielsen	Woods
Dunton	Husak	O'Halloran	Wulff
Dyrland	Jesse	Patchett	Wyckoff
Fitzgerald	Jochum	Pavich	Mr. Speaker

Absent or not voting, 18:

Brockett	Halvorson	Lipsky	Oakley
Byerly	Hines	Monroe	Poncy
Clark	Kreamer	Nealson	Spear
Crabb	Lageschulte	Norland	West
Den Herder	Lindeen		

Amendment H—6646 lost.

Schroeder of Pottawattamie offered the following amendment H—6636, to amendment H—6614, filed by him from the floor and moved its adoption:

H—6636

Amend amendment H—6614 to Senate File 1276 as follows:

1. By striking all of line 28 and inserting in lieu thereof the following words: " to the department of transportation for public transit, railroad assistance, and the road use tax fund".

A non-record roll call was requested.

The ayes were 23, nays 44.

Amendment H—6636 lost.

Division of amendment H—6614 was requested as follows: Lines 2 through 4 and 8 through 28 to be amendment H—6614A and lines 5, 6 and 7 to be amendment H—6614B.

Brunow of Appanoose moved the adoption of amendment H—6614A.

Amendment H—6614A was adopted.

Brunow of Appanoose moved the adoption of amendment H—6614B.

Roll call was requested by Tauke of Dubuque and Crawford of Story.

On the question "Shall amendment H—6614B be adopted?"

The ayes were, 47:

Anderson	Griffee	Koogler	Patchett
Avenson	Hargrave	Krause	Pavich
Baker	Harper	Lonergan	Perkins
Bina	Hennessey	McElroy	Poncy
Brunow	Higgins	Mennenga	Rinas
Connors	Hinkhouse	Middleswart	Small
Cusack	Hullinger	Midlleton	Spradling
Doyle	Husak	Miller, A. V.	Svoboda
Dunton	Hutchins	Miller, K. D.	Walter
Dyrland	Jesse	Miller, O. L.	Wyckoff
Fitzgerald	Jochum	Newhard	Mr. Speaker
Gilloon	Jordan	O'Halloran	

The nays were, 32:

Bennett	Danker	Horn	Schroeder
Binneboese	Dieleman	Junker	Stromer
Bittle	Drake	Menke	Tauke
Bortell	Egenes	Millen	Tofte
Brandt	Evans	Nielsen	Varley
Branstad	Gentleman	Pellett	Welden
Crawford	Hansen	Readinger	Woods
Daggett	Harvey	Scheelhaase	Wulff

Absent or not voting, 20:

Brockett	Halvorson	Lindeen	Oakley
Byerly	Hines	Lipsky	Spear
Clark	Howell	Monroe	Spencer
Crabb	Kreamer	Nealson	Wells
Den Herder	Lageschulte	Norland	West

Amendment H—6614B was adopted.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1276)

The ayes were, 65:

Anderson	Gilloon	Jordan	Pavich
Avenson	Griffee	Koogler	Poncy
Baker	Hansen	Krause	Readinger
Bina	Hargrave	Lonergan	Rinas
Binneboese	Harper	McElroy	Scheelhaase
Bortell	Harvey	Menke	Small
Brandt	Hennessey	Mennenga	Spencer
Brunow	Higgins	Middleswart	Spradling
Connors	Hinkhouse	Middleton	Svoboda
Crawford	Horn	Miller, A. V.	Tauke
Cusack	Howell	Miller, K. D.	Varley
Dieleman	Hullinger	Miller, O. L.	Walter
Doyle	Husak	Newhard	Wells
Dunton	Hutchins	Nielsen	Woods
Dyrland	Jesse	O'Halloran	Wyckoff
Fitzgerald	Jochum	Patchett	Mr. Speaker
Gentleman			

The nays were, 17:

Bennett	Drake	Millen	Stromer
Bittle	Egenes	Pellett	Tofte
Branstad	Evans	Perkins	Welden
Daggett	Junker	Schroeder	Wulff
Danker			

Absent or not voting, 17:

Brockett	Halvorson	Lindeen	Norland
Byerly	Hines	Lipsky	Oakley
Clark	Kreamer	Monroe	Spear
Crabb	Lageschulte	Nealson	West
Den Herder			

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

IMMEDIATE MESSAGE

(Senate File 1276)

Fitzgerald of Webster asked and received unanimous consent that **Senate File 1276** be **immediately messaged to the Senate.**

SENATE MESSAGE CONSIDERED

Senate File 1314, a bill for an act making **appropriations to the** department of social services to fund current programs under the jurisdiction of the department.

Read first time and referred to committee on **appropriations.**

MOTION TO WITHDRAW FROM SIFTING COMMITTEE
(House File 1221)

Pursuant to Rule 56 we, the undersigned, move to have House File 1221 withdrawn from the sifting committee and placed on the calendar.

WELDEN of Hardin
MILLEN of Van Buren
STROMER of Hancock
BRANSTAD of Winnebago
SCHROEDER of Pottawattamie

MOTION TO RECONSIDER
(Senate File 1280)

I move to reconsider the vote by which Senate File 1280 passed the House on May 12, 1976.

SCHROEDER of Pottawattamie

PROOF OF PUBLICATION

Published copy of House File 1575 and verified proof of publication of said bill in the Council Bluffs Nonpareil, Council Bluffs, Iowa, on May 4, 1976, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 11, 1976, he approved and transmitted to the Secretary of State the following bill:

Senate File 503, an act relating to the maximum interest rate payable by persons purchasing securities on credit.

AMENDMENTS FILED

H—6648

Amend Rule 8 of the temporary rules of the House, appearing on page 77 of the Rules of the House, as follows:

1. Line 5, by inserting after the period the following: "However, a motion to suspend the rules governing the germaneness of an amendment shall require sixty (60) affirmative votes."

KRAUSE of Palo Alto

H—6634

Amend the committee on agriculture amendment, H—5307 to House File 199, as follows:

1. Page 2, line 28, by inserting after the word "transaction" the words ", and the names and addresses of all livestock agencies, if any, where those

livestock have been offered for sale during that thirty-day period".

BENNETT of Ida

H—6643

Amend House File 796 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred seventy-nine point twelve (279.12), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board may approve a policy for educational leave for certificated school employees and for reimbursement for tuition paid by certificated school employees for courses approved by the board. For the purpose of this section "educational leave" means a leave granted to an employee for the purpose of study including study in areas outside of a teacher's area of specialization, travel, or other reasons deemed by the board to be of value to the school system."

MENNENGA of Clinton
PATCHETT of Johnson
HORN of Linn

H—6649

Amend the Senate amendment H—6601, to House File 628, as follows:

1. Page 3, line 23, by striking "Cedar Rapids" and inserting in lieu thereof "Cedar Falls".

DYRLAND of Clayton

H—6641

Amend House File 1444, page 1, line 7, by adding after the word "covering" the words "sufficient to prevent spilling or blowing".

HARVEY of Scott

H—6629

Amend amendment H—6604 to House File 1449 line 21 by striking the words "installation or maintenance" and inserting in lieu thereof the word "use".

BROCKETT of Marshall

H—6652

Amend the Hullinger amendment, H—6604, to House File 1449 as follows:

1. Page 1, by striking lines 1 through 3 and inserting in lieu thereof the following:

"1. By striking all after the enacting clause and inserting in lieu thereof the following:"

2. By inserting after line 12 the following new subsection:

"3. "Third person" means any person other than an employer and the employees of that employer."

3. Line 17, by inserting after the word "employment" the words ", or to provide monitoring of any conversation of third persons whether or not with the employer or employees".

4. By striking line 18 and inserting in lieu thereof the following:

"Sec. 2. *NEW SECTION.* PROHIBITED ACTS—PENALTY."

5. By inserting after line 22 the following new subsections:

"2. An employer or an employee shall not in any way use to the detriment of a third person information concerning that third person gained from the installation or maintenance of a monitoring device.

3. An employer or an employee shall not cause the use of a monitoring device to monitor the conversation of either an employee or a third person unless the employer or employee notifies the employee or third person either prior to or immediately following the conversation of the use of the monitoring device."

6. Line 23, by striking the numeral "2." and inserting in lieu thereof the numeral "4."

7. Line 23, by inserting after the word "employer" the words "or employee".

8. By inserting after line 26 the following:

"Sec. 3. *NEW SECTION.* EXCEPTIONS. The prohibitions of section two (2) of this Act shall not apply to the use by any person of either a monitoring device or information obtained thereby in any of the following circumstances:

1. If the monitoring device is installed and operated under the authority of a warrant issued by a court of this state or of the United States; or

2. If the monitoring device is being used by an employer or employee and the conversation monitored by the device establishes or is evidence of the commission or attempted commission of a crime."

2. Amend the title by striking lines 1 and 2 and inserting in lieu thereof the words "An Act to regulate the use of monitoring devices by employers and

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employees and providing a penalty."

EGENES of Story

H—6640

Amend Senate File 1095 as follows:

1. Title page, by striking line 4.

HARVEY of Scott

H—6644

Amend Senate File 1095 as follows:

1. Page 1, by striking lines 11 through 13 and inserting in lieu thereof "within a reasonable time, or".

HARVEY of Scott

H—6627

Amend Senate File 1221, as passed by the Senate, as follows:

1. Page 1, line 16, by striking the figure "$467,643" and inserting in lieu thereof the following: "$493,960".

STROMER of Hancock
VARLEY of Adair

H—6650

Amend Senate File 1223 as follows:

1. Page 1, by striking line 1 and inserting in lieu thereof the following:

"Section 1. Section fifty-six point two (56.2), subsection one (1), Code 1975, is amended to read as follows:

1. "Candidate" means any individual who [has]

a. Has taken affirmative action to seek nomination or election to a public office *by filing with the state commissioner or commissioner the appropriate documents under chapter forty-three (43), forty-four (44) or forty-five (45) of the Code,* but shall exclude any judge standing for retention in a judicial election; *or*

b. Has filed an affidavit of candidacy with the commission pursuant to section fifteen (15), subsection three (3) of this Act.

Sec. 2. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty-seven (57), section six (6), third new subsection, amending section fifty-six point two (56.2), Code 1975, is amended to read as follows:

NEW SUBSECTION. "Disclosure report" means a statement of contributions received, expenditures made, and indebtedness incurred on forms prescribed by *rules promulgated by* the commission [and approved by the administrative rules review committee] *in accordance with chapter seventeen A (17A) of the Code.*

Sec. 3. Section fifty-six point four (56.4), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty-seven (57), section seven (7), is amended to read as follows:

All statements and reports required to be filed under this chapter for a state office shall be filed with the commission. All statements and reports required to be filed under this chapter for a county, city or school office shall be filed with the commissioner. *Statements and reports on a ballot issue shall be filed with the commissioner responsible under section forty-seven point two (47.2) of the Code for conducting the election at which the issue is voted upon.* State statutory political committees shall file all statements and reports with the commission. All other statutory political committees

shall file the statements and reports with the commissioner with a copy sent to the commission.

Sec. 4. Section fifty-six point five (56.5), subsection two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,

Page 2

chapter fifty-seven (57), section eight (8), is amended by striking paragraph c and redesignating the succeeding paragraphs accordingly.

Sec. 5. Section fifty-six point six (56.6), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty-seven (57), section ten (10), is amended to read as follows:

1. Each treasurer of a committee shall file with the commission or commissioner disclosure reports of contributions received and disbursed on forms prescribed by rules as provided by chapter seventeen A (17A) of the Code. The reports from all committees, except those committees for municipal and school elective offices, shall be filed on the twenty-fifth day or mailed by certified mail by the twenty-fourth day of January, May, July, and October of each year. The January report shall be current to the end of the month preceding the filing. The May, July, and October reports shall be current as of five days prior to the filing deadline. The January report shall be the annual report. Committees for municipal and school elective offices *and ballot issues* shall file reports five days prior to any election in which the name of the candidate *or the ballot issue* which they support or oppose appears on the printed ballot and thirty days following the final election in a calendar year in which the candidate's name *or the ballot issue* appears on the ballot. *A committee supporting or opposing a candidate for a municipal or school elective office or a ballot issue shall continue to file a disclosure statement every thirty days until it dissolves.* These reports shall be current to five days prior to the filing deadline. A state statutory political committee and congressional district committees as authorized by the constitution of the state statutory political committee shall not be subject to the provisions of this subsection if the state statutory political committee files copies of campaign disclosure reports as required by federal law with the commission at such times as the reports are required to be filed under federal law, provided that the federal reports contain all information required by this chapter.

Sec. 6. Section fifty-six point six (56.6), subsection three (3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty-seven (57), section ten (10), is amended

by striking paragraph e and redesignating the succeeding paragraphs accordingly.

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Sec. 7. Section fifty-six point six (56.6), subsection three (3), paragraphs f, h and i, Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty-seven (57), section ten (10), are amended to read as follows:

f. Each loan to [or from] any person *or committee* within the calendar year in an aggregate amount in excess of those amounts enumerated in the schedule in paragraph "b" of this subsection[, together with the name and mailing address of the lender and endorsers and the date and amount of such loans. A state or county statutory political committee shall report the name and mailing address of each person who has made one or more loans in an aggregate amount in excess of one hundred dollars]. *Loans shall be reported on the contributions section of the disclosure statement.*

h. The name and mailing address of each person to whom disbursements *or loan repayments* have been made by the committee from contributions during the reporting period and the amount and date of each disbursement except that disbursements of less than five dollars may be shown as miscellaneous disbursements so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars.

i. The amount and nature of debts and obligations [owed], in excess of those amounts stated in the schedule in paragraph "b" of this section, *which have been owed* by [or to] the committee *for a period of time greater than thirty days. Loans made to a committee and reported under paragraph b of this subsection shall not be considered a debt or obligation under this paragraph. A loan made by a committee to any person shall be considered a disbursement.*

Sec. 8. Section fifty-six point ten (56.10), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty-seven (57), section fourteen (14), is amended by striking subsection one (1) and inserting in lieu thereof the following:

1. Review the contents of all disclosure reports and other statements filed with the commission and promptly advise each committee of errors found. The commission may, upon its own motion, initiate action and conduct a hearing under section fifty-six point eleven (56.11), subsections one (1) and two (2) of the Code. The commission may require the county commissioner to file summary reports with it periodically.

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Sec. 9. Section fifty-six point eleven (56.11), Code 1975, is amended by striking subsection one (1) and inserting in lieu thereof the following:

1. Any eligible elector may file a complaint of an alleged violation with the commission. The complaint shall be verified and supported by affidavit detailing the circumstances of the violation alleged. The commission may initiate action on its own motion by filing a complaint accompanied by such an affidavit. Within twenty-four hours after receipt of a complaint or initiation of its own complaint, the commission shall notify the person, candidate or committee against whom the complaint is made of receipt or initiation of the complaint, and until it has done so it shall make no investigation of any kind into the campaign affairs of the person, candidate or committee. Unless the commission concludes that there is no reasonable basis for a complaint which has been filed, it shall set a date for a hearing on the complaint which shall be not more than fifteen days after the date the complaint is received or initiated by the commission. The commission shall serve the person, candidate or committee against whom the complaint is made a copy of the complaint and supporting affidavit and notice of the hearing in the manner provided by the Rules of Civil Procedure. Copies of the complaint, affidavit and notice shall also be sent to each of the other candidates, if any, for the office affected. If a complaint is filed or initiated less than fifteen days before the election at which the office affected is to be filled, the commission shall set the hearing at the earliest possible date so as to allow the issue to be resolved prior to the election. An extension of time for the hearing may be granted when both parties mutually agree on an alternate date for the hearing.

Sec. 10. Section fifty-six point eleven (56.11), subsections two (2) and three (3), Code 1975, are amended to read as follows:

2. The commission shall investigate the complaint and conduct the hearing. *Upon request of the commission, the county attorney or the attorney general shall assist the commission in any investigation and report to it as directed.* The commission shall have the power to subpoena and review all records of a candidate or [political] committee required to be kept under this chapter. Due process, including the right to be represented by counsel, shall be accorded the accused. The commission shall provide for the confidentiality of the records of a candidate or

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[political] committee during the investigation and hearing process and shall provide for confidential

hearings *only* if requested by either party to the complaint, *except that if the commission itself is a complainant it may not request a confidential hearing.* After the hearing the commission shall determine whether or not there [is a] *are* reasonable [belief] *grounds to believe* that a violation of the provisions of this chapter did occur. The commission shall send a copy of its findings of fact and decision to the person, candidate or [political] committee against which the complaint was filed and to each candidate for the public office affected. The [campaign finance disclosure] commission may assess the cost of such hearings against either party involved in the hearing.

3. If the commission finds *reasonable grounds to believe* that the person, candidate, or [political] committee has engaged in [any] *an* act or practice which constitutes a violation of this chapter, the commission shall report [such a] *the* suspected violation of law to the United States attorney, the attorney general, or the county attorney, as the case may be, with a recommendation of appropriate action to be taken.

Sec. 11. Section fifty-six point seventeen (56.17), Code 1975, is amended to read as follows:

56.17 APPLICABILITY TO FEDERAL CANDIDATES.

1. [This] *The requirements of this* chapter *relative to disclosure of and limitations upon the amount of contributions* shall apply to candidates and political committees for federal office only in the event such candidates are not subject to a federal law requiring the disclosure of campaign financing. Any such federal law shall supersede the provisions of this chapter.

2. The provisions of this chapter under which money from the Iowa election campaign fund may be made available to or used for the benefit of candidates and candidates' committees shall apply to candidates for federal office and their candidates' committees only if funds to pay a portion of their campaign expenses are not available to such candidates or their committees from the federal government.

Sec. 12. Section fifty-six point nineteen (56.19), Code 1975, is amended to read as follows:

56.19 FUND CREATED. The "Iowa election campaign fund" [is] *and the "Iowa candidates' fund" are separately* created within the office of the treasurer of state.

1. The *Iowa election campaign* fund shall consist of funds paid by persons having an Iowa income tax liability as provided in section 56.18. The director of revenue shall remit funds collected as provided

in section 56.18 to the treasurer of state who shall deposit such funds in the appropriate account within the Iowa election campaign fund. Any interest income received by the treasurer of state from investment of moneys deposited in the fund shall be deposited

in the Iowa election campaign fund. Such funds shall be subject to payment to the [chairman] *chairperson* of the specified political party by the state comptroller in the manner provided [in this chapter] *by section fifty-six point twenty-two (56.22) of the Code.*

2. There shall be paid into the Iowa candidates' fund from the general fund of the state on the first business day of each month an amount equal to the amount remitted by the director of revenue to the treasurer of state for deposit in the Iowa election campaign fund during the preceding month. Money in the Iowa candidates' fund shall be disbursed to candidates' committees which qualify therefor under section fifteen (15) of this Act. On January first of the year immediately succeeding a year in which the office of governor has been filled at the general election, any money accumulated in the Iowa candidates' fund which has not been disbursed shall revert to the general fund of the state.

Sec. 13. Section fifty-six point twenty-one (56.21), Code 1975, is amended to read as follows:

56.21 FUNDS—APPLICATION TO COMPTROLLER. Any candidate for *a partisan* public office, except [president or vice president of the United States] *as otherwise provided by section fifty-six point seventeen (56.17), subsection two (2) of the Code,* may receive campaign funds [through the state statutory political committee under this chapter] from the Iowa election campaign fund *through the state central committee of the candidate's political party.* However, the [chairman of the] state [statutory political] *central* committee [shall apply to the state comptroller for these funds not later than sixty-five days before a general election] *of each political party shall have discretion which of the party's candidates for public office shall be allocated campaign funds out of money received by that party from the Iowa election campaign fund.*

[The state comptroller shall remit by check drawn upon the Iowa election campaign fund all funds in the party's account to the chairman upon certification by the state commissioner that the party has qualified to have candidate names placed on the official general election ballot.]

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Sec. 14. Section fifty-six point twenty-two (56.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

56.22 DISTRIBUTION OF CAMPAIGN FUND—RESTRICTIONS ON USE.

1. The money accumulated in the Iowa election campaign fund to the account of each political party in the state shall be remitted to the party on the

first business day of each month by warrant of the state comptroller drawn upon the fund in favor of the state chairperson of that party. The money received by each political party under this section shall be used as directed by the party's state statutory political committee.

2. Funds distributed to statutory political committees pursuant to this chapter shall not be used to support or oppose the nomination of any candidate. Nothing in this subsection shall be construed to prohibit a statutory political committee from using such funds to pay expenses incurred in arranging and holding a nominating convention.

Sec. 15. Section fifty-six point twenty-three (56.23), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

56.23 DISTRIBUTION OF FUNDS—ACCEPTABLE USES—AUDITS REQUIRED.

1. Before it may receive any funds under authority of this chapter, a candidate's committee or statutory political committee shall agree in writing to submit to an audit of all expenditures of the committee. The audit shall be made by an auditor of the commission's choice and at the commission's expense. A candidate's committee which has received funds under authority of this chapter shall be prepared to be audited pursuant to this section not later than thirty days after the latest election occurring in any calendar year in which that candidate's name appeared on the ballot. Statutory political committees shall submit to an audit once a year, at a time set by the commission.

2. The commission shall promulgate as rules, in accordance with chapter seventeen A (17A) of the Code, guidelines setting forth as specifically as is practicable what expenses are to be considered acceptable campaign expenses for the purposes of this chapter, and what documentation will be required as evidence of any expenditure constituting an acceptable campaign expense. No funds shall be distributed under authority of this chapter after the effective date of this Act until the rules required by this subsection

have been promulgated.

3. If the audit required by this section shows that the total amount of all expenditures by a candidate's committee or a statutory political committee for acceptable campaign expenses during the period covered by the audit is less than twice the amount of all money received by the committee under authority of this chapter during the same period, the committee shall return to the fund from which the money originated an amount equal to half the difference between twice the amount of all money so

received and the total amount of all expenditures for acceptable campaign expenses.

Sec. 16. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty-seven (57), section sixteen (16), third new section, amending chapter fifty-six (56), Code 1975, is amended to read as follows:

NEW SECTION. *1.* [It] *Except as provided in subsection three (3) of this section, it* **shall be unlawful for any insurance company, savings and loan association, bank, and corporation organized pursuant to the laws of this state or any other state,** territory, or foreign country, whether for profit or not, or any officer, agent, representative thereof **acting for such insurance company, savings and loan** association, bank, or corporation, to contribute any money, property, labor, or thing of value, directly **or indirectly, to any committee, or for the purpose of influencing the vote of any elector.**

2. [It] *Except as provided in subsection three (3) of this section, it* **shall be unlawful for any member** of any committee, or employee or representative thereof, or candidate for any office or the representative of such candidate, to solicit, request, or knowingly receive from any insurance company, savings and loan association, bank, and corporation **organized pursuant to the laws of this state or any** other state, territory, or foreign country, whether for profit or not, or any officer, agent, or representative thereof, any money, property, or thing of value belonging to such insurance company, savings **and loan association, bank, or corporation for campaign** expenses, or for the purpose of influencing the vote of any elector. Nothing in this section shall be construed to restrain or abridge the freedom of the press or prohibit the consideration and discussion **therein of candidacies, nominations, public officers,** or public questions.

3. It shall be lawful for any insurance company, savings and loan association, bank, and corporation

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organized pursuant to the laws of this state or any other state, territory, or foreign country, whether or not for profit, and for the officers, agents and representatives thereof, to use the funds of any such entity for the purposes of soliciting its stockholders, officers and employees for contributions to a committee sponsored by that entity and of financing the administration of a committee sponsored by that entity. A committee member, committee employee, committee representative, candidate or representative referred to in subsction two (2) of this section lawfully may solicit, request, and receive money, property and other things of value from a committee sponsored by an insurance company, savings and loan associa-

tion, bank, or corporation as permitted by this subsection.

4. The restrictions imposed by this section relative to making, soliciting or receiving contributions shall not apply to a person who uses those contributions to encourage registration of voters and participation in the political process, or to publicize public issues, or both, but does not use any part of those contributions to endorse, oppose, or evaluate favorably or unfavorably any candidate for public office or any public measure.

5. Any person convicted of a violation of any of the provisions of this section shall be subject to imprisonment in the county jail for not more than one year and by a fine not to exceed one thousand dollars.

Sec. 17. Chapter fifty-six (56), Code 1975, is amended by adding sections eighteen (18) through twenty-three (23) of this Act.

Sec. 18. *NEW SECTION.* WHEN CONTRIBUTIONS DEEMED MADE. For the purposes of sections nineteen (19), twenty (20), and twenty-one (21) of this Act, any contribution to a candidate's committee shall be considered to have been made in the same calendar year in which occurred the latest election at which the office that candidate sought appeared on the ballot, regardless of when the contribution actually was made.

Sec. 19. *NEW SECTION.* LIMITATIONS ON CERTAIN CONTRIBUTIONS.

1. The aggregate contributions of any one individual to all candidate's committees shall not exceed two thousand five hundred dollars, and the aggregate contributions of any committee other than a statutory political committee to all candidate's committees shall not exceed seven thousand five hundred

Page 10

dollars, in any one calendar year.

2. A committee shall not accept during any one calendar year from any one individual, who is not organized as a committee under this chapter, aggregate contributions in excess of two hundred dollars for the benefit of a candidate for governor or in excess of fifty dollars for the benefit of a candidate for the general assembly.

3. A candidate's committee shall not accept during any one calendar year from any other committee, except a statutory political committee, aggregate contributions exceeding three times the aggregate contribution which the same candidate's committee could accept from an individual under subsection two (2) of this section.

Sec. 20. *NEW SECTION.* QUALIFYING FOR MONEY FROM CANDIDATES' FUND.

1. The candidate's committee for an individual who has become a candidate for nomination or election to the office of governor, state senator or state representative is entitled to receive money from the Iowa candidates' fund, at the times and to the extent provided by section twenty-one (21) of this Act, upon filing with the commission a report showing that the committee has qualifying contributions aggregating at least twenty thousand dollars for a candidate for governor, seven hundred fifty dollars for a candidate for state senator, or five hundred dollars for a candidate for state representative.

2. Qualifying contributions are those received by a candidate's committee from individuals in amounts not exceeding, from any one individual, fifty dollars to a candidate for governor or ten dollars to a candidate for the general assembly, during the period beginning on the date the individual for whose benefit the contribution is made becomes a candidate and ending on the day preceding the next succeeding general election. Qualifying contributions must be reported to the commission by the candidate's committee on forms prescribed by the commission listing the name and address of the contributor and the amount of the contribution, and accompanied by either a signed declaration by the contributor acknowledging the contribution or a photocopy of the written instrument by which the contribution was made that identifies the contributor. This subsection shall not be construed to prohibit contributions in the amounts permitted by section nineteen (19), subsection two (2), of this Act, but the portion of any individual's contributions for the benefit of a candidate which

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exceeds the limits specified by this subsection may not be reportel as qualifying contributions by that candidate's committee.

3. An individual who desires to become a candidate for purposes of this section, at any time prior to filing with the state commissioner the documents necessary to seek nomination or election under chapters forty-three (43), forty-four (44) or forty-five (45) of the Code, may do so by filing an affidavit of candidacy with the commission. The affidavit shall be filed on a form prescribed by the commission and shall contain:

a. The candidate's name.

b. The office the candidate seeks.

c. The candidate's political party affiliation, if any.

d. A statement that the candidate has formed a candidate's committee which will receive contributions that will, to the extent permitted by subsection two (2) of this section, be reported to the commission

as qualifying contributions.

Sec. 21. *NEW SECTION.* LIMITS ON CLAIMS—HOW PAID AND USED.

1. Each candidate's committee is entitled to receive from the Iowa candidates' fund money in an amount equivalent to the total amount of qualifying contributions it has reported to the commission, up to a maximum of one hundred thousand dollars for a candidate for governor, one thousand five hundred dollars for a candidate for state senator or one thousand dollars for a candidate for state representative. These maximums shall apply to each individual candidate for any of these offices during each period of time beginning on the day following the latest general election at which the office the candidate seeks was filled and ending on the day of the next succeeding general election at which that same office is to be filled.

2. The initial report of qualifying contributions and any supplemental report of additional qualifying contributions made to the commission by a candidate's committee, except its final report, shall each claim at least one hundred dollars matching money from the Iowa candidates' fund. Matching money shall be paid, in accordance with section twenty-two (22) of this Act, by a warrant drawn by the state comptroller at the commission's direction upon the fund in favor of the treasurer of the candidate's committee. Matching money from the fund shall be used only to pay, or to repay loans lawfully obtained to pay,

Page 12

acceptable campaign expenses as defined pursuant to section fifty-six point twenty-three (56.23) of the Code which were actually and lawfully incurred.

Sec. 22. *NEW SECTION.* WHEN DISBURSEMENTS MAY BE MADE—PRORATION AUTHORIZED IF NECESSARY.

1. A candidate's committee may claim money from the Iowa candidates' fund no earlier than December first of the year next preceding the year of the general election at which the office the candidate seeks will be on the ballot, regardless of when the individual involved becomes a candidate for the office. A candidate's committee may at any time thereafter report qualifying contributions in any amount up to its allowable maximum, but the commission may not disburse matching money from the fund to any candidate's committee more rapidly than is permitted by the following schedule:

a. Prior to March first of the year of the general election at which the office the candidate seeks will be on the ballot, no more than twenty-five percent of such maximum may be disbursed.

b. Prior to June fifteenth of such year, no more than fifty percent maximum may be disbursed.

c. Prior to September fifteenth of such year, no more than seventy-five percent of such maximum may be disbursed.

2. A candidate's committee for a candidate who withdraws or is defeated in a primary election or other nominating procedure may nevertheless receive the allowable maximum amount of matching money from the Iowa candidates' fund, or so much thereof as the committee's reported qualifying contributions and the provisions of this section entitle it to receive, at the times prescribed by subsection one (1) of this section.

3. If the commission at any time concludes on the basis of the number of candidates which at that time have claimed a portion of their allowable maximum amount of matching money, and on the basis of the remaining balance in the Iowa candidates' fund, that it is unlikely that all claims on the fund can be paid as would otherwise be required by this Act, it shall prorate the unpaid portion of the pending claims and all claims subsequently received during the same biennial period. The proration of the various unpaid portions of claims and of subsequent claims shall be devised so that as nearly as possible an equivalent proportion of the full amount to which each claimant committee would otherwise be entitled is actually paid. If the commission does so prorate claims but

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finds that upon the date of the succeeding general election an unencumbered balance existed in the fund, that balance shall be applied to the payment of all or equivalent proportions of claims on the fund which were unpaid due to proration during the preceding year.

Sec. 23. *NEW SECTION.* MATCHING MONEY FOR CANDIDATES IN CERTAIN SPECIAL ELECTIONS. The candidate's committee for each candidate certified by the state commissioner as a nominee for a seat in the general assembly to be filled at a special election called under section sixty-nine point fourteen (69.14) of the Code is entitled to receive the allowable maximum amount of matching money upon qualifying therefor pursuant to section twenty (20), subsections one (1) and two (2), of this Act, except that qualifying contributions must be received by the day prior to the date of the special election. Claims may be presented to the commission under this section as soon as the candidates in the special election have been certified by the state commissioner, and the provisions of section twenty-two (22), subsection one (1), of this Act shall not apply. Matching money received by a candidate's committee under this section shall not apply against the allowable maximum amount of matching money available

to the individual candidate involved for the period established by section twenty-one (21), subsection one (1), of this Act between successive general elections at which the office involved in the special election is filled for a full term.

Sec. 24. The provisions of sections two (2), four (4), eight (8) through fifteen (15) and eighteen (18) through twenty-three (23) of this Act shall take effect January 1, 1977.

Sec. 25. Sections fifty-six point fourteen (56.14) and fifty-six point fifteen (56.15), Code 1975, are repealed.

Sec. 26. There is appropriated from the general fund".

2. Page 1, line 8, by striking the figure "2" and inserting in lieu thereof the figure "27".

3. Title, line 1, by inserting after the word "Act" the words "to revise the campaign disclosure-income tax checkoff Act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the Act in accordance with a recent decision of the United States supreme court, establishing and providing for administration of and disbursements

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from the Iowa candidates' fund, and".

TAUKE of Dubuque
CRAWFORD of Story
HENNESSEY of Delaware
HIGGINS of Scott
PATCHETT of Johnson
WALTER of Pottawattamie
READINGER of Polk
OAKLEY of Clinton
EVANS of Grundy
HALVORSON of Clayton
MENNENGA of Clinton
NORLAND of Worth
KRAUSE of Palo Alto
DYRLAND of Clayton

H—6632

Amend the Small, et al., amendment, H—6563 to Senate File 1310 as follows:

1. Page 5, by striking lines 48 through 50.

2. Page 6, by striking lines 1 and 2.

BITTLE of Polk

H—6633

Amend the Small, et al., amendment, H—6563, to page 1 of Senate File 1310, as amended, passed and reprinted by the Senate as follows:

1. Page 5, line 39, by striking the words "depleted, or until" and inserting in lieu thereof

the word "depleted."
2. Page 5, by striking lines 40 through 47.

DOYLE of Woodbury

H—6645

Amend the Small, et al., amendment, H—6563 to Senate File 1310 as follows:
1. Page 3, line 8, by striking the words "as separate facts".
2. Page 3, by striking everything after the period in line 12.
3. Page 3, by striking lines 13 through 16.

TAUKE of Dubuque

H—6651

Amend Senate File 1310 as follows:
1. Page 15, by striking lines 13 through 35 and page 16, by striking lines 1 through 35 and inserting in lieu thereof the following:
"Sec. 22. Code 1975 is amended by adding sections twenty-three (23) through forty-six (46) of this Act as a new chapter.
Sec. 23. *NEW SECTION.* APPLICABILITY. The provisions of this chapter shall be applicable to and shall govern the arbitration pursuant to written agreement of a dispute, which arises out of or results from injury to, or the death of, a person caused by an error, omission, or negligence in the performance of professional services by a health care practitioner or hospital, or by an agent of either, or which is based on a performance of such services claimed to be without consent, or in breach of warranty, or in violation of contract.
Sec. 24. *NEW SECTION.* DEFINITIONS. As used in this chapter, unless the context otherwise requires:
1. "Association" means any entity which engages in the administration of arbitration and which has been issued a certificate of authority by the commissioner of insurance pursuant to section forty (40) of this Act.
2. "Health care practitioner" means as provided in section one (1) of this Act.
3. "Hospital" means a person lawfully engaged in the operation of a hospital, clinic, health maintenance organization, or sanitorium.
Sec. 25. *NEW SECTION.* PRACTITIONER—PATIENT ARBITRATION.
1. A person who receives health care from a health care practitioner may, if offered, execute an agreement to arbitrate all disputes arising out of health care or treatment by or under the supervision of a health care practitioner. The agreement may provide for arbitration of existing disputes and may provide for arbitration of disputes arising subsequent to the execution of the agreement. An agreement executed pursuant to this section may limit the types of issues

or controversies which will be subject to arbitration.

2. The agreement to arbitrate shall not be a prerequisite to health care or treatment.

3. The agreement shall provide that the person receiving health care or treatment or his or her legal representative may revoke the agreement within ninety days after execution by notifying the health care practitioner in writing. A health care practitioner may not revoke the agreement after its execution.

Page 2

4. An agreement under this section shall expire one year after its execution and may be renewed only by execution of a new agreement. An arbitration agreement shall be effective with respect to any dispute which arises from health care or treatment rendered, or a specific or continuing program of health care or treatment commenced, during the term of the arbitration agreement.

5. The form of the agreement shall be accompanied by an informational brochure which clearly details the agreement and the revocation provision. The brochure shall be furnished the person receiving health care or treatment at the time of execution of the agreement. The person receiving health care **and executing an arbitration agreement shall be furnished with either an original or a duplicate original of the agreement.**

6. The agreement shall contain the following statement immediately above the space for signature of the parties: "This agreement to arbitrate is not a prerequisite to health care or treatment and may be revoked by the patient within ninety days after execution by notification to the health care practitioner in writing."

7. An agreement executed under this section shall not be applicable to disputes arising from health care or treatment rendered at a hospital.

8. An agreement to arbitrate which satisfies the provisions of this section shall be presumed valid.

Sec. 26. *NEW SECTION.* **ARBITRATION FOR HOSPITALIZATION.**

1. A person who receives health care or treatment **at a hospital may, if offered, execute an agreement to arbitrate all disputes arising out of health care or treatment rendered at the hospital. A person receiving emergency health care or treatment may be offered the option to arbitrate but shall not be offered the option before the emergency care or treatment is completed. The agreement may provide for arbitration of existing disputes and may provide for arbitration of disputes arising subsequent to the execution of the agreement. An agreement executed pursuant to this section may limit the types of issues or controversies which will be subject to arbitration.**

2. The agreement to arbitrate shall not be a prerequisite to health care or treatment.

3. The agreement to arbitrate shall provide that the person receiving health care or treatment or his or her legal representative may revoke the agreement within ninety days after discharge from the hospital

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by notifying the hospital in writing. Other parties to the agreement shall not have the power to revoke the agreement. In the event a health care practitioner and his or her patient are the only parties to an arbitration agreement covering health care or treatment at a hospital, the agreement shall specify that notification of revocation by the patient shall be given to the health care practitioner.

4. The agreement shall contain the following statement immediately above the space for signature of the parties: "This agreement to arbitrate is not a prerequisite to health care or treatment and may be revoked by the patient within ninety days after discharge by notification in writing."

5. Notwithstanding the existence of a health care practitioner-patient arbitration agreement executed pursuant to section twenty-five (25) of this Act, health care or treatment rendered by a participating health care practitioner at a hospital shall be covered by the terms and conditions applicable between the patient and the hospital.

6. Each admission to a hospital shall be treated as separate and distinct for the purposes of an agreement to arbitrate, but a person receiving outpatient care may execute an agreement with the hospital which provides for continuation of the agreement for a specific or continuing program of health care or treatment.

7. The form of the agreement shall be accompanied by an informational brochure which clearly details the agreement and the revocation provision. The brochure shall be furnished the person receiving health care or treatment at the time of execution of the agreement. The person receiving health care or treatment and executing an arbitration agreement shall be furnished with either an original or a duplicate original of the agreement.

8. An agreement to arbitrate which satisfies the requirements of this section shall be presumed valid.

Sec. 27. *NEW SECTION.* GENERAL ARBITRATION REQUIREMENTS. The following provisions shall apply to an arbitration proceeding instituted pursuant to an agreement governed by this chapter:

1. The parties may be represented by counsel, and shall have the right to be heard, to present evidence material to the controversy, and to cross-

examine any witness.

2. The prevailing standard of duty, practice, or care applicable in a civil action commenced in this state shall be the standard applied in the

Page 4

arbitration.

3. Damages or remedial care shall be without limitation as to nature and amount unless specifically limited by law.

4. A party may appear without counsel, but shall be advised of the right to retain counsel in a manner calculated to inform the person of the nature and complexity of a proceeding by a simple concise form distributed by the association administering the arbitration.

5. The panel shall conclude the entire proceeding as expeditiously as possible, and the association shall maintain supervision to encourage compliance with this subsection.

6. A minor child shall be bound by a written agreement to arbitrate disputes upon the execution of an agreement on his or her behalf by a parent or legal guardian. The minor child may not subsequently disaffirm the agreement.

Sec. 28. *NEW SECTION.* COMMENCEMENT OF PROCEEDING—PARTIES.

1. A party to the arbitration agreement may demand arbitration of a claim, and the proceeding shall be instituted as provided by rule of the association.

2. In cases involving a common question of law or fact, the disputes, controversies, and issues shall be consolidated into a single arbitration proceeding, whether or not separate arbitration agreements exist between a plaintiff and a number of defendants or between defendants.

3. A person in interest who is not a party to the arbitration agreement may join in the arbitration at the request of any party with all the rights and obligations of the original parties. Each party to an arbitration under this chapter is deemed to be bound by the joinder of a new party.

Sec. 29. *NEW SECTION.* OFFERS OF SETTLEMENT.

1. Prior to the institution of an arbitration proceeding by a patient, any offer of reparations and all communications incidental thereto made in writing to a patient by a health care practitioner or hospital is privileged and may not be used by any party to establish the liability or measure of damages.

2. Such offers shall provide that a patient has thirty days to accept or reject the offer, or such lesser specified period of time as may be necessitated by the condition of health of the patient.

3. After any rejection or the lapse of the applica-

ble time, any party may demand arbitration.

4. Any such offer to a patient shall include a

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statement that the patient may consult legal counsel before rejecting or accepting the offer.

5. In a case where a potential claim is identified by a health care practitioner or hospital and where reparations, in its judgment, are not appropriate, the practitioner or hospital may, at its option, file a demand for arbitration which demand shall identify the potential claim and deny liability.

Sec. 30. *NEW SECTION.* SELECTION OF ARBITRATORS.

1. An arbitration under this chapter shall be heard by a panel of three arbitrators. One shall be an attorney who shall be the chairperson and shall have jurisdiction over prehearing procedures, one shall be a health care practitioner, preferably but not necessarily from the respondent's health care specialty, and the third shall be a person who is neither a health care practitioner, a lawyer, or a person affiliated with a health care practitioner or a hospital or insurance company. Where a case involves a hospital only, a hospital administrator may be substituted for a health care practitioner.

2. Except as otherwise provided in subsection seven (7) of this section, arbitrator candidates shall be selected pursuant to the rules and procedures of the association from a pool of candidates generated by the association. The rules and procedures of the association pertaining to selection of arbitrators under this chapter shall require that the association send simultaneously to each party an identical list of five arbitrator candidates in each of the three categories together with a brief biographical statement on each candidate. A party may strike from the list any name which is unacceptable and shall number the remaining names in order of preference. When the lists are returned to the association they shall be compared and the first mutually agreeable candidate in each category shall be invited to serve.

3. The association shall make an initial screening for bias as may be appropriate and shall require a candidate for a particular case to complete a current personal disclosure statement under oath. In addition to other relevant information the statement shall disclose any personal acquaintance with any of the parties or their counsel and the nature of such acquaintance. If the statement reveals facts which suggest the possibility of partiality, the association shall communicate those facts in writing to the parties.

4. Any party may propound reasonable questions to an arbitrator candidate if such questions are pro-

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pounded within ten days of the receipt of the candidate's name. Such questions shall be propounded through the association and the candidate shall respond to the association promptly. The association shall forward responses to the partics.

5. A party shall not communicate with a candidate either directly or indirectly, except through the association, at any time after the filing of the demand for arbitration. Any candidate who is aware of a prohibited communication shall immediately notify the association.

6. Where the parties fail to agree upon an arbitrator within a category a second list of that category shall be sent pursuant to subsection two (2) of this section.

7. If a complete panel is not selected by mutual agreement of the parties pursuant to subsections two (2) and six (6) of this section, then under the applicable rules and procedures of the association the association shall appoint the remainder of the panel on whom agreement has not been reached by the parties. The appointment by the association shall be subject to challenge by any party for cause which challenge may allege facts to establish that unusual community or professional pressures will unreasonably influence the objectivity of the panelist. A request to strike an arbitrator for cause shall be determined by the regional director or comparable officer of the association or as may be provided by rule of the commissioner of insurance.

8. The parties shall not be restricted to the arbitrator candidates submitted by the association for consideration. If all parties mutually agree upon a panelist within a designated category the panelist shall be invited by the association to serve.

Sec. 31. *NEW SECTION.* DISCOVERY.

1. Parties to the arbitration may take depositions and obtain discovery regarding the subject matter of the arbitration, and, to that end, may use and exercise the same rights, remedies, and procedures, and shall be subject to the same duties, liabilities, and obligations in the arbitration with respect to the subject matter thereof, as if the subject matter of the arbitration where pending in a civil action before the district court.

2. Discovery shall commence not later than twenty days after all parties have received a copy of the demand for arbitration and shall be completed within six months. A party may be granted an extension of time to complete discovery only upon a showing that

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the extension is not the result of neglect and that the extension is necessary in order to avoid

substantial prejudice to the rights of the party.

3. A party is entitled to disclosure of the name of any expert witness who is expected to be called at the arbitration, and may depose that witness.

4. A party may provide discovery of an expert witness expected to be called by that party by the written interrogatory procedure provided in rule 26 (b) (4) (a) of the federal rules of civil procedure.

5. A party may disclose without request and shall disclose, upon request, the name of each expert the party expects to call at the hearing, the subject matter on which the expert will testify, the substance of facts and opinions to which the expert will testify, and a summary of the grounds for each opinion.

6. If a party is provided discovery under subsections four (4) or five (5) of this section and the completion of discovery occurs prior to the date on which an expert is noticed for deposition or prior to the date other discovery is commenced under prevailing civil practice in this state, any further discovery of the expert by any other party by deposition or otherwise shall obligate that other party to compensate the expert for his time and expenses in a reasonable amount as may be determined by the panel.

7. On application of a party to the arbitration, the panel or its chairperson may order the deposition of a witness to be taken for use as evidence and not for discovery if the witness cannot be compelled to attend the hearing or if exceptional circumstances exist making it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally at the hearing, to allow the deposition to be taken. The depositions shall be taken in the manner prescribed by law or court rule for the taking of depositions for such use in civil actions.

8. The panel may enforce the rights, remedies, procedures, duties, liabilities, and obligations of discovery by the imposition of the same terms, conditions, consequences, liabilities, sanctions, and penalties as may be imposed in like circumstances in a civil action by the Iowa district court, except the power to order the arrest or imprisonment of a person.

9. For the purpose of enforcing the duty to make discovery, to produce evidence or information, including books and records, and to procedure persons

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to testify at a deposition or at a hearing, and to **impose terms, conditions, consequences, liabilities, sanctions, and penalties upon a party for violation of a duty, a party shall be deemed to include every affiliate of the party as defined in this section.**

For that purpose the personnel of an affiliate shall be deemed to be the officers, directors, managing agents, agents, and employees of that party to the same degree as each of them, respectively, bears that status to the affiliate; and the files, books, and records of an affiliate shall be deemed to be in the possession and control of, and capable of production by, the party.

As used in this subsection, "affiliate" of the party to the arbitration means and includes a party or person for whose immediate benefit the action or proceeding is prosecuted or defended or an officer, director, superintendent, member, agent, employee, or managing agent of that party or person.

Sec. 32. *NEW SECTION.* POWER OF SUBPOENA. The panel or its chairperson in the arbitration proceeding shall, upon application by a party to the proceeding, and may upon its own determination, issue a subpoena requiring a person to appear and be examined with reference to a matter within the scope of the proceeding, and to produce books, records, or papers pertinent to the proceeding. In case of disobedience to the subpoena, the chairperson or a majority of the arbitration panel in the arbitration proceeding may petition the district court of the county in which the witness resides or the county in which the inquiry is being held to require the attendance and testimony of the witness and the production of books, papers, and documents. The district court, in case of contumacy or refusal to obey a subpoena, may issue an order requiring the person to appear and to produce books, records, and papers and give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as contempt.

Sec. 33. *NEW SECTION.* HEARINGS.

1. An arbitration hearing shall be informal and the rules of evidence shall be as provided under the rules of the association. The panel shall adhere to civil rules of evidence where the failure to do so would result in substantial prejudice to the rights of a party.

2. Testimony shall be taken under oath and a record of the proceedings shall be made by a tape recording. Any party, at that party's expense, may have transcriptions or copies of the recording made

or may provide for a written transcript of the proceedings. The cost of any transcription ordered by the panel for its own use shall be deemed part of the cost of the proceedings.

3. Expert testimony shall not be required, but where expert testimony is used it shall be admitted under the same circumstances as in a civil action and shall be subject to cross-examination.

4. The party with the burden of establishing a standard of care and breach thereof shall establish such standards whether by the introduction of expert testimony, or by other competent proof of the standard and the breach thereof, which may include the use of works as provided in subsection five (5) of this subsection.

5. Authoritative, published works on the general and specified subjects in issue may be admitted and argued from, upon prior notice to all other parties.

6. The panel shall accord such weight and probative worth to expert evidence as it deems appropriate. The panel may call a neutral expert on its own motion, which expert witness shall be subject to cross-examination by the parties. The cost of the expert will be deemed a cost of the proceeding.

7. The panel may order submission of written briefs within thirty days after the close of hearings. In written briefs each party may summarize the evidence in testimony and may propose a comprehensive award of remedial or compensatory elements.

8. The panel shall render its award and opinion within thirty days after the close of the hearing, or after the receipt of briefs if ordered.

Sec. 34. *NEW SECTION.* DECISION OF PANEL.

1. The award in the arbitration proceeding shall be in writing and shall be signed by the chairperson or by the majority of a panel of arbitrators. The award shall include a determination of all the questions submitted to arbitration by each party, the resolution of which is necessary to determine the dispute.

2. In addition to the award the panel shall render a written opinion which states its reasoning for the finding of liability or nonliability, and the reasoning for the amount and kind of award if any. A panel member who disagrees with the majority may write a dissenting opinion.

3. The panel shall determine the degree to which each respondent party was at fault for the total damages accruing to any other party to the arbitration, considering all sources of damage involving parties

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to the arbitration, but excluding the damages attributable to persons not parties to the arbitration.

4. The panel shall prepare a schedule of contributions according to the relative fault of each party which schedule shall be binding as between those parties, but such determination shall not effect a claimant's right to recover jointly and severally from all parties where such right otherwise exists in the law.

Sec. 35. *NEW SECTION.* PROVISIONS OF AN AWARD.

1. In the case of an award, any element of which

includes remedial services, contracts, annuities, or other noncash award element, the panel shall determine the current cash value of each element of the award and also shall determine a total current cash value of the entire award.

2. An award of remedial surgery or care shall not require that the patient undergo such treatment or care by the health care provider whose conduct resulted in the award.

3. A claimant need not accept the benefits of an award for remedial surgery or of other noncash award elements and such refusal shall not affect the claimant's right to receive any other part of the award.

Sec. 36. *NEW SECTION.* APPEAL. An appeal from the arbitration decision shall be subject to the procedures and grounds permitted under chapter seventeen A (17A) of the Code for judicial review of an agency decision in a contested case.

Sec. 37. *NEW SECTION.* WITNESS FEES AND MILEAGE. Except for the parties to the arbitration and their agents, officers, and employees, all witnesses appearing pursuant to subpoena are entitled to receive fees and mileage in the same amount and under the same circumstances as is prescribed by law for witnesses in civil actions. The fee and mileage of a witness subpoenaed upon the request of a party to the arbitration shall be paid by that party. The fee and mileage of a witness subpoenaed at the request of one or more arbitrators shall be assessed and paid in the manner provided in section thirty-eight (38) of this Act for the payment of the arbitrator's expenses.

Sec. 38. *NEW SECTION.* ARBITRATOR FEES AND MILEAGE. The cost of each arbitrator's fee and expenses shall be assessed among the parties in such proportions as may be determined in the arbitration award. The amounts paid an arbitrator for mileage and as compensation for serving as an arbitrator shall be

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the amounts provided in the schedule of arbitrator fees and expenses approved by the commissioner of insurance.

Sec. 39. *NEW SECTION.* CERTIFICATION OF ASSOCIATION. A person shall not engage in the administration of arbitration proceedings governed by this chapter unless that person has submitted an application and has been granted a certificate of authority by the commissioner of insurance. A person convicted of violating this section shall be subject to a fine not to exceed ten thousand dollars.

Sec. 40. *NEW SECTION.* APPLICATION—APPROVAL.

1. An application for a certificate of authority to engage in the administration of arbitration under

this chapter shall be filed with the commissioner of insurance in a form prescribed by the commissioner, and shall contain all of the following:

a. The name of the applicant;

b. The address of the principal place of business of the applicant, and the address of any other offices to be maintained by the applicant in this state;

c. Any other information which the commissioner of insurance deems necessary to enable him or her to carry out the provisions of this chapter;

d. A copy of all rules which will materially effect arbitration proceedings or the rights of any party to arbitration;

e. A copy of all standard form agreements between health care practitioners and hospitals and their patients to be used for the purpose of effecting arbitration;

f. A copy of every brochure and other written statement to be used by the association or by health care practitioners or hospitals to describe, explain, or promote arbitration; and

g. A schedule of fees and of all reimbursable expenses which will be paid to arbitrators for their services. A schedule of fees may provide for variable fees depending upon the professional or occupational qualifications of a prospective arbitrator as specified in the schedule.

2. The commissioner of insurance may approve the application and issue a certificate of authority if the applicant establishes the ability to administer arbitration services in the manner provided in this Act. The commissioner shall approve or disapprove an application within one hundred twenty days of receipt. If the commissioner determines the application to be deficient, the commissioner shall give the applicant a reasonable period of time in

Page 12

which to perfect the application before disapproving it.

3. The issuance of a certificate of authority shall not divest the commissioner of any authority with respect to the fees, charges, rules, and other matters which the commissioner has a duty to approve or disapprove under this chapter.

Sec. 41. *NEW SECTION.* ADMINISTRATION CHARGE.

1. An association may assess a charge against each party to arbitration proceedings. The charge shall be the same for each party to a proceeding and shall be the same for all proceedings. The administration charge shall not be imposed by an association unless that charge has been filed with and approved by the commissioner of insurance. An administrative charge may be adjusted upon filing and approval as in the case of the initial filing.

2. The commissioner of insurance shall not approve an administration charge unless that charge is reasonable. An administration charge is not reasonable if that charge is in excess of an amount constituting the reasonable costs of engaging in the administration of arbitration under this chapter plus a reasonable profit.

Sec. 42. *NEW SECTION.* PROCEEDINGS REPORTED TO HEALTH CARE LICENSING BOARDS. The association shall transmit to the applicable health care licensing board of any respondent party a copy of the demand for arbitration within ten days of filing, and shall transmit to that board a copy of the decision of the panel within ten days of transmission of that decision to the parties.

Sec. 43. *NEW SECTION.* AUTHORITY OF COMMISSIONER. The commissioner of insurance is empowered to promulgate rules to administer the provisions of this chapter. The commissioner of insurance is empowered to disapprove the use of any agreement, rule, brochure, circular or other written information if in the opinion of the commissioner such document fails to meet the requirements of this chapter.

Sec. 44. *NEW SECTION.* VIOLATIONS.

1. Any association which charges an administrative charge which has not been approved, or which distributes any agreement, brochure, circular or other written information which has been disapproved, or which uses any rule which has been disapproved by the commissioner of insurance commits a violation of this chapter. The commissioner of insurance, upon notice and hearing, may assess an administrative penalty not in excess of one thousand dollars for each such

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violation.

2. If the commissioner of insurance, upon notice and hearing, determines that an association has committed repeated violations of this Act, the commissioner of insurance may suspend or revoke the certificate of authority of that person.

Sec. 45. *NEW SECTION.* DUTIES OF COMMISSIONER.

1. The commissioner of insurance shall maintain for public inspection a copy of each existing rule submitted by an association.

2. The commissioner of insurance shall compilate, and shall report annually to the general assembly, the following information respecting arbitration under this chapter:

a. The numbers of claims filed.

b. The numbers of arbitration proceedings held.

c. The number of decisions for and against claimants.

d. Such other information not identified as to parties which the commissioner deems appropriate.

Sec. 46. *NEW SECTION.* EXCLUSIVENESS OF CHAPTER. This chapter shall govern arbitration by agreement between a health care practitioner or a hospital and a person receiving health care or treatment in this state. To the extent that any provision of chapter six hundred seventy-nine (679) of the Code is inconsistent with the provisions of this chapter, the provisions of this chapter shall be given effect."

2. By renumbering sections of the bill.

3. Amend the title, line 4, by inserting after the word "for" the words "the procedures and practices to be used in".

TAUKE of Dubuque
WALTER of Pottawattamie

H—6647

Amend Senate File 1324 as follows:

1. Page 9, by inserting after line 8 the following:

"..... Chief justice of the appellate court $36,010

..... Each justice of the appellate court ..... $35,002".

GRIFFEE of Chickasaw

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 9:18 p.m., until 9:00 a.m., Thursday, May 13, 1976.

JOURNAL OF THE HOUSE

One Hundred Twenty-third Calendar Day—Eighty-second Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, MAY 13, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Ervin Hesterberg, pastor of the Bethany Lutheran Church, West Branch, Iowa.

The Journal of Wednesday, May 12, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Ashler, Hamburg, Iowa.

PRESENTATION OF VISITORS

Bittle of Polk presented to the House the Honorable Don D. Alt, former member of the House during the Sixty-third and Sixty-fourth General Assemblies, representing Polk County, accompanied by Francisco Correia, Ruy Almadalima, Raimundo Da Silva, Luiz Fonteles, Joao De Carvalho and Carlos Marques, who are members of a Rotary Study Exchange Team from Brazil. They are guests of the West Des Moines Rotary Club.

Readinger of Polk presented to the House Miss Helle Johansen, an AFS student from Esbjerg, Denmark, attending Urbandale High School, Urbandale, Iowa. She is a guest in the Floyd Sievers home.

The Speaker announced the following visitors were present in the House chamber:

Fifty sixth grade students from Beaman-Conrad-Liscomb Community School, accompanied by Mrs. Arnold and Mrs. Hoff. By West of Marshall and Evans of Grundy.

Thirty-six eighth grade students from Bagley Middle School,

Bagley, Iowa, accompanied by Deb Weaver and Doug Mack. By Hutchins of Guthrie.

Seventy-five fourth grade students from South Tama Community School, Tama, Iowa, accompanied by Mrs. McCune, Mrs. Hull and Mrs. Nuebauer. By Husak of Tama.

Four senior government students from Hamburg High School, Hamburg, Iowa, accompanied by Dr. Frederick Ashler.

Thirty third and fourth grade students from Grand Community School, Pilot Mound, Iowa, accompanied by nine chaperones. By Lonergan of Boone.

Eighteen senior students from Garwin High School, Garwin, Iowa, accompanied by John Maiers. By Evans of Grundy.

Twenty-five senior government class students from Martensdale-St. Marys High School, Martensdale, Iowa, accompanied by Thomas Stroope. By Bortell of Madison.

Sixty seventh grade students from Janesville Junior High School, Janesville, Iowa, accompanied by Mr. Gifford. By Lageschulte of Bremer.

Fifteen government class students from Monticello High School, Monticello, Iowa, accompanied by Keith Stamp. By Hennessey of Delaware and Newhard of Jones.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 1323, under Rule 36.

INTRODUCTION OF BILLS

House File 1577, by committee on appropriations, a bill for an act appropriating funds to the legislative council and the legislative fiscal committee.

Read first time and **placed on appropriations calendar.**

House File 1578, by committee on appropriations, a bill for an act to appropriate funds to the legislative council to finance the computerization of an accurate data base containing the Code of Iowa.

Read first time and **placed on appropriations calendar.**

HOUSE CONCURRENT RESOLUTION 142
By Horn, Patchett, Byerly, Stromer and Menke

Whereas, the personnel of agriculture, business and industry, and the youth and adults of Iowa call for increased commitment of educational agencies to provide assistance in preparing for work in an increasingly complex society; and

Whereas, the present legislative provisions that fund secondary vocational and career education programs, services, and activities for secondary schools need further delineation and study; and

Whereas, the legislative provisions for supporting and implementing these programs, services and activities are not clearly defined and do not provide an adequate mechanism for funding area colleges which provide secondary vocational training; and

Whereas, the legislative provisions for supporting and implementing these programs, services and activities do not provide for differing programatic and resource requirements; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the department of public instruction in cooperation with and under the direction of the standing committees on education of the House and Senate, shall conduct a study to begin as soon as possible and terminate by January 1, 1977, to determine specific action to this educational effort. The study will include a review of existing funding legislative provisions and the extent to which existing provisions of chapters 257, 258, 280, 280A, 281, 282, 289, and 442, might provide educational programs, services and activities that prepare individuals for productive satisfying work roles; and

Page 2

Be It Further Resolved, That the study will give specific attention to provisions that facilitate the equitable allocation of resources to cost centers, educational agencies and merged areas of the state in order to provide secondary vocational or career education programs, services and activities; and

Be It Further Resolved, That the study identify specific recommendations for improvement and include necessary bill drafts to implement recommendations in the report submitted in January, 1977, to the Sixty-seventh General Assembly.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the

Senate has on May 11, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 205, a bill for an act relating to the issuance, continuation and termination of teachers' contracts.

Also: That the Senate has on May 11, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 357, a bill for an act relating to investment by state banks in revenue bonds issued by municipalities.

Also: That the Senate has on May 11, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1092, a bill for an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review.

Also: That the Senate has on May 11, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1124, a bill for an act providing an appropriation to carry out a study of operational aspects of the department of social services which relate to Title XIX.

Also: That the Senate has on May 11, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1190, a bill for an act relating to financing and administration of the office of the attorney general.

Also: That the Senate has on May 11, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes.

Also: That the Senate has on May 11, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1285, a bill for an act temporarily exempting department of social services from certain restrictions relative to duration of employment.

Also: That the Senate has on May 11, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1295, a bill for an act relating to the rules of the board of parole.

STEVEN C. CROSS, Secretary

SPONSOR WITHDRAWN

(Amendment H—6563 to Senate File 1310)

Scheelhaase of Woodbury requests he be withdrawn as a sponsor of amendment H—6563 to Senate File 1310.

SENATE AMENDMENT CONSIDERED

Dyrland of Clayton called up for consideration **House File 628**, a bill for an act relating to school bus transportation requirements, amended by the Senate as follows:

H—6601

Amend House File 628, as amended and passed by the House as follows:

1. Page 1, by inserting the following section before line 1:

"Section 1. Section two hundred eighty-five point one (285.1), subsection three (3), Code 1975, is amended to read as follows:

3. In any district where transportation by school bus is impracticable or where school bus service is not available, the board may require the parents or guardian to transport their children to the school designated for attendance. The parent or guardian shall be reimbursed for such transportation service for elementary pupils by the board of resident district for the distance one way from the pupil's residence to the school designated for attendance at the rate of [twenty-eight] *fifty-six* cents per mile per day irrespective of number of children transported. For high school pupils, the parent or guardian shall be reimbursed [forty] *eighty* dollars per pupil per year for such service, provided however no family shall receive more than [eighty] *one hundred sixty* dollars per year for transporting the members of the family who attend high school. The provisions of this section shall apply to eligible nonpublic school pupils as well as to eligible public school pupils. However, reimbursement for nonpublic school pupils shall not exceed [forty] *eighty* dollars per pupil per year.

The provisions of this subsection shall be effective for transportation of children commencing with the second semester of the school year beginning July 1, 1975."

2. Page 1, by inserting after line 11 the following section:

"Sec. ..... Section two hundred eighty-five point one (285.1), subsection seventeen (17), paragraph c, Code 1975, is amended to read as follows:

c. Utilizing the transportation reimbursement provision of subsection 3. However, no reimbursement shall exceed [forty] *eighty* dollars per nonpublic school pupil per year."

3. Page 1, by inserting after line 28 the following: "Claims shall be allowed where practical, and at the option of the public school district of the pupil's residence, subject to approval by the area education agency of the pupil's residence, under the provisions of subsection three (3) of section

two hundred eighty-five point nine (285.9) of the Code, the public school district of the pupil's residence may transport any pupil to a school located

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in a contiguous public school district outside the boundary lines of the public school district of the pupil's residence. The public school district of the pupil's residence may contract with the contiguous public school district or with a private contractor under the provisions of section two hundred eighty-five point five (285.5) of the Code to transport the pupils to the school of attendance within the boundary lines of the contiguous public school district. The public school district in which the pupil resides may contract with the contiguous public school district or with a private contractor under the provisions of section two hundred eighty-five point five (285.5) of the Code to transport the pupil from the pupil's residence or from designated school bus collection locations to the school located within the boundary lines of the contiguous public school district, subject to the approval of the area education agency of the pupil's residence. The public school district of the pupil's residence may utilize the reimbursement provisions of section two hundred eighty-five point one (285.1), subsection three (3) of the Code."

4. Page 2, by inserting after line 6 the following section:

"Sec. ..... Section two hundred eighty-five point ten (285.10), subsection nine (9), Code 1975, is amended to read as follows:

9. In the discretion of the board, furnish a school bus and services of a qualified driver to an organization of, or sponsoring activities for, senior citizens, children, or handicapped persons in this state. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver *except when the bus is used for transporting pupils to and from extracurricular activities sponsored by the school.* A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils."

5. Page 2, by inserting after line 6 the following:

"Sec. ..... Section two hundred eighty-five point eleven (285.11), subsection seven (7), Code 1975, is amended to read as follows:

7. No bus shall leave the public highway to receive or discharge pupils *unless their safety is enhanced thereby, or the private road is maintained in the same manner as a public roadway provided that such bus shall not proceed more than five hundred (500) feet on such private road. Vehicles transporting*

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physically handicapped pupils are exempt from the requirement that the private roadway be comparable in width and construction to a public roadway.".

6. Page 3, by inserting after line 3 the following section:

"Sec. ..... Section three hundred twenty-one point three hundred seventy-three (321.373), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. A school bus may be equipped with a white flashing strobe light mounted on the roof of the bus to afford optimum visibility during periods of inclement weather. The light shall be of a type approved by the department of transportation and shall be installed and operated in accordance with rules promulgated by the department of public instruction. Each new school bus put into initial service after January 1, 1977 shall be equipped with such a light."

7. Page 3, by adding after line 10 the following:

"Sec. ..... 1. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Fremont Gazette, a newspaper published in Fremont, Iowa, and in The Record, a newspaper published in Cedar Rapids, Iowa.

2. The sections of this Act amending section two hundred eighty-five point one (285.1), subsection five (5), Code 1975; section two hundred eighty-five point two (285.2), unnumbered paragraph four (4), Code 1975; section two hundred eighty-five point one (285.1), subsection three (3), Code 1975; and section two hundred eighty-five point one (285.1), subsection seventeen (17), shall take effect after its publication as provided in paragraph one (1) of this section. The remaining sections of this Act shall take effect on July 1, 1976."

8. Renumber sections and correct internal references in conformance with this amendment.

Dyrland of Clayton offered the following amendment H—6649, to the Senate amendment H—6601, filed by him and moved its adoption:

H—6649

Amend the Senate amendment H—6601, to House File 628, as follows:

1. Page 3, line 23, by striking "Cedar Rapids" and inserting in lieu thereof "Cedar Falls".

A non-record roll call was requested.

The ayes were 42, nays 21.

Amendment H—6649 was adopted.

Daggett of Adams offered the following amendment H—6654, to the Senate amendment H—6601, filed by him from the floor and moved its adoption:

H—6654

Amend the Senate amendment H—6601, to House File 628, as follows:

1. Page 1, by striking lines 29 through 32.

Amendment H—6654 lost.

Jesse of Polk in the chair at 10:12 a.m.

Schroeder of Pottawattamie offered the following amendment H—6653, to the Senate amendment H—6601, filed by him from the floor and moved its adoption:

H—6653

Amend the Senate amendment H—6601, to House File 628, as follows:

1. Page 2, line 48, by striking everything after the word "roadway" and inserting in lieu thereof a period.
2. Page 2, by striking all of lines 49 and 50.
3. Page 3, by striking lines 1 through 8.

Amendment H—6653 was adopted.

Bittle of Polk offered the following amendment H—6653, to the Senate amendment H—6601, filed by him from the floor and moved its adoption:

H—6655

Amend the Senate amendment H—6601, to House File 628, as follows:

1. Page 1, by striking lines 42 through 50.
2. Page 2, by striking lines 1 through 22.

Roll call was requested by Nealson of Muscatine and Perkins of Greene.

On the question "Shall amendment H—6655, to the Senate amendment H—6601, be adopted?"

The ayes were, 30:

Anderson	Danker	Kreamer	Oakley
Bennett	Dunton	Menke	Pellett
Binneboese	Egenes	Middleswart	Poncy
Bittle	Evans	Middleton	Schroeder
Bortell	Harper	Millen	Welden
Crabb	Hines	Nealson	West
Crawford	Hullinger	Nielsen	Wyckoff
Daggett	Koogler		

The nays were, 61:

Avenson	Fitzgerald	Krause	Rinas
Baker	Gentleman	Lageschulte	Spear
Bina	Gilloon	Lindeen	Spencer
Brandt	Griffee	Lipsky	Spradling
Branstad	Halvorson	Lonergan	Stromer
Brockett	Hansen	Mennenga	Svoboda
Brunow	Harvey	Miller, A. V.	Tauke
Clark	Hennessey	Miller, K. D.	Tofte
Cochran	Higgins	Miller, O. L.	Varley
Connors	Hinkhouse	Newhard	Walter
Cusack	Horn	O'Halloran	Wells
Den Herder	Howell	Patchett	Woods
Dieleman	Husak	Pavich	Wulff
Doyle	Hutchins	Perkins	Mr. Speaker
Drake	Jochum	Readinger	(Jesse)
Dyrland	Junker		

Absent or not voting, 8:

Byerly	Jordan	Monroe	Scheelhaase
Hargrave	McElroy	Norland	Small

Amendment H—6655 lost.

Dyrland of Clayton moved that the House concur in the Senate amendment H—6601, as amended.

A non-record roll call was requested.

The ayes were 58, nays 26.

The motion prevailed and the House concurred in the Senate amendment H—6601, as amended.

Woods of Polk in the chair at 11:38 a.m.

Dyrland of Clayton moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 628)

The ayes were, 74:

Anderson	Dieleman	Harper	Krause
Avenson	Doyle	Harvey	Lageschulte
Baker	Drake	Hennessey	Lindeen
Bina	Dunton	Higgins	Lipsky
Brandt	Dyrland	Hines	Lonergan
Branstad	Egenes	Hinkhouse	Mennenga
Brockett	Evans	Horn	Middleton
Brunow	Fitzgerald	Howell	Miller, A. V.
Clark	Gentleman	Husak	Miller, K. D.
Cochran	Gilloon	Hutchins	Miller, O. L.
Connors	Griffee	Jesse	Newhard
Crabb	Halvorson	Jochum	Norland
Cusack	Hansen	Jordan	O'Halloran
Den Herder	Hargrave	Junker	Patchett

Pavich	Small	Svoboda	Wells
Perkins	Spear	Tauke	Wulff
Poncy	Spencer	Tofte	Mr. Speaker
Readinger	Spradling	Varley	(Woods)
Rinas	Stromer	Walter	

The nays were, 22:

Bennett	Hullinger	Millen	Scheelhaase
Bittle	Koogler	Nealson	Schroeder
Bortell	Kreamer	Nielsen	Welden
Crawford	McElroy	Oakley	West
Daggett	Menke	Pellett	Wyckoff
Danker	Middleswart		

Absent or not voting, 3:

Binneboese	Byerly	Monroe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 628)

Dyrland of Clayton asked and received unanimous consent that **House File 628** be **immediately messaged** to the Senate.

On motion by Fitzgerald of Webster, the House was recessed until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren for a portion of the afternoon session on request of Hullinger of Decatur.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 13, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1059, a bill for an act relating to property tax levies and budget limitations.

Also: That the Senate has on April 20, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1123, a bill for an act relating to noxious weeds.

Also: That the Senate has on May 13, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1432, a bill for an act relating to vehicle transportation by providing for the use of credit cards for posting of bond and payment of certain fees.

Also: That the Senate has on May 11, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1278, a bill for an act relating to airports and aeronautics.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1059

H—6673

Amend House File 1059 as passed by the House as follows:

1. Page 2, by inserting after line 2, the following:

"Sec. 2. The provisions of this Act shall be governed by budget limitations contained in Senate File 1062, passed by the Sixty-sixth General Assembly, 1976 session."

SENATE AMENDMENT TO HOUSE FILE 1123

H—6672

Amend House File 1123 as follows:

1. Page 1, line 11, by striking after the word "*annual,*", the words "*silver plumegrass (Miscanthus sacchariflorous),*".

SENATE AMENDMENT TO HOUSE FILE 1432

H—6675

Amend House File 1432, as amended and passed by the House, as follows:

1. Page 1, by striking lines 1 through 10.

2. Page 3, by adding after line 23 the following:

"Sec. ..... Section three hundred twenty-one E point sixteen (321E.16), Code 1975, is amended to read as follows:

321E.16 VIOLATIONS—PENALTIES. *A person shall not commit any act forbidden or fail to perform any act required by the provisions of this chapter or any provision of rules adopted pursuant to section three hundred twenty-one E point fifteen (321E.15) of the Code.* Any person who is convicted of a violation of any provision other than length, height, width, or weight of any permit issued under this chapter shall be punished by a fine of not less than one hundred dollars, nor more than five hundred

dollars. The fine for violation of the length, height, width, and weight allowed by permit shall be based upon the difference between the actual length, height, width, and weight of the vehicle and load and the maximum allowable by permit and in accordance with section 321.482 for violations of length, height, or width limitations and sections 321.482 and 321.463 for violation of weight limitations. If a vehicle with indivisible load traveling under permit is found to be in violation of weight limitations, the vehicle operator shall be allowed a reasonable amount of time to remove any ice, mud, snow, and other weight attributable to climatic conditions accumulated along the route prior to application of the penalties prescribed in sections 321.463 and 321.482."

3. Page 3, by striking lines 24 through 32.

4. Page 5, lines 26 through 31, by striking the words *"Effective July 1, 1977, each citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer."*

5. Page 6, by inserting after line 13 the following:

"Sec. ..... Section seven hundred fifty-three point fifteen (753.15), subsection six (6), Code 1975, is amended to read as follows:

6. Excess speed up to ten miles per hour over the legal limit, [twenty] *ten* dollars."

6. Page 6, line 18, by striking the word "fifty" and inserting in lieu thereof the word "twenty-five".

7. By renumbering the sections in accordance with

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this amendment.

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1278

H—6674

Amend the House amendment S—5691, to Senate File 1278, by striking lines 3 through 11.

QUORUM CALL

Roll call was requested by Small of Johnson and Koogler of Mahaska to determine that a quorum was present.

Present, 70:

Anderson	Binneboese	Crabb	Den Herder
Avenson	Bittle	Crawford	Dieleman
Baker	Branstad	Cusack	Doyle
Bennett	Brockett	Daggett	Dunton
Bina	Connors	Danker	Dyrland

Evans	Howell	Millen	Spencer
Fitzgerald	Hullinger	Miller, A. V.	Spradling
Griffee	Husak	Miller, O. L.	Stromer
Halvorson	Jesse	Nealson	Svoboda
Hansen	Jochum	Norland	Tofte
Hargrave	Jordan	O'Halloran	Varley
Harper	Junker	Patchett	Welden
Harvey	Koogler	Pavich	West
Hennessey	Lageschulte	Perkins	Woods
Higgins	Lindeen	Scheelhaase	Wulff
Hines	Lipsky	Schroeder	Wyckoff
Hinkhouse	Lonergan	Small	Mr. Speaker
Horn	McElroy		

Absent, 22:

Byerly	Hutchins	Newhard	Readinger
Clark	Kreamer	Nielsen	Spear
Drake	Mennenga	Oakley	Tauke
Egenes	Middleswart	Pellett	Walter
Gentleman	Middleton	Poncy	Wells
Gilloon	Monroe		

Excused, 7:

Bortell	Brunow	Menke	Rinas
Brandt	Krause	Miller, K. D.	

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 48 for the committee on appropriations subcommittee on transportation meeting and those members be allowed to vote.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 11, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1478, a bill for an act regulating the establishment and use of electronic fund transfer systems.

Also: That the Senate has on May 11, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1265, a bill for an act to establish a uniform removal procedure for advertising devices.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1478

H—6657

Amend House File 1478, as amended, passed and reprinted by the House as follows:

1. Page 3, line 22, by striking everything after the word "fifty" through line 29 and inserting in

lieu thereof the following: "thousand [according to the most recent federal census may establish two such offices within the boundaries of the municipal corporation or urban complex, if the municipal corporation or urban complex has a population of over one hundred thousand] but not over".

2. Page 3, line 30, by striking the words "one hundred thousand but not over".

3. Page 10, lines 30 and 31, by striking the word and figure "ten (10)" and inserting in lieu thereof the word and figure "twelve (12)".

4. Page 10, by inserting after line 31 the following new subsection:

"7. "Multiple use terminal" means any machine or device to which all of the following are applicable:

a. The machine or device is owned or operated by a person who primarily engages in a service, business or enterprise, including but not limited to the retail sale of goods or services, but who is not organized under the laws of this state or under federal law as a bank, savings and loan association, or credit union;

b. The machine or device is used by the person by whom it is owned or operated in some capacity other than as a satellite terminal; and

c. A financial institution proposes to contract or has contracted to utilize that machine or device as a satellite terminal."

5. Page 10, by striking line 32 and inserting in lieu thereof the following:

"Sec. 12. *NEW SECTION.* ENFORCEMENT.

1. For purposes of this".

6. Page 11, by inserting after line 6 the following new subsections:

"2. The administrator shall have the authority to examine any person who operates a multiple use terminal or other satellite terminal, and any other device or facility with which such terminal is interconnected, as to any transaction by, with, or involving a financial institution. Information obtained in the course of such an examination shall not be disclosed, except as provided by law.

3. Nothing contained in this chapter shall authorize the administrator to regulate the conduct of business functions or to obtain access to any business records, data, or information of a person

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who operates a multiple use terminal, except those pertaining to a financial transaction engaged in through a satellite terminal, or as may otherwise be provided by law.

4. Nothing contained in this chapter shall be construed to prohibit or to authorize the administrator to prohibit an operator of a multiple use

terminal, other than a financial institution, or an operator of any other device or facility with which such terminal is interconnected, other than a central routing unit or data processing center (as defined in section eleven (11) of this Act) from using those facilities to perform internal proprietary functions, including the extension of credit pursuant to an open end credit arrangement."

7. Page 11, line 25, by inserting after the word "location" the words "except pursuant to an agreement with a financial institution which is authorized by the preceding sentence to establish a satellite terminal at that location and which will utilize the satellite terminal so established".

8. Page 12, line 1, by inserting after the word "chapter." the words "The use and operation of each satellite terminal shall be governed by a written agreement between the controlling financial institution and the person controlling the physical location at which the satellite terminal is placed. The written agreement shall specify all of the terms and conditions, including any fees and charges, under which a satellite terminal is placed at that location. In the event a satellite terminal is a multiple use terminal, the written agreement shall specify, and may limit, the specific types of transactions incidental to the conduct of the business of a financial institution which may be engaged in through that terminal."

9. Page 12, by striking lines 25 through 35, and page 13, by striking lines 1 and 2.

10. Page 13, by striking lines 17 through 22 and inserting in lieu thereof the following:

"The informational statement shall be accompanied by a copy of the written agreement required by subsection one (1) of this section. The".

11. Page 15, line 24, by inserting after the word "state." the following: "However, satellite terminals established in any county of this state which is contiguous to a border of this state may be utilized to accomplish all debit and credit transactions involving financial institutions established in any county of another state when that county is contiguous

to the same border of this state if the laws of that other state and if the persons in control of satellite terminals located in that other state permit customers to utilize, on substantially equivalent terms and conditions, satellite terminals located in that state to accomplish transactions involving financial institutions in this state. The administrator shall promulgate rules which prohibit or limit the utilization of satellite terminals established in this state to accomplish transactions involving

financial institutions located in another state to the extent necessary to assure compliance with the provisions of this section."

12. Page 15, by inserting after line 24 the following new section:

"Sec. ..... *NEW SECTION.* DISCLOSURE OF TERMS. Prior to permitting a customer or member to engage in transactions in such person's account with a financial institution through use of a satellite terminal, the financial institution shall provide such person with a written statement which sets forth the terms under which such transactions will be permitted, including, but not limited to, the following information:

1. The specific transactions which, subject to the capabilities of individual satellite terminals, may be performed through a satellite terminal by such person.

2. The fixed charges, if any, for permitting such person to engage in transactions through a satellite terminal.

The charges, if any, for individual transactions engaged in through a satellite terminal, and the method for determining such charges.

4. The minimum balance, if any, which must be maintained by such person in an account with a financial institution as a condition for engaging in transactions in such account through a satellite terminal.

5. The limitation on the liability of the customer or member for losses incurred by such person as a result of transactions through a satellite terminal which were not authorized by such person or to which such person was not a party.

6. The legal status of receipts issued from a satellite terminal.

7. The right of the customer or member to a description of transactions performed through a satellite terminal on any periodic statement of an account of" such person affected by such transactions.

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8. The right of the customer or member to seek correction of any errors believed by such person to have been made as a result of any transaction through a satellite terminal affecting an account of such person with the financial institution."

13. Page 15, line 30, by striking the words "A written".

14. Page 15, by striking line 31 through page 16, line 4, and inserting in lieu thereof the following:

"The machine receipt provided to a satellite account transaction card user by a satellite terminal shall be admissible as evidence in any legal action or

proceeding and shall constitute prima facie proof of the transaction evidenced by that receipt.

A financial institution shall provide each of its satellite account holders with a periodic account statement that shall contain a brief description of all satellite terminal transactions sufficient to enable the account holder to identify any transaction and to relate it to machine receipts provided by satellite terminals.

When a periodic account statement includes both satellite terminal transactions and other nonsatellite terminal transactions, all satellite terminal transactions shall be indicated as such, and shall be accompanied by the description required by this subsection."

15. Page 16, line 14, by striking the word "bank" and inserting in lieu thereof the words "financial institution".

16. Page 16, line 29, by striking the words "LIABILITY. As a condition of" and inserting in lieu thereof the words "LIABILITY AND ERRORS."

17. Page 16, line 30, by striking the word "exercising" and inserting in lieu thereof the words "1. As a condition of exercising".

18. Page 17, by inserting after line 10 the following: new subsections:

"2. If, upon receipt of a periodic statement of account from a financial institution, a customer or member of the financial institution believes that the statement contains an error with respect to a transaction engaged in by such person through a satellite terminal, then such person shall, within sixty (60) days of the date on which such statement was mailed or otherwise delivered by the financial institution, notify the financial institution by means of a writing which (a) sets forth or otherwise enables the financial institution to identify the member

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or customer and the number of the account in question; (b) indicates the customer's or member's belief that the statement contains an error with respect to a transaction engaged in by such person through a satellite terminal, and states the amount of the alleged error; and (c) sets forth the reasons for the person's belief that the statement contains such an error. Unless the action required in subsection three (3) of this section is taken prior to the end of the thirty (30) day period, the financial institution shall acknowledge in writing its receipt of the notice provided for in this subsection within thirty (30) days of its actual receipt thereof.

3. Within ninety (90) days of the financial institution's receipt of the notice described in subsection two (2) of this section, it shall either:

a. Correct the account in question and provide the customer or member with written notification of the correction and, if the correction is not in the exact amount of the alleged error, provide such person with a written explanation of any difference between the alleged error and the correction made; or

b. Provide the customer or member with a written explanation, after having conducted an investigation of the matter, stating the reason the financial institution believes the statement is correct and, within thirty (30) days of further written request of the customer or member, provide such person with a written copy of the record of the transaction in question, as maintained by the financial institution pursuant to section fifteen (15) of this Act.

4. A financial institution which has received a notice specified in subsection two (2) of this section shall not, prior to its compliance with subsection three (3) of this section, close the account concerning which the dispute exists or restrict transactions in such account which affect only the portion thereof which is not in dispute. A financial institution which has complied with the provisions of subsection three (3) of this section with respect to an alleged error concerning a transaction engaged in through a satellite terminal shall have no further responsibility under subsections two (2) through four (4) of this section if the customer or member continues to make substantially the same allegation with respect to such error.

5. If the correction of any error relating to a transaction engaged in through a satellite terminal in an account of a customer or member results in a credit to such account, the financial institution

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shall additionally credit such account with any amount of interest which would have been paid to such customer or member by the financial institution except for the error, or which was paid by such person to the financial institution as a result of the error.

6. A financial institution which fails to comply with the provisions of subsections two (2) through five (5) of this section shall be liable to the customer or member who has complied with such provisions for a civil penalty in the amount of fifty dollars."

19. Page 18, line 3, by inserting after the word "state" the words "and controlled by the same type of financial institution as those financial institutions previously utilizing the services of the applicant central routing unit".

20. Page 18, line 5, by inserting after the word "unit." the words "For the purposes of this paragraph the term "type of financial institution" shall, notwithstanding the issuer of the financial institu-

tion's charter, mean either (a) banks; or (b) savings and loan associations; or (c) credit unions."

21. Renumbering sections and paragraphs to conform with this amendment.

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1265

H—6656

Amend the House amendment S—5616 to Senate File 1265 as passed by the Senate as follows:

1. Page 1, by inserting after line 20 the following:

"Sec. ..... Section three hundred six C point eleven (306C.11), subsection five (5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File ninety-one (91), section one (1), is amended by adding the following new paragraph:

NEW PARAGRAPH. For the year beginning July 1, 1977, and each subsequent year the annual fee shall be equal to the sum of twenty-five dollars plus ten dollars per month. The ten dollar per month portion shall be due on or before the first of each month or payable quarterly with installments due on or before July first, October first, January first, and April first of each year. The ten dollar per month portion of the annual fee shall be used by the department for the design, construction, erection and maintenance of specific information panels and administration costs of collecting the monthly fee. The twenty-five dollar portion of the annual fee shall be deposited in the highway beautification fund."

2. Page 1, line 39, by inserting after the word "notices" the words ", providing for changes in the annual fee for certain advertising devices".

3. Renumber sections as necessary in conformance with this amendment.

CONSIDERATION OF BILLS

STEERING COMMITTEE CALENDAR

House File 1449, a bill for an act to prohibit the use of monitoring devices by employers against employees and providing a penalty, was taken up for consideration.

Hullinger of Decatur offered the following amendment H—6604 filed by him:

H—6604

Amend House File 1449 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Employer" means any person employing one or more employees, but does not include the law enforcement agencies of the state or political subdivisions of the state, or agencies of the federal government.

2. "Employee" means a person who performs labor and services for another for compensation.

3. "Monitoring device" means any electronic listening device or microphone, whether used singly or in combination to provide monitoring of any conversation of employees during the course of employment.

Sec. 2. *NEW SECTION.* PROHIBITION—PENALTY.

1. An employer shall not in any way use to the detriment of an employee information concerning an employee gained from the installation or maintenance of a monitoring device.

2. An employer who violates the provisions of this section or any person who assists an employer in this violation shall be, upon conviction, guilty of a misdemeanor."

Brockett of Marshall offered the following amendment H—6629, to amendment H—6604, filed by him and moved its adoption:

H—6629

Amend amendment H—6604 to House File 1449 line 21 by striking the words "installation or maintenance" and inserting in lieu thereof the word "use".

Amendment H—6629 was adopted.

House File 1449 was temporarily deferred.

WAYS AND MEANS CALENDAR

Senate File 1269, a bill for an act to legalize and validate an election upon the proposition to authorize the board of directors of the Saydel Consolidated School District to sell and convey, or lease, or otherwise dispose of certain real estate, with report of committee recommending passage, was taken up for consideration.

Wyckoff of Benton offered the following amendment H—6550 filed by Byerly of Polk and moved its adoption:

H—6550

Amend Senate File 1269 as follows:

1. Page 2, by striking lines 5 through 10 and

inserting in lieu thereof the words "part of the proposition, such lot being 40 feet off the South side of Lots 11 and 47 of the Official Plat of the North ¾ of Section 22, Township 79, Range 24, also commencing at the Northeast corner of said Lot 11 and running thence South 98.8 feet, thence West 440.89 feet, thence North 98.8 ft. to the North line of said Lot 11, thence East 440.89 ft. to Place of beginning; and".

2. Page 2, line 16, by striking the words "for said Lot Eleven (11)".

3. Page 2, by striking lines 18 through 21 and inserting in lieu thereof the words "but it appears that the 40 feet off the South side of Lots 11 and 47 of the Official Plat of the North ¾ of Section 22, Township 79, Range 24, also commencing at the Northeast corner of said Lot 11 and running thence South 98.8 ft., thence West 440.89 feet, thence North 98.8 ft. to the North line of said Lot 11, thence East 440.89 ft. to Place of beginning, is part of the property owned by the Saydel Consolidated".

4. Page 3, by striking lines 4 through 8 and inserting in lieu thereof the following: "40 feet off the South side of Lots 11 and 47 of the Official Plat of the North ¾ of Section 22, Township 79, Range 24, also commencing at the Northeast corner of said Lot 11 and running thence South 98.8 ft., thence West 440.89 feet, thence North 98.8 ft. to the North line of said Lot 11, thence East 440.89 ft. to Place of beginning".

Amendment H—6550 was adopted.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Bittle of Polk refrained from voting.

On the question "Shall the bill pass?" (S.F. 1269)

The ayes were, 91:

Anderson	Crabb	Gentleman	Hullinger
Avenson	Crawford	Gilloon	Husak
Baker	Cusack	Griffee	Hutchins
Bennett	Daggett	Hansen	Jesse
Bina	Den Herder	Hargrave	Jochum
Binneboese	Dieleman	Harper	Jordan
Bortell	Doyle	Harvey	Junker
Brandt	Drake	Hennessey	Koogler
Branstad	Dunton	Higgins	Krause
Brockett	Dyrland	Hines	Kreamer
Brunow	Egenes	Hinkhouse	Lageschulte
Clark	Evans	Horn	Lindeen
Connors	Fitzgerald	Howell	Lipsky

Lonergan	Nielsen	Rinas	Varley
McElroy	Norland	Scheelhaase	Walter
Menke	Oakley	Schroeder	Welden
Middleton	O'Halloran	Small	Wells
Millen	Patchett	Spear	West
Miller, A. V.	Pavich	Spencer	Woods
Miller, K. D.	Pellett	Spradling	Wulff
Miller, O. L.	Perkins	Stromer	Wyckoff
Nealson	Poncy	Svoboda	Mr. Speaker
Newhard	Readinger	Tofte	

The nays were, 1:

Tauke

Absent or not voting, 7:

Bittle	Danker	Mennenga	Monroe
Byerly	Halvorson	Middleswart	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

STEERING COMMITTEE CALENDAR

The House resumed consideration of **House File 1449**, a bill for an act to prohibit the use of monitoring devices by employers against employees and providing a penalty, and amendment H—6604, as amended.

Egenes of Story offered the following amendment H—6652, to amendment H—6604, filed by her:

H—6652

Amend the Hullinger amendment, H—6604, to House File 1449 as follows:

1. Page 1, by striking lines 1 through 3 and inserting in lieu thereof the following:

"1. By striking all after the enacting clause and inserting in lieu thereof the following:"

2. By inserting after line 12 the following new subsection:

"3. "Third person" means any person other than an employer and the employees of that employer."

3. Line 17, by inserting after the word "employment" the words ", or to provide monitoring of any conversation of third persons whether or not with the employer or employees".

4. By striking line 18 and inserting in lieu thereof the following:

"Sec. 2. *NEW SECTION*. PROHIBITED ACTS—PENALTY."

5. By inserting after line 22 the following new subsections:

"2. An employer or an employee shall not in any way use to the detriment of a third person information concerning that third person gained from the installation or maintenance of a monitoring device.

3. An employer or an employee shall not cause

the use of a monitoring device to monitor the conversation of either an employee or a third person unless the employer or employee notifies the employee or third person either prior to or immediately following the conversation of the use of the monitoring device."

6. Line 23, by striking the numeral "2." and inserting in lieu thereof the numeral "4."

7. Line 23, by inserting after the word "employer" the words "or employee".

8. By inserting after line 26 the following:

"Sec. 3. *NEW SECTION.* EXCEPTIONS. The prohibitions of section two (2) of this Act shall not apply to the use by any person of either a monitoring device or information obtained thereby in any of the following circumstances:

1. If the monitoring device is installed and operated under the authority of a warrant issued by a court of this state or of the United States; or

2. If the monitoring device is being used by an employer or employee and the conversation monitored by the device establishes or is evidence of the commission or attempted commission of a crime."

2. Amend the title by striking lines 1 and 2 and inserting in lieu thereof the words "An Act to regulate the use of monitoring devices by employers and

Page 2

employees and providing a penalty."

Egenes of Story asked for unanimous consent to strike the words "of this state or" in line 43 of amendment H—6652.

Egenes of Story moved that the rules be suspended to strike the words "of this state or" in line 43 of amendment H—6652, to amendment H—6604.

A non-record roll call was requested.

The ayes were 40, nays 42.

The motion lost.

Egenes of Story moved the adoption of amendment H—6652, to amendment H—6604.

Amendment H—6652 lost.

Fitzgerald of Webster moved the previous question on House File 1449 and all amendments filed thereto.

A non-record roll call was requested.

The ayes were 55, nays 35.

The motion prevailed.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford for the remainder of the day and May 14 on request of Millen of Van Buren.

Doyle of Woodbury offered the following amendment H—6664, to amendment H—6604, filed by him from the floor and moved its adoption:

H—6664

Amend the amendment H—6604 to House File 1449, page 1, line 26, by inserting after the word "misdemeanor" the words "and shall be fined not to exceed one hundred dollars or imprisoned in the county jail not to exceed thirty days".

Amendment H—6664 was adopted.

Hullinger of Decatur moved the adoption of amendment H—6604, as amended.

Roll call was requested by Bittle of Polk and Egenes of Story.

Rule 70 was invoked.

On the question "Shall amendment H—6604, as amended, be adopted?"

The ayes were, 43:

Bennett	Dunton	Lipsky	Perkins
Bittle	Egenes	Lonergan	Readinger
Bortell	Evans	McElroy	Schroeder
Branstad	Halvorson	Menke	Spear
Brockett	Hansen	Middleswart	Stromer
Clark	Harper	Millen	Tofte
Daggett	Harvey	Miller, K. D.	Varley
Danker	Hullinger	Miller, O. L.	Welden
Den Herder	Kreamer	Nealson	West
Dieleman	Lageschulte	Oakley	Wulff
Drake	Lindeen	Pellett	

The nays were, 53:

Anderson	Gilloon	Jordan	Poncy
Avenson	Griffee	Junker	Rinas
Baker	Hargrave	Koogler	Scheelhaase
Bina	Hennessey	Krause	Small
Binneboese	Higgins	Mennenga	Spencer
Brandt	Hines	Middleton	Spradling
Brunow	Hinkhouse	Miller, A. V.	Svoboda
Connors	Horn	Newhard	Tauke
Crawford	Howell	Nielsen	Walter
Cusack	Husak	Norland	Wells
Doyle	Hutchins	O'Halloran	Woods
Dyrland	Jesse	Patchett	Wyckoff
Fitzgerald	Jochum	Pavich	Mr. Speaker
Gentleman			

Absent or not voting, 3:

Byerly Crabb Monroe

Amendment H—6604, as amended, lost.

Junker of Woodbury offered the following amendment H—6671 filed by him from the floor and moved its adoption:

H—6671

Amend House File 1449 as follows:
1. Page 1, by striking lines 4 through 6 and inserting in lieu thereof the following: "ployees, but does not include any federal, state or local law enforcement agencies."

Amendment H—6671 was adopted.

Junker of Woodbury offered the following amendment H—6670 filed by Junker, Mennenga and Miller of Buchanan from the floor and moved its adoption:

H—6670

Amend House File 1449 as follows:
1. Page 1, line 14, by striking the words "provide monitoring of any" and inserting in lieu thereof the words "listen to, for the purpose of auditing,".

Amendment H—6670 was adopted.

Higgins of Scott offered the following amendment H—6660 filed by him from the floor:

H—6660

Amend House File 1449 as follows:
1. Page 1, line 21, by inserting after the word "employment" the following: "without the express consent of the employee and the third party prior to the conversation, however, consent of an employee shall not be required as a condition of employment".
2. By inserting after line 25 the following:
Section 3. *NEW SECTION.* EXCEPTIONS. The prohibitions of section two (2) of the Act shall not apply to the use by any person of either a monitoring device or information obtained thereby in any of the following circumstances:
1. If the monitoring device is installed and operated under the authority of a warrant issued by a court of the United States; or
2. If the monitoring device is being used by an employer or employee and the conversation monitored by the device establishes or is evidence of the commission or attempted commission of a crime."
3. Amend the title by striking lines 1 and 2 and inserting in lieu thereof the words "An Act to

regulate the use of monitoring devices by employers and employees and providing a penalty."
4. Renumber the following sections accordingly.

Drake of Muscatine rose on a point of order that amendment H—6660 was not germane.

The Speaker ruled the point not well taken and amendment H—6660 germane.

Small of Johnson offered the following amendment H—6669, to amendment H—6660, filed by him from the floor and moved its adoption:

H—6669

Amend the amendment H—6660 to House File 1449, by striking from line 4 the following words: "and the third party".

Amendment H—6669 was adopted.

Jochum of Dubuque moved to reconsider the vote by which amendment H—6669 was adopted by the House.

Brunow of Appanoose in the chair at 3:58 p.m.

Jochum of Dubuque asked and received unanimous consent to withdraw his motion to reconsider amendment H—6669.

Higgins of Scott moved the adoption of amendment H—6660, as amended.

A non-record roll call was requested.

The ayes were 52, nays 25.

Amendment H—6660, as amended, was adopted.

Doyle of Woodbury offered the following amendment H—6665 filed by him from the floor and moved its adoption:

H—6665

Amend House File 1449, page 1, line 29, by inserting after the word "misdemeanor" the words "and shall be fined not to exceed one hundred dollars or imprisoned in the county jail not to exceed thirty days".

Amendment H—6665 was adopted.

Millen of Van Buren moved that **House Concurrent Resolution 109** be substituted for House File 1449.

The Speaker ruled the motion, having received debate, was not in order.

Harvey of Scott moved to suspend the rules to substitute House Concurrent Resolution 109 for House File 1449.

Roll call was requested by Higgins of Scott and Small of Johnson.

On the question "Shall the rules be suspended to substitute House Concurrent Resolution 109 for House File 1449?"

The ayes, 33:

Bennett	Den Herder	Junker	Pellett
Bittle	Drake	Lageschulte	Readinger
Bortell	Egenes	Lindeen	Schroeder
Branstad	Evans	Lipsky	Stromer
Brockett	Gentleman	McElroy	Tofte
Clark	Halvorson	Menke	Welden
Crawford	Hansen	Millen	West
Daggett	Harvey	Nealson	Wulff
Danker			

The nays, 53:

Anderson	Gilloon	Jordan	Poncy
Avenson	Hargrave	Koogler	Rinas
Baker	Harper	Krause	Scheelhaase
Bina	Hennessey	Lonergan	Small
Binneboese	Higgins	Mennenga	Spencer
Brandt	Hines	Middleswart	Spradling
Cochran	Hinkhouse	Middleton	Tauke
Connors	Horn	Miller, A. V.	Walter
Cusack	Howell	Newhard	Wells
Dieleman	Hullinger	Norland	Woods
Doyle	Husak	O'Halloran	Wyckoff
Dunton	Hutchins	Patchett	Mr. Speaker
Dyrland	Jesse	Pavich	(Brunow)
Fitzgerald	Jochum		

Absent or not voting, 13:

Byerly	Miller, K. D.	Nielsen	Spear
Crabb	Miller, O. L.	Oakley	Svoboda
Griffee	Monroe	Perkins	Varley
Kreamer			

The motion lost.

Higgins of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1449)

The ayes were, 57:

Anderson	Cochran	Dunton	Hargrave
Avenson	Connors	Dyrland	Harper
Baker	Crawford	Fitzgerald	Hennessey
Bina	Cusack	Gentleman	Higgins
Binneboese	Doyle	Gilloon	Hines
Brandt	Drake	Griffee	Hinkhouse

Horn	Krause	Pavich	Tauke
Howell	Mennenga	Poncy	Walter
Husak	Middleton	Rinas	Wells
Hutchins	Miller, A. V.	Scheelhaase	Woods
Jesse	Miller, K. D.	Small	Wulff
Jochum	Newhard	Spencer	Wyckoff
Jordan	Norland	Spradling	Mr. Speaker
Junker	O'Halloran	Svoboda	(Brunow)
Koogler	Patchett		

The nays were, 35:

Bennett	Dieleman	Lipsky	Pellett
Bittle	Egenes	Lonergan	Perkins
Bortell	Evans	McElroy	Readinger
Branstad	Halvorson	Menke	Stromer
Brockett	Hansen	Middleswart	Tofte
Clark	Harvey	Millen	Varley
Daggett	Hullinger	Miller, O. L.	Welden
Danker	Lageschulte	Nealson	West
Den Herder	Lindeen	Oakley	

Absent or not voting, 7:

Byerly	Kreamer	Nielsen	Spear
Crabb	Monroe	Schroeder	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the day and May 14 on request of Wyckoff of Benton; Brockett of Marshall and West of Marshall for the remainder of the day on request of Evans of Grundy.

HOUSE INSISTS

(Senate File 266)

Connors of Polk called up for consideration **Senate File 266**, a bill for an act relating to leaves of absence for persons who are elected to a municipal, county, state or federal office and providing penalties, and moved that the House recede from its amendment to Senate File 266.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 43, nays 43.

The motion lost and the House insists on its amendment.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lindeen of Henry for the remainder of the day on request of Poncy of Wapello.

QUORUM CALL

Roll call was requested by Hargrave of Johnson and Bina of Scott to determine that a quorum was present.

Present, 59:

Anderson	Dyrland	Husak	Readinger
Avenson	Egenes	Hutchins	Rinas
Baker	Fitzgerald	Jochum	Schroeder
Bennett	Gentleman	Koogler	Spradling
Bina	Gilloon	Krause	Stromer
Binneboese	Hansen	McElroy	Svoboda
Bittle	Hargrave	Menke	Tauke
Bortell	Harper	Millen	Varley
Brandt	Harvey	Miller, K. D.	Walter
Branstad	Hennessey	Miller, O. L.	Welden
Brunow	Hines	Newhard	Woods
Clark	Hinkhouse	Norland	Wulff
Crawford	Horn	Patchett	Wyckoff
Dieleman	Howell	Pavich	Mr. Speaker
Dunton	Hullinger	Poncy	

Absent, 40:

Brockett	Evans	Lipsky	O'Halloran
Byerly	Griffee	Lonergan	Pellett
Connors	Halvorson	Mennenga	Perkins
Crabb	Higgins	Middleswart	Scheelhaase
Cusack	Jesse	Middleton	Small
Daggett	Jordan	Miller, A. V.	Spear
Danker	Junker	Monroe	Spencer
Den Herder	Kreamer	Nealson	Tofte
Doyle	Lageschulte	Nielsen	Wells
Drake	Lindeen	Oakley	West

CONSIDERATION OF BILLS

WAYS AND MEANS CALENDAR

Senate File 1291, a bill for an act to legalize the incorporation of the city of Yale, Iowa, with report of committee recommending passage, was taken up for consideration.

Hutchins of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1291)

The ayes were, 74:

Anderson	Fitzgerald	Krause	Perkins
Avenson	Gentleman	Lipsky	Poncy
Baker	Gilloon	Lonergan	Readinger
Bennett	Halvorson	McElroy	Rinas
Bina	Hansen	Menke	Schroeder
Binneboese	Hargrave	Middleswart	Spencer
Bittle	Harper	Middleton	Spradling
Bortell	Harvey	Millen	Stromer
Brandt	Hennessey	Miller, A. V.	Svoboda
Branstad	Higgins	Miller, K. D.	Tauke
Brunow	Hines	Miller, O. L.	Varley
Clark	Hinkhouse	Newhard	Walter
Connors	Horn	Nielsen	Welden
Crawford	Howell	Norland	Wells
Cusack	Hullinger	Oakley	Woods
Dieleman	Husak	O'Halloran	Wulff
Drake	Hutchins	Patchett	Wyckoff
Dunton	Jochum	Pavich	Mr. Speaker
Dyrland	Koogler		

The nays were, none.

Absent or not voting, 25:

Brockett	Egenes	Kreamer	Pellett
Byerly	Evans	Lageschulte	Scheelhaase
Crabb	Griffee	Lindeen	Small
Daggett	Jesse	Mennenga	Spear
Danker	Jordan	Monroe	Tofte
Den Herder	Junker	Nealson	West
Doyle			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1442, a bill for an act to legalize and validate the proceedings of the board of directors of the Des Moines Area Community College (merged Area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, and the Polk County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto, with report of committee recommending amendment and passage, was taken up for consideration.

Wyckoff of Benton offered the following amendment H—6346 filed by the committee on ways and means and moved its adoption:

H—6346

1 Amend House File 1442, page 2, by striking lines
2 13 through 18 and inserting in lieu thereof the follow-

ing:

"Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Pella Chronicle, a newspaper published in Pella, Iowa, and in the Patriot-Chronicle, a newspaper published in What Cheer, Iowa."

Amendment H—6346 was adopted.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1442)

The ayes were, 75:

Anderson	Egenes	Koogler	Perkins
Avenson	Fitzgerald	Krause	Poncy
Baker	Gentleman	Lipsky	Readinger
Bennett	Gilloon	Lonergan	Rinas
Bina	Halvorson	McElroy	Schroeder
Bittle	Hansen	Menke	Spencer
Bortell	Hargrave	Middleswart	Spradling
Brandt	Harper	Middleton	Stromer
Branstad	Harvey	Millen	Svoboda
Brunow	Hennessey	Miller, A. V.	Tauke
Clark	Higgins	Miller, K. D.	Varley
Connors	Hines	Miller, O. L.	Walter
Crawford	Hinkhouse	Newhard	Welden
Cusack	Horn	Nielsen	Wells
Dieleman	Howell	Norland	Woods
Doyle	Hullinger	Oakley	Wulff
Drake	Husak	O'Halloran	Wyckoff
Dunton	Hutchins	Patchett	Mr. Speaker
Dyrland	Jochum	Pavich	

The nays were, none.

Absent or not voting, 24:

Binneboese	Den Herder	Kreamer	Pellett
Brockett	Evans	Lageschulte	Scheelhaase
Byerly	Griffee	Lindeen	Small
Crabb	Jesse	Mennenga	Spear
Daggett	Jordan	Monroe	Tofte
Danker	Junker	Nealson	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1547, a bill for an act to legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School in the counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winneshiek, State of Iowa, and the Dubuque County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the

validity of taxes levied pursuant thereto, with report of committee recommending amendment and passage, was taken up for consideration.

Dyrland of Clayton asked and received unanimous consent to withdraw amendment H—6024 filed by him on March 26, 1976, and found on pages 1462 and 1463 of the House Journal.

Dyrland of Clayton offered the following amendment H—6347 filed by the committee on ways and means and moved its adoption:

H—6347

Amend House File 1547, page 2, by striking lines 9 through 14 and inserting in lieu thereof the following:

"Sec. ..... This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Decorah Public Opinion, a newspaper published in Decorah, Iowa, and in The Clayton County Register, a newspaper published in Elkader, Iowa, without expense to the state."

Amendment H—6347 was adopted.

Dyrland of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1547)

The ayes were, 75:

Anderson	Dyrland	Jochum	Pavich
Avenson	Egenes	Koogler	Perkins
Baker	Fitzgerald	Krause	Poncy
Bennett	Gentleman	Lipsky	Readinger
Bina	Gilloon	Lonergan	Rinas
Binneboese	Halvorson	McElroy	Schroeder
Bittle	Hansen	Menke	Spradling
Bortell	Hargrave	Middleswart	Stromer
Brandt	Harper	Middleton	Svoboda
Branstad	Harvey	Millen	Tauke
Brunow	Hennessey	Miller, A. V.	Varley
Clark	Higgins	Miller, K. D.	Walter
Connors	Hines	Miller, O. L.	Welden
Crawford	Hinkhouse	Newhard	Wells
Cusack	Horn	Nielsen	Woods
Dieleman	Howell	Norland	Wulff
Doyle	Hullinger	Oakley	Wyckoff
Drake	Husak	O'Halloran	Mr. Speaker
Dunton	Hutchins	Patchett	

The nays were, none.

Absent or not voting, 24:

Brockett	Evans	Lageschulte	Scheelhaase
Byerly	Griffee	Lindeen	Small
Crabb	Jesse	Mennenga	Spear
Daggett	Jordan	Monroe	Spencer
Danker	Junker	Nealson	Tofte
Den Herder	Kreamer	Pellett	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1567, a bill for (untitled relating to legalizing proceedings for the sale of land by the North Scott Community School District), with report of committee recommending amendment and passage, was taken up for consideration.

Harvey of Scott offered the following amendment H—6537 filed by the committee on ways and means and moved its adoption:

H—6537

Amend House File 1567 as follows:

1. Page 1, by inserting after line 28 the following:

"This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in The North Scott Press, a newspaper published in Eldridge, Iowa, and in The Dyersville Commercial, a newspaper published in Dyersville, Iowa."

2. Title page, by inserting on lines 1 and 2 the words "An Act legalizing the proceedings for the sale of land by the North Scott Community School district."

Amendment H—6537 was adopted.

Harvey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1567)

The ayes were, 78:

Anderson	Crawford	Halvorson	Hutchins
Avenson	Cusack	Hansen	Jochum
Baker	Daggett	Hargrave	Koogler
Bennett	Danker	Harper	Krause
Bina	Dieleman	Harvey	Lageschulte
Binneboese	Doyle	Hennessey	Lipsky
Bittle	Drake	Higgins	Lonergan
Bortell	Dunton	Hines	McElroy
Brandt	Dyrland	Hinkhouse	Menke
Branstad	Egenes	Horn	Middleswart
Brunow	Fitzgerald	Howell	Middleton
Clark	Gentleman	Hullinger	Miller, A. V.
Connors	Gilloon	Husak	Miller, K. D.

Miller, O. L.	Pellett	Spradling	Welden
Newhard	Perkins	Stromer	Wells
Norland	Poncy	Svoboda	Woods
Oakley	Readinger	Tauke	Wulff
O'Halloran	Rinas	Varley	Wyckoff
Patchett	Schroeder	Walter	Mr. Speaker
Pavich	Spencer		

The nays were, none.

Absent or not voting, 21:

Brockett	Jesse	Mennenga	Scheelhaase
Byerly	Jordan	Millen	Small
Crabb	Junker	Monroe	Spear
Den Herder	Kreamer	Nealson	Tofte
Evans	Lindeen	Nielsen	West
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1574, a bill for an act to legalize and validate the proceedings of the board of supervisors of the county of Black Hawk, in the state of Iowa, authorizing and providing for the issuance, sale and delivery of county care facility bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county, was taken up for consideration.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1574)

The ayes were, 77:

Anderson	Dunton	Jochum	Pellett
Avenson	Dyrland	Koogler	Perkins
Baker	Egenes	Krause	Poncy
Bennett	Fitzgerald	Lageschulte	Readinger
Bina	Gentleman	Lipsky	Rinas
Binneboese	Gilloon	Lonergan	Schroeder
Bittle	Halvorson	McElroy	Spencer
Bortell	Hansen	Menke	Spradling
Brandt	Hargrave	Middleswart	Stromer
Branstad	Harper	Middleton	Svoboda
Brunow	Hennessey	Millen	Tauke
Clark	Higgins	Miller, A. V.	Varley
Connors	Hines	Miller, K. D.	Walter
Crawford	Hinkhouse	Newhard	Welden
Cusack	Horn	Norland	Wells
Daggett	Howell	Oakley	Woods
Danker	Hullinger	O'Halloran	Wulff
Dieleman	Husak	Patchett	Wyckoff
Doyle	Hutchins	Pavich	Mr. Speaker
Drake			

The nays were, none.

Absent or not voting, 22:

Brockett	Harvey	Mennenga	Scheelhaase
Byerly	Jesse	Miller, O. L.	Small
Crabb	Jordan	Monroe	Spear
Den Herder	Junker	Nealson	Tofte
Evans	Kreamer	Nielsen	West
Griffee	Lindeen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1575, a bill for an act to legalize and validate the proceedings of the board of directors of the Underwood Community School District, in the county of Pottawattamie, state of Iowa, authorizing and providing for the issuance, sale and delivery of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district, was taken up for consideration.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1575)

The ayes were, 81:

Anderson	Dyrland	Jesse	Patchett
Avenson	Egenes	Jochum	Pavich
Baker	Evans	Koogler	Pellett
Bennett	Fitzgerald	Krause	Perkins
Bina	Gentleman	Lageschulte	Poncy
Binneboese	Gilloon	Lipsky	Readinger
Bittle	Halvorson	Lonergan	Rinas
Bortell	Hansen	McElroy	Schroeder
Brandt	Hargrave	Menke	Spencer
Branstad	Harper	Middleswart	Spradling
Brunow	Harvey	Middleton	Stromer
Clark	Hennessey	Millen	Svoboda
Connors	Higgins	Miller, A. V.	Tauke
Crawford	Hines	Miller, K. D.	Varley
Cusack	Hinkhouse	Miller, O. L.	Walter
Daggett	Horn	Newhard	Welden
Danker	Howell	Nielsen	Woods
Dieleman	Hullinger	Norland	Wulff
Doyle	Husak	Oakley	Wyckoff
Drake	Hutchins	O'Halloran	Mr. Speaker
Dunton			

The nays were, none.

Absent or not voting, 18:

Brockett	Jordan	Monroe	Spear
Byerly	Junker	Nealson	Tofte
Crabb	Kreamer	Scheelhaase	Wells
Den Herder	Lindeen	Small	West
Griffee	Mennenga		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1576, a bill for an act relating to the amount of the homestead tax credit allowed for claims filed between January 1, 1976, and July 1, 1976, and approved in any special charter city which levies and collects its own taxes and making the Act retroactive, was taken up for consideration.

Anderson of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass??" (H.F. 1576)

The ayes were, 82:

Anderson	Dyrland	Jochum	Pavich
Avenson	Egenes	Koogler	Pellett
Baker	Evans	Krause	Perkins
Bennett	Fitzgerald	Lageschulte	Poncy
Bina	Gentleman	Lipsky	Readinger
Binneboese	Gilloon	Lonergan	Rinas
Bittle	Halvorson	McElroy	Scheelhaase
Bortell	Hansen	Menke	Schroeder
Brandt	Hargrave	Middleswart	Spencer
Branstad	Harper	Middleton	Spradling
Brunow	Harvey	Millen	Stromer
Clark	Hennessey	Miller, A. V.	Svoboda
Connors	Higgins	Miller, K. D.	Tauke
Crawford	Hines	Miller, O. L.	Varley
Cusack	Hinkhouse	Newhard	Walter
Daggett	Horn	Nielsen	Welden
Danker	Howell	Norland	Woods
Dieleman	Hullinger	Oakley	Wulff
Doyle	Husak	O'Halloran	Wyckoff
Drake	Hutchins	Patchett	Mr. Speaker
Dunton	Jesse		

The nays were, none.

Absent or not voting, 17:

Brockett	Jordan	Mennenga	Spear
Byerly	Junker	Monroe	Tofte
Crabb	Kreamer	Nealson	Wells
Den Herder	Lindeen	Small	West
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 356, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts, with report of committee recommending amendment and passage, was taken up for consideration.

Bina of Scott offered the following amendment H—6592 filed by the committee on ways and means:

H—6592

Amend Senate File 356 as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 20 through 26 and inserting in lieu thereof the following subsection:

"3. "Self-liquidating improvement" means any facility or property proposed to be leased in whole or in part to any person or governmental body to further the corporate purposes of the city and:

a. To aid in the commercial development of the district.

b. To further the purposes of the district; or

c. Not substantially reduce the city's property tax base."

2. Page 3, by inserting after line 35 the following lettered paragraph:

"..... A statement that taxes levied for the self-supported improvement district operation fund shall be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements financed pursuant to this Act for a specified length of time, along with any options to renew, if such taxes are to be used for this maintenance purpose."

3. Page 4, lines 30 and 31, by striking the words "on or before the date of publication of the notice," and inserting in lieu thereof the words "not less than fifteen days before the meeting".

4. Page 5, by striking lines 15 through 18 and inserting in lieu thereof the words "The council must wait at least thirty days after the public hearing has been held before it may adopt".

5. Page 5, line 27, by inserting after the word "required" the words "in subsections four (4) and five (5) of this section".

6. Page 6, by striking lines 16 through 18 and inserting in lieu thereof the words "of at least forty percent of all owners of property within the proposed district or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the proposed district."

7. Page 7, by striking lines 29 through 35.

8. Page 8, lines 1 and 2, by striking the words "Except as limited in subsection one (1) of this section, the" and inserting in lieu thereof the word "The".

9. Page 8, line 16, by striking the words ", and where a".

10. Page 8, by striking lines 17 through 22 and inserting in lieu thereof the words ". However, if a remonstrance has been filed with the clerk signed

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by at least twenty-five percent of all owners of property within the district and all property proposed to be included representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all the property in the district and all property proposed to be included, the amending ordinance must be adopted by unanimous vote of the council."

11. Page 8, by inserting after line 26 the following subsection:

"..... At any time prior to council amendment of the ordinance creating the district, the entire matter of amending such ordinance shall be withdrawn from council consideration if a petition is filed with its clerk containing the signatures of at least forty percent of all owners of property within the district and all property proposed to be included or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the district and all property proposed to be included."

12. Page 9, by striking lines 19 through 25 and inserting in lieu thereof the words "of two members. However, if a remonstrance has been filed with the clerk signed by at least twenty-five percent of all owners of property within the district representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all the property in the district, the rescission of the ordinance creating the district, and any subsequent ordinances amending the district, requires a unanimous vote of the council.

At any time prior to action of the council rescinding the ordinance creating the district, and any subsequent ordinances amending the district, the entire matter of dissolving a district shall be withdrawn from council consideration if a petition is filed with its clerk containing the signatures of at least forty percent of all owners of property within the district or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the district."

13. Page 9, line 32, by striking the words "owners of".

14. Page 9, by striking lines 33 through 35 and inserting in lieu thereof the words "at least twenty-five percent of all owners of property within the district representing ownership of property with an assessed value of twenty-five percent or more of the

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assessed value of all the property in the district".

15. Page 10, line 10, by inserting after the word

"Act." the words "If no planning or zoning commission exists, the council shall call a hearing on a proposed improvement upon receipt of a petition."

16. Page 10, line 14, by inserting after the word "in" the words "subsections four (4) and five (5) of".

17. Page 10, line 22, by striking the words "At the meeting".

18. Page 10, by striking lines 23 through 29 and inserting in lieu thereof the words "The council must wait at least thirty days after the public hearing has been held before it may take action to order construction of the improvement. The provisions of section three (3), subsections seven (7) and nine (9), of this Act relating to the adoption of the ordinance establishing a district, the requisite vote therefor, the remonstrance thereto and the withdrawal of the entire matter from council consideration apply to the adoption of the resolution ordering the construction of the improvement."

19. Page 10, line 33, by striking the words "Code, provided that "improvement" as used in" and inserting in lieu thereof the word "Code."

20. Page 10, by striking lines 34 and 35.

21. Page 11, by striking lines 1 and 2.

22. Page 12, by striking lines 10 through 15 and inserting in lieu thereof the following subsection:

"2. Before the council may order the construction of a self-liquidating improvement, and after hearing thereon, it must find that the self-liquidating improvement and the leasing of a part or the whole of it to any person or governmental body will further the corporate purposes of the city and will:

a. Aid in the commercial development of the district.

b. Further the interests of the district; or

c. Not substantially reduce the city's property tax base."

23. Page 12, line 19, by striking the words "Code, provided that "improvement" " and inserting in lieu thereof the word "Code."

24. Page 12, by striking lines 20 through 30 and inserting in lieu thereof the following subsection:

"..... The adoption of a resolution ordering the construction of a self-liquidating improvement is a legislative determination that the proposed self-liquidating improvement and the leasing of a part or the whole of it to any person or governmental body

will further the corporate purposes of the city and will:

a. Aid in the commercial development of the district.

b. Further the interests of the district; or

c. Not substantially reduce the city's property tax base."

25. Page 13, line 9, by striking the word "city" and inserting in lieu thereof the word "district".

26. Page 14, line 11, by inserting after the word "district." the words "The taxes levied for this fund may also be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements financed pursuant to this Act for a specified length of time with one or more options to renew if such is clearly stated in the petition which requests the council to authorize construction of the improvement or self-liquidating improvement, whether or not such petition is combined with the petition requesting creation of a district. Parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section."

27. Page 14, line 13, by striking the words "However, a property".

28. Page 14, by striking lines 14 through 24.

29. Page 14, line 28, by striking the word "district" and inserting in lieu thereof the word "district,".

30. Page 14, line 32, by inserting after the words "self-liquidating improvement." the words "However, parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section."

31. Page 15, line 1, by striking the words "However, a property owner whose income during the".

32. Page 15, by striking lines 2 through 11.

33. Page 15, by striking lines 23 through 35.

34. Page 16, by striking lines 1 through 4 and inserting in lieu thereof the words "However, parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section."

35. Page 16, line 13, by inserting after the word "Act." the words "When self-supported municipal improvement district bonds are issued and taxes are levied in accordance with chapter seventy-six (76) of the Code, the taxes shall continue to be levied, until the bonds and interest thereon are paid in full, against all of the taxable property that was included

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in the district at the time of the issuance of the bonds, regardless of any subsequent removal of any property from the district or the dissolution of the district."

Rinas of Linn offered the following amendment H—6683, to amendment H—6592, filed by him from the floor and moved its adoption:

H—6683

Amend amendment H—6592, appearing on page 8 of Senate File 356, as follows:

1. Page 2, line 15, by inserting after the word "containing" the word "either".

Amendment H—6683 was adopted.

Bina of Scott moved the adoption of amendment H—6592, as amended.

Amendment H—6592, as amended, was adopted.

Rinas of Linn offered amendment H—5960 filed by him and requested division as follows:

H—5960

Amend Senate File 356, as passed by the Senate and reprinted, as follows:

H—5960A

1. Page 2, lines 8 and 9, by striking the following: ", except as provided in subsection seven (7) of this section".

H—5960B

2. Page 8, line 14, by striking the word "threefourths" and inserting in lieu thereof the word "three-fourths".

Rinas of Linn asked and received unanimous consent to withdraw amendment H—5960A.

On motion by Rinas of Linn, amendment H—5960B was adopted.

Bina of Scott asked and received unanimous consent to withdraw amendment H—6366 filed by him on April 21, 1976, and found on page 2081 of the House Journal.

Lipsky of Linn offered the following amendment H—5995 filed by her and moved its adoption:

H—5995

Amend Senate File 356 as amended, passed and reprinted by the Senate as follows:

1. Page 8, line 31, by inserting after the word "ordinance" the words "amending the ordinance".

Amendment H—5995 was adopted.

Bina of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Bittle of Polk refrained from voting.

On the question "Shall the bill pass?" (S.F. 356)

The ayes were, 73:

Anderson	Dyrland	Lipsky	Perkins
Avenson	Egenes	Lonergan	Poncy
Bennett	Fitzgerald	McElroy	Readinger
Bina	Gentleman	Menke	Rinas
Binneboese	Gilloon	Mennenga	Scheelhaase
Bortell	Halvorson	Middleswart	Schroeder
Brandt	Hansen	Middleton	Spradling
Branstad	Hargrave	Millen	Stromer
Brunow	Harper	Miller, A. V.	Svoboda
Clark	Harvey	Miller, K. D.	Tauke
Connors	Higgins	Miller, O. L.	Tofte
Crawford	Hines	Newhard	Varley
Cusack	Hinkhouse	Norland	Walter
Daggett	Horn	Oakley	Welden
Danker	Howell	O'Halloran	Wells
Dieleman	Husak	Patchett	Woods
Doyle	Hutchins	Pavich	Wulff
Drake	Jochum	Pellett	Mr. Speaker
Dunton			

The nays were, 10:

Baker	Hullinger	Krause	Nielsen
Evans	Jesse	Lageschulte	Wyckoff
Hennessey	Koogler		

Absent or not voting, 16:

Bittle	Den Herder	Kreamer	Small
Brockett	Griffee	Lindeen	Spear
Byerly	Jordan	Monroe	Spencer
Crabb	Junker	Nealson	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1519, a bill for an act to legalize the proceedings of the board of supervisors of Allamakee County in connection with contracts made for improvements to the Allamakee County Home and Allamakee County Court House, was taken up for consideration.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1519)

The ayes were, 81:

Anderson	Bina	Branstad	Crawford
Avenson	Binneboese	Brunow	Cusack
Baker	Bortell	Clark	Daggett
Bennett	Brandt	Connors	Danker

Dieleman	Hines	Middleswart	Rinas
Doyle	Hinkhouse	Middleton	Scheelhaase
Drake	Horn	Millen	Schroeder
Dunton	Howell	Miller, A. V.	Spradling
Dyrland	Hullinger	Miller, K. D.	Stromer
Egenes	Husak	Miller, O. L.	Svoboda
Evans	Hutchins	Newhard	Tauke
Fitzgerald	Jochum	Nielsen	Tofte
Gentleman	Koogler	Norland	Varley
Gilloon	Krause	Oakley	Walter
Halvorson	Lageschulte	O'Halloran	Welden
Hansen	Lipsky	Patchett	Wells
Hargrave	Lonergan	Pavich	Woods
Harper	McElroy	Pellett	Wulff
Harvey	Menke	Poncy	Wyckoff
Hennessey	Mennenga	Readinger	Mr. Speaker
Higgins			

The nays were, 3:

Bittle	Jesse	Perkins

Absent or not voting, 15:

Brockett	Griffee	Lindeen	Spear
Byerly	Jordan	Monroe	Spencer
Crabb	Junker	Nealson	West
Den Herder	Kreamer	Small	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE CONCURRENT RESOLUTION 143

By Brandt

Whereas, there are many Iowans who have skills and talents to offer the state who are barred from state employment because their circumstances do not permit them to accept a full-time job; and

Whereas, one remedy for this situation which other states are employing and which the United States Congress is presently considering is flexibly scheduled job opportunities including permanent part-time, gliding and tandem positions; and

Whereas, statistics indicate that flexible scheduling does work and that the system provides advantages to the employer in terms of productivity and morale and to potential employees, who are primarily women, elderly, handicapped and students in need of employment; and

Whereas, a flexible hours program for the state should provide vacation time and sick leave to flexitime employees according to the number of hours worked; and for participation by flexitime employees in other employee benefit programs including retirement, group insurance, workmen's compensation and unemployment compensation with the state's share prorated to reflect the employee's part-time status; and

Whereas, such a program should also protect the employment and employment rights of any employee or

prospective employee and should not interfere with normal agency operations; and

Whereas, House File 1209 and House Concurrent Resolution 119, introduced during the Second Session of the Sixty-sixth General Assembly offered alternative proposals for initiating a flexible hours program in

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state government; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is requested to authorize the appointment of a study committee consisting of members of both Houses of the General Assembly to study House File 1209 and House Concurrent Resolution 119, and the problems created by flexible scheduling in terms of employee fringe benefits, including the costs of such benefits, and the effects on agency operations and to provide for input from both department heads and persons interested in flexibly scheduled employment concerning the feasibility of a flexitime systems; and

Be It Further Resolved, That the study committee shall submit a report of its findings and recommendations, including legislative bill drafts necessary to implement the recommendations, to the Legislative Council and members of the Sixty-seventh General Assembly meeting in the year 1977.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 144

By Hennessey, Mennenga, Howell, Miller of Buchanan, Wells, Spradling, Wyckoff, Miller of Cerro Gordo, Poncy, Hansen, Bortell, Jordan

Whereas, bonds issued by school corporations are retired from moneys derived from a property tax levy; and

Whereas, property owners are facing increases in property taxes for funding all levels of local government; *Now, Therefore,*

Be It Resolved by the House of Repesentatives, the Senate Concurring, That the legislative council is authorized to create a study committee as provided by law, composed of members of the Senate and the House of Representatives representing both political parties, to conduct a study during the 1976 interim to determine alternative methods available for financing the retirement of bonds issued by school corporations; and

Be It Further Rseolved, That the study committee shall prepare a report of its findings and recommendations and submit it to the legislative council and the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

MOTIONS TO RECONSIDER

(Senate File 266)

I move to reconsider the vote by which the House failed to recede and insisted on its amendment to Senate File 266.

DIELEMAN of Marion

(Senate File 356)

I move to reconsider the vote by which Senate File 356 passed the House on May 13, 1976.

RINAS of Linn

INTRODUCTION OF BILL

House File 1579, by committee on appropriations, a bill for an act making an appropriation to the department of social services for capital improvement projects.

Read first time and **placed on the appropriations calendar.**

CONFERENCE COMMITTEE CHANGE

(Senate File 85)

The Speaker announced the resignation of Kreamer of Polk as a member of the conference committee on **Senate File 85.** He was replaced by Branstad of Winnebago.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House File 1573 and Senate File 1276. Had I been present, I would have voted "aye."

HALVORSON of Clayton

I was necessarily absent from the House chamber when the vote was taken on Senate File 1276. Had I been present, I would have voted "aye" on amendments H—6642 and H—6646. I would have voted "nay" on amendment H—6614B and "nay" on Senate File 1276.

LAGESCHULTE of Bremer

I was necessarily absent from the House chamber when the vote was taken on Senate Files 1072 and 1280. Had I been present, I would have voted "aye."

DAGGETT of Adams

COMMUNICATION FROM THE IOWA MERIT EMPLOYMENT DEPARTMENT

There is on file in the office of the Chief Clerk the annual report from the Iowa Merit Employment Department for the period of January 1, 1975, to December 31, 1975, in compliance with the Code of Iowa.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 13, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 467, an act relating to approval of plans for constructing school buildings.

House File 689, an act defining autistic children and clarifying provisions relating to payment of the costs of inpatient or outpatient care of autistic children.

House File 1281, an act creating an interagency coordinating council on radiation safety and prescribing its powers and duties.

House File 1299, an act to legalize proceedings taken by the County Board of Supervisors of Sac County relating to the purchase of certain land.

House File 1462, an act relating to the permissible age for qualifying for appointment as judicial magistrate.

House File 1464, an act relating to regulation of prescription drugs and controlled substances by the Board of Pharmacy Examiners.

Senate File 1087, an act making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet.

STUDY BILL COMMITTEE ASSIGNMENT

S. B. 140 Sifting committee
Relating to the issuance, continuance, and termination of contracts of school administrators.

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1577**, a bill for an act appropriating funds to the legislative council and the legislative fiscal committee, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1578**, a bill for an act to appropriate funds to the legislative council to finance computerization of an accurate data base containing the Code of Iowa, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1579**, a bill for an act making an appropriation to the department of

social services for capital improvement projects, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR SPEAKER: Your committee on appropriations to whom was referred **Senate File 1322,** a bill for an act making an appropriation to the Iowa department of revenue, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6662

Amend amendment H—6648 to the temporary rules of the House as follows:

1. Line 7, by striking the word and figures "sixty (60)" and inserting in lieu thereof the word and figures "fifty (50)".

SCHROEDER of Pottawattamie

H—6663

Amend amendment H—6648 to the temporary rules of the House as follows:

1. Line 7, by striking the word and figures "sixty (60)" and inserting in lieu thereof the word and figures "forty (40)".

SCHROEDER of Pottawattamie

H—6680

Amend the committee on natural resources amendment, H—5215, to House File 1198 as follows:

1. Page 1, by inserting after line 12 the following new sections:

"Sec. ..... Section four hundred fifty-five B point thirty (455B.30), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. "Sewer extension" means pipelines or conduits constituting main sewers, lateral sewers or trunk sewers used for conducting pollutants to a larger interceptor sewer or to a point of ultimate disposal.

NEW SUBSECTION. "Water supply distribution system extension" means any extension to the pipelines or conduits which carry water directly from the treatment facility, source or storage facility to the consumer's service connection.

NEW SUBSECTION. "Production capacity" means the amount of potable water which can be supplied to the distribution system in a twenty-four hour period.

Sec. ..... Section four hundred fifty-five B point

thirty-two (455B.32), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Formulate and adopt specific and detailed statewide standards pursuant to chapter seventeen A (17A) of the Code for review of plans and specifications and the construction of sewer systems and water supply distribution systems and extensions to such systems not later than October 1, 1977. The standards shall be based on criteria contained in the "Recommended Standards for Sewage Works" and "Recommended Standards for Water Works" (Ten States Standards) as adopted by the Great Lakes-Upper Mississippi River board of state sanitary engineers, design manuals published by the department, applicable federal guidelines and standards, standard textbooks, current technical literature and applicable safety standards. The rules adopted which directly pertain to the construction of sewer systems and water supply distribution systems and the review of plans and specifications for such construction shall be known respectively as the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems and shall be applicable in each governmental subdivision of the state. Exceptions shall be made to the standards so formulated only upon special request to and receipt of permission from the department. The department shall publish the standards and make copies of such standards available to governmental subdivisions and to the public.

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Sec. ..... Section four hundred fifty-five B point thirty-three (455B.33), subsection two (2), Code 1975, is amended to read as follows:

2. Approve or disapprove of plans and specifications for *the construction of* disposal systems *or water supply distribution systems* or any part thereof *except for sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in item two (2) of this amendment. The director shall issue, revoke, suspend, modify or deny permits for the operation, installation, construction, addition to or modification of any disposal system or water supply distribution system except for sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in item two (2) of this amendment.*

Sec. ..... Section four hundred fifty-five B point thirty-three (455B.33), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Conduct random inspections of work done by city and county public works departments to ensure such public works departments are complying

with this Act. If a city or county public works department is not complying with item two (2) of this amendment in reviewing plans and specifications or in granting permits or both, the department shall perform these functions in that jurisdiction until the city or county public works department is able to perform them. Performance of these functions in a jurisdiction by a local public works department shall not be suspended or revoked until after notice and opportunity for hearing as provided in chapter seventeen A (17A) of the Code.

The department shall give technical assistance to city and county public works departments upon request of such local departments."

2. Page 1, by striking lines 13 through 23 and inserting in lieu thereof the following section:

"Sec. ..... Section four hundred fifty-five B point forty-five (455B.45), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

455B.45 WRITTEN PERMITS REQUIRED. It shall be unlawful to carry on any of the following activities without first securing a written permit from the executive director, or from a city or county public works department if such local public works department reviews the activity under this section, as required

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by the commission:

1. The construction, installation or modification of any disposal system or water supply distribution system or part thereof or any extension or addition thereto except those sewer extensions and water supply distribution system extensions that are subject to review and approval by a city or county public works department pursuant to this section.

2. The construction or use of any new point source for the discharge of any pollutant into any water of the state.

3. The operation of any waste disposal system or water supply distribution system or any part of or extension or addition to such system. This provision shall not apply to any pretreatment system the effluent of which is to be discharged directly to another disposal system for final treatment and disposal.

Upon adoption of standards by the commission pursuant to item one (1) of this amendment, plans and specifications for sewer extensions and water supply distribution system extensions covered by this section shall be submitted to the city or county public works department for approval if the local public works department employs a qualified, registered engineer who reviews the plans and specifications using the specific state standards known as the Iowa

Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems that have been formulated and adopted by the commission pursuant to item one (1) of this amendment. The local agency shall issue a written permit to construct if:

a. The governmental subdivision employs full-time a qualified, professional engineer who reviews plans and specifications for such extensions, and the governmental subdivision notifies the director of that fact.

b. The submitted plans and specifications are in substantial compliance with departmental rules and the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems.

c. The extensions primarily serve residential consumers and will not result in an increase greater than five percent of the capacity of the treatment works or serve more than two hundred fifty dwelling units or, in the case of an extension to a water supply distribution system, such extension will have a capacity of less than five percent of such system or will serve fewer than two hundred fifty dwelling units.

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d. The proposed sewer extension will not exceed the capacity of any treatment works which received a state or federal monetary grant after 1972; and

e. The proposed water supply distribution system extension will not exceed the production capacity of any water supply distribution system which received a state or federal monetary grant after 1972.

After issuing a permit, the city or county public work department shall notify the director of such issuance by forwarding a copy of the permit to the director. In addition, the local agency shall submit quarterly reports to the director including such information as capacity of local treatment plants and production capacity of water supply distribution systems as well as other necessary information requested by the director for the purpose of implementing chapter four hundred fifty-five B (455B) of the Code.

Plans and specifications for all other waste disposal systems and water supply distribution systems, including sewer extensions and water supply distribution system extensions not reviewed by a city or county public works department under this section, shall be submitted to the department before a written permit may be issued. The construction of any such waste disposal system or water supply distribution system shall be in accordance with standards formulated and adopted by the commission pursuant to item one (1) of this amendment or otherwise approved by the department. If it is necessary or desirable to make

material changes in such plans or specifications, revised plans or specifications together with reasons for the proposed changes must be submitted to the department for a supplemental written permit.

Prior to the adoption of statewide standards, the department may delegate the authority to review plans and specifications to those governmental subdivisions if, in addition to compliance with subsection three (3) of this section, that governmental subdivision agrees to comply with all state and federal regulations and submits a plan for the review of plans and specifications including a complete set of local standard specifications for such improvements.

The director may suspend or revoke delegation of review and permit authority after notice and hearing as set forth in chapter seventeen A (17A) of the Code if the director determines that a city or county public works department has approved extensions which do not comply with design criteria, which exceed the capacity of waste treatment plants or the production

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capacity of water supply distribution systems or which otherwise violate state or federal requirements."

HARVEY of Scott

H—6678

Amend the Senate amendment, H—6657, to House File 1478 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 3 through 12.
2. Page 2, by striking lines 37 and 38.
3. Page 2, by striking lines 44 through 50, and page 3, by striking lines 1 through 13.

SMALL of Johnson

H—6681

Amend House File 1566 as follows:

1. Page 1, line 4 by striking the word *"Four"* and inserting in lieu thereof the word *"Five"*.
2. Page 1, line 6, by striking the word *"three"* and inserting in lieu thereof the word *"two"*.

SCHROEDER of Pottawattamie

H—6666

Amend Senate File 367, as amended and passed by the Senate, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "City" means a municipal corporation including a town, but not including a county, township, school district, or any special-purpose district or authority.

2. "Department" means the department of environmental quality and includes any officer or agency within that department.

3. "Established date of operation" means the date on which a feedlot commenced operating with not more livestock than reasonablly could be maintained by the physical facilities existing as of that date. If the physical facilities of the feedlot are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent "established date of operation" established as of this date of commencement of the expanded operations, and the commencement of expanded operations shall not divest the feedlot of a previously established date of operation.

4. "Established date of ownership" means the date of the recording of an appropriate muniment of title establishing the ownership of realty.

5. "Rule of the department" means a rule as defined in section seventeen A point two (17A.2) of the Code which materially affects the operation of a feedlot and which has been adopted by the department. The term includes a rule which was in effect prior to the effective date of chapter one thousand ninety (1090), Acts of the Sixty-fifth General Assembly, 1974 Session. Nothing in this Act shall be deemed to empower the department to make any rule.

6. "Feedlot" means a lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed.

7. "Livestock" means cattle, sheep, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

8. "Materially affects" means prohibits or regulates with respect to the location, or the emission of noise, effluent, odors, sewage, waste, or similar products resulting from the operation or the location

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or use of buildings, machinery, vehicles, equipment, or other real or personal property used in the operation, of a livestock feedlot.

9. "Nuisance" means and includes public or private nuisance as defined either by statute or by the common law.

10. "Nuisance action or proceeding" means and includes every action, claim or proceeding, whether brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

11. "Owner" shall mean the person holding record title to real estate to include both legal and

equitable interests under recorded real estate contracts.

12. "Zoning requirement" means a regulation or ordinance, which has been adopted by a city, county, township, school district, or any special-purpose district or authority, and which materially affects the operation of a feedlot. Nothing in this Act shall be deemed to empower any agency described in this subsection to make any regulation or ordinance.

13. A rule pertaining to "feedlot management standards" means a rule, the implementation of which, or the compliance with which, requires the expenditure of funds not in excess of two percent of the establishment cost of the feedlot.

14. A rule pertaining to "feedlot design standards" means a rule, the implementation of which, or the compliance with which, requires the expenditure of funds in excess of two percent of the establishment cost of the feedlot.

15. "Establishment cost of a feedlot" means the cost or value of the feedlot on its established date of operation and includes the cost or value of the building, machinery, vehicles, equipment or other real or personal property used in the operation of the feedlot.

Sec. 2. *NEW SECTION.* NUISANCE ACTIONS LIMITED. No person whose date of ownership of realty is subsequent to the established date of operation of a feedlot shall maintain a nuisance action or proceeding against a feedlot except upon the pleading and proof of a specific violation either of section three (3) or section four (4) of this Act.

Sec. 3. *NEW SECTION.* COMPLIANCE WITH RULES OF THE DEPARTMENT.

1. REQUIREMENT. A person who operates a feedlot shall comply with applicable rules of the department. The applicability of a rule of the department shall be as provided in subsection two (2) of this section.

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A person complies with this section as a matter of law where no rule of the department exists.

2. APPLICABILITY OF RULES.

a. Exclusion for federally mandated requirements. This section shall apply to the department's rules except for rules required for delegation of the national pollutant discharge elimination system permit program pursuant to the Federal Water Pollution Control Act, Title thirty-three (33), United States Code, chapter one hundred twenty-six (126), as amended, and forty (40) Code of Federal Regulations, Part one hundred twenty-four (124).

b. Applicability of rules of the department other than those issued by the air quality commission.

(1) A rule of the department in effect on the

effective date of this Act shall apply to a feedlot with an established date of operation prior to the effective date of this Act.

(2) A rule of the department shall apply to a feedlot with an established date of operation subsequent to the effective date of the rule.

(3) A rule of the department adopted after the effective date of this Act shall not apply to a feedlot holding any DEQ permit and having an established date of operation prior to the effective date of the rule until either the expiration of the term of the permit in effect on the effective date of the rule, or ten years from the established date of operation of the feedlot, whichever time period is greater.

(4) A rule of the department adopted after the effective date of this Act shall not apply to a feedlot not previously required to hold a DEQ permit and having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or five years from the effective date of the rule, whichever time period is greater.

(5) To achieve compliance with applicable rules the department shall issue an appropriate compliance schedule.

c. Applicability of rules of the air quality commission.

(1) A rule of the air quality commission in effect on the effective date of this Act shall apply to a feedlot with an established date of operation prior to the effective date of this Act.

(2) A rule of the air quality commission shall apply to a feedlot with an established date of operation subsequent to the effective date of the rule.

(3) A rule of the air quality commission pertain-

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ing to feedlot management standards adopted after the effective date of this Act shall not apply to any feedlot having an established date of operation prior to the effective date of the rule until one year after the eflective date of the rule.

(4) A rule of the air quality commission pertaining to feedlot design standards adopted after the effective date of this Act shall not apply to any feedlot having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or two years from the effective date of the rule, whichever time period is greater. However, any design standard rule pertaining to the siting of any feedlot shall apply only to a feedlot with an established date of operation subsequent to the effective date of the rule.

(5) To achieve compliance with applicable rules

the department shall issue an appropriate compliance schedule.

Sec. 4. *NEW SECTION.* COMPLIANCE WITH ZONING REQUIREMENTS.

1. REQUIREMENT. A person who operates a feedlot shall comply with applicable zoning requirements. The applicability of a zoning requirement shall be as provided in subsection two (2) of this section. A person complies with this section as a matter of law where no zoning requirement exists.

2. APPLICABILITY.

a. A zoning requirement shall apply to a feedlot with an established date of operation subsequent to the effective date of the zoning requirement.

b. A zoning requirement, other than one adopted by a city, shall not apply to a feedlot with an established date of operation prior to the effective date of the zoning requirement, for a period of ten years from the effective date of that zoning requirement.

c. A zoning requirement which is in effect on the effective date of this Act, shall apply to a feedlot with an established date of operation prior to the effective date of this Act.

d. A zoning requirement adopted by a city shall apply to a feedlot located within an incorporated or unincorporated area which is subject to regulation by that city as of the effective date of this Act, regardless of the established date of operation of the feedlot.

e. A zoning requirement adopted by a city shall not apply to a feedlot which becomes located within

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an incorporated or unincorporated area subject to regulation by that city by virtue of an incorporation or annexation which takes effect after the effective date of this Act for a period of ten years from the effective date of the incorporation or annexation.

Sec. 6. Chapter six hundred fifty-seven (657), Code 1975, is amended by adding the following new section:

NEW SECTION. FEEDLOTS. This chapter shall apply to the operation of a livestock feedlot, only as provided in sections one (1) through five (5) of this Act.

Sec. 7. The code editor is directed to codify sections one (1) through five (5) of this Act as a new chapter of the Code.

Sec. 8. This Act shall take effect on November 1, 1976."

SCHEELHAASE of Woodbury
PELLETT of Cass
HUSAK of Tama

LAGESCHULTE of Bremer
HUTCHINS of Guthrie
CRABB of Crawford
SPRADLING of Sioux
LINDEEN of Henry
SVOBODA of Iowa
KOOGLER of Mahaska
HINKHOUSE of Cedar
BENNETT of Ida
HOWELL of Floyd
DANKER of Pottawattamie
HARPER of Davis
MILLER of Calhoun
MILLER of Cerro Gordo

H—6677

Amend Senate File 1280 as amended and passed by the Senate as follows:

1. Page 1, by striking lines 9A through 9W.
2. Page 2, by striking lines 12 through 31.
3. Page 4, line 13, by striking the words "*the department of*".
4. Page 5, by striking lines 12A through 18.
5. Page 6, line 17, by striking the words "*of the department*".
7. Page 7, by striking line 29 through page 8, line 11.
8. Page 11, by striking lines 11 through 14.
9. Page 15, by striking line 33 through page 16, line 22 and inserting in lieu thereof the following:

"Sec. ..... Section five hundred eighteen A point thirty-eight (518A.38), Code 1975, is repealed."

10. Amend the title line 2, by striking the words ", and the duties of the Code editor".
11. Renumber the sections and correct internal references in conformance with this amendment.

SCHROEDER of Pottawattamie
NIELSEN of Polk
AVENSON of Fayette
BITTLE of Polk
SMALL of Johnson

H—6667

Amend the Small, et al., amendment, H—6563 to Senate File 1310 as follows:

1. Page 5, by striking lines 1-6.

NIELSEN of Polk

H—6676

Amend the Small, et al., amendment, H—6563 to Senate File 1310 as follows:

1. Page 2, by striking lines 48 through 50 and inserting in lieu thereof the following:

"f. "Injured party" means a party plaintiff

or person to a medical malpractice action who is determined to have suffered legal injury."

2. Page 3, by striking lines 1 through 4.

OAKLEY of Clinton

H—6682

Amend the Small, et al., amendment, H—6563 to Senate File 1310 as follows:

1. Page 2, by striking lines 9 through 22.

WALTER of Pottawattamie
TAUKE of Dubuque

H—6661

Amend Senate File 1314, as amended and passed by the Senate, as follows:

1. Page 6, by inserting after line 19 the following:

"It is the intent of the general assembly in appropriating funds in this subsection that, notwithstanding the provisions of section two hundred thirty-nine point eighteen (239.18), of the Code, the department of social services shall not reduce the standard of payment or restrict the eligibility criteria for recipients in the aid to dependent children program.

CUSACK of Scott
O'HALLORAN of Black Hawk
HUSAK of Tama
JESSE of Polk
FITZGERALD of Webster
CRAWFORD of Story
READINGER of Polk
GENTLEMAN of Polk
KRAUSE of Palo Alto
HIGGINS of Scott
LIPSKY of Linn

H—6679

Amend Senate File 1314 as amended and passed by the Senate and reprinted as follows:

1. Page 5, line 5, by striking the figures "4,780,000" and inserting in lieu thereof the figures "4,861,725".

DAGGETT of Adams

H—6668

Amend Senate File 1324 as folows:

1. Page 9 by striking lines 7 through 13 and inserting in lieu thereof the following:

"1. Chief justice of the supreme court $40,000

2. Each justice of the supreme court $39,000

3. Chief justice of the appellate

court $37,000
4. Each justice of the appellate court $36,000
5. Chief judge of each judicial district $34,072
6. Each district court judge of a judicial district $33,072
7. Each district associate judge $26,457
8. Each full-time judicial magistrate $26,457

2. By renumbering the remaining sub-paragraphs of Sec. 13.

NIELSEN of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 7:28 p.m. until 9:00 a.m., Friday, May 14, 1976.

JOURNAL OF THE HOUSE

One Hundred Twenty-fourth Calendar Day—Eighty-third Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, MAY 14, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend George Brighton, pastor of the Methodist Church, Lake View, Iowa.

The Journal of Thursday, May 13, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hargrave of Johnson on request of Wells of Linn; Byerly of Polk on request of Baker of Buena Vista; Brockett of Marshall on request of Evans of Grundy; Bittle of Polk on request of West of Marshall; Mennenga of Clinton on request of Miller of Buchanan.

PRESENTATION OF VISITORS

Doyle of Woodbury presented to the House the Honorable Harold J. Houston, former member of the House during the Fifty-eighth and Sixty-first General Assemblies, representing Crawford County.

The Speaker announced the following visitors were present in the House chamber:

Seventy-five fifth and sixth grade students from Douma Elementary School, Ottumwa, Iowa, accompanied by Diane Williams. By Poncy of Wapello and Harper of Davis.

Thirty eighth grade students from St. Benedict's School, Decorah, Iowa, accompanied by Bob Pins (teacher). By Tofte of Winneshiek.

Sixty-five fifth and sixth grade students from Roland Elementary School, Roland, Iowa, accompanied by Mr. Billerbeck and Mrs. Tige. By Egenes of Story.

Fifty-three eighth students from the L-D-F School, LeGrand, Iowa, accompanied by Mrs. Salasek and Mr. Baer. By Brockett of Marshall and Anderson of Jasper.

Forty-eight fifth grade students from the Coon Rapids Elementary School, Coon Rapids, Iowa, accompanied by Mrs. Sampers and Mrs. Lyons. By Perkins of Greene and Hutchins of Guthrie.

Eight students from the Meeker School, Ames, Iowa, accompaned by Mrs. Gill. By Hines of Story.

PETITION FILED

The following petition was received and placed on file.

By Pellett of Cass from twenty constituents favoring House File 1111, relating to an appropriation for additional construction at the Iowa Veterans Home.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 1577, 1578, 1579 and Senate File 1322, under Rule 36.

INTRODUCTION OF BILL

House File 1580, by Higgins, a bill for an act to create a department of corrections and court services, prescribe its powers and duties, transfer to it the present responsibilities of the division of corrections of the department of social services, to make amendments in conformity with these changes to certain sections of the Code, and to require that additional amendments necessary to conform the Code to the provisions of this Act be reported to the General Assembly prior to the effective date of this Act.

Read first time and referred to the **sifting committee.**

SENATE MESSAGE CONSIDERED

Senate File 1295, a bill for an act relating to the rules of the board of parole.

Read first time and referred to the **sifting committee.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 12, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1165, a bill for an act amending certain programs for elderly, handicapped and low income persons.

Also: That the Senate has on May 12, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1514, a bill for an act providing an appropriation to certain agencies administering service programs.

Also: That the Senate has on May 12, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1520, a bill for an act directing the code editor and superintendent of printing to prepare and publish a compilation of the election laws of the State of Iowa.

Also: That the Senate has on May 12, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1556, a bill for an act relating to the inspection of weights and measures and making an appropriation.

Also: That the Senate has on May 13, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1557, a bill for an act appropriating funds for programs under the administration of the department of agriculture and divisions of the department of agriculture.

Also: That the members of the Second Conference Committee on Senate File 85, a bill for an Act relating to a complete revision of the criminal laws of the State of Iowa, on the part of the Senate are: The Senator from Wapello, Mr. Glenn, chairperson; the Senator from Woodbury, Mr. Kelly; the Senator from Clarke, Mr. Ramsey; the Senator from Dallas, Mr. Rodgers; and the Senator from Polk, Mr. Willits.

Also: That the Senate has on May 13, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 345, a bill for an act relating to the method used by judges of election to select and certify potential jurors.

Also: That the Senate has on May 12, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1141, a bill for an act to establish and regulate the practice of barbering and cosmetology.

Also: That the Senate has on May 13, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1191, a bill for an act providing for the financing of library services and making an appropriation to the Iowa library department.

Also: That the Senate has on May 13, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1327, a bill for an act relating to the state sanatorium.

Also: That the Senate has on May 12, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1329, a bill for an act making an appropriation to the state comptroller to provide for federal fund loss.

Also: That the Senate has on May 13, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1330, a bill for an act to appropriate funds to the legislative council to finance the computerization of an accurate data base containing the Code of Iowa.

Also: That the Senate has on May 13, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1331, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa.

Also: That the Senate has on May 13, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1332, a bill for an act providing for an appropriation to the department of transportation for designated capital transportation projects.

Also: That the Senate has on May 13, 1976, adopted the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 1009, providing for an appropriation for an interim study committee to study the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and liability risks.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

Senate File 1330, a bill for an act to appropriate funds to the legislative council to finance the computerization of an accurate data base containing the Code of Iowa.

Read first time and **passed on file.**

SENATE AMENDMENT TO HOUSE FILE 1165

H—6687

Amend House File 1165 as amended and passed by the House as follows:

1. Page 1, lines 33 and 34, by striking the words "[thirty days after its convening] *January 1, 1977*" and inserting in lieu thereof the words "thirty days after its convening".

2. Page 4, line 15, by striking the words "*The state*".

3. Page 4, by striking lines 16, 17 and 18.

4. Page 4, line 19, by striking the words "*Assembly not later than May 1, 1976.*"

SENATE AMENDMENT TO HOUSE FILE 1514

H—6685

Amend House File 1514 as amended, passed and reprinted as follows:

1. Page 2, lines 12 and 13, by striking the words "time sheets, lists of cases upon which they work,".

2. Page 3, by striking line 28 through page 4, line 8, and inserting in lieu thereof the following:

"Uniform auditing procedures for local and state alcoholism programs shall be established subject to the approval of the auditor of state. Funds shall be paid to local agencies upon submission of required reports indicating that the unit has met criteria established by the commission on alcoholism."

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 345

H—6690

Amend House amendment S—5736 to Senate File 345 as follows:

1. Page 2, by striking lines 20 through 23 and inserting in lieu thereof the following:

"the several election precincts, and the talesmen of which there shall be at least two, among the precincts from which the same are to be drawn,".

2. Page 2, lines 27 and 28 by striking the words "*political subdivisions*" and inserting in lieu thereof the words "*election precincts*".

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1191

H—6691

Amend the House amendment, S—5737, to Senate File 1191 as follows:

1. Page 1, line 3, by striking the figure "$671,382" and inserting in lieu thereof the figure "$660,882".

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 85

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conferenoe ccmmittee appointed to consider the differences between the Senate and the House of Representatives on Senate File 85, a bill for an Act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their

consequent penalties and providing penalties for violations of the laws of the state to accord with the revised classifications, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
GENE W. GLENN, Chair	NORMAN G. JESSE, Chair
E. KEVIN KELLY	TERRY E. BRANSTAD
RICHARD R. RAMSEY	JULIA B. GENTLEMAN
NORMAN G. RODGERS	CARL V. NIELSEN
EARL M. WILLITS	BRICE C. OAKLEY

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 13, 1976, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 113, providing for the rejection of claims duly processed by the state appeal board.

STEVEN C. CROSS, Secretary

SENATE CONCURRENT RESOLUTION 113

By Committee on Appropriations

Whereas, section twenty-five point seven (25.7) of the Code provides that failure or refusal by the general assembly to make an appropriation for a claim after presentation to the general assembly through the state appeal board shall constitute an adjudication against the claim barring any further proceeding before the general assembly for payment of the claim; *Now, Therefore,*

Be It Resolved by the Senate, the House Concurring, That the following claims, duly processed by the state appeal board and rejected by the joint claims committee, to be considered by the Senate and the House of Representatives and the action of the joint committee rejecting these claims be approved.

Claim Number	Name of Claimant Nature of Claim	Amount of Claim
2408-64-25	Earl Wittrock Carroll, Iowa License fee refund	$ 389.00
2206-65-25	L. J. Trucking, Inc. Seattle, Washington Fine refund	237.96
2248-65-25	George Transit Line, Inc. Des Moines, Iowa License fee refund	1,449.80
2332-65-25	Lois Schmidt Boone, Iowa Clerical error—Holiday pay missed	21.12

27	2492-65-25	Borroughs Division of Lear Siegler	
28		Kalamazoo, Michigan	
29		Fine and permit fee refund	25.00
30	2586-65-25	Waterloo Ambulance Service	

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1		Waterloo, Iowa	
2		Outdated invoice	140.00
3	2587-65-25	Waterloo Ambulance Service	
4		Waterloo, Iowa	
5		Outdated invoice	120.00
6	2624-65-25	Onley Refrigerated Transport, Inc.	
7		Oakland, Iowa	
8		License fee refund	Undetermined
9	306-66-25	Patricia Dunham	
10		Ames, Iowa	
11		Property damage	131.34
12	541-66-25	Chem Gro of Houghton, Inc.	
13		Houghton, Iowa	
14		County plate refund	1,175.00
15	554-66-25	Eugene B. Newton	
16		d/b/a Newton Trucking	
17		Hornick, Iowa	
18		License fee refund	524.55
19	635-66-25	Iowa Better Trucking Bureau	
20		Sioux City, Iowa	
21		Permit fee refund	10.00
22	778-66-25	Larry King	
23		Bronson, Iowa	
24		Prorate license fee refund	478.00
25	792-66-25	Daufeldt Transport, Inc.	
26		Muscatine, Iowa	
27		License fee refund	264.25
28	842-66-25	Luverne Marcusson	
29		Red Oak, Iowa	
30		License fee refund	Undetermined

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1	1878-66-25	Vernon E. Leverson	
2		Des Moines, Iowa	
3		Wages and expenses	473.47
4	1897-66-25	Clark Limestone Company	
5		Denison, Iowa	
6		Outdated invoice	15.97
7	2167-66-25	Merchants Transfer & Storage Co.	
8		Kansas City, Missouri	
9		License fee refund	27.82
10	2168-66-25	Bruce Transfer & Storage Co.	
11		Kansas City, Missouri	
12		License fee refund	21.01
13	2169-66-25	Bruce Transfer & Storage Co.	
14		Kansas City, Missouri	
15		License fee refund	23.11
16	2171-66-25	Bruce Transfer & Storage Co.	
17		Kansas City, Missouri	

18		License fee refund	12.60
19	2173-66-25	Bruce Transfer & Storage Co.	
20		Kansas City, Missouri	
21		License fee refund	23.11
22	2174-66-25	Bruce Transfer & Storage Co.	
23		Kansas City, Missouri	
24		License fee refund	23.11
25	2176-66-25	Merchants Transfer & Storage Co.	
26		Kansas City, Missouri	
27		License fee refund	19.47
28	2178-66-25	Merchants Transfer & Storage Co.	
29		Kansas City, Missouri	
30		License fee refund	30.60

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1	2179-66-25	Merchants Transfer & Storage Co.	
2		Kansas City, Missouri	
3		License fee refund	27.82
4	2181-66-25	Merchants Transfer & Storage Co.	
5		Kansas City, Missouri	
6		License fee refund	27.82
7	2291-66-25	Colleen P. Shearer	
8		Carlisle, Iowa	
9		Personal property reimbursement	25.75
10	2409-67-25	Linda R. Laffoon	
11		Cedar Falls, Iowa	
12		Property damage	2.84
13	2410-67-25	Gary Knott	
14		Cedar Rapids, Iowa	
15		Stolen property	535.00
16	2416-67-25	Donald J. Hardy	
17		Toledo, Iowa	
18		Medical reimbursement	20.00
19	2495-67-25	Northwestern Bell Telephone Co.	
20		Des Moines, Iowa	
21		Outdated invoice	32.40
22	1719-66-25	Dan J. Voegele	
23		Valley City, North Dakota	
24		License fee refund	28.70
25	1725-66-25	Iowa Beef Processors, Inc.	
26		Dakota City, Nebraska	
27		Prorate license refund	532.89
28	1738-66-25	Mouw Transportation, Inc.	
29		Sibley, Iowa	
30		License fee refund	492.96

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1	1767-66-25	Stockberg Transfer & Storage	
2		Mason City, Iowa	
3		License fee refund	660.80
4	1838-66-25	Dubuque Communication Corporation	
5		a/k/a KDUB-TV Channel 40	
6		Dubuque, Iowa	
7		Breach of contract	430.00

8	1853-66-25	Peavey Company Dealer Service	
9		Sioux City, Iowa	
10		Prorate refund	551.23
11	1856-66-25	Lewis A. Morrow	
12		Chariton, Iowa	
13		Merit pay increase	19.38
14	1861-66-25	Everett G. Stapp, Jr.	
15		Chariton, Iowa	
16		Merit pay increase	19.38
17	1887-66-25	Marvin Lee Corll	
18		Leon, Iowa	
19		Merit pay increase	12.46
20	1891-66-25	The Universe Company, Inc.	
21		Omaha, Nebraska	
22		License fee refund	6,312.64
23	1922-66-25	Robert Blair	
24		Sharpsburg, Iowa	
25		Tax stamp refund	13.61
26	1934-66-25	Dennis M. South	
27		Leon, Iowa	
28		Merit pay increase	8.16
29	1944-66-25	Garland Draper	
30		Van Wert, Iowa	

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1		Merit pay increase	12.46
2	1969-66-25	Des Moines Photo Copy	
3		Des Moines, Iowa	
4		Outdated invoice	66.50
5	2001-66-25	Richard A. Broyles	
6		Indianola, Iowa	
7		Merit pay increase	8.08
8	2002-66-25	Merl J. Curnes	
9		Indianola, Iowa	
10		Merit pay increase	17.44
11	1533-66-25	Jon Norton	
12		Sioux City, Iowa	
13		Prorate refund	39.48
14	1561-66-25	Saunders Leasing System	
15		Mt. Pleasant, Iowa	
16		License fee refund	380.28
17	1588-66-25	Melvin C. Allensworth	
18		Davenport, Iowa	
19		Registration fee refund	4.00
20	1589-66-25	Dows Community School	
21		Dows, Iowa	
22		Outdated invoice	270.00
23	1607-66-25	Larry W. Miller	
24		Merrill, Iowa	
25		License fee refund	415.24
26	1642-66-25	Gene Geissinger	
27		West Des Moines, Iowa	
28		Property Loss	50.00
29	1646-66-25	I B M	
30		Kansas City, Missouri	

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1		Outdated invoice	23.95
2	1657-66-25	Northwestern Bell Telephone Co.	
3		Des Moines, Iowa	
4		Outdated invoice	26.28
5	1669-66-25	Nachurs Plant Food Co.	
6		Red Oak, Iowa	
7		License fee refund	1,023.70
8	1695-66-25	Mrs. Wally Hale	
9		Des Moines, Iowa	
10		Property damage	36.00
11	1700-66-25	Gerald M. Donahue	
12		d/b/a/ Donahue Farms & Tri-State	
13		New Albin, Iowa	
14		License fee refund	151.87
15	1701-66-25	Gerald M. Donahue	
16		d/b/a/ Donahue Farms & Tri-State	
17		New Albin, Iowa	
18		License fee refund	209.44
19	1702-66-25	Gerald M. Donahue	
20		d/b/a/ Donahue Farms & Tri-State	
21		New Albin, Iowa	
22		License fee refund	198.62
23	1703-66-25	Gerald M. Donahue	
24		d/b/a/ Donahue Farms & Tri-State	
25		New Albin, Iowa	
26		License fee refund	151.87
27	1707-66-25	Mid-Equipment, Inc.	
28		Grundy Center, Iowa	
29		License fee refund	900.92
30	1709-66-25	Mission Trucking Service, Inc.	

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1		Mission, South Dakota	
2		License fee refund	23.21
3	870-66-25	D. A. Wilson Company	
4		Ames, Iowa	
5		License fee refund	302.94
6	876-66-25	Corner Drug Store	
7		Clear Lake, Iowa	
8		Outdated invoice	37.35
9	907-66-25	Melvin Wiseman	
10		Chapin, Iowa	
11		Prorate refund	273.00
12	962-66-25	Central Community School Dist.	
13		DeWitt, Iowa	
14		Breach of contract rental	1,495.00
15	963-66-25	Jack Link Truck Line	
16		Dyersville, Iowa	
17		License fee refund	125.25
18	965-66-25	Larry Scheibel	
19		Lebanon, Illinois	
20		License fee refund	600.00
21	1021-66-25	William Wahl	
22		New Hampton, Iowa	

23		License fee refund	565.01
24	1037-66-25	Schwerman Trucking	
25		Milwaukee, Wisconsin	
26		Registration fee refund	1,407.63
27	1038-66-25	Schwerman Trucking	
28		Milwaukee, Wisconsin	
29		Registration fee refund	1,900.69
30	1039-66-25	Schwerman Trucking	

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1		Milwaukee, Wisconsin	
2		Registration fee refund	607.82
3	1224-66-25	Harry F. Rose	
4		Glidden, Iowa	
5		License fee refund	302.41
6	1256-66-25	Albert B. Durr	
7		Dundee, Illinois	
8		Trip permit exchange	Undetermined
9	1298-66-25	Best Refrigerated Express, Inc.	
10		Council Bluffs, Iowa	
11		License fee refund	4,807.74
12	1340-66-25	Herbert James Schwarz	
13		Newton, Iowa	
14		License fee refund	Undetermined
15	1355-66-25	Jim Lightner	
16		Sioux City, Iowa	
17		License fee refund	212.46
18	1369-66-25	State Steel Supply	
19		Sioux City, Iowa	
20		Prorate refund	761.83
21	1410-66-25	Ryder Truck Rental & Central	
22		Soya Co.	
23		Des Moines, Iowa	
24		Prorate refund	1,398.02
25	1530-66-25	Karl Klein Grain & Feed	
26		LeMars, Iowa	
27		Prorate refund	355.11
28	306-65-25	Wilbur Wienert	
29		Holstein, Iowa	
30		License fee refund	65.95

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1	318-65-25	The Wahl Moving & Transfer Co.	
2		Cleveland, Ohio	
3		Permit fee refund	46.00
4	493-65-25	Hicklin G. M. Diesel	
5		Des Moines, Iowa	
6		Fine refund	70.00
7	831-65-25	George H. Wyant	
8		West Des Moines, Iowa	
9		License fee refund	35.00
10	919-65-25	A. J. Haverhals	
11		Hawarden, Iowa	
12		Registration fee refund	174.94
13	991-65-25	William Granstra	

		Sheldon, Iowa	
		License fee refund	90.00
	2000-65-25	Strunk Brothers Company	
		Tiskilwa, Illinois	
		License fee refund	192.00
	2234-65-25	John R. Hoffman	
		Lamoni, Iowa	
		License fee refund	469.05
	2236-65-25	Leonard Olson, Olson Transfer	
		Cherokee, Iowa	
		License fee refund	192.54
	2397-65-25	Harold Dickey Transport, Inc.	
		Packwood, Iowa	
		License fee refund	421.06
	2398-65-25	Harold Dickey Transport, Inc.	
		Packwood, Iowa	
		License fee refund	318.66

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	2506-65-25	Iowa Steel & Wire	
		Centerville, Iowa	
		License fee refund	Undetermined
	2508-65-25	American Beef Packers, Inc.	
		Oakland, Iowa	
		License fee refund	814.56
	2614-65-25	Sather Cookie Company	
		Round Lake, Minnesota	
		License fee refund	719.76
	2625-65-25	Kenneth Nurnberg	
		Arispe, Iowa	
		Prorate refund	325.62
	1863-66-25	David Bach	
		Des Moines, Iowa	
		Property damage	2.50
	2031-66-25	Ray Sullins	
		Des Moines, Iowa	
		Outdated expense claim	1,000.00
	2037-66-25	James L. Goodell	
		Millerton, Iowa	
		Merit pay increase	10.34
	2038-66-25	Lester E. Ripperger	
		Chariton, Iowa	
		Merit pay increase	13.70
	2073-66-25	Lewis A. Souer	
		Indianola, Iowa	
		Real estate transfer tax refund	46.75
	2147-66-25	Ronald Banowetz	
		Charlotte, Iowa	
		Property tax refund	5,000.00

Referred to the committee on **appropriations.**

MOTION TO RECONSIDER LOST

(House File 1314)

Wyckoff of Benton called up for consideration the motion to

reconsider **House File 1314**, filed on May 5, 1976, and moved to reconsider the vote by which House File 1314, a bill for an act relating to limiting intermittent employment under the merit employment system to a period of not more than one hundred twenty calendar days out of any twelve-month period, relating to the powers, duties, organization and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation and state transportation commission, and funding the state department of transportation's share for administration of the state merit system, passed the House on May 5, 1976.

A non-record roll call was requested.

The ayes were 31, nays 37.

The motion lost.

With the failure of the motion to reconsider House File 1314, the following are out of order:

Amendment H—6588 (to amendment H—6543) filed by Brandt of Black Hawk on May 10, 1976, and found on page 2570 of the House Journal.

The motion to reconsider amendment H—6526 filed by Brandt of Black Hawk.

The motions to reconsider amendments H—6543 and H—6545 filed by Branstad of Winnebago.

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION
(House Files 1577 and 1578 and Senate File 1322)

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House Files 1577 and 1578 and Senate File 1322.

CONSIDERATION OF BILLS

STEERING COMMITTEE CALENDAR

Senate File 367, a bill for an act relating to the location and operation of livestock feedlots, and defining nuisance as the term relates thereto, with report of committee recommending amendment and passage, was taken up for consideration.

Scheelhaase of Woodbury offered the following amendment H—6666 filed by Scheelhaase, et al.:

H—6666

Amend Senate File 367, as amended and passed by the Senate, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "City" means a municipal corporation including a town, but not including a county, township, school district, or any special-purpose district or authority.

2. "Department" means the department of environmental quality and includes any officer or agency within that department.

3. "Established date of operation" means the date on which a feedlot commenced operating with not more livestock than reasonably could be maintained by the physical facilities existing as of that date. If the physical facilities of the feedlot are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent "established date of operation" established as of this date of commencement of the expanded operations, and the commencement of expanded operations shall not divest the feedlot of a previously established date of operation.

4. "Established date of ownership" means the date of the recording of an appropriate muniment of title establishing the ownership of realty.

5. "Rule of the department" means a rule as defined in section seventeen A point two (17A.2) of the Code which materially affects the operation of a feedlot and which has been adopted by the department. The term includes a rule which was in effect prior to the effective date of chapter one thousand ninety (1090), Acts of the Sixty-fifth General Assembly, 1974 Session. Nothing in this Act shall be deemed to empower the department to make any rule.

6. "Feedlot" means a lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed.

7. "Livestock" means cattle, sheep, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

8. "Materially affects" means prohibits or regulates with respect to the location, or the emission of noise, effluent, odors, sewage, waste, or similar products resulting from the operation or the location

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or use of buildings, machinery, vehicles, equipment, or other real or personal property used in the operation, of a livestock feedlot.

9. "Nuisance" means and includes public or private nuisance as defined either by statute or by the common law.

10. "Nuisance action or proceeding" means and includes every action, claim or proceeding, whether brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

11. "Owner" shall mean the person holding record title to real estate to include both legal and equitable interests under recorded real estate contracts.

12. "Zoning requirement" means a regulation or ordinance, which has been adopted by a city, county, township, school district, or any special-purpose district or authority, and which materially affects the operation of a feedlot. Nothing in this Act shall be deemed to empower any agency described in this subsection to make any regulation or ordinance.

13. A rule pertaining to "feedlot management standards" means a rule, the implementation of which, or the compliance with which, requires the expenditure of funds not in excess of two percent of the establishment cost of the feedlot.

14. A rule pertaining to "feedlot design standards" means a rule, the implementation of which, or the compliance with which, requires the expenditure of funds in excess of two percent of the establishment cost of the feedlot.

15. "Establishment cost of a feedlot" means the cost or value of the feedlot on its established date of operation and includes the cost or value of the building, machinery, vehicles, equipment or other real or personal property used in the operation of the feedlot.

Sec. 2. *NEW SECTION.* NUISANCE ACTIONS LIMITED. No person whose date of ownership of realty is subsequent to the established date of operation of a feedlot shall maintain a nuisance action or proceeding against a feedlot except upon the pleading and proof of a specific violation either of section three (3) or section four (4) of this Act.

Sec. 3. *NEW SECTION.* COMPLIANCE WITH RULES OF THE DEPARTMENT.

1. REQUIREMENT. A person who operates a feedlot shall comply with applicable rules of the department. The applicability of a rule of the department shall be as provided in subsection two (2) of this section.

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A person complies with this section as a matter of law where no rule of the department exists.

2. APPLICABILITY OF RULES.

a. Exclusion for federally mandated requirements. This section shall apply to the department's rules except for rules required for delegation of the national pollutant discharge elimination system permit program pursuant to the Federal Water Pollution Control Act, Title thirty-three (33), United States Code, chapter one hundred twenty-six (126), as amended, and forty (40) Code of Federal Regulations, Part one hundred twenty-four (124).

b. Applicability of rules of the department other than those issued by the air quality commission.

(1) A rule of the department in effect on the effective date of this Act shall apply to a feedlot with an established date of operation prior to the effective date of this Act.

(2) A rule of the department shall apply to a feedlot with an established date of operation subsequent to the effective date of the rule.

(3) A rule of the department adopted after the effective date of this Act shall not apply to a feedlot holding any DEQ permit and having an established date of operation prior to the effective date of the rule until either the expiration of the term of the permit in effect on the effective date of the rule, or ten years from the established date of operation of the feedlot, whichever time period is greater.

(4) A rule of the department adopted after the effective date of this Act shall not apply to a feedlot not previously required to hold a DEQ permit and having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or five years from the effective date of the rule, whichever time period is greater.

(5) To achieve compliance with applicable rules the department shall issue an appropriate compliance schedule.

c. Applicability of rules of the air quality commission.

(1) A rule of the air quality commission in effect on the effective date of this Act shall apply to a feedlot with an established date of operation prior to the effective date of this Act.

(2) A rule of the air quality commission shall apply to a feedlot with an established date of operation subsequent to the effective date of the rule.

(3) A rule of the air quality commission pertain-

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ing to feedlot management standards adopted after the effective date of this Act shall not apply to any feedlot having an established date of operation prior to the effective date of the rule until one year after the effective date of the rule.

(4) A rule of the air quality commission pertaining to feedlot design standards adopted after the effective date of this Act shall not apply to any feedlot having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or two years from the effective date of the rule, whichever time period is greater. However, any design standard rule pertaining to the siting of any feedlot shall apply only to a feedlot with an established date of operation subsequent to the effective date of the rule.

(5) To achieve compliance with applicable rules the department shall issue an appropriate compliance schedule.

Sec. 4. *NEW SECTION.* COMPLIANCE WITH ZONING REQUIREMENTS.

1. REQUIREMENT. A person who operates a feedlot shall comply with applicable zoning requirements. The applicability of a zoning requirement shall be as provided in subsection two (2) of this section. A person complies with this section as a matter of law where no zoning requirement exists.

2. APPLICABILITY.

a. A zoning requirement shall apply to a feedlot with an established date of operation subsequent to the effective date of the zoning requirement.

b. A zoning requirement, other than one adopted by a city, shall not apply to a feedlot with an established date of operation prior to the effective date of the zoning requirement, for a period of ten years from the effective date of that zoning requirement.

c. A zoning requirement which is in effect on the effective date of this Act, shall apply to a feedlot with an established date of operation prior to the effective date of this Act.

d. A zoning requirement adopted by a city shall apply to a feedlot located within an incorporated or unincorporated area which is subject to regulation by that city as of the effective date of this Act, regardless of the established date of operation of the feedlot.

e. A zoning requirement adopted by a city shall not apply to a feedlot which becomes located within

an incorporated or unincorporated area subject to regulation by that city by virtue of an incorporation or annexation which takes effect after the effective date of this Act for a period of ten years from the effective date of the incorporation or annexation.

Sec. 6. Chapter six hundred fifty-seven (657), Code 1975, is amended by adding the following new

section:

NEW SECTION. FEEDLOTS. This chapter shall apply to the operation of a livestock feedlot, only as provided in sections one (1) through five (5) of this Act.

Sec. 7. The code editor is directed to codify sections one (1) through five (5) of this Act as a new chapter of the Code.

Sec. 8. This Act shall take effect on November 1, 1976."

RULE 20 SUSPENDED

Scheelhaase of Woodbury asked and received unanimous consent to suspend Rule 20 and that Larry Crane of the Department of Environmental Quality be permitted in the House chamber during the consideration of Senate File 367.

Varley of Adair offered the following amendment H—6684, to amendment H—6666, filed by Varley, Husak, Scheelhaase and Pellett from the floor and moved its adoption:

H—6684

Amend the amendment H—6666 to Senate File 367, as amended and passed by the Senate, page 2, by striking lines 38 through 44 and inserting in lieu thereof the following section:

"Sec. 2. *NEW SECTION.* COMPLIANCE—A DEFENSE TO NUISANCE ACTIONS. In any nuisance action or proceeding against a feedlot brought by or on behalf of a person whose date of ownership of realty is subsequent to the established date of operation of that feedlot, proof of compliance with sections three (3) and four (4) of this Act shall be an absolute defense, provided that the conditions or circumstances alleged to constitute a nuisance are subject to regulatory jurisdiction in accordance with either section three (3) or four (4) of this Act."

Amendment H—6684 was adopted.

Lipsky of Linn offered the following amendment H—6686, to amendment H—6666, filed by her from the floor:

H—6686

Amend amendment H—6666 to Senate File 367 as follows:

1. Page 4, by striking lines 49 and 50.
2. Page 5, by striking lines 1 through 6.

Fitzgerald of Webster moved the previous question on Senate File 367 and all motions and amendments filed thereto.

A non-record roll call was requested.

The ayes were 55, nays 30.

The motion prevailed.

Lipsky of Linn moved the adoption of amendment H—6686, to amendment H—6666.

Roll call was requested by Lipsky of Linn and Tauke of Dubuque.

On the question "Shall amendment H—6686, to amendment H—6666, be adopted?"

The ayes were, 13:

Bina	Harvey	Jochum	Pavich
Brandt	Higgins	Lipsky	Readinger
Cusack	Jesse	O'Halloran	Tauke
Gentleman			

The nays were, 68:

Anderson	Dyrland	Krause	Scheelhaase
Avenson	Egenes	Kreamer	Schroeder
Baker	Evans	Lageschulte	Spear
Bennett	Gilloon	Lindeen	Spencer
Binneboese	Griffee	McElroy	Spradling
Bortell	Halvorson	Menke	Stromer
Branstad	Hansen	Middleswart	Svoboda
Brunow	Harper	Millen	Tofte
Clark	Hennessey	Miller, A. V.	Varley
Crawford	Hines	Miller, O. L.	Walter
Daggett	Hinkhouse	Nealson	Welden
Danker	Horn	Newhard	Wells
Den Herder	Howell	Norland	West
Dieleman	Husak	Oakley	Woods
Doyle	Hutchins	Pellett	Wulff
Drake	Jordan	Perkins	Wyckoff
Dunton	Koogler	Rinas	Mr. Speaker

Absent or not voting, 18:

Bittle	Fitzgerald	Mennenga	Nielsen
Brockett	Hargrave	Middleton	Patchett
Byerly	Hullinger	Miller, K. D.	Poncy
Connors	Junker	Monroe	Small
Crabb	Lonergan		

Amendment H—6686 lost.

Tauke of Dubuque offered the following amendment H—6689, to amendment H—6666, filed by him from the floor and moved its adoption:

H—6689

Amend H—6666 to Senate File 367 as follows:

1. Page 2, line 18 by adding after "authority,"

"except a local board of health,".

Roll call was requested by Varley of Adair and Tauke of Dubuque.

Rule 70 was invoked.

On the question "Shall amendment H—6689, to amendment H—6666, be adopted?"

The ayes were, 36:

Anderson	Gentleman	Kraamer	Poncy
Bina	Gilloon	Lipsky	Readinger
Brandt	Griffee	McElroy	Rinas
Clark	Harper	Middleton	Small
Crawford	Harvey	Nielsen	Svoboda
Cusack	Higgins	Norland	Tauke
Dieleman	Hines	O'Halloran	Varley
Egenes	Jesse	Patchett	Walter
Evans	Jochum	Pavich	Wulff

The nays were, 50:

Avenson	Dyrland	Lindeen	Schroeder
Baker	Halvorson	Menke	Spear
Bennett	Hansen	Middleswart	Spencer
Binneboese	Hennessey	Millen	Spradling
Bortell	Hinkhouse	Miller, A. V.	Stromer
Branstad	Horn	Miller, K. D.	Tofte
Brunow	Howell	Miller, O. L.	Welden
Daggett	Husak	Nealson	Wells
Danker	Hutchins	Newhard	West
Den Herder	Jordan	Pellett	Woods
Doyle	Koogler	Perkins	Wyckoff
Drake	Krause	Scheelhaase	Mr. Speaker
Dunton	Lageschulte		

Absent or not voting, 13:

Bittle	Crabb	Hullinger	Mennenga
Brockett	Fitzgerald	Junker	Monroe
Byerly	Hargrave	Lonergan	Oakley
Connors			

Amendment H—6689 lost.

Scheelhaase of Woodbury offered the following amendment H—6688, to amendment H—6666, filed by him from the floor and moved its adoption:

H—6688

Amend the Scheelhaase, et al., amendment, H—6666, to Senate File 367 as amended and passed by the Senate as follows:

1. Page 1, line 35, by striking the word "Nothing" and inserting in lieu thereof the words "Except as specifically provided in subparagraph five (5) of paragraph b and subparagraph five (5) of paragraph c of subsection two (2) of section three (3) of this Act, nothing".

Amendment H—6688 was adopted.

Middleswart of Warren in the chair at 10:53 a.m.

Scheelhaase of Woodbury moved the adoption of amendment H—6666, as amended.

Amendment H—6666, as amended, was adopted.

With the adoption of amendment H—6666, as amended, the following amendments are out of order:

H—4030 (to page 3) filed by Gentleman of Polk on June 3, 1975, and found on page 2116 of the House Journal.

H—4150 (to page 1) filed by Varley, et al., on June 10, 1975, and found on page 2315 of the House Journal.

H—4155 (to page 1) filed by Monroe of Des Moines and O'Halloran of Black Hawk on June 19, 1975, and found on pages 2316 and 2317 of the House Journal.

H—4324 (to amendment H—4150) filed by Varley of Adair on June 17, 1975, and found on page 2633 of the House Journal.

H—5568 filed by the committee on agriculture on March 5, 1976, and found on pages 795 through 797 of the House Journal.

Scheelhaase of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 367)

The ayes were, 76:

Anderson	Egenes	Koogler	Readinger
Avenson	Evans	Krause	Rinas
Baker	Fitzgerald	Lageschulte	Scheelhaase
Bennett	Gilloon	Lindeen	Schroeder
Bina	Griffee	McElroy	Small
Binneboese	Halvorson	Menke	Spear
Bortell	Hansen	Millen	Spencer
Branstad	Harper	Miller, A. V.	Spradling
Brunow	Harvey	Miller, K. D.	Stromer
Clark	Hennessey	Miller, O. L.	Svoboda
Cochran	Higgins	Nealson	Tofte
Crawford	Hines	Newhard	Varley
Daggett	Hinkhouse	Nielsen	Welden
Danker	Horn	Norland	Wells
Den Herder	Howell	Oakley	West
Dieleman	Hullinger	Patchett	Woods
Doyle	Husak	Pellett	Wyckoff
Drake	Hutchins	Perkins	Mr. Speaker (Middleswart)
Dunton	Jordan	Poncy	
Dyrland			

The nays were, 14:

Brandt	Jesse	Middleton	Tauke
Connors	Jochum	O'Halloran	Walter
Cusack	Kreamer	Pavich	Wulff
Gentleman	Lipsky		

Absent or not voting, 9:

Bittle	Crabb	Junker	Mennenga
Brockett	Hargrave	Lonergan	Monroe
Byerly			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Cochran in the chair at 11:07 a.m.

APPROPRIATIONS CALENDAR

Senate File 1323, a bill for an act to provide funds to supplement funds appropriated to the law library for books, periodicals, and publications, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1323)

The ayes were, 90:

Anderson	Evans	Kreamer	Poncy
Avenson	Fitzgerald	Lageschulte	Readinger
Baker	Gentleman	Lindeen	Rinas
Bennett	Gilloon	Lipsky	Scheelhaase
Bina	Griffee	McElroy	Schroeder
Binneboese	Halvorson	Menke	Small
Bortell	Hansen	Middleswart	Spear
Brandt	Harper	Middleton	Spencer
Branstad	Harvey	Millen	Spradling
Brunow	Hennessey	Miller, A. V.	Stromer
Clark	Higgins	Miller, K. D.	Svoboda
Connors	Hines	Miller, O. L.	Tauke
Crawford	Hinkhouse	Nealson	Tofte
Cusack	Horn	Newhard	Varley
Daggett	Howell	Nielsen	Walter
Danker	Hullinger	Norland	Welden
Den Herder	Husak	Oakley	Wells
Dieleman	Hutchins	O'Halloran	West
Doyle	Jesse	Patchett	Woods
Drake	Jochum	Pavich	Wulff
Dunton	Jordan	Pellett	Wyckoff
Dyrland	Koogler	Perkins	Mr. Speaker
Egenes	Krause		

The nays were, none.

Absent or not voting, 9:

Bittle	Crabb	Junker	Mennenga
Brockett	Hargrave	Lonergan	Monroe
Byerly			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1577, a bill for an act appropriating funds to the legislative council and the legislative fiscal committee, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1577)

The ayes were, 88:

Anderson	Egenes	Krause	Perkins
Avenson	Evans	Kreamer	Poncy
Baker	Fitzgerald	Lageschulte	Readinger
Bennett	Gentleman	Lindeen	Rinas
Bina	Gilloon	Lipsky	Scheelhaase
Binneboese	Griffee	McElroy	Schroeder
Bortell	Halvorson	Menke	Small
Brandt	Hansen	Middleswart	Spear
Branstad	Harper	Middleton	Spencer
Brunow	Hennessey	Millen	Spradling
Clark	Higgins	Miller, A. V.	Stromer
Connors	Hines	Miller, K. D.	Tauke
Crawford	Hinkhouse	Miller, O. L.	Tofte
Cusack	Horn	Nealson	Varley
Daggett	Howell	Newhard	Walter
Danker	Hullinger	Nielsen	Welden
Den Herder	Husak	Norland	Wells
Dieleman	Hutchins	Oakley	West
Doyle	Jesse	O'Halloran	Woods
Drake	Jochum	Patchett	Wulff
Dunton	Jordan	Pavich	Wyckoff
Dyrland	Koogler	Pellett	Mr. Speaker

The nays were, 1:

Harvey

Absent or not voting, 10:

Bittle	Crabb	Lonergan	Monroe
Brockett	Hargrave	Mennenga	Svoboda
Byerly	Junker		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT TO CHANGE VOTE
(Senate File 367)

Middleton of Black Hawk asked and received unanimous consent to change his vote from "aye" to "nay" on Senate File 367 and the vote was so recorded.

SENATE FILE 1330 SUBSTITUTED FOR HOUSE FILE 1578

Griffee of Chickasaw asked and received unanimous consent to substitute Senate File 1330 for House File 1578.

Senate File 1330, a bill for an act to appropriate funds to the legislative council to finance the computerization of an accurate data base containing the Code of Iowa, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1330)

The ayes were, 85:

Anderson	Gentleman	Kreamer	Poncy
Avenson	Gilloon	Lageschulte	Readinger
Baker	Griffee	Lindeen	Rinas
Bennett	Halvorson	Lipsky	Scheelhaase
Bina	Hansen	McElroy	Schroeder
Binneboese	Harper	Menke	Small
Bortell	Harvey	Middleswart	Spear
Brandt	Hennessey	Millen	Spencer
Branstad	Higgins	Miller, A. V.	Spradling
Brunow	Hines	Miller, K. D.	Stromer
Connors	Hinkhouse	Miller, O. L.	Svoboda
Crawford	Horn	Nealson	Tauke
Cusack	Howell	Newhard	Tofte
Daggett	Hullinger	Nielsen	Varley
Den Herder	Husak	Norland	Walter
Dieleman	Hutchins	Oakley	Welden
Doyle	Jesse	O'Halloran	West
Drake	Jochum	Patchett	Woods
Dunton	Jordan	Pavich	Wulff
Dyrland	Koogler	Pellett	Wyckoff
Egenes	Krause	Perkins	Mr. Speaker
Fitzgerald			

The nays were, 1:

Clark

Absent or not voting, 13:

Bittle	Danker	Junker	Middleton
Brockett	Evans	Lonergan	Monroe
Byerly	Hargrave	Mennenga	Wells
Crabb			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1322, a bill for an act making an appropriation to the Iowa department of revenue, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1322)

The ayes were, 86:

Anderson	Fitzgerald	Lageschulte	Poncy
Avenson	Gentleman	Lindeen	Readinger
Baker	Gilloon	Lipsky	Rinas
Bennett	Griffee	McElroy	Scheelhaase
Bina	Halvorson	Menke	Schroeder
Binneboese	Hansen	Middleswart	Small
Bortell	Harper	Middleton	Spear
Brandt	Harvey	Millen	Spencer
Brunow	Hennessey	Miller, A. V.	Spradling
Clark	Higgins	Miller, K. D.	Stromer
Connors	Hines	Miller, O. L.	Svoboda
Crawford	Hinkhouse	Nealson	Tofte
Cusack	Horn	Newhard	Varley
Daggett	Howell	Nielsen	Walter
Den Herder	Hullinger	Norland	Welden
Dieleman	Husak	Oakley	Wells
Doyle	Hutchins	O'Halloran	West
Drake	Jochum	Patchett	Woods
Dunton	Jordan	Pavich	Wulff
Dyrland	Koogler	Pellett	Wyckoff
Egenes	Krause	Perkins	Mr. Speaker
Evans	Kreamer		

The nays were, 2:

Danker	Tauke

Absent or not voting, 11:

Bittle	Byerly	Jesse	Mennenga
Branstad	Crabb	Junker	Monroe
Brockett	Hargrave	Lonergan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 139

Cusack of Scott called up for consideration **House Concurrent Resolution 139**, filed on May 7, 1976, and found on pages 2523 and 2524 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Baker of Buena Vista called up for consideration **House File 1059**, a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6673

Amend House File 1059 as passed by the House as follows:

1. Page 2, by inserting after line 2, the following:

"Sec. 2. The provisions of this Act shall be governed by budget limitations contained in Senate File 1062, passed by the 66th General Assembly, 1976 session."

The motion prevailed and the House concurred in the Senate amendment H—6673.

Baker of Buena Vista moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1059)

The ayes were, 84:

Anderson	Evans	Kreamer	Perkins
Avenson	Fitzgerald	Lageschulte	Poncy
Baker	Gilloon	Lindeen	Rinas
Bina	Griffee	Lonergan	Scheelhaase
Binneboese	Halvorson	McElroy	Small
Bortell	Hansen	Menke	Spear
Brandt	Harper	Middleswart	Spencer
Brunow	Harvey	Middleton	Spradling
Clark	Hennessey	Millen	Stromer
Connors	Higgins	Miller, A. V.	Svoboda
Crawford	Hines	Miller, K. D.	Tauke
Cusack	Hinkhouse	Miller, O. L.	Tofte
Daggett	Horn	Nealson	Varley
Danker	Howell	Newhard	Walter
Den Herder	Hullinger	Nielsen	Welden
Dieleman	Husak	Norland	Wells
Doyle	Hutchins	Oakley	West
Drake	Jochum	O'Halloran	Woods
Dunton	Jordan	Patchett	Wulff
Dyrland	Koogler	Pavich	Wyckoff
Egenes	Krause	Pellett	Mr. Speaker

The nays were, 3:

Gentleman	Readinger	Schroeder

Absent or not voting, 12:

Bennett	Brockett	Hargrave	Lipsky
Bittle	Byerly	Jesse	Mennenga
Brandstad	Crabb	Junker	Monroe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Drake of Muscatine called up for consideration **House File 1432**, a bill for an act relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of

oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6675

Amend House File 1432, as amended and passed by the House, as follows:

1. Page 1, by striking lines 1 through 10.

2. Page 3, by adding after line 23 the following:

"Sec. ..... Section three hundred twenty-one E point sixteen (321E.16), Code 1975, is amended to read as follows:

321E.16 VIOLATIONS—PENALTIES. *A person shall not commit any act forbidden or fail to perform any act required by the provisions of this chapter or any provision of rules adopted pursuant to section three hundred twenty-one E point fifteen (321.15) of the Code.* Any person who is convicted of a violation of any provision other than length, height, width, or weight of any permit issued under this chapter shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars. The fine for violation of the length, height, width, and weight allowed by permit shall be based upon the difference between the actual length, height, width, and weight of the vehicle and load and the maximum allowable by permit and in accordance with section 321.482 for violations of length, height, or width limitations and sections 321.482 and 321.463 for violation of weight limitations. If a vehicle with indivisible load traveling under permit is found to be in violation of weight limitations, the vehicle operator shall be allowed a reasonable amount of time to remove any ice, mud, snow, and other weight attributable to climatic conditions accumulated along the route prior to application of the penalties prescribed in sections 321.463 and 321.482."

3. Page 3, by striking lines 24 through 32.

4. Page 5, lines 26 through 31, by striking the words "*Effective July 1, 1977, each citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer.*"

5. Page 6, by inserting after line 13 the following:

"Sec. ..... Section seven hundred fifty-three point fifteen (753.15), subsection six (6), Code 1975, is amended to read as follows:

6. Excess speed up to ten miles per hour over the legal limit, [twenty] *ten* dollars."

6. Page 6, line 18, by striking the word "fifty" and inserting in lieu thereof the word "twenty-five".

7. By renumbering the sections in accordance with

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this amendment.

The motion prevailed and the House concurred in the Senate amendment H—6675.

Drake of Muscatine moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1432)

The ayes were, 90:

Anderson	Evans	Lageschulte	Poncy
Avenson	Fitzgerald	Lindeen	Readinger
Baker	Gentleman	Lipsky	Rinas
Bennett	Gilloon	Lonergan	Scheelhaase
Bina	Griffee	McElroy	Schroeder
Binneboese	Halvorson	Menke	Small
Bortell	Hansen	Middleswart	Spear
Brandt	Harper	Middleton	Spencer
Branstad	Harvey	Millen	Spradling
Brunow	Hennessey	Miller, A. V.	Stromer
Clark	Higgins	Miller, K. D.	Svoboda
Connors	Hines	Miller, O. L.	Tauke
Crawford	Hinkhouse	Nealson	Tofte
Cusack	Horn	Newhard	Varley
Daggett	Howell	Nielsen	Walter
Danker	Hullinger	Norland	Welden
Den Herder	Husak	Oakley	Wells
Dieleman	Hutchins	O'Halloran	West
Doyle	Jochum	Patchett	Woods
Drake	Jordan	Pavich	Wulff
Dunton	Koogler	Pellett	Wyckoff
Dyrland	Krause	Perkins	Mr. Speaker
Egenes	Kreamer		

The nays were, none.

Absent or not voting, 9:

Bittle	Crabb	Jesse	Mennenga
Brockett	Hargrave	Junker	Monroe
Byerly			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Krause of Palo Alto called up for consideration **Senate File**

1265, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code, amended by the House and further amended by the Senate as follows:

H—6656

Amend the House amendment S—5616 to Senate File 1265 as passed by the Senate as follows:

1. Page 1, by inserting after line 20 the following:

"Sec. ..... Section three hundred six C point eleven (306C.11), subsection five (5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File ninety-one (91), section one (1), is amended by adding the following new paragraph:

NEW PARAGRAPH. For the year beginning July 1, 1977, and each subsequent year the annual fee shall be equal to the sum of twenty-five dollars plus ten dollars per month. The ten dollar per month portion shall be due on or before the first of each month or payable quarterly with installments due on or before July first, October first, January first, and April first of each year. The ten dollar per month portion of the annual fee shall be used by the department for the design, construction, erection and maintenance of specific information panels and administration costs of collecting the monthly fee. The twenty-five dollar portion of the annual fee shall be deposited in the highway beautification fund."

2. Page 1, line 39, by inserting after the word "notices" the words ", providing for changes in the annual fee for certain advertising devices".

3. Renumber sections as necessary in conformance with this amendment.

Schroeder of Pottawattamie asked for unanimous consent to defer action on Senate File 1265 until Monday, May 17, 1976.

Objection was raised.

Schroeder of Pottawattamie moved that action on Senate File 1265 be deferred until Monday, May 17, 1976.

A non-record roll call was requested.

The ayes were 32, nays 48.

The motion lost.

Krause of Palo Alto moved that the House concur in the Senate amendment H—6656 to the House amendment.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 56, nays 25.

The motion prevailed and the House concurred in the Senate amendment H—6656 to the House amendment.

Krause of Palo Alto moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1265)

The ayes were, 58:

Bina	Gentleman	Lipsky	Readinger
Binneboese	Gilloon	Lonergan	Rinas
Brandt	Halvorson	McElroy	Scheelhaase
Brunow	Harper	Middleswart	Schroeder
Clark	Hennessey	Middleton	Small
Connors	Higgins	Miller, A. V.	Spear
Crawford	Hines	Miller, O. L.	Spencer
Cusack	Hinkhouse	Newhard	Spradling
Dieleman	Howell	Norland	Stromer
Doyle	Jochum	O'Halloran	Svoboda
Drake	Jordan	Patchett	Varley
Dunton	Koogler	Pavich	Walter
Dyrland	Krause	Perkins	Wells
Egenes	Lageschulte	Poncy	Mr. Speaker
Fitzgerald	Lindeen		

The nays were, 28:

Anderson	Danker	Kreamer	Tauke
Avenson	Den Herder	Menke	Tofte
Baker	Evans	Millen	Welden
Bennett	Hansen	Miller, K. D.	West
Bortell	Harvey	Nealson	Woods
Branstad	Husak	Nielsen	Wulff
Daggett	Hutchins	Pellett	Wyckoff

Absent or not voting, 13:

Bittle	Griffee	Hullinger	Mennenga
Brockett	Hargrave	Jesse	Monroe
Byerly	Horn	Junker	Oakley
Crabb			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SECOND CONFERENCE COMMITTEE APPOINTEED
(Senate File 85)

The Speaker announced the appointment of the second confer-

ence committee to consider the differences between the House and Senate concerning **Senate File 85**: Jesse of Polk, chair; Branstad of Winnebago, Gentleman of Polk, Nielsen of Polk and Oakley of Clinton.

On motion by Fitzgerald of Webster the House was recessed until 1:45 p.m.

AFTERNOON SESSION

The House reconvened, Cusack of Scott in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth for the afternoon session on request of Newhard of Jones; Spencer of Clay for the afternoon session on request of Spradling of Sioux; Lipsky of Linn for the afternoon session on request of Millen of Van Buren.

QUORUM CALL

Roll call was requested by Danker of Pottawattamie and Lageschulte of Bremer to determine that a quorum was present.

Present, 72:

Anderson	Evans	Krause	Rinas
Avenson	Fitzgerald	Lageschulte	Scheelhaase
Baker	Gentleman	Lindeen	Schroeder
Bennett	Gilloon	McElroy	Small
Bina	Halvorson	Menke	Spear
Bortell	Hansen	Middleswart	Spradling
Branstad	Harper	Middleton	Stromer
Brunow	Harvey	Millen	Tauke
Clark	Higgins	Miller, A. V.	Tofte
Cochran	Hines	Miller, O. L.	Walter
Connors	Hinkhouse	Newhard	Welden
Crawford	Horn	Norland	Wells
Daggett	Howell	O'Halloran	West
Danker	Hullinger	Patchett	Woods
Dieleman	Hutchins	Pavich	Wulff
Doyle	Jochum	Pellett	Wyckoff
Drake	Jordan	Perkins	Mr. Speaker (Cusack)
Dunton	Koogler	Poncy	
Dyrland			

Absent, 27:

Binneboese	Egenes	Kreamer	Nielsen
Bittle	Griffee	Lipsky	Oakley
Brandt	Hargrave	Lonergan	Readinger
Brockett	Hennessey	Mennenga	Spencer
Byerly	Husak	Miller. K. D.	Svoboda
Crabb	Jesse	Monroe	Varley
Den Herder	Junker	Nealson	

SENATE AMENDMENTS CONSIDERED

Rinas of Linn called up for consideration **Senate File 1278**, a bill for an act relating to airports and aeronautics and providing for a fee, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—6674

1 Amend the House amendment S—5691, to Senate File
2 1278, by striking lines 3 through 11.

The motion prevailed and the House concurred in the Senate amendment to the House amendment.

Rinas of Linn moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1278)

The ayes were, 80:

Anderson	Fitzgerald	Lindeen	Readinger
Avenson	Gentleman	Lonergan	Rinas
Baker	Gilloon	McElroy	Scheelhaase
Bennett	Halvorson	Menke	Schroeder
Bina	Hansen	Middleswart	Small
Bortell	Harper	Middleton	Spear
Brandt	Harvey	Millen	Spradling
Branstad	Hennessey	Miller, A. V.	Stromer
Brunow	Higgins	Miller, K. D.	Svoboda
Clark	Hinkhouse	Miller, O. L.	Tauke
Cochran	Horn	Newhard	Tofte
Connors	Hullinger	Nielsen	Walter
Crawford	Husak	Norland	Welden
Daggett	Hutchins	Oakley	Wells
Danker	Jochum	O'Halloran	West
Dieleman	Jordan	Patchett	Woods
Doyle	Koogler	Pavich	Wulff
Drake	Krause	Pellett	Wyckoff
Dunton	Kreamer	Perkins	Mr. Speaker (Cusack)
Dyrland	Lageschulte	Poncy	
Evans			

The nays were, 1:

Howell

Absent or not voting, 18:

Binneboese	Den Herder	Jesse	Monroe
Bittle	Egenes	Junker	Nealson
Brockett	Griffee	Lipsky	Spencer
Byerly	Hargrave	Mennenga	Varley
Crabb	Hines		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Small of Johnson called up for consideration **House File 1478**, a bill for an act regulating the establishment and use of electronic fund transfer systems maintained off the premises of the principal places of business and offices of financial institutions, and establishing the numbers and locations of offices and electronic fund consumer terminals, amended by the Senate as follows:

H—6657

Amend House File 1478, as amended, passed and reprinted by the House as follows:

1. Page 3, line 22, by striking everything after the word "fifty" through line 29 and inserting in lieu thereof the following: "thousand [according to the most recent federal census may establish two such offices within the boundaries of the municipal corporation or urban complex, if the municipal corporation or urban complex has a population of over one hundred thousand] but not over".

2. Page 3, line 30, by striking the words "one hundred thousand but not over".

3. Page 10, lines 30 and 31, by striking the word and figure "ten (10)" and inserting in lieu thereof the word and figure "twelve (12)".

4. Page 10, by inserting after line 31 the following new subsection:

"7. "Multiple use terminal" means any machine or device to which all of the following are applicable:

a. The machine or device is owned or operated by a person who primarily engages in a service, business or enterprise, including but not limited to the retail sale of goods or services, but who is not organized under the laws of this state or under federal law as a bank, savings and loan association, or credit union;

b. The machine or device is used by the person by whom it is owned or operated in some capacity other than as a satellite terminal; and

c. A financial institution proposes to contract or has contracted to utilize that machine or device as a satellite terminal."

5. Page 10, by striking line 32 and inserting in lieu thereof the following:

"Sec. 12. *NEW SECTION.* ENFORCEMENT.

1. For purposes of this".

6. Page 11, by inserting after line 6 the following new subsections:

"2. The administrator shall have the authority to examine any person who operates a multiple use terminal or other satellite terminal, and any other device or facility with which such terminal is interconnected, as to any transaction by, with, or involving a financial institution. Information obtained in the course of such an examination shall

not be disclosed, except as provided by law.

3. Nothing contained in this chapter shall authorize the administrator to regulate the conduct of business functions or to obtain access to any business records, data, or information of a person

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who operates a multiple use terminal, except those pertaining to a financial transaction engaged in through a satellite terminal, or as may otherwise be provided by law.

4. Nothing contained in this chapter shall be construed to prohibit or to authorize the administrator to prohibit an operator of a multiple use terminal, other than a financial institution, or an operator of any other device or facility with which such terminal is interconnected, other than a central routing unit or data processing center (as defined in section eleven (11) of this Act) from using those facilities to perform internal proprietary functions, including the extension of credit pursuant to an open end credit arrangement."

7. Page 11, line 25, by inserting after the word "location" the words "except pursuant to an agreement with a financial institution which is authorized by the preceding sentence to establish a satellite terminal at that location and which will utilize the satellite terminal so established".

8. Page 12, line 1, by inserting after the word "chapter." the words "The use and operation of each satellite terminal shall be governed by a written agreement between the controlling financial institution and the person controlling the physical location at which the satellite terminal is placed. The written agreement shall specify all of the terms and conditions, including any fees and charges, under which a satellite terminal is placed at that location. In the event a satellite terminal is a multiple use terminal, the written agreement shall specify, and may limit, the specific types of transactions incidental to the conduct of the business of a financial institution which may be engaged in through that terminal."

9. Page 12, by striking lines 25 through 35, and page 13, by striking lines 1 and 2.

10. Page 13, by striking lines 17 through 22 and inserting in lieu thereof the following:

"The informational statement shall be accompanied by a copy of the written agreement required by subsection one (1) of this section. The".

11. Page 15, line 24, by inserting after the word "state." the following: "However, satellite terminals established in any county of this state which is contiguous to a border of this state may be utilized to accomplish all debit and credit transactions

involving financial institutions established in any county of another state when that county is contiguous

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to the same border of this state if the laws of that other state and if the persons in control of satellite terminals located in that other state permit customers to utilize, on substantially equivalent terms and conditions, satellite terminals located in that state to accomplish transactions involving financial institutions in this state. The administrator shall promulgate rules which prohibit or limit the utilization of satellite terminals established in this state to accomplish transactions involving financial institutions located in another state to the extent necessary to assure compliance with the provisions of this section."

12. Page 15, by inserting after line 24 the following new section:

"Sec. ..... *NEW SECTION.* DISCLOSURE OF TERMS. Prior to permitting a customer or member to engage in transactions in such person's account with a financial institution through use of a satellite terminal, the financial institution shall provide such person with a written statement which sets forth the terms under which such transactions will be permitted, including, but not limited to, the following information:

1. The specific transactions which, subject to the capabilities of individual satellite terminals, may be performed through a satellite terminal by such person.

2. The fixed charges, if any, for permitting such person to engage in transactions through a satellite terminal.

The charges, if any, for individual transactions engaged in through a satellite terminal, and the method for determining such charges.

4. The minimum balance, if any, which must be maintained by such person in an account with a financial institution as a condition for engaging in transactions in such account through a satellite terminal.

5. The limitation on the liability of the customer or member for losses incurred by such person as a result of transactions through a satellite terminal which were not authorized by such person or to which such person was not a party.

6. The legal status of receipts issued from a satellite terminal.

7. The right of the customer or member to a description of transactions performed through a satellite terminal on any periodic statement of an account of" such person affected by such transactions.

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8. The right of the customer or member to seek correction of any errors believed by such person to have been made as a result of any transaction through a satellite terminal affecting an account of such person with the financial institution."

13. Page 15, line 30, by striking the words "A written".

14. Page 15, by striking line 31 through page 16, line 4, and inserting in lieu thereof the following:

"The machine receipt provided to a satellite account transaction card user by a satellite terminal shall be admissible as evidence in any legal action or proceeding and shall constitute prima facie proof of the transaction evidence by that receipt.

A financial institution shall provide each of its satellite account holders with a periodic account statement that shall contain a brief description of all satellite terminal transactions sufficient to enable the account holder to identify any transaction and to relate it to machine receipts provided by satellite terminals.

When a periodic account statement includes both satellite terminal transactions and other nonsatellite terminal transactions, all satellite terminal transactions shall be indicated as such, and shall be accompanied by the description required by this subsection."

15. Page 16, line 14, by striking the word "bank" and inserting in lieu thereof the words "financial institution".

16. Page 16, line 29, by striking the words "LIABILITY. As a condition of" and inserting in lieu thereof the words "LIABILITY AND ERRORS."

17. Page 16, line 30, by striking the word "exercising" and inserting in lieu thereof the words "1. As a condition of exercising".

18. Page 17, by inserting after line 10 the following: new subsections:

"2. If, upon receipt of a periodic statement of account from a financial institution, a customer or member of the financial institution believes that the statement contains an error with respect to a transaction engaged in by such person through a satellite terminal, then such person shall, within sixty (60) days of the date on which such statement was mailed or otherwise delivered by the financial institution, notify the financial institution by means of a writing which (a) sets forth or otherwise enables the financial institution to identify the member

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or customer and the number of the account in question; (b) indicates the customer's or member's belief that

the statement contains an error with respect to a transaction engaged in by such person through a satellite terminal, and states the amount of the alleged error; and (c) sets forth the reasons for the person's belief that the statement contains such an error. Unless the action required in subsection three (3) of this section is taken prior to the end of the thirty (30) day period, the financial institution shall acknowledge in writing its receipt of the notice provided for in this subsection within thirty (30) days of its actual receipt thereof.

3. Within ninety (90) days of the financial institution's receipt of the notice described in subsection two (2) of this section, it shall either:

a. Correct the account in question and provide the customer or member with written notification of the correction and, if the correction is not in the exact amount of the alleged error, provide such person with a written explanation of any difference between the alleged error and the correction made; or

b. Provide the customer or member with a written explanation, after having conducted an investigation of the matter, stating the reason the financial institution believes the statement is correct and, within thirty (30) days of further written request of the customer or member, provide such person with a written copy of the record of the transaction in question, as maintained by the financial institution pursuant to section fifteen (15) of this Act.

4. A financial institution which has received a notice specified in subsection two (2) of this section shall not, prior to its compliance with subsection three (3) of this section, close the account concerning which the dispute exists or restrict transactions in such account which affect only the portion thereof which is not in dispute. A financial institution which has complied with the provisions of subsection three (3) of this section with respect to an alleged error concerning a transaction engaged in through a satellite terminal shall have no further responsibility under subsections two (2) through four (4) of this section if the customer or member continues to make substantially the same allegation with respect to such error.

5. If the correction of any error relating to a transaction engaged in through a satellite terminal in an account of a customer or member results in a credit to such account, the financial institution

shall additionally credit such account with any amount of interest which would have been paid to such customer or member by the financial institution except for the error, or which was paid by such person to the financial institution as a result of the error.

6. A financial institution which fails to comply with the provisions of subsections two (2) through five (5) of this section shall be liable to the customer or member who has complied with such provisions for a civil penalty in the amount of fifty dollars."

19. Page 18, line 3, by inserting after the word "state" the words "and controlled by the same type of financial institution as those financial institutions previously utilizing the services of the applicant central routing unit".

20. Page 18, line 5, by inserting after the word "unit." the words "For the purposes of this paragraph the term "type of financial institution" shall, notwithstanding the issuer of the financial institution's charter, mean either (a) banks; or (b) savings and loan associations; or (c) credit unions."

21. Renumbering sections and paragraphs to conform with this amendment.

Small of Johnson offered the following amendment H—6678, to the Senate amendment H—6657, filed by him and moved its adoption:

H—6678

Amend the Senate amendment, H—6657, to House File 1478 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 3 through 12.

2. Page 2, by striking lines 37 and 38.

3. Page 2, by striking lines 44 through 50, and page 3, by striking lines 1 through 13.

Amendment H—6678 was adopted.

Small of Johnson moved that the House concur in the Senate amendment H—6657, as amended.

The motion prevailed and the House concurred in the Senate amendment H—6657, as amended.

Small of Johnson moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1478)

The ayes were, 81:

Anderson	Branstad	Danker	Fitzgerald
Avenson	Brunow	Dieleman	Gentleman
Baker	Clark	Doyle	Gilloon
Bennett	Cochran	Drake	Griffee
Bina	Connors	Dunton	Halvorson
Bortell	Crawford	Dyrland	Hansen
Brandt	Daggett	Evans	Harper

Harvey	Krause	Norland	Spear
Hennessey	Kreamer	Oakley	Spradling
Higgins	Lageschulte	O'Halloran	Stromer
Hines	Lindeen	Patchett	Svoboda
Hinkhouse	Lonergan	Pavich	Tauke
Horn	McElroy	Pellett	Tofte
Howell	Menke	Perkins	Walter
Hullinger	Middleswart	Poncy	Wells
Husak	Middleton	Readinger	West
Hutchins	Millen	Rinas	Wulff
Jesse	Miller, A. V.	Scheelhaase	Wyckoff
Jochum	Miller, K. D.	Schroeder	Mr. Speaker (Cusack)
Jordan	Miller, O. L.	Small	
Koogler	Newhard		

The nays were, 2:

Welden	Woods

Absent or not voting, 16:

Binneboese	Crabb	Junker	Nealson
Bittle	Den Herder	Lipsky	Nielsen
Brockett	Egenes	Mennenga	Spencer
Byerly	Hargrave	Monroe	Varley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

FURTHER CONSIDERATION OF MOTION TO RECONSIDER
(Senate File 204)

The House resumed consideration of the motion to reconsider the vote by which **Senate File 204**, a bill for an act relating to registration of motor vehicles, passed the House on May 3, 1976.

Krause of Palo Alto asked for unanimous consent to withdraw the motion to reconsider.

Objection was raised.

Krause of Palo Alto moved to reconsider the vote by which Senate File 204 passed the House.

A non-record roll call was requested.

The ayes were 33, nays 42.

The motion lost.

Speaker Cochran in the chair at 2:29 p.m.

With the failure of the motion to reconsider Senate File 204, the following amendments are out of order:

H—6508 (to amendment H—6118) filed by Patchett and Tauke on May 3, 1976, and found on page 2385 of the House Journal.

H—6522 filed by Harvey, et al., on May 4, 1976, and found on page 2425 of the House Journal.

H—6558 filed by Miller of Buchanan, et al., on May 6, 1976, and found on pages 2495 through 2513 of the House Journal.

MOTION TO RECONSIDER
(Senate File 1280)

Schroeder of Pottawattamie called up for consideration the motion to reconsider Senate File 1280, filed on May 12, 1976, and moved to reconsider the vote by which **Senate File 1280,** a bill for an act correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor, passed the House on May 12, 1976.

A non-record roll call was requested.

The ayes were 69, nays 3.

The motion prevailed and the House reconsidered Senate File 1280.

Schroeder of Pottawattamie moved to reconsider the vote by which Senate File 1280 was placed on its last reading.

The motion prevailed.

Schroeder of Pottawattamie offered the following amendment H—6677 filed by Schroeder, et al., and moved its adoption:

H—6677

Amend Senate File 1280 as amended and passed by the Senate as follows:

1. Page 1, by striking lines 9A through 9W.
2. Page 2, by striking lines 12 through 31.
3. Page 4, line 13, by striking the words *"the department of"*.
4. Page 5, by striking lines 12A through 18.
5. Page 6, line 17, by striking the words *"of the department"*.
7. Page 7, by striking line 29 through page 8, line 11.
8. Page 11, by striking lines 11 through 14.
9. Page 15, by striking line 33 through page 16, line 22 and inserting in lieu thereof the following:

"Sec. ..... Section five hundred eighteen A point thirty-eight (518A.38), Code 1975, is repealed."

10. Amend the title line 2, by striking the words ", and the duties of the Code editor".
11. Renumber the sections and correct internal references in conformance with this amendment.

Amendment H—6677 was adopted.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1280)

The ayes were, 81:

Anderson	Fitzgerald	Koogler	Perkins
Avenson	Gentleman	Krause	Poncy
Baker	Gilloon	Kreamer	Readinger
Bennett	Griffee	Lageschulte	Rinas
Bina	Halvorson	Lindeen	Scheelhaase
Bortell	Hansen	Lonergan	Small
Brandt	Harper	Menke	Spear
Branstad	Harvey	Middleswart	Spradling
Brunow	Hennessey	Middleton	Stromer
Clark	Higgins	Millen	Svoboda
Connors	Hines	Miller, A. V.	Tauke
Crawford	Hinkhouse	Miller, K. D.	Tofte
Cusack	Horn	Miller, O. L.	Walter
Daggett	Howell	Newhard	Welden
Danker	Hullinger	Nielsen	Wells
Dieleman	Husak	Norland	West
Doyle	Hutchins	O'Halloran	Woods
Drake	Jesse	Patchett	Wulff
Dunton	Jochum	Pavich	Wyckoff
Dyrland	Jordan	Pellett	Mr. Speaker
Evans			

The nays were, none.

Absent or not voting, 18:

Binneboese	Den Herder	McElroy	Oakley
Bittle	Egenes	Mennenga	Schroeder
Brockett	Hargrave	Monroe	Spencer
Byerly	Junker	Nealson	Varley
Crabb	Lipsky		

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(House File 1491)

Harvey of Scott asked and received unanimous consent to withdraw his motion to reconsider **House File 1491** filed by him on May 11, 1976.

STEERING COMMITTEE CALENDAR

House File 1477, a bill for an act relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems, was taken up for consideration.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5782 filed by Brockett, et al., on March 16, 1976, and found on page 1191 of the House Journal.

Evans of Grundy offered the following amendment H—5896 filed by him and moved its adoption:

H—5896

Amend House File 1477 as follows:
1. Page 1, by striking lines 29 through 35.
2. Page 2, by striking lines 1 and 2.

Amendment H—5896 was adopted.

With the adoption of amendment H—5896, amendment H—5795 filed by Evans, et al., on March 16, 1976, and found on page 1193 of the House Journal was out of order.

Evans of Grundy offered amendment H—5796 filed by Evans, et al., and requested division as follows:

H—5796

Amend House File 1477 as follows:

H—5796A

1. Page 2, line 2, by striking the words "or may".

H—5796B

2. Page 3, line 6, by striking the words "or may be".

Amendment H—5796A was out of order.

Evans of Grundy moved the adoption of amendment H—5796B.

A non-record roll call was requested.

The ayes were 25, nays 39.

Amendment H—5796B lost.

Koogler of Mahaska asked and received unanimous consent to withdraw amendment H—6098 filed by him on April 1, 1976, and found on page 1543 of the House Journal.

Koogler of Mahaska offered the following amendment H—6135 filed by him and moved its adoption:

H—6135

Amend House File 1477 as follows:
Page 2, line 11, by striking the word *"Ditches"* and inserting in lieu thereof the following: *"To the extent that they are not*

subject to section four hundred two (402) of the Federal Water Pollution Control Act as amended ditches".

Amendment H—6135 was adopted.

Evans of Grundy moved the adoption of amendment H—5797 filed by Evans, et al., and moved its adoption:

H—5797

Amend House File 1477 as follows:

1. Page 2, line 12, by inserting after the word *"to"* the word *"collect,"*.

Amendment H—5797 was adopted.

Harvey of Scott offered the following amendment H—6694 filed by Harvey, Rinas, Schroeder, Tauke, Evans and Junker from the floor:

H—6694

Amend House File 1477 as follows:

1. Page 3, by inserting after line 20 the following new subsections:

"NEW SUBSECTION. "Sewer extension" means pipelines or conduits constituting main sewers, lateral sewers or trunk sewers used for conducting pollutants to a larger interceptor sewer or to a point of ultimate disposal.

NEW SUBSECTION. "Water supply distribution system extension" means any extension to the pipelines or conduits which carry water directly from the treatment facility, source or storage facility to the consumer's service connection.

NEW SUBSECTION. "Production capacity" means the amount of potable water which can be supplied to the distribution system in a twenty-four hour period."

2. Page 6, by inserting after line 17 the following new subsection:

NEW SUBSECTION. Formulate and adopt specific and detailed statewide standards pursuant to chapter seventeen A (17A) of the Code for review of plans and specifications and the construction of sewer systems and water supply distribution systems and extensions to such systems not later than October 1, 1977. The standards shall be based on criteria contained in the "Recommended Standards for Sewage Works" and "Recommended Standards for Water Works" (Ten States Standards) as adopted by the Great Lakes-Upper Mississippi River board of state sanitary engineers, design manuals published by the department, applicable federal guidelines and standards, standard textbooks, current technical literature and applicable safety standards. The rules adopted which directly

pertain to the construction of sewer systems and water supply distribution systems and the review of plans and specifications for such construction shall be known respectively as the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems and shall be applicable in each governmental subdivision of the state. Exceptions shall be made to the standards so formulated only upon special request to and receipt of permission from the department. The department shall publish the standards and make copies of such standards available to governmental subdivisions and to the public."

3. Page 7, by striking lines 4 through 7 and inserting in lieu thereof the following:

"4. Approve or disapprove the plans and specifications for the construction of disposal systems or water supply distribution systems except for those

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sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in item six (6) of this amendment. The director shall issue, revoke, suspend, modify or deny permits for the operation, installation, construction, addition to or modification of any disposal system or water supply distribution system except for sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in item six (6) of this amendment. The director shall also issue, revoke, suspend, modify or deny permits for the discharge of any pollutant. Such permits".

4. Page 7, by inserting after line 28 the following subsection:

"..... Conduct random inspections of work done by city and county public works departments to ensure such public works departments are complying with this Act. If a city or county public works department is not complying with item six (6) of this amendment in reviewing plans and specifications or in granting permits or both, the department shall perform these functions in that jurisdiction until the city or county public works department is able to perform them. Performance of these functions in a jurisdiction by a local public works department shall not be suspended or revoked until after notice and opportunity for hearing as provided in chapter seventeen A (17A) of the Code.

The department shall give technical assistance to city and county public works departments upon request of such local public works departments."

5. Page 10, by striking lines 20 through 35.

6. Page 11, by striking lines 1 through 16 and

inserting in lieu thereof the following section:

"Sec. 16. Section four hundred fifty-five B point forty-five (455B.45), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

455B.45 WRITTEN PERMITS REQUIRED. It shall be unlawful to carry on any of the following activities without first securing a written permit from the executive director, or from a city or county public works department if such local public works department reviews the activity under this section, as required by the commission:

1. The construction, installation or modification of any disposal system or water supply distribution system or part thereof or any extension or addition

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thereto except those sewer extensions and water supply distribution system extensions that are subject to review and approval by a city or county public works department pursuant to this section.

2. The construction or use of any new point source for the discharge of any pollutant into any water of the state.

3. The operation of any waste disposal system or water supply distribution system or any part of or extension or addition to such system. This provision shall not apply to any pretreatment system the effluent of which is to be discharged directly to another disposal system for final treatment and disposal.

Upon adoption of standards by the commission pursuant to section nine (9) of this Act, plans and specifications for sewer extensions and water supply distribution system extensions covered by this section shall be submitted to the city or county public works department for approval if the local public works department employs a qualified, registered engineer who reviews the plans and specifications using the specific state standards known as the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems that have been formulated and adopted by the commission pursuant to section nine (9) of this Act. The local agency shall issue a written permit to construct if:

a. The governmental subdivision employs full-time a qualified, professional engineer who reviews plans and specifications for such extensions, and the governmental subdivision notifies the director of that fact.

b. The submitted plans and specifications are in substantial compliance with departmental rules and the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems.

c. The extensions primarily serve residential consumers and will not result in an increase greater than five percent of the capacity of the treatment works or serve more than two hundred fifty dwelling units or, in the case of an extension to a water supply distribution system, such extension will have a capacity of less than five percent of such system or will serve fewer than two hundred fifty dwelling units; and

d. The proposed water supply distribution system extension will not exceed the production capacity of the treatment works.

After issuing a permit, the city or county public

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works department shall notify the director of such issuance by forwarding a copy of the permit to the director. In addition, the local agency shall submit quarterly reports to the director including such information as capacity of local treatment plants and production capacity of water supply distribution systems as well as other necessary information requested by the director for the purpose of implementing chapter four hundred fifty-five B (455B) of the Code.

Plans and specifications for all other waste disposal systems and water supply distribution systems, including sewer extensions and water supply distribution system extensions not reviewed by a city or county public works department under this section, shall be submitted to the department before a written permit may be issued. The construction of any such waste disposal system or water supply distribution system shall be in accordance with standards formulated and adopted by the commission pursuant to section nine (9) of this Act or otherwise approved by the department. If it is necessary or desirable to make material changes in such plans or specifications, revised plans or specifications together with reasons for the proposed changes must be submitted to the department for a supplemental written permit.

Prior to the adoption of statewide standards, the department may delegate the authority to review plans and specifications to those governmental subdivisions if in addition to compliance with subsection three (3) of this section that governmental subdivision agrees to comply with all state and federal regulations and submits a plan for the review of plans and specifications including a complete set of local standard specifications for such improvements.

The director may suspend or revoke delegation of review and permit authority after notice and hearing as set forth in chapter seventeen A (17A) of the Code if the director determines that a city or county

public works department has approved extensions which do not comply with design criteria, which exceed the capacity of waste treatment plants or the production capacity of water supply distribution systems or which otherwise violate state or federal requirements."

Harvey of Scott offered the following amendment H—6695, to amendment H—6694, filed by him from the floor:

H—6695

Amend amendment H—6694 to House File 1477 as follows

1. Page 3, line 27, by adding after the word "Act." the following: "The reviewing engineer shall be a full-time employee of the governmental subdivision and the qualifications of that engineer shall be submitted to the executive director or his designee for approval prior to issuing written permits."

2. Page 3, by striking all of lines 29 through 33.

3. Page 3, by striking all of lines 47 through 49 and inserting in lieu thereof the following:

"..... The proposed sewer extension will not exceed the capacity of any treatment works which received a state or federal monetary grant after 1972; and

..... The proposed water supply distribution system extension will not exceed the production capacity of any water supply distribution system which received a state or federal monetary grant after 1972."

By unanimous consent the rules were suspended and the following corrective amendment H—6702, to amendment H—6695, to amendment H—6694, filed by Harvey of Scott from the floor was adopted:

H—6702

Amend amendment H—6695, to page 3 of House File 1477, as follows:

1. Page 1, by striking line 22 and inserting in lieu thereof the word "constructed".

Harvey of Scott moved the adoption of amendment H—6695, as amended, to amendment H—6694.

Amendment H—6695, as amended, was adopted.

Harvey of Scott moved the adoption of amendment H—6694, as amended.

Amendment H—6694, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hutchins of Guthrie for the remainder of the day on request of Perkins of Greene; Small of Johnson for the remainder of the day on request of Dyrland of Clayton.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5798 filed by Evans, et al., on March 16, 1976, and found on page 1193 of the House Journal.

Brockett of Marshall offered the following amendment H—5898 filed by Brockett, et al., and moved its adoption:

H—5898

Amend House File 1477 as follows:
1. Page 4, by striking lines 29 through 32 and inserting in lieu thereof the following:
"Pollution Control Act. Notwithstanding any other provision of".

Amendment H—5898 was adopted.

Evans of Grundy offered the following amendment H—5799 filed by Evans, et al., and moved its adoption:

H—5799

Amend House File 1477 as follows:
1. Page 4, line 32, by inserting after the word *"agency."* the following: *"Except as required by federal law or regulation, the commission shall not adopt an effluent standard more stringent with respect to any pollutant than is necessary to reduce the concentration of that pollutant in the effluent to the level due to natural causes, including the mineral and chemical characteristics of the land, existing in the water of the state to which the effluent is discharged."*

Amendment H—5799 was adopted.

With the adoption of amendment H—5799, amendment H—6054 filed by Evans of Grundy on March 31, 1976, and found on page 1512 of the House Journal was out of order.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5800 filed by Evans, et al., on March 16, 1976, and found on page 1194 of the House Journal.

Evans of Grundy offered the following amendment H—6138 filed by Evans, et al., and moved its adoption:

H—6138

Amend House File 1477 as follows:

1. Page 5, line 22, by inserting after the word "operations." the following: "No rules shall be adopted which regulate the hiring or firing of operators of disposal systems or public water supply systems except rules which regulate the certification of operators as to their technical competence."

Amendment H—6138 was adopted.

Brockett of Marshall offered the following amendment H—5774 filed by Brockett, et al., and moved its adoption:

H—5774

Amend House File 1477 as follows:
1. Page 5, line 30 by striking the words "at a minimum".

Amendment H—5774 was adopted.

Welden of Hardin offered the following amendment H—6107 filed by Welden and Koogler. Division was requested as follows:

H—6107

Amend House File 1477 as follows:

H—6107A

1. Page 5, line 35 by inserting after the word "any" the words "public water supply or any" and page 6, by striking all of line 2 after the word "system" and all of lines 3 and 4 and inserting in lieu thereof a period.
2. Page 6 by striking lines 30 through 33 and inserting in lieu thereof the following:
"2. Conduct periodic surveys and inspection of the construction, operation, self monitoring, record keeping and reporting of all public water supply systems and all disposal systems except as provided in section four hundred fifty-five B point forty-five (455B.45), of the Code."

H—6107B

3. Page 11, line 10 by striking the word "disposal" and inserting in lieu thereof the word "[disposal]".

Amendment H—6107B was out of order.

On motion by Welden of Hardin, amendment H—6107A was adopted.

With the adoption of amendment H—6107A, amendment H—5783 filed by Welden, et al., on March 16, 1976, and found on page 1192 of the House Journal was out of order.

West of Marshall asked and received unanimous consent to withdraw amendment H—6320 filed by him on April 19, 1976, and found on page 2025 of the House Journal.

Miller of Buchanan offered the following amendment H—6227 filed by him and moved its adoption:

H—6227

Amend House File 1477 as follows:

1. Page 7, by inserting after line 28 the following:

"Copies of all forms or other paper instruments required to be filed during on-site inspections or investigations shall be given to the owner or operator of the disposal system or public water supply system being investigated or inspected before the inspector or investigator leaves the site. Any other report, statement, or instrument shall not be filed with the department unless a copy is sent by ordinary mail to the owner or operator of the disposal system or public water supply system within ten working days of the filing. If an inspection or investigation is done in cooperation with another state department, the department involved and the areas inspected shall be stated."

Amendment H—6227 was adopted.

Brockett of Marshall offered the following amendment H—5773 filed by him and moved its adoption:

H—5773

Amend House File 1477 as follows:

1. Page 7, line 32 by inserting after the word "is" the word "conclusive".

Amendment H—5773 was adopted.

Brockett of Marshall asked and received unanimous consent to withdraw amendment H—5801 filed by Brockett, et al., on March 16, 1976, and found on page 1194 of the House Journal.

Brockett of Marshall offered the following amendment H—6068 filed by him and moved its adoption:

H—6068

Amend House File 1477 as follows:

1. Page 8, line 29, by striking the word "consider" and inserting in lieu thereof the following: "[consider] *base its decision upon data gathered from sources within the state regarding the following*".

Amendment H—6068 was adopted.

Evans of Grundy offered the following amendment H—6692 filed by him from the floor and moved its adoption:

H—6692

Amend House File 1477 as follows:

1. Page 8, by inserting after line 29 the following new section:

"Sec. ..... Section four hundred fifty-five B point thirty-five (455B.35), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The economic costs and benefits. The goal shall be a reasonable balance between total costs to the people and to the economy, and the resultant benefits to the people of Iowa."

Amendment H—6692 was adopted.

Koogler of Mahaska asked and received unanimous consent to withdraw amendment H—6362 filed by him on April 21, 1976, and found on page 2080 of the House Journal.

Koogler of Mahaska offered the following amendment H—6697 filed by him from the floor and moved its adoption:

H—6697

Amend House File 1477 as follows:

1. Page 9, by striking lines 25 through 30 and inserting in lieu thereof the following: was committed or such final order was entered. [The setting aside of any order of the executive director or the commission by the court shall not preclude the commission or the executive director from again instituting proceedings against the same person if the commission or the executive director feels that the public health is endangered.]"

Amendment H—6697 was adopted.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5802 filed by Evans, et al., on March 16, 1976, and found on page 1194 of the House Journal.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5784 filed by Welden, et al., on March 16, 1976 and found on page 1192 of the House Journal.

Welden of Hardin offered the following amendment H—6693 filed by Welden, Brockett and Evans from the floor and moved its adoption:

H—6693

Amend House File 1477, page 11, by inserting

after line 16 the following new paragraph:

"The department shall exempt any public water system from any requirement respecting a maximum contaminant level or any treatment technique requirement of an applicable national drinking water regulation insofar as these regulations apply to contaminants which the commission determines are harmless or beneficial to the health of consumers, when the owner of a public water supply system determines that funds are not reasonably available to provide for controlling amounts of those contaminants which are harmless or beneficial to the health of consumers."

Amendment H—6693 was adopted.

Koogler of Mahaska offered the following amendment H—6099 filed by him and moved its adoption:

H—6099

Amend House File 1477 as follows:

1. Page 11, line 21, by striking the words "sewage or wastes" and inserting in lieu thereof the words "[sewage or wastes] *pollutants*".

Amendment H—6099 was adopted.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5785 filed by Welden, et al., on March 16, 1976, and found on page 1192 of the House Journal.

Welden of Hardin offered the following amendment H—6106 filed by him and Koogler of Mahaska and moved its adoption:

H—6106

Amend House File 1477 as follows:

1. Page 12, by striking lines 10 through 13, and inserting in lieu thereof "*of any water quality standard or effluent standard* or, with respect"

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 71, nays 1.

Amendment H—6106 was adopted.

Koogler of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1477)

The ayes were, 69:

Anderson	Egenes	Jordan	Perkins
Avenson	Evans	Koogler	Poncy
Baker	Fitzgerald	Krause	Readinger
Bennett	Gentleman	Lageschulte	Rinas
Bina	Gilloon	Lindeen	Scheelhaase
Bortell	Halvorson	Lonergan	Schroeder
Brandt	Hansen	Menke	Spear
Brockett	Harper	Middleswart	Svoboda
Brunow	Harvey	Miller, A. V.	Tauke
Clark	Hennessey	Miller, K. D.	Tofte
Connors	Hines	Miller, O. L.	Varley
Crawford	Hinkhouse	Newhard	Walter
Cusack	Horn	Nielsen	Welden
Daggett	Howell	Norland	West
Dieleman	Hullinger	O'Halloran	Wulff
Doyle	Husak	Pavich	Wyckoff
Dunton	Jochum	Pellett	Mr. Speaker
Dyrland			

The nays were, 2:

Danker	Millen

Absent or not voting, 28:

Binneboese	Griffee	Lipsky	Patchett
Bittle	Hargrave	McElroy	Small
Branstad	Higgins	Mennenga	Spencer
Byerly	Hutchins	Middleton	Spradling
Crabb	Jesse	Monroe	Stromer
Den Herder	Junker	Nealson	Wells
Drake	Kreamer	Oakley	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(House File 1477 and Senate File 367)

Schroeder of Pottawattamie asked and received unanimous consent that **House File 1477** and **Senate File 367** be immediately messaged to the Senate.

Wyckoff of Benton rose on a point of order that a motion to reconsider had been filed on Senate File 367 and an immediate message would not be in order.

The Speaker ruled the point well taken and the immediate message on Senate File 367 not in order.

INTRODUCTION OF BILLS

House File 1581, by sifting committee, a bill for an act relating to educational leaves of absence for school employees.

Read first time and placed on sifting committee calendar.

House File 1582, by sifting committee, a bill for an act relating to the issuance, continuance, and termination of contracts of school administrators.

Read first time and placed on **sifting committee calendar.**

SENATE MESSAGES CONSIDERED

Senate File 1327, a bill for an act relating to the state sanatorium.

Read first time and referred to **sifting committee.**

Senate File 1329, a bill for an act making an appropriation to the state comptroller to provide for federal fund loss.

Read first time and referred to committee on **appropriations.**

Senate File 1331, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa.

Read first time and referred to committee on **appropriations.**

Senate File 1332, a bill for an act making appropriations to the department of transportation for designated capital transportation projects.

Read first time and referred to committee on **appropriations.**

Senate Joint Resolution 1009, a joint resolution to provide for an interim study of the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and liability risks, and to provide for an appropriation.

Read first time and referred to committee on **appropriations.**

RULES OF SIFTING COMMITTEE

1. Voting rules shall correspond with the rules of the House in that all votes shall be taken by complete roll call unless the use of the short form is voted.

2. Eight (8) affirmative votes shall be required to vote a bill out of committee.

3. Debate shall be limited to two minutes for a member to present the bill and one minute to each other member for debate.

4. The chairman may by majority vote present priority and committee bills without charge to himself and he may be permitted to present a noncontroversial calendar to the committee for their approval, and the chairman may be permitted to appoint a committee to bring in a list of noncontroversial bills.

5. The order of choosing to bring a bill out of committee shall be by priority to be established by drawing the names from a box and making a list showing the order of names as drawn. At least one name shall be called at each meeting for the purpose of presenting a bill for consideration in addition to the provisions of Rule 4.

6. No vote on a bill shall be reconsidered at the same meeting.

RULES PERTAINING TO NONCONTROVERSIAL BILLS

7. Bills may be placed on a Noncontroversial Calendar and shall be allotted five minutes for debate. If debate on such bill exceeds the time allotted, the bill will return to its status prior to consideration by the Noncontroversial Committee.

8. Objections to consideration of bills placed on the Sifting Committee Noncontroversial Calendar must be filed, in writing, by three (3) members of the House with the Chief Clerk of the House, within two (2) legislative days after such bill appears on the Noncontroversial Calendar.

9. Any bill eliminated by objection from consideration as a noncontroversial item made in accordance with Sifting Committee Rule 8, will return to its status prior to consideration by the Noncontroversial Committee.

The members of the Noncontroversial Committee are O'Halloran of Black Hawk, chair; Brunow of Appanoose and Drake of Muscatine.

FITZGERALD of Webster, Chair

REPORTS OF SIFTING COMMITTEE

MR. SPEAKER: Your sifting committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the sifting committee noncontroversial calendar:

S. F. 244 Relating to the copying of public records. (Doderer)

S. F. 258 Relating to exchange of inmates with federal bureau of prisons. (DeKoster, Kelly, Schwengels and Doderer)

S. F. 273 Relating to the issuance of a summons and notice by the juvenile court. (Doderer, DeKoster, Schwengels and Kelly)

S. F. 1105 Relating to the distribution of monthly aid to dependent children payments. (Gluba)

S. F. 1119 Relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state.

S. F. 1267 To establish a census liaison commission, prescribing its duties, and authorizing certain cities to draw proposed precinct boundaries for submission to the commission.

S. F. 1300 Relating to the availability of mine maps.

S. F. 1303 Relating to the definition of a nonresident employer.

S. F. 1304 Relating to administration of workmen's compensation claims of state employees.

S. F. 1233 Making a correction to Senate File 1102.

S. F. 1244 Authorizing the board of supervisors to establish and govern certain service districts.

S. F. 1111 Relating to who may form a professional corporation.

S. F. 1208 Relating to bids for maintenance or construction of county buildings.

FITZGERALD of Webster, Chair

MR. SPEAKER: Your sifting committee begs leave to report that it had the following bills under consideration and recommends that they be placed on the sifting committee calendar:

H. F. 1581 An Act relating to educational leaves of absence for school employees.

H. F. 1582 An Act relating to the issuance, continuance, and termination of contracts of school administrators.

S. F. 1145 An Act relating to the issuance of cards and licenses by the state department of transportation and providing penalties.

FITZGERALD of Webster, Chair

MOTIONS TO RECONSIDER

(Senate File 367)

I move to reconsider the vote by which Senate File 367 passed the House on May 14, 1976.

SCHEELHAASE of Woodbury

(Senate File 1265)

I move to reconsider the vote by which Senate File 1265 passed the House on May 14, 1976.

SCHROEDER of Pottawattamie

(Senate File 1322)

I move to reconsider the vote by which Senate File 1322 passed the House on May 14, 1976.

SCHROEDER of Pottawattamie

COMMUNICATION FROM THE OFFICE FOR PLANNING AND PROGRAMMING

There is on file in the office of the Chief Clerk the annual report from the Office for Planning and Programming, Fiscal Year 1975, submitted pursuant to Chapter 7A.3.17, Code of Iowa.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

S. B. 138
Ways and Means
Wyckoff, Chair
Bittle
Danker
Middleton

S. B. 139
Ways and Means
Wyckoff, Chair
Bittle
Danker
Pavich

AMENDMENTS FILED

H—6704

Amend House File 1479 as follows:

1. Page 1, by inserting after line 1, the following new section:

"Section ..... *NEW SECTION.* RULES OF CONSTRUCTION. This chapter shall be liberally construed to the end that each child coming within the jurisdiction of the court shall receive, preferably in his or her own home, the care, guidance and control that will serve the child's welfare and the best interest of the state, and that when a child is removed from the control of his or her parents, the court shall secure for the child care as nearly as possible equivalent to that which should have been given him or her by his or her parents."

2. Page 2, by inserting after line 19, the following new subsection:

"*NEW SUBSECTION.* "Guardian ad litem" means a person appointed by the court to represent the interests of the child in any judicial proceeding to which the child is a party."

3. Page 2, line 23, by inserting after the word "include" the words "but are not limited to".

4. Page 4, by inserting after line 25, the following new paragraph:

"*NEW PARAGRAPH.* Who for good cause desires to have his or her parents relieved of his or her care and custody."

5. Page 7, by inserting after line 20, the following new subsections:

"*NEW SUBSECTION.* "Official juvenile court records" or "official records" means official records of the court of proceedings over which the court has jurisdiction under this Act which include but are not limited to the following:

a. The docket of the court and entries therein.

b. Complaints, petitions, other pleadings, motions, and applications filed with a court.

c. Any summons, notice, subpoena, or other process and proofs of publication.

d. Transcripts of proceedings before the court.

e. Findings, judgments, decrees and orders of the court.

NEW SUBSECTION. "Juvenile court social records" or "social records" means all records made with respect to a child in connection with proceedings over which the court has jurisdiction under this Act other than official records and includes but is not limited to the records made and compiled by intake officers, predisposition reports, and reports of physical and mental examinations."

Page 2

6. Page 7, line 26, by striking the words "original and exclusive" and inserting in lieu thereof the words "exclusive original".

7. Page 8, line 26, by striking the word "state" and inserting in line thereof the word "stage".

8. Page 13, by inserting after line 31, the following new subparagraph:

"(4) The child is confined in a room entirely separated from confined adults."

9. Page 19, line 3, by striking the word "and" and inserting in lieu thereof the word "an".

10. Page 19, line 15, by inserting after the word "proceeding" the words "may take place."

11. Page 19, line 28, by striking the word "interest" and inserting in lieu thereof the word "interests."

12. Page 23, line 7, by striking all after the word "following" and inserting in lieu thereof the word "conditions:".

13. Page 23, by striking line 8.

14. Page 25, line 18, by striking the word "is" and inserting in lieu thereof the word "are".

15. Page 31, line 7, by inserting after the word "The" the word "maximum".

16. Page 32, by striking lines 25 through 28 and inserting in lieu thereof the following: "may order the parent, guardian or custodian to provide such care or treatment. If the parent, guardian or custodian fails to comply with the court order, the court may provide for the care or treatment on its own order."

17. Page 33, line 11, by striking the words "reaches the age" and inserting in lieu thereof the word "becomes".

18. Page 33, line 12, by striking the words "of eighteen" and inserting in lieu thereof the word "eighteen".

19. Page 35, line 23, by striking the word "original".

20. Page 36, line 16, by inserting after the word "ABUSED" the words "AND NEGLECTED".

21. Page 36, line 19, by striking the words "during the".

22. Page 36, by striking line 20.

23. Page 36, by striking line 24, and inserting in lieu thereof the following: "the child has been physically abused or neglected."

24. Page 36, line 25, by striking the words "a result of abuse."

25. Page 37, line 6, by striking all after the

Page 3

word "has" and inserting in lieu thereof the words

"been physically abused or neglected."

26. Page 37, line 7, by striking the words "on the child as the result of abuse."

27. Page 39, line 30, by inserting after the word "abuse" the words "or neglect".

28. Page 39, line 33, by striking the word "abuse".

29. Page 40, line 1, by inserting after the word "abuse" the words "or neglect".

30. Page 40, line 8, by inserting after the word "abuse" the words "or neglect".

31. Page 40, line 13, by inserting after the word "abuse" the words "or neglect".

32. Page 40, line 17, by inserting after the word "abuse" the words "or neglect".

33. Page 40, line 31, by inserting after the word "abuse" the words "or neglect".

34. Page 40, line 34, by striking the word "a" and inserting in lieu thereof the word "and".

35. Page 42, line 10, by inserting after the word "abuse" the words "or neglect".

36. Page 42, line 17, by inserting after the word "abuse" the words "or neglect".

37. Page 42, line 25, by inserting after the word "abuse" the words "and neglect".

38. Page 42, line 26, by inserting after the word "abuse" the words "and neglect".

39. Page 42, line 30, by inserting after the word "abuse" the words "and neglect".

40. Page 42, line 32, by inserting after the word "abuse" the words "and neglect".

41. Page 45, line 23, by striking the word "a child" and inserting in lieu thereof the words "the circumstances".

42. Page 46, line 14, by striking the word "child" and inserting in lieu thereof the word "circumstances".

43. Page 54, line 29, by striking the words "original and exclusive jurisdictions" and insert in lieu thereof the words "exclusive jurisdiction".

44. Page 72, line 1, by inserting after the word "may" the word "otherwise".

45. Page 74, line 18, by striking the words "state directory" and inserting in lieu thereof the word "director".

46. Page 74, line 22, by striking the word "state".

47. Page 74, line 25, by striking the word "state".

48. Page 74, line 28, by striking the word "state".

49. Page 74, line 31, by striking the word "state".

50. Page 84, line 17, by striking the words "one hundred" and inserting in lieu thereof the word "sixty-

seven".

51. Page 84, line 18, by striking the word and figure "ten (110)" and inserting in lieu thereof the figure "(67)".

52. By renumbering sections and subsections as necessary.

HIGGINS of Scott
BRANDT of Black Hawk
DYRLAND of Clayton
GENTLEMAN of Polk
HENNESSEY of Delaware

H—6700

Amend the Bennett, et al., amendment H—6440 to House File 1554 as follows:

1. Page 1, line 11, by striking the word *"one"* and inserting in lieu thereof the word *"two"*.

MILLER of Buchanan

H—6701

Amend House File 1560, page 1, line 3, by inserting after the word "Under" the word *"general"*.

BRANSTAD of Winnebago

H—6699

Amend the Small, et al., amendment, H—6563 to Senate File 1310 as follows:

1. Page 5, by inserting after line 47 the following:

"In the event that the injured party incurs greater costs of care or economic hardship by reason of the national economy, after installment payments have been ordered, but before paid in full, the district court shall retain jurisdiction for the modification of the judgment for loss of future income.

The recipient of payments may petition the district court for an increase in the judgment upon a showing that the recipient's costs of care or economics is such that the judgment ordered will not be sufficient to maintain the recipient."

OAKLEY of Clinton

H—6698

Amend Senate File 1304, page 1, by striking lines 17 through 24.

Sifting Committee
FITZGERALD of Webster, Chair

H—6703

Amend H—6563, to page 17 of Senate File 1310 as follows:

1. Page 8, line 25 by striking everything after the period and inserting in lieu thereof the following:

"Interest at the maximum rate allowed by agreement pursuant to section five hundred

thirty-five point two (535.2), Code of Iowa, shall".

NEWHARD of Jones

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 4:56 p.m. until 10:00 a.m., Monday, May 17, 1976.

JOURNAL OF THE HOUSE

One Hundred Twenty-seventh Calendar Day—Eighty-fourth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, MAY 17, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Honorable Lillian McElroy, State Representative from Fremont County.

The Journal of Friday, May 14, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Paul Ferguson, Lake City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nealson of Muscatine on request of Menke of O'Brien; Clark of Lee on request of Crawford of Story.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Seventy-five fifth grade students from Lincoln Elementary School, Eagle Grove, Iowa, accompanied by Richard Gibson, Suzanne Gazaway, Mary Swanson and Lois Barnes. By Stromer of Hancock.

Twenty-four sixth grade students from Deep River Elementary School, Deep River, Iowa, accompanied by Corrine Tandy and Gayle Goodman. By Svoboda of Iowa.

Thirty-eight students from Oskaloosa High School, Oskaloosa, Iowa, accompanied by Phil Griffin. By Koogler of Mahaska.

PETITIONS FILED

The following petitions were received and placed on file:

By Cochran of Webster from twenty members of the American Legion Auxiliary, Edward English Unit No. 981, Churdan, Iowa, favoring House File 1111 relating to an appropriation for additional construction at the Iowa Veterans Home.

By Cochran of Webster from twenty-two members of the American Legion and American Legion Auxiliary of Grinnell, Iowa, favoring House File 1111 relating to an appropriation for additional construction at the Iowa Veterans Home.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 1322)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider **Senate File 1322** filed by him on May 14, 1976.

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of the following bills: Senate Files 244, 253, 273, 1105, 1119, 1267, 1300, 1303, 1304, 1233, 1244, 1111, 1203, 1145 and House Files 1581 and 1582.

CONSIDERATION OF BILLS

SIFTING COMMITTEE NONCONTROVERSIAL CALENDAR

Senate File 244, a bill for an act relating to the copying of public records, with report of committee recommending passage, was taken up for consideration.

Dyrland of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 244)

The ayes were, 74:

Anderson	Drake	Hinkhouse	Menke
Baker	Dunton	Horn	Mennenga
Bina	Dyrland	Howell	Middleswart
Bittle	Evans	Hullinger	Miller, A. V.
Brandt	Fitzgerald	Husak	Miller, K. D.
Brockett	Gentleman	Hutchins	Miller, O. L.
Brunow	Gilloon	Jochum	Newhard
Byerly	Halvorson	Koogler	Norland
Connors	Hansen	Krause	Oakley
Crawford	Hargrave	Kreamer	Pavich
Daggett	Harper	Lageschulte	Pellett
Den Herder	Harvey	Lindeen	Perkins
Dieleman	Hennessey	Lipsky	Poncy
Doyle	Higgins	McElroy	Readinger

Rinas	Stromer	Walter	Woods
Scheelhaase	Svoboda	Welden	Wulff
Small	Tauke	Wells	Wyckoff
Spear	Tofte	West	Mr. Speaker
Spencer	Varley		

The nays were, 6:

Bortell	Danker	Schroeder	Spradling
Crabb	Millen		

Absent or not voting, 19:

Avenson	Cusack	Jordan	Nealson
Bennett	Egenes	Junker	Nielsen
Binneboese	Griffee	Lonergan	O'Halloran
Branstad	Hines	Middleton	Patchett
Clark	Jesse	Monroe	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 253, a bill for an act relating to exchange of inmates with federal bureau of prisons, with report of committee recommending passage, was taken up for consideration.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—4112 filed by him on June 6, 1975, and found on page 2231 of the House Journal.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 253)

The ayes were, 78:

Anderson	Evans	Lindeen	Rinas
Baker	Fitzgerald	Lipsky	Scheelhaase
Bina	Gentleman	McElroy	Schroeder
Bittle	Gilloon	Menke	Small
Bortell	Halvorson	Mennenga	Spear
Brandt	Hansen	Middleswart	Spencer
Brockett	Hargrave	Millen	Spradling
Brunow	Harper	Miller, A. V.	Stromer
Byerly	Hennessey	Miller, K. D.	Svoboda
Connors	Hinkhouse	Miller, O. L.	Tauke
Crabb	Horn	Newhard	Tofte
Crawford	Howell	Norland	Varley
Daggett	Hullinger	Oakley	Walter
Danker	Husak	Patchett	Wells
Den Herder	Hutchins	Pavich	West
Dieleman	Jordan	Pellett	Woods
Doyle	Koogler	Perkins	Wulff
Drake	Krause	Poncy	Wyckoff
Dunton	Kreamer	Readinger	Mr. Speaker
Dyrland	Lageschulte		

The nays were, 3:

Harvey	Higgins	Jochum

Absent or not voting, 18:

Avenson	Cusack	Junker	Nealson
Bennett	Egenes	Lonergan	Nielsen
Binneboese	Griffee	Middleton	O'Halloran
Branstad	Hines	Monroe	Welden
Clark	Jesse		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 273, a bill for an act relating to the issuance and service of a summons and notice by the juvenile court, with report of committee recommending passage, was taken up for consideration.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 273)

The ayes were, 82:

Anderson	Evans	Kreamer	Rinas
Baker	Fitzgerald	Lageschulte	Scheelhaase
Bina	Gentleman	Lindeen	Schroeder
Bittle	Gilloon	Lipsky	Small
Bortell	Halvorson	McElroy	Spear
Brandt	Hansen	Menke	Spencer
Brockett	Hargrave	Middleswart	Spradling
Brunow	Harper	Millen	Stromer
Byerly	Harvey	Miller, A. V.	Svoboda
Connors	Hennessey	Miller, K. D.	Tauke
Crabb	Higgins	Miller, O. L.	Tofte
Crawford	Hinkhouse	Newhard	Varley
Daggett	Horn	Norland	Walter
Danker	Howell	Oakley	Welden
Den Herder	Hullinger	Patchett	Wells
Dieleman	Husak	Pavich	West
Doyle	Hutchins	Pellett	Woods
Drake	Jochum	Perkins	Wulff
Dunton	Jordan	Poncy	Wyckoff
Dyrland	Koogler	Readinger	Mr. Speaker
Egenes	Krause		

The nays were, none.

Absent or not voting, 17:

Avenson	Cusack	Junker	Monroe
Bennett	Griffee	Lonergan	Nealson
Binneboese	Hines	Mennenga	Nielsen
Branstad	Jesse	Middleton	O'Halloran
Clark			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1105, a bill for an act relating to the distribution of monthly aid to dependent children payments, with report of

committee recommending passage, was taken up for consideration.

Higgins of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1105)

The ayes were, 80:

Anderson	Fitzgerald	Lageschulte	Rinas
Baker	Gentleman	Lindeen	Scheelhaase
Bina	Gilloon	Lipsky	Schroeder
Bittle	Halvorson	McElroy	Small
Bortell	Hansen	Menke	Spear
Brandt	Hargrave	Mennenga	Spencer
Brockett	Harper	Middleswart	Spradling
Brunow	Harvey	Millen	Stromer
Byerly	Hennessey	Miller, A. V.	Svoboda
Connors	Hinkhouse	Miller, K. D.	Tauke
Crawford	Horn	Miller, O. L.	Tofte
Daggett	Howell	Newhard	Varley
Danker	Hullinger	Norland	Walter
Den Herder	Husak	Oakley	Welden
Dieleman	Hutchins	Patchett	Wells
Doyle	Jochum	Pavich	West
Drake	Jordan	Pellett	Woods
Dyrland	Koogler	Perkins	Wulff
Egenes	Krause	Poncy	Wyckoff
Evans	Kreamer	Readinger	Mr. Speaker

The nays were, none.

Absent or not voting, 19:

Avenson	Crabb	Hines	Monroe
Bennett	Cusack	Jesse	Nealson
Binneboese	Dunton	Junker	Nielsen
Branstad	Griffee	Lonergan	O'Halloran
Clark	Higgins	Middleton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1303, a bill for an act relating to the definition of a nonresident employer, with report of committee recommending passage, was taken up for consideration.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1303)

The ayes were, 79:

Anderson	Bittle	Brockett	Connors
Baker	Bortell	Brunow	Crabb
Bina	Brandt	Byerly	Crawford

Den Herder	Higgins	Millen	Spear
Dieleman	Hinkhouse	Miller, A. V.	Spencer
Doyle	Horn	Miller, K. D.	Spradling
Drake	Howell	Miller, O. L.	Stromer
Dunton	Husak	Newhard	Svoboda
Dyrland	Hutchins	Norland	Tauke
Egenes	Jochum	Oakley	Tofte
Evans	Jordan	Patchett	Varley
Fitzgerald	Koogler	Pavich	Walter
Gentleman	Krause	Pellett	Welden
Gilloon	Kreamer	Perkins	Wells
Halvorson	Lageschulte	Poncy	West
Hansen	Lipsky	Readinger	Woods
Hargrave	Lonergan	Rinas	Wulff
Harper	McElroy	Scheelhaase	Wyckoff
Harvey	Menke	Schroeder	Mr. Speaker
Hennessey	Middleswart	Small	

The nays were, 2:

Daggett	Danker

Absent or not voting, 18:

Avenson	Cusack	Junker	Monroe
Bennett	Griffee	Lindeen	Nealson
Binneboese	Hines	Mennenga	Nielsen
Branstad	Hullinger	Middleton	O'Halloran
Clark	Jesse		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1304, a bill for an act relating to the administration of workmen's compensation claims of state employees, with report of committee recommending amendment and passage, was taken up for consideration.

Connors of Polk offered the following amendment H—6698 filed by the sifting committee and moved its adoption:

H—6698

Amend Senate File 1304, page 1, by striking lines 17 through 24.

Amendment H—6698 was adopted.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1304)

The ayes were, 81:

Anderson	Bortell	Connors	Den Herder
Baker	Brandt	Crabb	Dieleman
Bennett	Brockett	Crawford	Doyle
Bina	Brunow	Daggett	Drake
Bittle	Byerly	Danker	Dunton

Dyrland	Husak	Miller, O. L.	Spencer
Egenes	Hutchins	Newhard	Spradling
Evans	Jochum	Norland	Stromer
Fitzgerald	Koogler	Oakley	Svoboda
Gentleman	Krause	Patchett	Tauke
Gilloon	Kreamer	Pavich	Tofte
Halvorson	Lageschulte	Pellett	Varley
Hansen	Lindeen	Perkins	Walter
Hargrave	Lonergan	Poncy	Welden
Harper	McElroy	Readinger	Wells
Harvey	Menke	Rinas	West
Hennessey	Middleswart	Scheelhaase	Woods
Higgins	Millen	Schroeder	Wulff
Hinkhouse	Miller, A. V.	Small	Wyckoff
Horn	Miller, K. D.	Spear	Mr. Speaker
Howell			

The nays were, none.

Absent or not voting, 18:

Avenson	Griffee	Junker	Monroe
Binneboese	Hines	Lipsky	Nealson
Branstad	Hullinger	Mennenga	Nielsen
Clark	Jesse	Middleton	O'Halloran
Cusack	Jordan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1233, a bill for an act making a correction to Senate File one thousand one hundred two (1102) enacted by the 1976 Session of the Sixty-sixth General Assembly, with report of committee recommending passage, was taken up for consideration.

Perkins of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1233)

The ayes were, 82:

Anderson	Doyle	Howell	Miller, K. D.
Baker	Drake	Hullinger	Miller, O. L.
Bennett	Dunton	Husak	Newhard
Bina	Dyrland	Hutchins	Norland
Bittle	Egenes	Jochum	Oakley
Bortell	Evans	Jordan	Patchett
Brandt	Fitzgerald	Koogler	Pavich
Brockett	Gentleman	Krause	Pellett
Brunow	Gilloon	Lageschulte	Perkins
Byerly	Halvorson	Lindeen	Poncy
Connors	Hansen	Lipsky	Readinger
Crabb	Hargrave	Lonergan	Rinas
Crawford	Harper	McElroy	Scheelhaase
Cusack	Harvey	Menke	Schroeder
Daggett	Hennessey	Middleswart	Small
Danker	Hinkhouse	Millen	Spear
Den Herder	Horn	Miller, A. V.	Spencer

Spradling	Tofte	Wells	Wulff
Stromer	Varley	West	Wyckoff
Svoboda	Walter	Woods	Mr. Speaker
Tauke	Welden		

The nays were, 1:

Dieleman

Absent or not voting, 16:

Avenson	Griffee	Junker	Monroe
Binneboese	Higgins	Kreamer	Nealson
Branstad	Hines	Mennenga	Nielsen
Clark	Jesse	Middleton	O'Halloran

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1244, a bill for an act authorizing the board of supervisors to establish and govern certain service districts, with report of committee recommending passage, was taken up for consideration.

Hutchins of Guthrie offered the following amendment H—6056 filed by him and moved its adoption:

H—6056

Amend Senate File 1244 as follows:

1. By striking line 1, on page 1 and inserting in lieu thereof the following:

"Section 1. Section three hundred thirty-two point three".

Amendment H—6056 was adopted.

Hutchins of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1244)

The ayes were, 83:

Anderson	Dieleman	Horn	Miller, K. D.
Baker	Doyle	Howell	Miller, O. L.
Bennett	Drake	Husak	Newhard
Bina	Dunton	Hutchins	Norland
Bittle	Dyrland	Jochum	Oakley
Bortell	Egenes	Jordan	O'Halloran
Brandt	Evans	Koogler	Patchett
Brockett	Fitzgerald	Krause	Pavich
Brunow	Gentleman	Lageschulte	Pellett
Byerly	Gilloon	Lindeen	Perkins
Connors	Halvorson	Lipsky	Poncy
Crabb	Hansen	Lonergan	Readinger
Crawford	Hargrave	McElroy	Rinas
Cusack	Harper	Menke	Scheelhaase
Daggett	Harvey	Middleswart	Schroeder
Danker	Higgins	Millen	Small
Den Herder	Hinkhouse	Miller, A. V.	Spear

Spencer	Tauke	Welden	Wulff
Spradling	Tofte	Wells	Wyckoff
Stromer	Varley	West	Mr. Speaker
Svoboda	Walter	Woods	

The nays were, 1:

Hennessey

Absent or not voting, 15:

Avenson	Griffee	Junker	Monroe
Binneboese	Hines	Kreamer	Nealson
Branstad	Hullinger	Mennenga	Nielsen
Clark	Jesse	Middleton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1111, a bill for an act relating to who may form a professional corporation, with report of committee recommending passage, was taken up for consideration.

Hennessey of Delaware offered the following amendment H—6307 filed by him:

H—6307

Amend Senate File 1111 as follows:

1. Page 1, line 7, by inserting after the word "dentistry," the words "*physical therapist,*".

By unanimous consent the rules were suspended and the following corrective amendment H—6712, to amendment H—6307, filed by Hennessey of Delaware from the floor was adopted:

H—6712

Amend amendment H—6307, to Senate File 1111 as follows:

1. Line 3, by striking the word "*therapist*" and inserting in lieu thereof the word "***therapy***".

Hennessey of Delaware moved the adoption of amendment H—6307, as amended.

Amendment H—6307, as amended, was adopted.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1111)

The ayes were, 85:

Anderson	Bittle	Brunow	Cusack
Avenson	Bortell	Byerly	Daggett
Baker	Brandt	Connors	Danker
Bennett	Branstad	Crabb	Den Herder
Bina	Brockett	Crawford	Dieleman

Doyle	Husak	Miller, A. V.	Small
Drake	Hutchins	Miller, K. D.	Spear
Dunton	Jochum	Miller, O. L.	Spencer
Dyrland	Jordan	Newhard	Stromer
Egenes	Koogler	Norland	Svoboda
Evans	Krause	Oakley	Tauke
Fitzgerald	Kreamer	O'Halloran	Tofte
Gentleman	Lageschulte	Patchett	Varley
Gilloon	Lindeen	Pavich	Walter
Halvorson	Lipsky	Pellett	Welden
Hansen	Lonergan	Perkins	Wells
Harper	McElroy	Poncy	West
Hennessey	Menke	Readinger	Woods
Higgins	Mennenga	Rinas	Wulff
Hinkhouse	Middleswart	Scheelhaase	Wyckoff
Horn	Millen	Schroeder	Mr. Speaker
Howell			

The nays were, none.

Absent or not voting, 14:

Binneboese	Harvey	Junker	Nealson
Clark	Hines	Middleton	Nielsen
Griffee	Hullinger	Monroe	Spradling
Hargrave	Jesse		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1203, a bill for an act relating to bids for maintenance or construction of county buildings, with report of committee recommending passage, was taken up for consideration.

Hutchins of Guthrie asked and received unanimous consent to withdraw amendment H—6350 filed by him on April 20, 1976, and found on pages 2057 and 2058 of the House Journal.

Hutchins of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1203)

The ayes were, 75:

Anderson	Den Herder	Hinkhouse	Mennenga
Avenson	Dieleman	Horn	Middleswart
Baker	Doyle	Howell	Millen
Bennett	Drake	Hullinger	Miller, A. V.
Bina	Dunton	Husak	Miller, K. D.
Bittle	Dyrland	Hutchins	Newhard
Bortell	Egenes	Jochum	Norland
Brandt	Evans	Jordan	Oakley
Branstad	Fitzgerald	Krause	O'Halloran
Brunow	Gentleman	Lageschulte	Patchett
Byerly	Gilloon	Lindeen	Pavich
Connors	Hansen	Lipsky	Pellet
Crabb	Harvey	Lonergan	Perkins
Cusack	Hennessey	McElroy	Readinger
Daggett	Higgins	Menke	Rinas

Scheelhaase	Spencer	Tauke	Wulff
Schroeder	Spradling	Walter	Wyckoff
Small	Stromer	Wells	Mr. Speaker
Spear	Svoboda	Woods	

The nays were, 12:

Brockett	Halvorson	Miller, O. L.	Varley
Crawford	Harper	Poncy	Welden
Danker	Koogler	Tofte	West

Absent or not voting, 12:

Binneboese	Hargrave	Junker	Monroe
Clark	Hines	Kreamer	Nealson
Griffee	Jesse	Middleton	Nielsen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1119, a bill for an act relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state, with report of committee recommending passage, was taken up for consideration.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1119)

The ayes were, 87:

Anderson	Dyrland	Koogler	Readinger
Avenson	Egenes	Krause	Rinas
Bennett	Evans	Kreamer	Scheelhaase
Bina	Fitzgerald	Lageschulte	Schroeder
Bittle	Gentleman	Lipsky	Small
Bortell	Gilloon	Lonergan	Spear
Brandt	Halvorson	McElroy	Spencer
Branstad	Hansen	Menke	Spradling
Brockett	Hargrave	Middleswart	Stromer
Brunow	Harper	Millen	Svoboda
Byerly	Harvey	Miller, A. V.	Tauke
Connors	Hennessey	Miller, K. D.	Tofte
Crabb	Higgins	Miller, O. L.	Varley
Crawford	Hinkhouse	Newhard	Walter
Cusack	Horn	Norland	Welden
Daggett	Howell	Oakley	Wells
Danker	Hullinger	O'Halloran	West
Den Herder	Husak	Patchett	Woods
Dieleman	Hutchins	Pavich	Wulff
Doyle	Jochum	Pellett	Wyckoff
Drake	Jordan	Perkins	Mr. Speaker
Dunton	Junker	Poncy	

The nays were, none.

Absent or not voting, 12:

Baker	Griffee	Lindeen	Monroe
Binneboese	Hines	Mennenga	Nealson
Clark	Jesse	Middleton	Nielsen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1300, a bill for an act relating to the availability of mine maps, with report of committee recommending passage, was taken up for consideration.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1300)

The ayes were, 90:

Anderson	Dyrland	Koogler	Poncy
Avenson	Egenes	Krause	Readinger
Baker	Evans	Kreamer	Rinas
Bennett	Fitzgerald	Lageschulte	Scheelhaase
Bina	Gentleman	Lipsky	Schroeder
Bittle	Gilloon	Lonergan	Small
Bortell	Halvorson	McElroy	Spear
Brandt	Hansen	Menke	Spencer
Branstad	Hargrave	Mennenga	Spradling
Brockett	Harper	Middleswart	Stromer
Brunow	Harvey	Millen	Svoboda
Byerly	Hennessey	Miller, A. V.	Tauke
Connors	Higgins	Miller, K. D.	Tofte
Crabb	Hinkhouse	Miller, O. L.	Varley
Crawford	Horn	Newhard	Walter
Cusack	Howell	Norland	Welden
Daggett	Hullinger	Oakley	Wells
Danker	Husak	O'Halloran	West
Den Herder	Hutchins	Patchett	Woods
Dieleman	Jesse	Pavich	Wulff
Doyle	Jochum	Pellett	Wyckoff
Drake	Jordan	Perkins	Mr. Speaker
Dunton	Junker		

The nays were, none.

Absent or not voting, 9:

Binneboese	Hines	Middleton	Nealson
Clark	Lindeen	Monroe	Nielsen
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SIFTING COMMITTEE CALENDAR

House File 1581, a bill for an act relating to educational leaves of absence for school employees, with report of committee recommending passage, was taken up for consideration.

Mennenga of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1581)

The ayes were, 70:

Anderson	Gentleman	Krause	Poncy
Avenson	Gilloon	Lageschulte	Rinas
Baker	Griffee	Lindeen	Scheelhaase
Bina	Halvorson	Lipsky	Schroeder
Binneboese	Hansen	Lonergan	Small
Brandt	Hargrave	Menke	Spear
Brunow	Harper	Mennenga	Spencer
Byerly	Hennessey	Millen	Spradling
Connors	Higgins	Miller, A. V.	Stromer
Crawford	Hinkhouse	Miller, K. D.	Svoboda
Cusack	Horn	Miller, O. L.	Tauke
Dieleman	Howell	Newhard	Tofte
Doyle	Husak	Norland	Walter
Dunton	Jesse	Oakley	Wells
Dyrland	Jochum	O'Halloran	Woods
Egenes	Jordan	Patchett	Wulff
Evans	Junker	Pavich	Mr. Speaker
Fitzgerald	Koogler		

The nays were, 18:

Bennett	Daggett	McElroy	Varley
Bittle	Danker	Middleswart	Welden
Bortell	Harvey	Pellett	West
Branstad	Hutchins	Perkins	Wyckoff
Brockett	Kreamer		

Absent or not voting, 11:

Clark	Drake	Middleton	Nielsen
Crabb	Hines	Monroe	Readinger
Den Herder	Hullinger	Nealson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Fitzgerald of Webster, the House was recessed until 1:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed sixty-seven members present, thirty-two absent.

IMMEDIATE MESSAGE
(House File 1581)

Mennenga of Clinton asked and received unanimous consent that House File 1581 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren for the afternoon session on request of Hullinger of Decatur.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 17, 1976, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 628, a bill for an act relating to school bus transportation requirements.

Also: That the Senate has on May 13, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 547, a bill for an act relating to the financing of levees and drainage districts.

Also: That the members of the conference committee on the part of the Senate, appointed May 17, 1976, on Senate File 1192, a bill for an act providing for an appropriation for the administration of the law enforcement academy are: The Senator from Jackson, Mr. Norpel, chair; the Senator from Osceola, Mr. Bergman; the Senator from Dubuque, Mr. Carr; the Senator from Webster, Mr. Coleman; and the Senator from Black Hawk, Mr. Hansen.

STEVEN C. CROSS, Secretary

CONSIDERATION OF BILLS

SIFTING COMMITTEE CALENDAR

House File 1582, a bill for an act relating to the issuance, continuance, and termination of contracts of school administrators, with report of committee recommending passage, was taken up for consideration.

O'Halloran of Black Hawk in the chair at 2:15 p.m.

Mennenga of Clinton offered the following amendment H—6707 filed by Mennenga, Small and Dyrland from the floor:

H—6707

Amend House File 1582 as follows:

1. Page 7, by inserting after line 2 the following:

"Sec ..... *NEW SECTION.* EVALUATION PROCEDURES. The board shall estabilsh evaluation criteria and shall implement evaluation procedures for administrators."

Daggett of Adams rose on a point of order that amendment H—6707 was not germane.

The Speaker ruled the point not well taken and amendment H—6707 germane.

Mennenga of Clinton moved the adoption of amendment H—6707.

A non-record roll call was requested.

The ayes were 21, nays 54.

Amendment H—6707 lost.

Spear of Lee offered the following amendment H—6711 filed by him from the floor and moved its adoption:

H—6711

Amend House File 1582 as follows:
1. Page 2, by striking from lines 32 and 33 the following: "school superintendents, assistant superintendents,".

Amendment H—6711 lost.

Speaker Cochran in the chair at 3:08 p.m.

Oakley of Clinton offered the following amendment H—6709 filed by Oakley, Gilloon, Brandt, Tauke and Dyrland from the floor and moved its adoption:

H—6709

Amend House File 1582 as follows:
1. Page 4, line 9, by inserting after the word "which" the words "for all administrators except superintendents and assistant superintendents".

Amendment H—6709 was adopted.

Hennessey of Delaware offered the following amendment H—6708 filed by him from the floor and requested division as follows:

H—6708

Amend House File 1582 as follows:
1. Page 7, by inserting after line 8 the following sections:

H—6708A

"Sec. ..... Chapter two hundred seventy-nine (279), Code 1975 is amended by adding the following new section:
NEW SECTION. The board shall not consider terminating the contract of a teacher who has been employed as a teacher for twenty-five years or more in this state, is at least fifty-six years of age,

and holds a valid preprofessional certificate issued by the board of educational examiners, for reasons that the teacher does not possess a bachelor's degree from a recognized institution.

H—6708B

Sec. ..... It is the intent of the general assembly that any teacher be reinstated for employment by the board for the school year beginning July 1, 1976 and thereafter if the teacher's contract has been terminated or the teacher has resigned, effective for the school year beginning July 1, 1975, solely because the teacher does not possess a bachelor's degree from a recognized institution. The provisions of this section shall apply only to teachers who have been employed in this state as teachers for not less than forty years, who are at least fifty-six years of age, and who hold valid preprofessional certificates. Teachers qualifying for reinstatement under this section shall be offered contracts, for the school year beginning July 1, 1976 and thereafter, which specify an annual salary in an amount not less than the annual salary established by the board for a teacher with no previous teaching experience who holds a professional certificate issued by the board of educational examiners."

H—6708C

2. Amend the title, line 2, by inserting after the word "administrators" the words "and certain teachers".

Horn of Linn rose on a point of order that amendment H—6708 was not germane.

The Speaker ruled the point well taken and amendment H—6708 not germane.

Hennessey of Delaware moved that the rules governing germaneness be suspended for the consideration of amendment H—6708.

A non-record roll call was requested.

The ayes were 22, nays 52.

The motion lost.

Byerly of Polk moved to reconsider the vote by which amendment H—6709 was adopted by the House.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 46, nays 39.

The motion prevailed and the House reconsidered amendment H—6709.

By unanimous consent the following corrective amendment H—6719, to amendment H—6709, filed by Byerly of Polk from the floor, was adopted:

H—6719

Amend amendment H—6709, to page 4 of House File 1582, as follows:

1. Page 1, line 4, by striking the words "and assistant superintendents".

Oakley of Clinton moved the adoption of amendment H—6709, as amended.

A non-record roll call was requested.

The ayes were 67, nays 13.

Amendment H—6709, as amended, was adopted.

Husak of Tama in the chair at 3:59 p.m.

Horn of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1582)

The ayes were, 79:

Anderson	Dyrland	Koogler	Readinger
Avenson	Egenes	Krause	Rinas
Baker	Evans	Lageschulte	Scheelhaase
Bennett	Fitzgerald	Lindeen	Schroeder
Bisa	Gentleman	Lipsky	Small
Bittle	Gilloon	Lonergan	Spencer
Bortell	Griffee	McElroy	Spradling
Brandt	Halvorson	Menke	Stromer
Branstad	Hansen	Mennenga	Svoboda
Brunow	Hargrave	Miller, A. V.	Tauke
Byerly	Harper	Miller, O. L.	Tofte
Cochran	Hennessey	Newhard	Varley
Connors	Hines	Nielsen	Walter
Crawford	Horn	Norland	Wells
Cusack	Howell	Oakley	West
Daggett	Hutchins	O'Halloran	Woods
Dieleman	Jesse	Patchett	Wulff
Doyle	Jochum	Pavich	Wyckoff
Drake	Jordan	Pellett	Mr. Speaker (Husak)
Dunton	Junker	Perkins	

The nays were, 14:

Brockett	Harvey	Kreamer	Poncy
Crabb	Higgins	Millen	Spear
Danker	Hinkhouse	Miller, K. D.	Welden
Den Herder	Hullinger		

Absent or not voting, 6:

Binneboese	Middleswart	Monroe	Nealson
Clark	Middleton		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 1582)

Horn of Linn asked and received unanimous consent that **House File 1582** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Calhoun for the remainder of the day on request of Hansen of O'Brien.

Senate File 1145, a bill for an act relating to the issuance of cards and licenses by the state department of transportation and providing penalties, with report of committee recommending passage, was taken up for consideration.

Welden of Hardin offered amendment H—5942 filed by him. Division was requested as follows:

H—5942

Amend Senate File 1145 as follows:

H—5942A

1. Page 3, line 13, by inserting after the period the following:

"The number of places where licenses are available shall not be reduced because of procedures or equipment required in placing colored photographs on licenses or permits."

H—5942B

2. Page 4, by striking lines 25 through 33 and inserting in lieu thereof the following:

"Sec. ..... The provisions of this Act shall become effective January 1, 1977."

Hardin of Welden moved the adoption of amendment H—5942A.

A non-record roll call was requested.

The ayes were 50, nays 26.

Amendment H—5942A was adopted.

Action on amendment H—5942B was temporarily deferred.

Brandt of Black Hawk offered the following amendment H—5839 filed by her:

H—5839

Amend Senate File 1145 as follows:

1. Page 3, line 16, by inserting after the word "*Act*" the words "*and a space to provide symbols or coded information regarding any important medical condition of the licensee*".

2. Page 3, by inserting after line 30, the following new paragraph:

"*The department shall develop a list of codes or symbols designed to indicate any important medical condition of a licensee in the event of an accident rendering the licensee temporarily unable to communicate individual medical requirements.*"

Brunow of Appanoose offered the following amendment H—6710, to amendment H—5839, filed by him from the floor and moved its adoption:

H—6710

Amend the Brandt amendment, H—5839, to Senate File 1145 as amended, passed and reprinted by the Senate page 1, by striking lines 1 through 13 and inserting in lieu thereof the following:

"Amend Senate File 1145 as amended, passed and reprinted by the Senate, page 3, line 16, by inserting after the word "*Act*" the words "*and a space shall be provided where the licensee may affix a symbol indicating the presence of a medical condition*"."

Amendment H—6710 was adopted.

Brandt of Black Hawk moved the adoption of amendment H—5839, as amended.

Amendment H—5839, as amended, was adopted.

Action on amendment H—5805 was temporarily deferred.

Brunow of Appanoose offered the following amendment H—6705, filed by Brunow, Drake and Krause from the floor, and moved its adoption:

H—6705

Amend Senate File 1145 as follows:

1. Page 3, line 34, by inserting after the word "dollars" the words "*and fifty cents*".

2. Page 3, line 35, by inserting after the word "dollars" the words "*and fifty cents*".

3. Page 4, line 2, by inserting after the word "dollars" the words "*and fifty cents*".

4. Page 4, line 3, by inserting after the

word "dollars" the words *"and fifty cents"*.
5. Page 4, line 4, by inserting after the word "dollars" the words *"and fifty cents"*.
6. Page 4, line 5, by inserting after the word "dollars" the words *"and fifty cents"*.
7. Page 4, line 13, by inserting after the word "dollars" the words *"and fifty cents"*.
8. Page 4, line 14, by inserting after the word *"dollar"* the words *"and fifty cents"*.
9. Page 4, line 18, by inserting after the word *"dollar"* the words *"and fifty cents"*.

Roll call was requested by Stromer of Hancock and Wulff of Black Hawk.

Rule 70 was invoked.

On the question "Shall amendment H—6705 be adopted?"

The ayes were, 39:

Anderson	Drake	Howell	Oakley
Avenson	Dunton	Hullinger	O'Halloran
Bina	Egenes	Hutchins	Perkins
Bittle	Evans	Jesse	Readinger
Brandt	Fitzgerald	Koogler	Scheelhaase
Brockett	Gentleman	Krause	Spear
Brunow	Gilloon	Menke	Svoboda
Byerly	Griffee	Mennenga	Tauke
Cochran	Halvorson	Middleton	Wyckoff
Connors	Hennessey	Norland	

The nays were, 53:

Baker	Hansen	McElroy	Spencer
Bennett	Hargrave	Millen	Spradling
Binneboese	Harper	Miller, A. V.	Stromer
Bortell	Harvey	Miller, K. D.	Tofte
Branstad	Higgins	Monroe	Varley
Crabb	Hinkhouse	Newhard	Walter
Crawford	Horn	Nielsen	Welden
Cusack	Jochum	Patchett	Wells
Daggett	Jordan	Pavich	West
Danker	Junker	Pellett	Woods
Den Herder	Lageschulte	Poncy	Wulff
Dieleman	Lindeen	Rinas	Mr. Speaker (Husak)
Doyle	Lipsky	Schroeder	
Dyrland	Lonergan		

Absent or not voting, 7:

Clark	Kreamer	Miller, O. L.	Small
Hines	Middleswart	Nealson	

Amendment H—6705 lost.

Krause of Palo Alto offered amendment H—5805 filed by him and requested division as follows:

H—5805

Amend Senate File 1145, as passed by the Senate and reprinted, as follows:

H—5805A

1. Page 3, by striking lines 31 through 35.
2. Page 4, by striking lines 1 through 5.
3. Page 4, lines 25 and 26, by striking the word and numeral "eight (8)" and inserting in lieu thereof the word and numeral "seven (7)".
4. Page 4, lines 30 and 31, by striking the following: "increased fee prescribed in section six (6) of this Act" and inserting in lieu thereof the following: "fee prescribed in section three hundred twenty-one point one hundred ninety-one (321.191) of the Code".

H—5805B

5. Page 4, line 33, by striking "1976.1" and inserting in lieu thereof "1976."

On motion by Krause of Palo Alto, amendment H—5805A was adopted.

On motion by Krause of Palo Alto, amendment H—5805B was adopted.

With the adoption of amendment H—5805B, amendment H—5942B was ruled out of order.

Speaker Cochran in the chair at 5:20 p.m.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1145)

The ayes were, 79:

Anderson	Dyrland	Jesse	Readinger
Avenson	Egenes	Jochum	Rinas
Baker	Evans	Koogler	Schroeder
Bennett	Fitzgerald	Krause	Small
Bina	Gentleman	Lageschulte	Spear
Bittle	Gilloon	Lindeen	Spencer
Bortell	Griffee	Lipsky	Spradling
Brandt	Halvorson	McElroy	Stromer
Branstad	Hansen	Menke	Svoboda
Brockett	Hargrave	Mennenga	Tauke
Brunow	Harper	Millen	Tofte
Byerly	Harvey	Miller, A. V.	Varley
Connors	Hennessey	Monroe	Welden
Crawford	Higgins	Newhard	Wells
Daggett	Hines	Nielsen	West
Den Herder	Horn	Norland	Woods
Dieleman	Howell	O'Halloran	Wulff
Doyle	Hullinger	Patchett	Wyckoff
Drake	Husak	Perkins	Mr. Speaker
Dunton	Hutchins	Poncy	

The nays were, 12:

Binneboese	Danker	Junker	Pellett
Crabb	Hinkhouse	Miller, K. D.	Scheelhaase
Cusack	Jordan	Pavich	Walter

Absent or not voting, 8:

Clark	Lonergan	Middleton	Nealson
Kreamer	Middleswart	Miller, O. L.	Oakley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(Senate File 1145)

Brunow of Appanoose asked and received unanimous consent that **Senate File 1145** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 12, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1332, a bill for an act relating to vehicles and operation of vehicles including the registration.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1332

H—6726

Amend House File 1332, as amended, passed and reprinted by the House, as follows:

1. Page 1, by inserting after line 25 the following:

"Sec. ..... Section three hundred twenty-one point forty-six (321.46), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The purchaser or transferee shall immediately apply for and obtain from the county treasurer of his residence a transfer of registration and a new certificate of title for such vehicle except as provided in section 321.48. The purchaser or transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and the signed registration card. *The purchaser or the transferee shall not be required to list a social security number as part of the application for a registration transfer and a new title.*"

2. Page 3, line 35, by inserting after the words "APPLICATIONS OF" the word "UNMARRIED".

3. Page 3, line 35, by inserting after the word

"any" the word "unmarried".

4. Page 4, by striking lines 7 through 9.

5. Page 4, line 10, by striking the words *"years and"* and inserting in lieu thereof the word "; if".

6. Page 4, by inserting after line 29 the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, is amended to read as follows:

321.189 LICENSES ISSUED. The department shall upon payment of the required fee, issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, occupation, sex, residence address, a brief description of the licensee, and the usual signature of the licensee. No license shall be valid unless it bears the signature of the licensee. *The distinguishing number assigned to a licensee shall not be the licensee's social security number".*

7. Page 5, by inserting after line 12 the following:

"Sec. ..... Section three hundred twenty-one point two hundred thirty-one (321.231), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321.231 AUTHORIZED EMERGENCY VEHICLES.

Page 2

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

2. The driver of any authorized emergency vehicle may:

a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.

b. Disregard laws or regulations governing direction of movement or turning in specified directions.

3. The driver of a fire department vehicle, police vehicle or ambulance may:

a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

4. The exemptions granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of section three hundred twenty-one point four hundred thirty-three (321.433) of the Code,

or a visual signaling device approved by the department except that use of an audible or visual signaling device shall not be required under the following circumstances:

a. The vehicle is not equipped with such device, and is not required to be so equipped.

b. The vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.

c. The vehicle is stopped, standing, or parked.

5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Sec. ..... Sections three hundred twenty-one point two hundred thirty-two (321.232) and three hundred twenty-one point two hundred ninety-six (321.296), Code 1975, are repealed."

3. Page 5, by inserting after line 22 the following new section:

"Sec. ..... Section three hundred twenty-one point

two hundred thirty-eight (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179), section one (1), is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115, when first registered in this state, *other than a registration to a dealer licensed under chapter three hundred twenty-two (322) of the Code*, and each time when transferred for use within this state or when registration is changed from a registration as provided in section 321.115 to a regular registration, other than transfers to a dealer licensed under chapter three hundred twenty-two (322), shall be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for the motor vehicle not more than sixty days prior to the date on which the vehicle was transferred and the vehicle has not been transferred during the sixty-day period, provided that during a one-year period the vehicle may be transferred between parents and their children or between spouses without another inspection. A vehicle inspection is not required when the transfer of the vehicle or an interest in the vehicle is between spouses or when required pursuant to a decree for dissolution of

marriage between former spouses. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. If an inspection is required, an applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his residence, a statement on a form provided by the director, signed by an authorized inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. If an inspection is required the county treasurer shall

Page 4

not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his Iowa residency and he executes a statement to that effect in form and content as prescribed by the director. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-of-state residency to the department at the time of mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals."

9. Page 10, line 8, by striking the words "or usually operated".

10. Page 10, lines 19 and 20, by striking the words "or usually operated".

11. Page 10, line 21, by inserting after the word "department" the words "or when the member has used the blue light beyond the scope of its authorized use".

12. Page 10, line 27, by striking the word "an" and inserting in lieu thereof the words "a public".

13. Page 14, by inserting after line 6 the following:

"Sec. ..... The sections of this Act amending section three hundred twenty-one point forty-six (321.46) unnumbered paragraph one (1), Code 1975, and section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, shall be effective January 1, 1977."

14. Renumber sections and correct internal references as are necessary in accordance with this amendment.

COMMITTEE APPOINTMENTS

The Speaker announced the appointment of Dyrland of Clayton to the standing committee on appropriations and to the appropriations subcommittee on human resources. He was removed as a member of the committee on ways and means.

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the vote was taken on House File 1581. Had I been present, I would have voted "aye."

CRABB of Crawford

I was necessarily absent from the House chamber when the vote was taken on House File 1581. Had I been present, I would have voted "aye."

READINGER of Polk

I was necessarily absent from the House chamber when the votes were taken on Senate Files 244, 253, 273, 1105, 1303, 1304, 1233, 1244, 1111, 1203, 1119 and 1300 and House Files 1581 and 1582. Had I been present, I would have voted "aye" on all these.

MIDDLETON of Black Hawk

I was necessarily absent from the House chamber when the vote was taken on House File 1581. Had I been present, I would have voted "aye."

DRAKE of Muscatine

I was necessarily absent from the House chamber when the votes were taken on Senate Files 244, 253, 273, 1105, 1303, 1304 and 1233. Had I been present, I would have voted "aye" on all of these.

O'HALLORAN of Black Hawk

I was necessarily absent from the House chamber when the vote was taken on House File 1477. Had I been present, I would have voted "aye."

HUTCHINS of Guthrie

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 17th day of May, 1976: House Files 352, 863, 1320, 1321, 1408, 1436, 1470 and 1483.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

AMENDMENTS FILED

H—6716

Amend the O'Halloran, et al., amendment H—6173 to House File 1482 as follows:

1. Page 1, line 13, by striking the numerals "1980" and inserting in lieu thereof the numerals "1978".

2. Page 2, line 20, by inserting after the word "site" the words "and orientation of the building on the site".

3. Page 4, line 23, by striking the words "*shall either*" and inserting in lieu thereof the words "*either shall*".

4. Page 4, line 24, by inserting after the word "*programs*" the words "*or provide by private contractor programs*".

5. Page 5, by inserting after line 5, the following:

"Sec. ..... Section ninety-three point seven (93.7), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. Develop a program in each congressional district in this state to annually give public recognition to innovative methods of energy conservation developed or used by or for persons in the following categories:

a. individuals;
b. nonprofit or other organizations;
c. single-family residences;
d. multiple-family residences;
e. agriculture;
f. commercial enterprises;
g. industries;
h. utilities;
i. governments; and
j. transportation."

6. Page 6, line 12, by striking the words "the sun" and inserting in lieu thereof the words "direct solar radiation".

7. By renumbering sections of the bill and by correcting internal references as necessary.

HOWELL of Floyd

H—6714

Amend Senate File 1133 as amended and passed by the Senate as follows:

1. Page 1, lines 9E, 9F, and 9G by striking the following words: *"within a specific time period and the inspection station may designate the route"*.

SCHROEDER of Pottawattamie

H—6715

Amend Senate File 1261, as amended, passed and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 7 the following section:

"Sec. ..... Section two hundred sixty-one point nine (261.9), subsection five (5), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. Which is accredited by the accrediting commission of the association of independent colleges and schools and recognized by the United States department of health, education, and welfare."

SCHROEDER of Pottawattamie
SPENCER of Clay

H—6725

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

Page 12, line 10, by inserting after the word "purposes" the words "; and for the pediatric department of the college of medicine to fund a program of research in the cause, course, treatment, cure and management of diabetes mellitus in an amount of thirty-five thousand (35,000) dollars, or so much thereof as is necessary".

LAGESCHULTE of Bremer
HUTCHINS of Guthrie
KOOGLER of Mahaska

H—6717

Amend the Small, et al., amendment, H—6563 to Senate File 1310 as follows:

1. Page 1 by striking lines 23 and 24 and inserting in lieu thereof the following:

"7. Page 14 by striking line 30 and inserting in lieu thereof the following:

"for the plaintiff, shall upon request of the plaintiff, and may on its own initiative,"."

WELDEN of Hardin

H—6718

Amend the Small, et al., amendment, H—6563 to Senate File 1310 as follows:

1. Page 1, line 30 by striking the word "sixty" and inserting in lieu thereof the words

"one hundred eighty".

2. Page 1, line 33, by striking the word "sixty" and inserting in lieu thereof the words "one hundred eighty".

3. Page 1, line 36, by striking the word "sixty" and inserting in lieu thereof the words "one hundred eighty".

BRANSTAD of Winnebago

H—6720

Amend the Small, et al., amendment, H—6563, to Senate File 1310 as amended, passed and reprinted by the Senate as follows:

1. Page 5, by striking lines 1 through 47 and inserting in lieu thereof the following:

"7. In the event of death of the injured party, the balance of the judgment for installment payments together with interest accrued thereon remaining unpaid at the date of death of the injured party shall be paid to such persons designated by the injured party. The injured party shall provide the court at the time of the entry of said judgment for installment payments the name or names of such persons to receive said remaining unpaid balance. The court shall include as part of the judgment for installment payments a provision that the balance of the judgment for installment payments together with interest accrued thereon shall be paid in full to said designated persons upon the injured's death. The injured party may subsequent to the entry of said judgment upon motion to the court designate any other persons in lieu of, or in addition to, those persons designated in the original entry of the judgment."

DOYLE of Woodbury

H—6721

Amend the Small, et al., amendment, H—6563 to Senate File 1310 as follows:

1. Page 2, by striking lines 44 through 47.

2. Page 3, lines 11, 12, 18, 27, 44 and 46, by striking the words "future injuries" and inserting in lieu thereof the words "pain and suffering".

3. Page 4, lines 2 and 3, by striking the words "future injuries" and inserting in lieu thereof the words "pain and suffering".

4. Page 5, line 3, by striking the words "future injuries" and inserting in lieu thereof the words "pain and suffering".

TAUKE of Dubuque

H—6722

Amend amendment H—6651 to page 15 of Senate File 1310 as follows:

1. Page 4, by inserting after line 19 the

following:

"7. Each of the health care boards, as defined in section 8, shall keep on file the names of at least five health care practitioners considered to be experts and having expertise in each area of specialization recognized in the area over which the health care board has authority, together with a list of at least five practitioners considered by the board to be experts and having expertise in the general area of care over which the board has authority and in the event a claim for arbitration is filed by a party, on application of the patient, such board shall make available to the patient the list of names of such experts, and such experts shall then make themselves available to be consulted with by such patient and shall further be available for and provide testimony at the request of such patient in any arbitration matter. The compensation of any such expert shall be in a sum not to exceed one hundred dollars per hour for consultation, and not to exceed five hundred dollars for appearance and testimony before the arbitrator in any arbitration proceeding. In the event of the unavailability of such experts to consult with the patient or to testify for the patient in the arbitration proceedings, then the patient may elect to withdraw from the arbitration proceedings and may elect to bring an action at law."

OAKLEY of Clinton

H—6713

Amend Senate File 1333 as follows:

1. Page 2, by striking lines 7 through 9 and inserting in lieu thereof the following:

"technology, for a music building, at Iowa state university of science and technology, and for an extension to the horticultural building at Iowa state university of science and technology .....$695,000".

HINES of Story

H—6723

Amend Senate File 1333 as follows:

1. Page 1, line 33, by inserting after the word "make" the word "one".

2. Page 1, line 34, by striking the word "facilities" and inserting in lieu thereof the word "facility".

PATCHETT of Johnson

H—6724

Amend Senate File 1333 as follows:

Page 2, by inserting after line 9 the following:
"It is the intent of the general assembly in appropriating funds under this division that it will appropriate funds by March 1, 1977 in an amount sufficient for complete construction of the Lindquist Center at the state university of Iowa."

PATCHETT of Johnson

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 5:30 p.m. until 9:00 a.m., Tuesday, May 18, 1976.

JOURNAL OF THE HOUSE

One Hundred Twenty-eighth Calendar Day—Eighty-fifth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, MAY 18, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend John McCorkell, pastor of the Washington United Methodist Church, Washington, Iowa.

The Journal of Monday, May 17, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roger Boulden, Lenox, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nealson of Muscatine on request of Menke of O'Brien.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Eighty eighth grade students from Central Catholic Elementary School, Mason City, Iowa, accompanied by Sister Corine, Mr. Reinsmoens, Mr. Wheeler and Mr. Martinek. By Norland of Worth and Miller of Cerro Gordo.

Eleven senior high students from Waverly-Shell Rock Community School, Waverly, Iowa, accompanied by Dan and Jean Heidt. By Lageschulte of Bremer.

Forty-five fifth grade students from St. Pius X School, Urbandale, Iowa, accompanied by Ann Drop. By Readinger of Polk.

PETITION FILED

The following petition was received and placed on file:

By Husak of Tama from twenty-two residents of Grinnell, Iowa, urging support for House File 1111, relating to an appropriation for additional construction at the Iowa Veterans Home.

SENATE AMENDMENTS CONSIDERED

Cusack of Scott called up for consideration **House File 1165, a** bill for an act amending certain programs for elderly, handicapped and low income persons, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6687

Amend House File 1165 as amended and passed by the House as follows:

1. Page 1, lines 33 and 34, by striking the words "[thirty days after its convening] *January 1, 1977*" and inserting in lieu thereof the words "thirty days after its convening".

2. Page 4, line 15, by striking the words "*The state*".

3. Page 4 by striking lines 16, 17 and 18.

4. Page 4, line 19, by striking the words "*Assembly not later than May 1, 1976.*"

The motion prevailed and the House concurred in the Senate amendment H—6687.

Cusack of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1165)

The ayes were, 91:

Anderson	Evans	Koogler	Perkins
Avenson	Fitzgerald	Krause	Poncy
Baker	Gentleman	Kreamer	Readinger
Bennett	Gilloon	Lageschulte	Rinas
Bina	Griffee	Lindeen	Scheelhaase
Binneboese	Halvorson	Lipsky	Small
Bortell	Hansen	McElroy	Spear
Brandt	Hargrave	Menke	Spencer
Branstad	Harper	Mennenga	Spradling
Brockett	Harvey	Middleswart	Stromer
Brunow	Hennessey	Middleton	Svoboda
Clark	Higgins	Millen	Tauke
Crabb	Hines	Miller, A. V.	Tofte
Crawford	Hinkhouse	Miller, K. D.	Varley
Cusack	Horn	Miller, O. L.	Walter
Daggett	Howell	Monroe	Welden
Danker	Hullinger	Newhard	Wells
Den Herder	Husak	Norland	West
Dieleman	Hutchins	Oakley	Woods
Doyle	Jesse	O'Halloran	Wulff
Drake	Jochum	Patchett	Wyckoff
Dunton	Jordan	Pavich	Mr. Speaker
Dyrland	Junker	Pellett	

The nays were, none.

Absent or not voting, 8:

Bittle	Connors	Lonergan	Nielsen
Byerly	Egenes	Nealson	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Monroe of Des Moines called up for consideration **Senate File 345**, a bill for an act relating to the method used by judges of election to select and certify potential jurors, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—6690

Amend House amendment S—5736 to Senate File 345 as follows:

1. Page 2, by striking lines 20 through 23 and inserting in lieu thereof the following:

"the several election precints, and the talesmen of which there shall be at least two, among the precincts from which the same are to be drawn,".

2. Page 2, lines 27 and 28 by striking the words *"political subdivisions"* and inserting in lieu thereof the words *"election precincts"*.

The motion prevailed and the House concurred in the Senate amendment H—6690 to the House amendment.

Monroe of Des Moines moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 345)

The ayes were, 85:

Anderson	Evans	Koogler	Perkins
Avenson	Fitzgerald	Krause	Poncy
Baker	Gentleman	Lageschulte	Readinger
Bennett	Gilloon	Lindeen	Rinas
Bina	Griffee	Lipsky	Scheelhaase
Binneboese	Halvorson	McElroy	Small
Bortell	Hansen	Menke	Spear
Brandt	Hargrave	Mennenga	Spencer
Branstad	Harper	Middleswart	Spradling
Brockett	Higgins	Middleton	Stromer
Brunow	Hines	Miller, A. V.	Svoboda
Clark	Hinkhouse	Miller, K. D.	Tauke
Connors	Horn	Miller, O. L.	Tofte
Crawford	Howell	Monroe	Varley
Cusack	Hullinger	Newhard	Walter
Daggett	Husak	Norland	Welden
Danker	Hutchins	Oakley	Wells
Den Herder	Jesse	O'Halloran	West
Doyle	Jochum	Patchett	Woods
Drake	Jordan	Pavich	Wyckoff
Dunton	Junker	Pellett	Mr. Speaker
Dyrland			

The nays were, 4:

Dieleman	Harvey	Hennessey	Wulff

Absent or not voting, 10:

Bittle	Egenes	Millen	Nielsen
Byerly	Kreamer	Nealson	Schroeder
Crabb	Lonergan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 1578 WITHDRAWN

Griffee of Chickasaw asked and received unanimous consent to withdraw **House File 1578** from further consideration by the House.

SENATE AMENDMENT CONSIDERED
(House Refuses to Concur)

Griffee of Chickasaw called up for consideration **Senate File 1191**, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—6691

Amend the House amendment, S—5737, to Senate File 1191 as follows:

1. Page 1, line 3, by striking the figure "$671,382" and inserting in lieu thereof the figure "$660,882".

Roll call was requested by Tauke of Dubuque and Wulff of Black Hawk.

On the question "Shall the House concur in the Senate amendment H—6691?"

The ayes were, 33:

Anderson	Gilloon	Jesse	Rinas
Avenson	Griffee	Jochum	Scheelhaase
Baker	Hargrave	Koogler	Spencer
Binneboese	Harper	Krause	Spradling
Brunow	Higgins	Monroe	Svoboda
Connors	Hinkhouse	Newhard	Walter
Crabb	Howell	Pavich	Woods
Cusack	Hullinger	Readinger	Mr. Speaker
Dunton			

The nays were, 57:

Bennett	Dyrland	Kreamer	O'Halloran
Bina	Egenes	Lageschulte	Patchett
Bortell	Evans	Lindeen	Pellett
Brandt	Gentleman	Lipsky	Perkins
Branstad	Halvorson	McElroy	Poncy
Brockett	Hansen	Menke	Spear
Byerly	Harvey	Mennenga	Stromer
Clark	Hennessey	Middleton	Tauke
Crawford	Hines	Millen	Tofte
Daggett	Horn	Miller, A. V.	Varley
Danker	Husak	Miller, K. D.	Welden
Den Herder	Hutchins	Miller, O. L.	West
Dieleman	Jordan	Norland	Wulff
Doyle	Junker	Oakley	Wyckoff
Drake			

Absent or not voting, 9:

Bittle	Middleswart	Nielsen	Small
Fitzgerald	Nealson	Schroeder	Wells
Lonergan			

The motion lost and the House refused to concur in the Senate amendment H—6691.

HOUSE FILE 1469 WITHDRAWN

Byerly of Polk asked and received unanimous consent to withdraw **House File 1469** from further consideration by the House.

CONSIDERATION OF BILLS

SIFTING COMMITTEE NONCONTROVERSIAL CALENDAR

Senate File 1267, a bill for an act to establish a census liaison commission, prescribing its duties, and authorizing certain cities to draw proposed precinct boundaries for submission to the commission, with report of committee recommending passage, was taken up for consideration.

Woods of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1267)

The ayes were, 87:

Anderson	Brunow	Dieleman	Gentleman
Avenson	Byerly	Doyle	Gilloon
Baker	Clark	Drake	Griffee
Bina	Connors	Dunton	Halvorson
Binneboese	Crabb	Dyrland	Hansen
Bortell	Crawford	Egenes	Hargrave
Brandt	Cusack	Evans	Harper
Brockett	Den Herder	Fitzgerald	Harvey

Hennessey	Kreamer	Newhard	Spencer
Higgins	Lageschulte	Norland	Spradling
Hines	Lindeen	Oakley	Stromer
Hinkhouse	Lipsky	O'Halloran	Svoboda
Horn	Lonergan	Patchett	Tauke
Hullinger	McElroy	Pavich	Tofte
Husak	Menke	Pellett	Varley
Hutchins	Mennenga	Perkins	Walter
Jesse	Middleswart	Poncy	Wells
Jochum	Middleton	Readinger	West
Jordan	Millen	Rinas	Woods
Junker	Miller, K. D.	Scheelhaase	Wyckoff
Koogler	Miller, O. L.	Small	Mr. Speaker
Krause	Monroe	Spear	

The nays were, 7:

Bennett	Daggett	Howell	Wulff
Branstad	Danker	Welden	

Absent or not voting, 5:

Bittle	Nealson	Nielsen	Schroeder
Miller, A. V.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

On motion by Fitzgerald of Webster, the House was recessed until 1:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1192

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1192, a bill for an Act relating to and making an appropriation for the administration of the Iowa law enforcement academy, respectfully make the following report:

1. That the House amendment, S—5498, to Senate File 1192 be amended as follows:

1. Line 9, by inserting after the word "institutions" the words "offering a two-year program in law enforcement".

On the Part of the Senate:	On the Part of the House:
RICHARD J. NORPEL, SR., Chair	B. JOSEPH RINAS, Chair
IRVIN L. BERGMAN	GLEN E. BORTELL
ROBERT M. CARR	DIANE BRANDT
C. JOSEPH COLEMAN	ROBERT A. KRAUSE
WILLARD R. HANSEN	LESTER D. MENKE

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 14, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 795, a bill for an act relating to tuition paid by school districts.

Also: That the Senate has on May 14, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1460, a bill for an act striking references to the Iowa Annie Wittenmyer Home.

Also: That the Senate has on May 14, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1498, a bill for an act relating to establishment of historical preservation districts.

Also: That the Senate has on May 14, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1534, a bill for an act relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population.

Also: That the Senate has on May 14, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1546, a bill for an act relating to certain authority of the industrial commissioner.

Also: That the Senate has on May 17, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the conservation commission.

Also: That the Senate has on May 17, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1577, a bill for an act appropriating funds to the legislative council and the legislative fiscal committee.

Also: That the Senate has on May 17, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1333, a bill for an act providing for an appropriation to various state educational agencies to provide for capital improvements.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 795

H—6730

Amend House File 795 as follows:

1. Page 1, by inserting before line 1 the following new section:

"Section 1. Section two hundred eighty-two point one (282.1), Code 1975, is amended to read as follows:

282.1 SCHOOL AGE—NONRESIDENTS. Persons between five and twenty-one years of age shall be of school

age. A board may establish and maintain evening schools for all residents of the corporation regardless of age and for which no tuition need be charged. Nonresident children [and] *shall be charged the maximum tuition rate as determined in section three (3) of this Act, with the exception that* those sojourning temporarily in any school corporation may attend school therein upon such terms as the board may determine."

2. Page 1, by striking line 21.

3. Page 1, line 22, by striking the word "and".

4. Page 1, line 23, by striking the words "Code, or an amount computed in like manner for the district on its actual expenditures, whichever is the lesser amount." and inserting in lieu thereof the word "Code."

5. Page 1, by striking lines 26 through 35 and inserting in lieu thereof the following:

"Sec. 4. Section two hundred eighty-two point twenty-four (282.24), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred fifty-three (153), section nine (9), is amended by striking the paragraph and inserting in lieu thereof the following:

282.24 TUITION FEES ESTABLISHED. There is established a maximum tuition fee to be charged for students, elementary or high school, residing within another school district or corporation. That fee shall be the state cost per pupil as computed in section four hundred forty-two point eight (442.8) of the Code or the district cost per pupil of the receiving district as computed in section four hundred forty-two point nine (442.9), subsection one (1), paragraph a, of the Code, whichever is the lesser amount.

Any school corporation which owns facilities used as attendance centers for students shall maintain an itemized statement of the appraised value of all buildings owned by the school corporation. Beginning July 1, 1976, the appraisal shall be updated at least one time every five years."

6. Page 2, by striking lines 1 through 17.

7. Amend the title, line 1, by striking the word

Page 2

"by" and inserting in lieu thereof the word "to".

8. By renumbering the sections as necessary.

SENATE AMENDMENT TO HOUSE FILE 1558

H—6729

Amend House File 1558, as amended, passed and reprinted by the House as follows:

1. Page 1, line 15, by inserting after the word "purposes" the figure ".....$4,000,000".

2. Page 1, by striking lines 16 through 26.

3. Page 2, by striking everything after line 27 through page 3, line 17.

4. Page 3, by striking line 31 through page 4, line 1, and inserting in lieu thereof the following:

"Sec. 5. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand twenty-six (1026), section one (1), subsection three (3), is amended by striking the subsection and inserting in lieu thereof the following:

"3. VOLGA RIVER. For the general construction of one of the following projects at the Volga river to be selected by the state conservation commission by August 1, 1976 and related features $1,500,000

a. The immediate construction of a single lake as designed in the Frog Hollow area approximately five-hundred acres in size; or

b. Construction to commence within the calendar year of multiple lakes approximately 145 acres, 55 acres, 45 acres, 25 acres and 18 acres in size each to be managed differently for sailing, power boating, fishing, canoeing and swimming, and to be completed by the end of 1979; or

c. Design and construction of only three of the five lakes approximately 145 acres, 55 acres, and 45 acres in size. Each lake shall be managed for either fishing, sailing, power boating, canoeing but not limited to these uses. Construction shall begin within the calendar year 1976. At least two of the lakes shall be completed by 1978. Funds allocated for the two small lakes in subparagraph "b" shall be used for building a structure housing an indoor swimming pool, living quarters for a park attendant and offices for the state conservation commission." "

QUORUM CALL

Roll call was requested by Higgins of Scott and Bina of Scott to determine that a quorum was present.

Rule 69 was invoked.

Present, 88:

Anderson	Clark	Evans	Hullinger
Avenson	Connors	Fitzgerald	Husak
Baker	Crabb	Gentleman	Hutchins
Bennett	Crawford	Gilloon	Jesse
Bina	Cusack	Hansen	Jochum
Binneboese	Daggett	Hargrave	Jordan
Bittle	Danker	Harper	Junker
Bortell	Den Herder	Harvey	Koogler
Brandt	Dieleman	Hennessey	Krause
Branstad	Doyle	Higgins	Kreamer
Brockett	Drake	Hines	Lageschulte
Brunow	Dunton	Hinkhouse	Lindeen
Byerly	Dyrland	Horn	Lipsky

Lonergan	Nielsen	Schroeder	Varley
McElroy	Oakley	Small	Walter
Menke	Patchett	Spear	Welden
Mennenga	Pavich	Spencer	Wells
Middleswart	Pellett	Spradling	West
Millen	Perkins	Stromer	Woods
Miller, A. V.	Poncy	Svoboda	Wulff
Miller, O. L.	Rinas	Tauke	Wyckoff
Newhard	Scheelhaase	Tofte	Mr. Speaker

Absent, 11:

Egenes	Howell	Monroe	O'Halloran
Griffee	Middleton	Nealson	Readinger
Halvorson	Miller, K. D.	Norland	

SENATE AMENDMENT CONSIDERED

Cusack of Scott called up for consideration **House File 1514**, a bill for an act making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority, amended by the Senate as follows:

H—6685

Amend House File 1514 as amended, passed and reprinted as follows:

1. Page 2, lines 12 and 13, by striking the words "time sheets, lists of cases upon which they work,".

2. Page 3, by striking line 28 through page 4, line 8, and inserting in lieu thereof the following:

"Uniform auditing procedures for local and state alcoholism programs shall be established subject to the approval of the auditor of state. Funds shall be paid to local agencies upon submission of required reports indicating that the unit has met criteria established by the commission on alcoholism.

Cusack of Scott offered the following amendment H—6728, to the Senate amendment H—6685, filed by Cusack, Higgins, Dyrland, Husak, Hansen, Hargrave, Lipsky and Den Herder from the floor and moved its adoption:

H—6728

Amend the Senate amendment H—6685 to House File 1514 as amended and passed by the House by inserting after line 13 of the amendment the following:

"3. Page 4, by inserting after line 30 the following new sections:

"Sec. 3. Effective July 1, 1977 the division of alcoholism, now a part of the department of health, and the Iowa drug abuse authority shall be merged into a single state agency having responsibility for education about, prevention efforts directed against, and treatment programs to aid victims of the abuse of chemical substances. The official title of the merged agency and the provisions for its administration, powers, duties and limitations shall be as may be prescribed by the general assembly. Initial proposals relative to these matters shall be delivered to the general assembly by the governor on or before January 17, 1977.

If the governor determines that merger effective July 1, 1977 would not be in the best interest of the state of Iowa, the governor may by executive order delay the merger to a date not later than January 1, 1978.

Sec. 4. The general assembly declares that the priorities of the merger to be effected pursuant to section three (3) of this Act are:

1. Improved assistance to residents of Iowa who are abusing or seeking to recover from the effects of abuse of chemical substances; and

2. Reduced administrative costs and greater program efficiency, relative to the quantity and quality of services being offered.

Sec. 5. In preparing proposals to be submitted to the general assembly as required by section three (3) of this Act, the governor shall be guided by the priorities established in section four (4) of this Act. The proposals submitted by the governor shall include, but need not be limited to, the following:

1. Administrative structure of the merged agency, including its relationship to the governor and to the general assembly and whether or not a governing board or commission, advisory council, or both should be established, and if so their composition, manner of selection and responsibilities.

2. Continuation of strong local community and local treatment program input into a state plan.

3. Annual development of a state plan, with comment and review by local agencies and groups.

4. Specific recommendations for funding mechanisms and criteria, with additional recommendations for

Page 2

the related roles of counties and local communities.

5. Specific designation of education, treatment and prevention programs, outlining the state's role and the related responsibilities of counties and communities.

6. Proposed relationship to other state agencies.

7. Common (so far as feasible) licensing and

certification standards and procedures.
8. Monitoring and evaluation mechanisms.
9. A goal of statewide availability of acute care for chemical substance abusers.
Sec. 6. It is the intent of the general assembly in adopting this Act that the proposals developed in response to section five (5) of this Act be based on the needs of clients, and of the community in general, as determined from public hearings held widely throughout the state.
Sec. 7. Chapters one hundred twenty-five (125) and two hundred twenty-four B (224B), Code 1975, are repealed effective July 1, 1977. However, if the merger of the division of alcoholism and the Iowa drug abuse authority is delayed pursuant to section three (3) of this Act, the two agencies shall continue to be governed by the provisions of those chapters as if they were in full force and effect until the merger takes effect." "

Amendment H—6728 was adopted.

Lipsky of Linn offered the following amendment H—6731, to the Senate amendment H—6685, filed by her and Cusack of Scott from the floor and moved its adoption:

H—6731

Amend the Senate amendment H—6685, to House File 1514, as follows:
1. Page 1, by striking lines 6 through 13 and inserting in lieu thereof the following:
"2. Page 3, line 31, by inserting after the word "criteria." the following: "Uniform auditing procedures for local and state alcoholism programs shall be established subject to the approval of the auditor of state."

Amendment H—6731 was adopted.

Cusack of Scott moved that the House concur in the Senate amendment H—6685, as amended.

The motion prevailed and the House concurred in the Senate amendment H—6685, as amended.

Cusack of Scott moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1514)

The ayes were, 89:

Anderson	Dunton	Krause	Perkins
Avenson	Dyrland	Lageschulte	Poncy
Baker	Evans	Lindeen	Readinger
Bennett	Fitzgerald	Lipsky	Rinas
Bina	Gentleman	Lonergan	Scheelhaase
Binneboese	Gilloon	McElroy	Schroeder
Bittle	Halvorson	Menke	Small
Bortell	Hansen	Mennenga	Spear
Brandt	Hargrave	Middleswart	Spencer
Branstad	Harper	Middleton	Spradling
Brockett	Harvey	Millen	Svoboda
Brunow	Higgins	Miller, A. V.	Tauke
Byerly	Hines	Miller, K. D.	Tofte
Clark	Hinkhouse	Miller, O. L.	Varley
Connors	Horn	Monroe	Walter
Crawford	Hullinger	Newhard	Welden
Cusack	Husak	Nielsen	Wells
Daggett	Hutchins	Norland	West
Danker	Jesse	Oakley	Woods
Den Herder	Jochum	Patchett	Wulff
Dieleman	Junker	Pavich	Wyckoff
Doyle	Koogler	Pellett	Mr. Speaker
Drake			

The nays were, none.

Absent or not voting, 10:

Crabb	Hennessey	Kreamer	O'Halloran
Egenes	Howell	Nealson	Stromer
Griffee	Jordan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 367)

Scheelhaase of Woodbury asked and received unanimous consent to withdraw his motion to reconsider Senate File 367 filed by him on May 14, 1976.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 17, 1976, amended the House amendment to the Senate amendment to the House amendment, concurred in the House amendment to the Senate amendment to the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1067, a bill for an act relating to the issuance of special identification devices which may be used to identify vehicles operated by the physically handicapped.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1067

H—6734

Amend the House amendment S—5713, to Senate amendment H—6309 to the House amendment to Senate File 1067 as amended and passed by the Senate, as follows:

1. Line 6 of amendment S—5713, by striking the word and figure "and 4" and inserting in lieu thereof the word and figure "through 8".

2. Line 13 of amendment S—5713, by striking the second set of quotation marks following the period in that line.

3. By inserting after line 13 of amendment S—5713 the following:

"2. Page 1, by striking lines 26 through 29 and inserting in lieu thereof the following: "issued under this section. The use of parking spaces which are so designated and are located on public property by a motor vehicle not displaying such a device."." "

EXPLANATIONS OF VOTE

I was absent Monday afternoon for purposes of attending a funeral and missed the vote on House File 1145. Had I been present, I would have voted "aye."

MIDDLESWART of Warren

I was necessarily absent from the House chamber when the vote was taken on House File 1145. Had I been present, I would have voted "aye."

MILLER of Calhoun

COMMUNICATION FROM THE SECRETARY OF STATE

May 18, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building

Des Moines, Iowa 50319

I hereby certify that House File 1011, was published in The Hawk Eye, Burlington, Iowa on May 14, 1976, and in the Muscatine Journal, Muscatine, Iowa on May 14, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1331**, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate Concurrent Resolution 113**, a concurrent resolution considering claims made against the state, duly processed by the state appeal board and rejected by the joint claims committee, and approving the action of the joint committee in rejecting these claims, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6733

Amend House File 1031 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred fifty point four (450.4), Code 1975, is amended by striking subsections two (2), three (3), and four (4).

Sec. 2. Section four hundred fifty point nine (450.9), subsection two (2), Code 1975, is amended to read as follows:

2. Each son and daughter, including legally adopted sons and daughters, or illegitimate sons and daughters entitled to inherit under the law of this state, [fifteen thousand dollars.] *as follows:*

a. Effective July 1, 1976, thirty thousand dollars.

b. Effective July 1, 1978, forty-five thousand dollars.

c. Effective July 1, 1980, sixty thousand dollars.

Sec. 3. Section four hundred fifty point nine (450.9), Code 1975, is amended by adding after subsection two (2) the following new subsection:

NEW SUBSECTION. Each grandchild, as follows:

a. Effective July 1, 1976, ten thousand dollars.

b. Effective July 1, 1978, fifteen thousand dollars.

c. Effective July 1, 1980, twenty thousand dollars.

Sec. 4. Section four hundred fifty point ten (450.10), subsection four (4), Code 1975, is amended to read as follows:

4. When the property or any interest therein or income therefrom, taxable under the provisions of this chapter, passes in any manner to societies, institutions or associations incorporated or organized

under the laws of *this state or* **any other state,** territory, province or country [than this state], for **charitable, educational** or religious purposes, or to cemetery associations, including humane societies [not organized under the laws of this state], or to **resident** trustees for uses *within or* without this **state,** *or to public art gallaries or public libraries or to trustees for such uses or to municipal corporations for purely public purposes or bequests* ***for the care and maintenance of the cemetery or burial*** *lot of the decedent or his family, and bequests not to exceed five hundred dollars in any estate of a decedent for the performance of a religious service or services by some person regularly ordained, authorized, or licensed by some religious society to perform such service, which service or services are to be performed for or in behalf of the testator or some person named in his last will,* the rate of

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tax imposed shall be as follows:

Ten percent on the entire amount so passing."

MILLER of Buchanan

H—6727

Amend the Senate amendment H—6726, to House File 1332, as follows:

1. Page 1, by inserting after line 2 the following:

"1. Page 1, by inserting before line 1 the following:

Section 1. Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 and 1976 Sessions, is amended by adding the following new section:

NEW SECTION. MOTORIZED BICYCLE LICENSE.

1. The department may issue a motorized bicycle license to any person fifteen years of age or older who has passed the approved driver education course required for applicants for such license. A motorized bicycle license shall entitle the licensee to operate a motorized bicycle while having the license in immediate possession on the highways of the state for a period of two years.

2. A motorized bicycle license shall be cancelled upon a conviction for a moving traffic violation and reapplication may be made thirty days after the date of cancellation. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section three hundred twenty-one A point seventeen (321A.17), of the Code, unless the conviction would otherwise result **in a suspension or revocation** of a person's operator's license.

3. As used in this section, "moving traffic violation" does not include any violation of any section of the Code or any municipal ordinance pertaining to the standards to be maintained for motor vehicle equipment except sections three hundred twenty-one point four hundred thirty (321.430) and three hundred twenty-one point four hundred thirty-one (321.431) of the Code, or any municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles.

4. A motorized bicycle license is not required to operate a motorized bicycle if possessed of an operator's or chauffeur's license valid for operation of motorcycles.

5. A motorized bicycle license shall terminate upon issuance to the licensee of an operator's or chauffeur's license valid for operation of motorcycles. A valid motorized bicycle license shall be returned to the department prior to issuance of an operator's or chauffeur's license valid for operation of

Page 2

motorcycles.

Sec. 2. Section three hundred twenty-one point one (321.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters sixty-seven (67) and one hundred seventy (170), is amended by adding the following new subsection:

NEW SUBSECTION. "Motorized bicycle" or "motor bicycle" means a two-wheeled motor vehicle with an engine having a displacement no greater than fifty cubic centimeters as fixed by the department and not capable of operation at a speed in excess of twenty-five miles per hour on level ground unassisted by human power.

Sec. 3. Section three hundred twenty-one point one (321.1), subsection three (3), Code 1975, is amended to read as follows:

3. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter [and a bicycle with motor attached] but excluding a tractor *and a motorized bicycle.*

Sec. 4. Section three hundred twenty-one point thirty-four (321.34), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, *motorized bicycle,* truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle.

Sec. 5. Section three hundred twenty-one point thirty-seven (321.37), unnumbered paragraph one (1),

Code 1975, is amended to read as follows:

Registration plates issued for a motor vehicle other than a motorcycle, *motorized bicycle* or a truck tractor shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof. The registration plate issued for a truck tractor shall be attached to the front thereof.

Sec. 6. Section three hundred twenty-one point one hundred seventeen (321.117), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-one (171), section eleven (11), is amended to read as follows:

321.117 MOTORCYCLE AND HEARSE FEES. For all motorcycles the annual fee shall be ten dollars. *For all motorized bicycles the annual fee shall be*

Page 3

five dollars. When said motorcycle has been registered five times, the annual registration fee shall be five dollars. The annual registration fee for hearses shall be fifty dollars. Passenger car plates shall be issued for hearses.

Sec. 7. Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1975, is amended to read as follows:

1. To any person, as an operator, who is under the age of sixteen years; provided that, effective August 1, 1966, the department shall not issue a license to any person, as an operator, who is under the age of seventeen years and effective August 1, 1967, the department shall not issue a license to any person, as an operator, who is under the age of eighteen years, without his first having successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years. However, the department may issue a restricted license as provided in section 321.194, or an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. *The department may issue a license restricted only for use for motorized bicycles as provided in section two (2) of this Act, to any person fifteen years of age or older who has successfully completed an approved driver's education course established by the department of public instruction to acquaint the motorized bicycle operator with the rules of the road.*

Sec. 8. Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection one (1), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

"Student," for purposes of this section, [shall mean] *means* any person between the ages of fifteen years and twenty-one years who resides in the public

school district and who satisfies the preliminary licensing requirements of the department *or any person between fifteen and twenty-one years of age who resides in the public school district, who satisfies the preliminary licensing requirements of the department for operation of a motorized bicycle and who is enrolled in an approved driver education course for the purpose of qualifying for a motorized bicycle license as provided for in section two (2) of this Act.*

Sec. 9. Section three hundred twenty-one point one hundred seventy-eight (321.178), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79) section fifteen

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(15), is amended by adding the following new subsection:

NEW SUBSECTION. An individual applying for a motorized bicycle license shall take the approved driver education course without meeting the highway driving experience requirement.

Sec. 10. Section three hundred twenty-one point one hundred eighty-two (321.182), Code 1975, is amended to read as follows:

321.182 APPLICATION FOR LICENSE OR PERMIT. Every application for an instruction permit [or for], an operator's or chauffeur's license [or], *a* temporary driver's permit *or a motorized bicycle license* shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department are hereby authorized to administer such oaths without charge. The applicant shall write his usual signature with pen and ink upon the application in the space provided for signature.

Sec. 11. Section three hundred twenty-one point one hundred eighty-four (321.184), Code 1975, is amended to read as follows:

321.184 APPLICATIONS OF MINORS. The application of any person under the age of eighteen years for an instruction permit, operator's license, *motorized bicycle license,* or permit issued under section 321.194 shall contain the verified consent and confirmation of applicant's birthday by both the father and mother of applicant, or the parent having custody in the event of the legal separation or the death of one parent; if neither parent is living, the guardian or other person having custody, or the employer, of such minor may consent. Officers and employees of the department are hereby authorized to administer such oaths without charge.

Sec. 12. Section three hundred twenty-one point one hundred eighty-six (321.186), Code 1975, is amended to read as follows:

321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS. The department may examine every new applicant for an operator's, *motorized bicycle* or chauffeur's license or any person holding a valid operator's, *motorized bicycle* or chauffeur's license when the department has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify such an examination. Such examination shall be held in every county within periods not to exceed fifteen days.

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It shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and such further physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

Sec. 13. Section three hundred twenty-one point one hundred eighty-seven (321.187), Code 1975, is amended to read as follows:

321.187 APPOINTMENT OF EXAMINERS. The department is hereby authorized to appoint persons from the members of the department or may designate the county sheriff for the purpose of examining applicants for operators', *motorized bicycle* and chauffeur's licenses. It shall be the duty of any such person so appointed to conduct examinations of applicants for operators', *motorized bicycle* and chauffeurs' licenses under the provisions of this chapter to make a written report of findings and recommendations upon such examination to the department. Examiners appointed by the department when on duty shall wear a proper identifying badge or badges as prescribed by the director which shall be purchased by the department and paid for from the department maintenance fund.

Sec. 14. Section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, is amended to read as follows:

321.189 LICENSES ISSUED. The department shall upon payment of the required fee, issue to every applicant qualifying therefor an operator's or chauffeur's *or motorized bicycle* license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, occupation, sex, residence address, a brief description of the licensee, and the usual signature of the licensee. No license shall be valid unless it bears the signature of the licensee.

Sec. 15. Section three hundred twenty-one point one hundred ninety (321.190), Code 1975, is amended to read as follows:

321.190 CARRIED AND EXHIBITED. Every licensee shall have his operator's or chauffeur's, *or motorized bicycle* license in his immediate posesssion at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field

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deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he produces in court, within a reasonable time, an operator's or chauffeur's *or motorized bicycle* license [theretofore] issued to him and valid at the time of his arrest.

Sec. 16. Section three hundred twenty-one point one hundred ninety-one (321.191), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The fee for an operator's license shall be five dollars if issued for a period of two years, and ten dollars if issued for a period of four years. The fee for a chauffeur's license shall be ten dollars if issued for a period of two years, and twenty dollars if issued for a period of four years. The fee for an instruction permit shall be three dollars [and], for a temporary driver's permit, five dollars *and for a motorized bicycle license, five dollars.*

Sec. 17. Section three hundred twenty-one point one hundred ninety-two (321.192), Code 1975, is amended to read as follows:

321.192 DISPOSAL OF FEES. Such license fees shall be forwarded by the department to the treasurer of state who shall place same in the general fund of the state, provided that for each operator's *and motorized bicycle* license issued by a county sheriff for which a license fee is paid, the sheriff issuing the same shall be entitled to retain the sum of fifteen cents and for each chauffeur's license, the sum of fifty cents, which shall be credited to the county general fund.

Sec. 18. Section three hundred twenty-one point one hundred ninety-three (321.193), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

When provided in rules adopted pursuant to chapter 17A, the department upon issuing an operator's or chauffeur's license *or motorized bicycle license* shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee, including

licenses issued under section 321.194, as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

Sec. 19. Section three hundred twenty-one point one hundred ninety-five (321.195), Code 1975, is amended to read as follows:

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321.195 DUPLICATE CERTIFICATES. In the event that an instruction permit [or], operator's or chauffeur's license, *motorized bicycle license* or extension certificate issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon payment of a fee of two dollars for an operator's or chauffeur's license, [or] extension certificate *or motorized bicycle license*, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit, license, or extension certificate has been lost or destroyed.

Sec. 20. Section three hundred twenty-one point two hundred one (321.201), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. The provisions applicable in sections three hundred twenty-one point two hundred one (321.201) through three hundred twenty-one point two hundred fifteen (321.215) of the Code relating to cancellation, suspension or revocation of an operator's or chauffeur's license are also applicable to motorized bicycle licenses and licensees holding motorized bicycle licenses.

Sec. 21. Section three hundred twenty-one point two hundred sixteen (321.216), Code 1975, is amended to read as follows:

321.216 UNLAWFUL USE OF LICENSE. It is a misdemeanor, punishable as provided in section 321.482 unless another punishment is otherwise provided, for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license.

2. To lend his temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license to any other person or knowingly permit the use thereof by another.

3. To display or represent as one's own any temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license not issued to him.

4. To fail or refuse to surrender to the department upon its lawful demand any temporary driver's permit,

temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license which has been suspended, revoked, or canceled.

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5. To use a false or fictitious name in any application for a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

6. To permit any unlawful use of a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license issued to him.

Sec. 22. Section three hundred twenty-one point two hundred eighteen (321.218), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. Any person operating a motorized bicycle on the highways of the state not possessed of an operator's or chauffeur's license valid for operation of motorcycles or a valid motorized bicycle license, shall, upon conviction, be guilty of a misdemeanor and punished by a fine of not less than five nor more than fifty dollars.

Sec. 23. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179), section one (1), is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115 *and motorized bicycles*, when first registered in this state and each time when transferred for use within this state or when registration is changed from a registration as provided in section 321.115 to a regular registration, other than transfers to a dealer licensed under chapter three hundred twenty-two (322), shall be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for the motor vehicle not more than sixty days prior to the date on which the vehicle was transferred and the vehicle has not been transferred during the sixty-day period, provided that during a one-year period the vehicle may be transferred between parents and their children or between spouses without another inspection. A vehicle inspection is not required when the transfer of the vehicle or an interest in the vehicle is between spouses or when required pursuant to a decree for dissolution of marriage between former spouses. However, the certificate

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of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. If an inspection is required, an applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his residence, a statement on a form provided by the director, signed by an authorized inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. If an inspection is required the county treasurer shall not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his Iowa residency and he executes a statement to that effect in form and content as prescribed by the director. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-of-state residency to the department at the time of mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals.

Sec. 24. Section three hundred twenty-one point two hundred seventy-five (321.275), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The provisions of this section shall apply to motorized bicycles.

Sec. 25. Section three hundred twenty-one point three hundred eighty-five (321.385), Code 1975, is amended to read as follows:

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321.385 HEAD LAMPS ON MOTOR VEHICLES. Every motor

vehicle other than a motorcycle *or motorized bicycle* shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

Sec. 26. Section three hundred twenty-one point four hundred thirty (321.430), subsection one (1), Code 1975, is amended to read as follows:

1. Every motor vehicle, other than a motorcycle *or motorized bicycle*, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

Sec. 27. Section three hundred twenty-one point four hundred thirty (321.430), subsection four (4), paragraph a, is amended to read as follows:

a. Any motorcycle *or motorized bicycle*."

2. Page 4, by inserting after line 39 the following:

"Amend the title by inserting after the word "to" in line 1 the words "bicycles and motorized bicycles and providing for a motorized bicycle license and relating to".

HINES of Story

H—6735

Amend the Senate amendment, H—6726, to House File 1332, as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 21 the following:

"..... Page 7, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one point two hundred eighty-five (321.285), subsection eight (8), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty (180), section one (1), is amended to read as follows:

8. Notwithstanding any other speed restrictions, the speed limits for all vehicular traffic, except vehicles subject to the provisions of section 321.286 on fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and this state, 23 U.S.C. 103 (d), shall be [fifty-five] *sixty-five* miles per hour. However, the department or the cities, with the

approval of the department, may establish a lower speed limit upon such highways located within the corporate limits of any city used as city alternate routes, commonly referred to as "freeways". For the purposes of this subsection a fully controlled-access highway is a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. It is further provided that a minimum speed of forty miles per hour, road conditions permitting, shall be established on the highways referred to in this subsection.

Sec. ..... Section three hundred twenty-one point two hundred eighty-six (321.286), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty (180), section two (2), is amended to read as follows:

1. [Fifty-five] *Sixty-five* miles per hour on all fully-controlled-access, divided, multilaned highways including interstate highways." "

2. Page 4, by inserting after line 31 the following:

"..... Page 13, by inserting after line 29 the following:

"Sec. ..... Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth

Page 2

General Assembly, 1975 and 1976 Sessions, is amended by adding the following new section:

NEW SECTION. The provisions of this chapter imposing a sixty-five miles per hour speed limit on fully controlled-access, divided, multilaned highways including the national system of interstate highways shall be amended to impose a fifty-five miles per hour speed limit on such highways if the federal government refuses to reimburse the state for claims made for matching federal funds on any project for which matching federal funds are available or if a ruling is issued by the United States secretary of transportation stating that approval of a project for which federal funds are sought will be denied because of the sixty-five miles per hour speed limit on certain highways. The director of the department of transportation shall issue appropriate rules under the provisions of chapter seventeen A (17A) of the Code to effect the changes required by this section." "

3. Page 4, by inserting after line 39 the following:

"..... Page 14, by inserting after line 6 the following:

"Sec. ..... Section seven hundred fifty-three point

fifteen (753.15), subsection six (6), Code 1975, is amended to read as follows:

6. Excess speed up to ten miles per hour over the legal limit, [twenty] *ten* dollars.""

4. Renumber sections and correct internal references as necessary in conformance with this amendment.

HORN of Linn

H—6736

Amend the Senate amendment H—6726, to House File 1332, as follows:

1. Page 1, line 19, by striking the quotation marks and inserting in lieu thereof the following:

"Sec. ..... Section three hundred twenty-one point fifty-one (321.51), subsection six (6), Code 1975, is amended to read as follows:

6. No vehicle sold or otherwise transferred pursuant to the provisions of this section shall be driven upon the highway until a valid official certificate of inspection has been affixed thereto and an unrestricted certificate of title, a registration card, and registration plates for the vehicle have been issued to the purchase or transferee, except as set out in section 321.98. *However, upon receipt of an affidavit signed by the owner of the vehicle stating that the vehicle is reasonably safe for operation, an inspection station may issue a permit authorizing the owner to operate the vehicle to and from a specfic inspection station. The affidavit and permit mentioned in this section shall be on forms prescribed and furnished by the department which shall forward these forms to each county treasurer where they shall be made available upon request.*"

KRAUSE of Palo Alto
SCHROEDER of Pottawattamie
DRAKE of Muscatine

H—6737

Amend the Senate amendment H—6726, to House File 1332, as follows:

1. Page 1, by inserting after line 2 the following:

"1. Page 1, by inserting before line 1, the following:

Section 1. Section three hundred twenty-one point one (321.1), subsection seventy-two (72), Code 1975, is amended to read as follows:

72. A "special truck" means a motor truck not used for hire with a gross weight registration of eight through [twelve] *eighteen* tons[, inclusive], used by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities purchased by the owner for use

in his own farming operation *or occasional use for charitable purposes.*"

2. Page 1, line 19, by striking the quotation marks and inserting in lieu thereof the following:

"Sec. ..... Section three hundred twenty-one point one hundred twenty-one (321.121), Code 1975, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE. The registration fee for a special truck shall be one hundred dollars for a gross weight of eight[, nine, or ten] tons, [and one hundred fifty dollars for a gross weight of eleven or twelve tons] *and in addition, fifteen dollars for each ton over eight tons.* Any person convicted of using a truck registered as a special truck for any purpose other than permitted by section 321.1, subsection 72, shall, in addition to any other penalty imposed by law, be required to pay regular motor truck registration fees upon such truck. A distinctive decal shall be applied to the special truck registration plate for easy identification."

SCHROEDER of Pottawattamie
DRAKE of Muscatine

H—6738

Amend H—6726 to House File 1332 as follows:

1. Page 4, by inserting after line 31 the following:

"Page 13, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection five (5), Code 1975, is amended to read as follows:

5. No combination of vehicles coupled together which are used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, travel trailers, boats, farm and industrial tractors and self-propelled farm implements, *nonself-propelled implements of husbandry,* and self-propelled vehicles shall have an unladen length, inclusive of front and rear bumpers in excess of sixty feet, but the passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, or boats being transported may extend up to three feet beyond the front and rear bumpers of the transporting vehicles when the overall length of the vehicle with load does not exceed sixty-five feet."

WULFF of Black Hawk

H—6732

Amend Senate File 1332 as passed and reprinted by the Senate as follows:

1. Page 1, by striking lines 18 through 20.

WULFF of Black Hawk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 4:29 p.m. until 9:00 a.m., Wednesday, May 19, 1976.

JOURNAL OF THE HOUSE

One Hundred Twenty-ninth Calendar Day—Eighty-sixth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, MAY 19, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Roy Zerbe, pastor of the Holy Cross Lutheran Church, Davenport, Iowa.

The Journal of Tuesday, May 18, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William A. Castles, Dallas Center, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Husak of Tama for a portion of the day on request of Wyckoff of Benton; Drake of Muscatine on request of McElroy of Fremont.

PRESENTATION OF VISITORS

Hines of Story presented to the House the Honorable Daryl H. Nims, former member of the Senate during the Sixty-first General Assembly, representing Story County.

The Speaker announced the following visitors were present in the House chamber:

Thirty sixth grade students from Ventura Elementary School, Ventura, Iowa, accompanied by John Bowker. By Miller of Cerro Gordo.

Fifty third and fourth grade students from Polk City Elementary School, Polk City, Iowa, accompanied by Mrs. Severson and Mrs. Mahnke. By Readinger of Polk.

Twenty-eight eighth grade students from Defiance-Westphalia School, Defiance, Iowa, accompanied by Sister Amelia and Father Dan Bruch. By Hutchins of Guthrie.

Seventy-six eighth grade students from Holy Family School, Davenport, Iowa, accompanied by Father Spiekermeier, Father Welsh, Susan Hasso, Pauline Thomsen and Steve Kean. By Cusack of Scott and Higgins of Scott.

Thirty eighth grade students from Mingo Elementary School, Mingo, Iowa, accompanied by Bob Best. By West of Marshall.

Twenty-one sixth grade students from Diagonal Elementary School, Diagonal, Iowa, accompanied by Louise Kessler.

Thirteen members of the M.Y.F. group from Trinity United Methodist Church, Waverly, Iowa, accompanied by Mr. and Mrs. Larry Winer. By Lageschulte of Bremer.

Fifty-six third and fourth grade students from Christ The King School, Des Moines, Iowa, accompanied by Sister Barbara Ring and Sister Margaretta Fitzgerald. By Woods of Polk.

Twenty-five eighth grade students from Prescott Elementary School, Prescott, Iowa, accompanied by Mrs. McKee. By Daggett of Adams and Pellett of Cass.

PETITION FILED

The following petition was received and placed on file:

By Miller of Calhoun from the Pocahontas County Bar Association in special session favoring Senate File 1310, relating to malpractice.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committee on Senate File 1331 and Senate Concurrent Resolution 113, under Rule 36.

INTRODUCTION OF BILLS

House File 1583, by committee on appropriations, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing

for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations.

Read first time and **placed on appropriations calendar.**

House File 1584, by committee on appropriations, a bill for an act creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations.

Read first time and **placed on appropriations calendar.**

SENATE MESSAGE CONSIDERED

Senate File 1333, a bill for an act making appropriations to various state educational agencies to provide for capital improvements, for reimbursement of state educational institutions for deficiencies in operating funds caused by funds pledged to finance academic and administrative buildings and facilities and utility services, for purchasing certain equipment, and providing for the reversion of funds.

Read first time and referred to committee on **appropriations.**

HOUSE CONCURRENT RESOLUTION 145

By Cochran, Patchett, Norland, Stromer McElroy, Varley, Poncy and Menke

Whereas, the education of mentally and physically handicapped children is a matter of primary importance to the state of Iowa; and

Whereas, the Area Education Agencies have recently been established to deal with these needs; and

Whereas, the projected budget requests by the Area Education Agencies show unusually large increases over the next four years, and

Whereas, there is a deep concern about the magnitude of these increases and the need for effective oversight of the utilization of special education funds by the Area Education Agencies;

Now, Therefore,

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a study committee as provided by law, composed of members of the Senate and the House of Representatives representing both political parties, to conduct a study during the 1976 interim to review the programs and funding structure of the Area Education Agencies; and

Be It Further Resolved, That the study committee shall prepare a report of its findings and recommendations and submit it to

Page 2

the legislative council and the members of the Sixty-seventh General

Assembly, 1977 session, accompanied by legislative bill drafts designed to carry out the recommendations of the committee.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 18, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

House File 584, a bill for an act relating to the competition between business or professional entities.

Also: That the Senate has on May 18, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 449, a bill for an act relating to the establishment of a corn promotion fund.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 584

H—6740

Amend the House amendment, S—5783, to the Senate amendment, H—5733, to House File 584, as amended, passed and reprinted, as follows:

1. Page 1, by striking lines 19 through 26.
2. Page 1, by striking lines 31 through 50.
3. Page 2, by striking lines 1 through 5.
4. Page 2, by striking lines 16 through 19.
5. Page 2, by striking line 20.

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate File 1331 and Senate Concurrent Resolution 113.

SENATE AMENDMENT CONSIDERED

Patchett of Johnson called up for consideration **House File 795**, a bill for an act relating to tuition paid by school districts, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6730

Amend House File 795 as follows:

1. Page 1, by inserting before line 1 the following new section:

"Section 1. Section two hundred eighty-two point one (282.1), Code 1975, is amended to read as follows:

282.1 SCHOOL AGE—NONRESIDENTS. Persons between five and twenty-one years of age shall be of school age. A board may establish and maintain evening schools for all residents of the corporation regardless of age and for which no tuition need be charged. Nonresident children [and] *shall be charged the maximum tuition rate as determined in section three (3) of this Act, with the exception that* those sojourning temporarily in any school corporation may attend school therein upon such terms as the board may determine."

2. Page 1, by striking line 21.

3. Page 1, line 22, by striking the word "and".

4. Page 1, line 23, by striking the words "Code, or an amount computed in like manner for the district on its actual expenditures, whichever is the lesser amount." and inserting in lieu thereof the word "Code."

5. Page 1, by striking lines 26 through 35 and inserting in lieu thereof the following:

"Sec. 4. Section two hundred eighty-two point twenty-four (282.24), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred fifty-three (153), section nine (9), is amended by striking the paragraph and inserting in lieu thereof the following:

282.24 TUITION FEES ESTABLISHED. There is established a maximum tuition fee to be charged for students, elementary or high school, residing within another school district or corporation. That fee shall be the state cost per pupil as computed in section four hundred forty-two point eight (442.8) of the Code or the district cost per pupil of the receiving district as computed in section four hundred forty-two point nine (442.9), subsection one (1), paragraph a, of the Code, whichever is the lesser amount.

Any school corporation which owns facilities used as attendance centers for students shall maintain an itemized statement of the appraised value of all buildings owned by the school corporation. Beginning July 1, 1976, the appraisal shall be updated at least one time every five years."

6. Page 2, by striking lines 1 through 17.

7. Amend the title, line 1, by striking the word

Page 2

"by" and inserting in lieu thereof the word "to".

8. By renumbering the sections as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6730.

Patchett of Johnson moved that the bill, as amended by the

Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 795)

The ayes were, 89:

Anderson	Dunton	Junker	Pellett
Avenson	Dyrland	Koogler	Perkins
Baker	Egenes	Kreamer	Poncy
Bennett	Evans	Lageschulte	Rinas
Bina	Fitzgerald	Lindeen	Scheelhaase
Binneboese	Gentleman	Lipsky	Schroeder
Bittle	Gilloon	Lonergan	Spear
Bortell	Griffee	McElroy	Spencer
Brandt	Halvorson	Menke	Spradling
Branstad	Hansen	Middleswart	Stromer
Brockett	Hargrave	Millen	Svoboda
Brunow	Harper	Miller, A. V.	Tauke
Byerly	Harvey	Miller, K. D.	Tofte
Clark	Hennessey	Miller, O. L.	Varley
Connors	Higgins	Nealson	Walter
Crabb	Hinkhouse	Newhard	Welden
Crawford	Horn	Nielsen	Wells
Cusack	Howell	Norland	West
Daggett	Hutchins	Oakley	Woods
Danker	Jesse	O'Halloran	Wulff
Den Herder	Jochum	Patchett	Wyckoff
Dieleman	Jordan	Pavich	Mr. Speaker
Doyle			

The nays were, none.

Absent or not voting, 10:

Drake	Husak	Middleton	Readinger
Hines	Krause	Monroe	Small
Hullinger	Mennenga		

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1331, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Dunton of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1331)

The ayes were, 88:

Anderson	Doyle	Jordan	Patchett
Avenson	Dunton	Junker	Pavich
Baker	Dyrland	Koogler	Pellett
Bennett	Egenes	Kreamer	Perkins
Bina	Evans	Lageschulte	Poncy
Binneboese	Fitzgerald	Lindeen	Rinas
Bittle	Gentleman	Lipsky	Schroeder
Bortell	Gilloon	Lonergan	Spear
Brandt	Griffee	McElroy	Spencer
Branstad	Halvorson	Menke	Spradling
Brockett	Hansen	Middleswart	Stromer
Brunow	Hargrave	Millen	Svoboda
Byerly	Harper	Miller, A. V.	Tauke
Clark	Harvey	Miller, K. D.	Tofte
Connors	Hennessey	Miller, O. L.	Varley
Crabb	Higgins	Monroe	Walter
Crawford	Hinkhouse	Nealson	Welden
Cusack	Horn	Newhard	Wells
Daggett	Howell	Nielsen	Woods
Danker	Hutchins	Norland	Wulff
Den Herder	Jesse	Oakley	Wyckoff
Dieleman	Jochum	O'Halloran	Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Drake	Husak	Middleton	Small
Hines	Krause	Readinger	West
Hullinger	Mennenga	Scheelhaase	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF SENATE CONCURRENT RESOLUTION 113

Dunton of Keokuk called up for consideration **Senate Concurrent Resolution 113**, filed on May 14, 1976, and found on pages 2762 through 2768 of the House Journal, with report of committee recommending passage, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED
(House Refuses to Concur)

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House File 584.

Jesse of Polk called up for consideration **House File 584, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, amended by the Senate, further amended by the House, and moved that the House concur in the**

following Senate amendment to the House amendment to the Senate amendment:

H—6740

Amend the House amendment, S—5783, to the Senate amendment, H—5733, to House File 584, as amended, passed and reprinted, as follows:

1. Page 1, by striking lines 19 through 26.
2. Page 1, by striking lines 31 through 50.
3. Page 2, by striking lines 1 through 5.
4. Page 2, by striking lines 16 through 19.
5. Page 2, by striking line 20.

The motion lost and the House refused to concur in the Senate amendment H—6740, to the House amendment, to the Senate amendment.

SENATE AMENDMENT CONSIDERED

Byerly of Polk called up for consideration **House File 914,** a bill for an act relating to retirement benefits for certain public employees engaged in public safety occupations, amended by the Senate as follows:

H—4350

Amend House File 914, as follows:

1. Page 10, line 19a, by striking the words "allocated from" and inserting in lieu thereof "appropriated from the general fund to".
2. In the title, line 2, by inserting after the word "occupations" the words "and to make appropriations".
3. By renumbering the sections and correcting internal references in accordance with this amendment.

Byerly of Polk offered the following amendment H—6739, to the Senate amendment H—4350, filed by him from the floor:

H—6739

Amend the Senate amendment (H—4350) to House File 914 as amended and passed by the House, by striking lines 2 through 8 and inserting in lieu thereof the following:

"1. Page 1, line 2, by inserting after the figure "(8)" the word and figure ", eleven (11),".

2. Page 1, by inserting after line 8 the following:

"11. "Accumulated contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to [his] *the member's* individual account in the annuity savings fund together with regular interest thereon as provided in section 97A.8. *Accumulated contributions does not include any amount deducted from the compensation of a member and credited to the pension accumulation fund.*"

3. Page 1, line 10, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

4. Page 1, line 12, by striking the word "he" and inserting in lieu thereof the words "[he] *the member*".

5. Page 1, line 13, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

6. Page 2, line 2, by striking the word "his" and inserting in lieu thereof the words "the member's".

7. Page 2, line 5, by striking the word "he" and inserting in lieu thereof the words "the member".

8. Page 2, line 6, by striking the word "his" and inserting in lieu thereof the words "the member's".

9. Page 2, line 12, by striking the word "his" and inserting in lieu thereof the words "the member's".

10. Page 2, line 20, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

11. Page 3, line 4, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

12. Page 3, line 6, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

13. Page 3, line 8, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

14. Page 3, line 9, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

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15. Page 3, line 11, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

16. Page 3, line 13, by striking the word "*his*" and inserting in lieu thereof the words "*the member's*".

17. Page 3, line 14, by striking the word "*his*" and inserting in lieu thereof the words "*the member's*".

18. Page 3, line 24, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

19. Page 3, line 24, by striking the word "he" and inserting in lieu thereof the words "[he] *the member*".

20. Page 3, line 27, by striking the word "His" and inserting in lieu thereof the words "[His] *The member's*".

21. Page 3, line 32, by striking the word "him" and inserting in lieu thereof the words "[him] *the*

member".

22. Page 3, line 32, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

23. Page 3, line 34, by striking the word "him" and inserting in lieu thereof the words "*the member*".

24. Page 3, line 34, by striking the word "*his*" and inserting in lieu thereof the words "*the member's*".

25. Page 4, line 3, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

26. Page 4, line 7, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

27. Page 4, line 17, by striking the figure "*1974*" and inserting in lieu thereof the figure "*1976*".

28. Page 5, line 1, by inserting after the word "death" the words "*, and except that the pensions payable to retired members and beneficiaries, except children, for members who retired or died before July 1, 1976 shall be recomputed to provide only an adjusted monthly pension because of salary increases to active members at the same rank or position on the salary scale as the retired or deceased member held at the time of the member's retirement or death*".

29. Page 5, by striking lines 9 through 35 and inserting in lieu thereof the following: "subsection three (3), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. An amount equal to two and six-tenths percent of each member's compensation from

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the compensation of the member shall be paid to the pension accumulation fund."

30. Page 6, by striking lines 1 through 4.

31. Page 6, by striking lines 4c and 4d and inserting in lieu thereof the words and figures "fiscal year beginning July 1, 1976 and ending June 30, 1977 the sum of one hundred eighty thousand (180,000)".

32. Page 6, line 13, by striking the words and figures "subsection twelve (12), Code 1975, is" and inserting in lieu thereof the words and figures "subsections twelve (12) and thirteen (13), Code 1975, are".

33. Page 6, by inserting after line 18 the following:

"13. "Accumulated contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to [his] *the member's* individual account in the annuity savings fund together with regular interest thereon as provided in section 411.8. *Accumulated contributions do not include any amount deducted from the compensation of a member and credited to the pension accumulation fund.*"

34. Page 7, line 18, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

35. Page 8, line 2, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

36. Page 8, line 4, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

37. Page 8, line 6, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

38. Page 8, line 7, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

39. Page 8, line 8, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

40. Page 8, line 11, by striking the word *"his"* and inserting in lieu thereof the words *"the member's"*.

41. Page 8, line 12, by striking the word *"his"* and inserting in lieu thereof the words *"the member's"*.

42. Page 8, line 22, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

43. Page 8, line 23, by striking the word "he" and inserting in lieu thereof the words "[he] *the member*".

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44. Page 8, line 25, by striking the word "His" and inserting in lieu thereof the words "[His] *The member's*".

45. Page 8, line 30, by striking the word "him" and inserting in lieu thereof the words "[him] *the member*".

46. Page 8, line 30, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

47. Page 8, line 32, by striking the word *"him"* and inserting in lieu thereof the words *"the member"*.

48. Page 8, line 32, by striking the word *"his"* and inserting in lieu thereof the words *"the member's"*.

49. Page 8, line 35, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

50. Page 9, line 4, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

51. Page 9, line 18, by striking the figure *"1974"* and inserting in lieu thereof the figure *"1976"*.

52. Page 9, by inserting after line 22 the following section:

"Sec. ..... Section four hundred eleven point six (411.6), subsection fourteen (14), paragraph a, Code

1975, is amended to read as follows:

a. As of the first of July of each year, the monthly pensions authorized in this section payable to each retired member and to each beneficiary, except children, of a deceased member shall be recomputed. The formula authorized in this section which was used to compute the retired member's or beneficiary's pension at the time of retirement or death, including all amendments to the formula which may be adopted subsequent to the member's retirement or death, shall be used in the recomputation except the pension compensation shall be used in lieu of the average final compensation which the retired or deceased member was receiving at the time of retirement or death, *and except that the pensions payable to retired members and beneficiaries, except children, for members who retired or died before July 1, 1976 shall be recomputed to provide only an adjusted monthly pension because of salary increases to active members at the same rank or position on the salary scale as the retired or deceased member held at the time of the member's retirement or death.* The adjusted monthly pension shall be the amount payable at the member's retirement or death adjusted by one-half of the difference between the recomputed pension and the amount

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payable at the member's retirement or death. At no time shall the monthly pension or payment to the beneficiary be less than the amount which was paid at the time of the member's retirement or death."

53. Page 9, by striking lines 24 through 35 and inserting in lieu thereof the following: "subsection three (3), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. An amount equal to one and twenty-one hundredths percent of each member's compensation from the compensation of the member shall be paid to the pension accumulation fund."

54. Page 10, by striking lines 1 through 19.

55. Page 10, by striking line 19a and inserting in lieu thereof the following:

"Sec. ..... Chapter four hundred eleven (411), Code 1975, is amended by adding the following new section.

NEW SECTION. There is appropriated from the general fund of the state to the municipal".

56. Page 10, line 19c, by striking the words "the fiscal year beginning" and inserting in lieu thereof the words "each fiscal year".

57. Page 10, by striking lines 19d and 19e and inserting in lieu thereof the words "the sum of five hundred seven thousand (507,000) dollars,".

58. Page 10, line 19m, by inserting after the word "city" the words "in the manner provided in

chapter four hundred five (405) of the Code".

59. Page 10, line 19q, by inserting after the word "system." the following:

"The claim shall specify for each fiscal year the normal contribution rate which would be required to pay the city's share in the retirement systems and the total amount payable to the pension accumulation funds by the city under the formula by which benefits were computed prior to July 1, 1976 and the normal contribution rate which would be required to pay the city's share in the retirement systems and the total amount payable to the pension accumulation funds by the city under chapter four hundred eleven (411) of the Code. The state comptroller shall pay the difference between the two amounts.

If the amount appropriated under this section is insufficient to pay all claims, the state comptroller shall prorate the amount appropriated."

60. Page 10, by inserting after line 19q the following section:

"Sec. ..... Persons who meet the qualifications

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of surviving spouse in section one (1) or section twelve (12) of this Act on July 1, 1976 are eligible to receive benefits under either chapter ninety-seven A (97A) or four hundred eleven (411) of the Code commencing July 1, 1976."

61. Amend the title, line 2, by inserting after the word "occupations" the words "and to make an appropriation".

62. By renumbering sections and correcting internal references as necessary."

Byerly of Polk offered the following amendment H—6747, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor:

H—6747

Amend H—6739, to the Senate amendment (H—4350) to House File 914, as amended and passed by the House as follows:

1. Page 1, by striking lines 5 through 8 and inserting in lieu thereof the following amendments:

"..... Page 1, line 2, by striking the word and figure "eight (8)" and inserting in lieu thereof the word and figure "eleven (11)".

..... Page 1, by striking lines 4 through 8 and inserting in lieu thereof the following:".

2. Page 3, by inserting after line 7 the following amendment:

"..... Page 6, by striking lines 5 through 11."

3. Page 5, by striking lines 48 through 50.

4. Page 6, by striking lines 1 through 5.

The House stood at ease until the fall of the gavel.

The House resumed session, Avenson of Fayette in the chair.

Byerly of Polk moved the adoption of amendment H—6747, to amendment H—6739, to the Senate amendment H—4350.

Amendment H—6747 was adopted.

(House File 914 and amendment H—6739, as amended, to the Senate amendment H—4350 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed seventy-six members present, twenty-three absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 19, 1976, adopted the conference committee report and the amendments contained therein and passed the following bill:

Senate File 1192, a bill for an act providing for an appropriation for the administration of the law enforcement academy.

Also: That the Senate has on May 19, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1325, a bill for an act relating to bonds and pledge orders issued by cities.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

Senate File 1325, a bill for an act relating to bonds and pledge orders issued by cities.

Read first time and **passed on file.**

BUSINESS PENDING

The House resumed consideration of **House File 914,** a bill for an act relating to retirement benefits for certain public employees engaged in public safety occupations, and amendment H—6739, as amended, to the Senate amendment H—4350.

Schroeder of Pottawattamie offered the following amendment H—6748, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor and moved its adoption:

H—6748

Amend H—6739, to the Senate amendment (H—4350) to House File 914, as amended and passed by the House, as follows:

1. Page 1, by striking line 6 and inserting in lieu thereof the words and figures " "(8)" the words and figures ", eleven (11), twelve (12),"."

2. Page 1, by inserting after line 16 the following subsection:

"12. "Earnable compensation" or "compensation earnable" shall mean the regular compensation which a member would earn during one year on the basis of the stated compensation for his rank or position *excluding any amount received for overtime compensation, meal and travel expenses, and uniform allowances and excluding any amount received upon termination or retirement in payment for accumulated sick leave.*"

3. Page 3, line 11, by striking the figure and word "(12) and" and inserting in lieu thereof the figure "(12),".

4. Page 3, line 11, by inserting after the figure "(13)," the words and figure "and fourteen (14),".

5. Page 3, by inserting after line 22 the following subsection:

"14. "Earnable compensation" or "compensation earnable" shall mean the regular compensation which a member would earn during one year on the basis of the stated compensation for his rank or position *excluding any amount received for overtime compensation, meal and travel expenses, and uniform allowances and excluding any amount received upon termination or retirement in payment for accumulated sick leave.*"

Amendment H—6748 was adopted.

Schroeder of Pottawattamie offered the following amendment H—6742, to amendment H—6739, to the Senate amendment H—4350, filed by Byerly of Polk from the floor and moved its adoption:

H—6742

Amend H—6739, to the Senate amendment (H—4350)

to House File 914, as amended and passed by the House, as follows:

1. Page 2, by inserting after line 8 the following amendment:

"..... Page 3, by inserting after line 15 the following section:

"Sec. ..... Section ninety-seven A point six (97A.6), subsection seven (7), paragraph a, Code 1975, is amended to read as follows:

a. Should any beneficiary for *either ordinary or accidental* disability [not incurred in line of duty,] be engaged in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, then the amount of his pension shall be reduced to an amount which together with his annuity and the amount earned by him shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified, provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earned by the beneficiary together with his annuity, equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired at age fifty-five or greater, shall not again become a member of the retirement system and shall have his retirement allowance suspended while in active service." "

2. Page 3, by inserting after line 44 the following amendment:

"..... Page 8, by inserting after line 13 the following section:

"Sec. ..... Section four hundred eleven point six (411.6), subsection seven (7), paragraph a, Code 1975, is amended to read as follows:

a. Should any beneficiary for *either ordinary or accidental* disability [not incurred in line of duty,] be engaged in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, then the amount of his pension shall be reduced to an amount which together with his annuity and the amount earned by him shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified, provided, that the new pension shall not exceed the amount of the pension originally granted

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nor an amount which, when added to the amount earned by the beneficiary together with his annuity, equals the amount of his average final compensation. A beneficiary restored to active service at a salary

less than the average final compensation upon the basis of which he was retired at age fifty-five or greater, shall not again become a member of the retirement system and shall have his retirement allowance suspended while in active service." "

Amendment H—6742 was adopted.

Byerly of Polk offered the following amendment H—6741, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor and moved its adoption:

H—6741

Amend H—6739, to the Senate amendment (H—4350) to House File 914, as amended, passed, and reprinted by the House, as follows:

1. Page 2, lines 49 and 50, by striking the words "two and six-tenths" and inserting in lieu thereof the words "one and twenty-one hundredths".

2. Page 3, line 7, by striking the words and figures "one hundred eighty thousand (180,000)" and inserting in lieu thereof the words and figures "two hundred seventy-seven thousand (277,000)".

Roll call was requested by Baker of Buena Vista and Woods of Polk.

On the question "Shall amendment H—6741, to amendment H—6739, to the Senate amendment H—4350, be adopted?"

The ayes were, 65:

Anderson	Fitzgerald	Koogler	Perkins
Avenson	Gilloon	Kreamer	Poncy
Baker	Griffee	Lageschulte	Scheelhaase
Bina	Harper	McElroy	Schroeder
Binneboese	Harvey	Middleton	Small
Brandt	Hennessey	Millen	Spear
Brunow	Higgins	Miller, A. V.	Spencer
Byerly	Hines	Miller, K. D.	Spradling
Clark	Hinkhouse	Monroe	Stromer
Cusack	Horn	Nealson	Svoboda
Daggett	Howell	Newhard	Tauke
Danker	Hullinger	Nielsen	Walter
Den Herder	Hutchins	Norland	Wells
Dieleman	Jesse	Oakley	Woods
Doyle	Jochum	Patchett	Wyckoff
Dunton	Junker	Pavich	Mr. Speaker
Dyrland			

The nays were, 25:

Bennett	Egenes	Jordan	Readinger
Bittle	Evans	Lindeen	Rinas
Bortell	Gentleman	Lipsky	Tofte
Branstad	Halvorson	Menke	Varley
Brockett	Hansen	Miller, O. L.	Welden
Crabb	Hargrave	Pellett	Wulff
Crawford			

Absent or not voting, 9:

Connors	Krause	Mennenga	O'Halloran
Drake	Lonergan	Middleswart	West
Husak			

Amendment H—6741 was adopted.

Byerly of Polk offered the following amendment H—6750, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor and moved its adoption:

H—6750

Amend H—6739, to the Senate amendment (H—4350) to House File 914, as amended and passed by the House as follows:

1. Page 3, line 3, by inserting after the figure "4" the following: "and inserting in lieu thereof the following section:

"Sec. ..... Section ninety-seven A point eight (97A.8), subsection three (3), paragraph b, Code 1975, is amended to read as follows:

b. On the basis of [regular interest and of] such mortality, *interest*, and other tables as shall be adopted by the board of trustees, the state commissioner of insurance shall make each valuation required by this chapter and shall immediately after making such valuation, determine the uniform and constant percentage of the earnable compensation of the average new entrant, which, if contributed throughout his entire period of active service, would be sufficient to provide for the payment of any death benefit or pension payable on this account. The rate percent so determined shall be known as the "normal contribution rate". The normal contribution rate shall be the rate percent of the earnable compensation of all members obtained by deducting from the total liabilities of the fund the amount of the funds in hand to the credit of the fund and dividing the remainder by one percent of the present value of the prospective future compensation of all members as computed on the basis of mortality and service tables adopted by the board of trustees and regular interest. The normal rate of contribution shall be determined by the state commissioner of insurance after each valuation.""

2. Page 5, line 13, by inserting after the figure "19" the following: "and inserting in lieu thereof the following section:

"Sec. ..... Section ninety-seven A point eight (97A.8), subsection three (3), paragraph b, Code 1975, is amended to read as follows:

b. On the basis of [regular interest and of] such mortality, *interest*, and other tables as shall be adopted by the board of trustees, the actuary engaged by the said boards to make each valuation required

by this chapter, shall immediately after making such valuation, determine the uniform and constant percentage of the earnable compensation of the average new entrant, which, if contributed throughout his entire period of active service, would be sufficient to provide for the payment of any death benefit or pension payable on this account. The rate percent

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so determined shall be known as the "normal contribution rate". The normal contribution rate shall be the rate percent of the earnable compensation of all members obtained by deducting from the total liabilities of the fund the amount of the funds in hand to the credit of the fund and dividing the remainder by one percent of the present value of the prospective future compensation of all members as computed on the basis of mortality and service tables adopted by the boards of trustees and regular interest. The normal rate of contribution shall be determined by the actuary after each valuation." "

3. By renumbering sections as necessary.

Amendment H—6750 was adopted.

Byerly of Polk offered the following amendment H—6745, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor and moved its adoption:

H—6745

Amend H—6739, to the Senate amendment (H—4350) to House File 914, as amended and passed by the House, as follows:

1. Page 3, by inserting after line 22 the following amendment:

"..... Page 7, by inserting after line 12 the following section:

"Sec. ..... Section four hundred eleven point five (411.5), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. COMMISSIONER OF INSURANCE. Within five days following its submission to the city council, each board of trustees shall transmit to the commissioner of insurance a copy of the report submitted to the city council and the amount of contributions deposited in the pension accumulation fund by the city. The commissioner of insurance shall review the report and the adequacy of the contribution of the city. The commissioner of insurance shall inform the city council of each city in which the contribution of a city is deemed to be inadequate." "

Amendment H—6745 was adopted.

Byerly of Polk offered the following amendment H—6746, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor and moved its adoption:

H—6746

Amend H—6739, to the Senate amendment (H—4350) to House File 914, as amended and passed by the House, as follows:

1. Page 3, by inserting after line 44 the following amendment:

"..... Page 8, by inserting after line 13 the following section:

"Sec. ..... Section four hundred eleven point six (411.6), subsection six (6), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Upon retirement for accidental disability a member shall receive *a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive* an accidental disability retirement allowance which shall consist of:"."

2. By renumbering sections as necessary.

Amendment H—6746 was adopted.

Schroeder of Pottawattamie offered the following amendment H—6757, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor and moved its adoption:

H—6757

Amend H—6739, to the Senate amendment (H—4350) to House File 914, as amended and passed by the House, as follows:

1. Page 5, by striking lines 14 through 23, and inserting in lieu thereof the following amendment:

"..... Page 10, line 19a, by striking the words "allocated from" and inserting in lieu thereof the words "appropriated from the general fund of the state to"."

2. Page 5, by striking line 25 and inserting in lieu thereof the words and figures "inserting in lieu thereof the words and figures "July 1, 1976 and ending June 30, 1977 the sum of " ".

Roll call was requested by Varley of Adair and Bittle of Polk.

On the question "Shall amendment H—6757, to amendment H—6739, to the Senate amendment H—4350, be adopted?"

The ayes were, 62:

Anderson	Brandt	Dunton	Halvorson
Avenson	Clark	Dyrland	Hargrave
Baker	Cusack	Evans	Harper
Bennett	Daggett	Fitzgerald	Harvey
Bina	Den Herder	Gilloon	Higgins
Binneboese	Dieleman	Griffee	Hines

Hinkhouse	Mennenga	Norland	Spear
Horn	Middleswart	Oakley	Spencer
Howell	Middleton	O'Halloran	Spradling
Hullinger	Millen	Patchett	Svoboda
Jesse	Miller, A. V.	Pavich	Walter
Jochum	Miller, K. D.	Poncy	Wells
Junker	Monroe	Readinger	Woods
Koogler	Nealson	Rinas	Wyckoff
Lageschulte	Newhard	Schroeder	Mr. Speaker
Lindeen	Nielsen		

The nays were, 26:

Bittle	Egenes	Menke	Tauke
Bortell	Gentleman	Miller, O. L.	Tofte
Branstad	Hansen	Pellett	Varley
Brockett	Hutchins	Perkins	Welden
Crabb	Jordan	Scheelhaase	West
Crawford	Lipsky	Stromer	Wulff
Danker	McElroy		

Absent or not voting, 11:

Brunow	Doyle	Husak	Lonergan
Byerly	Drake	Krause	Small
Connors	Hennessey	Kreamer	

Amendment H—6757 was adopted.

Byerly of Polk offered the following amendment H—6743, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor and moved its adoption:

H—6743

Amend H—6739, to the Senate amendment (H—4350) to House File 914, as amended and passed by the House, page 5, by striking lines 45, 46, and 47.

Roll call was requested by Rinas of Linn and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6743, to amendment H—6739, to the Senate amendment H—4350, be adopted?"

The ayes were, 47:

Anderson	Dunton	Koogler	Readinger
Avenson	Dyrland	McElroy	Scheelhaase
Baker	Fitzgerald	Mennenga	Schroeder
Bennett	Griffee	Middleton	Spear
Bina	Harvey	Millen	Spencer
Binneboese	Hennessey	Miller, A. V.	Spradling
Brandt	Higgins	Miller, K. D.	Walter
Brunow	Horn	Miller, O. L.	Wells
Byerly	Hullinger	Nealson	Woods
Cusack	Hutchins	Newhard	Wyckoff
Dieleman	Jesse	Pavich	Mr. Speaker
Doyle	Jochum	Poncy	

The nays were, 44:

Bittle	Gentleman	Lageschulte	Perkins
Bortell	Gilloon	Lindeen	Rinas
Branstad	Halvorson	Lipsky	Small
Brockett	Hansen	Menke	Stromer
Clark	Hargrave	Middleswart	Svoboda
Crabb	Harper	Monroe	Tauke
Crawford	Hinkhouse	Norland	Tofte
Danker	Howell	Oakley	Varley
Den Herder	Jordan	O'Halloran	Welden
Egenes	Junker	Patchett	West
Evans	Kreamer	Pellett	Wulff

Absent or not voting, 8:

Connors	Drake	Husak	Lonergan
Daggett	Hines	Krause	Nielsen

Amendment H—6743 was adopted.

Schroeder of Pottawattamie offered the following amendment H—6760, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor and moved its adoption:

H—6760

Amend H—6739 to Senate amendment (H—4350) to House File 914, as amended and passed by the House, as follows:

1. Page 3, by inserting after line 22 the following amendment:

"..... Page 7, by inserting after line 12 the following section:

"Sec. ..... Section four hundred eleven point five (411.5), subsection nine (9), Code 1975, is amended to read as follows:

9. MEDICAL BOARD. The board of fire trustees and the board of police trustees jointly shall designate a medical board to be composed of three physicians who shall arrange for and pass upon all medical examinations required under the provisions of this chapter, *except that for examinations required because of disability the board of fire trustees and the board of police trustees jointly shall designate three physicians from the university of Iowa hospitals and clinics who shall pass upon the medical examinations required for disability retirements*, and shall report in writing to each board of trustees, respectively, its conclusions and recommendations upon all matters duly referred to it." "

2. By renumbering sections as necessary.

Amendment H—6760 was adopted.

Byerly of Polk offered the following amendment H—6758, to amendment H—6739, to the Senate amendment H—4350, filed by him from the floor:

H—6758

Amend H—6739, to the Senate amendment (H—4350) to House File 914, as amended and passed by the House, as follows:

1. Page 5, line 49, by striking the word "section" and inserting in lieu thereof the word "sections".

2. Page 6, by inserting after line 5 the following section:

"Sec. ..... Chapter four hundred eleven (411), Code 1975, is amended by adding the following new section:

NEW SECTION. **If state revenues are available,** it is the intent of the general assembly that increases in benefits under the provisions of chapter four hundred eleven (411) of the Code should be financed from the general fund of the state and should not be financed from trust and agency funds of the cities."

Byerly of Polk asked and received unanimous consent to withdraw amendment H—6758.

Byerly of Polk moved the adoption of amendment H—6739, as amended, to the Senate amendment H—4350.

Amendment H—6739, as amended, was adopted.

Byerly of Polk moved that the House concur in the Senate amendment H—4350, as amended.

The motion prevailed and the House concurred in the Senate amendment H—4350, as amended.

Byerly of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Connors of Polk refrained from voting.

On the question "Shall the bill pass?" (H.F. 914)

The ayes were, 80:

Anderson	Den Herder	Harper	Jochum
Avenson	Dieleman	Harvey	Jordan
Baker	Doyle	Hennessey	Junker
Bina	Dunton	Higgins	Koogler
Binneboese	Dyrland	Hines	Lageschulte
Brandt	Egenes	Hinkhouse	Lindeen
Brunow	Fitzgerald	Horn	Lipsky
Byerly	Gentleman	Howell	Lonergan
Clark	Gilloon	Hullinger	McElroy
Crabb	Griffee	Husak	Mennenga
Cusack	Halvorson	Hutchins	Middleswart
Daggett	Hargrave	Jesse	Middleton

Millen	Norland	Scheelhaase	Tofte
Miller, A. V.	Oakley	Schroeder	Walter
Miller, K. D.	O'Halloran	Small	Wells
Miller, O. L.	Patchett	Spencer	West
Monroe	Pavich	Spradling	Woods
Nealson	Perkins	Stromer	Wulff
Newhard	Poncy	Svoboda	Wyckoff
Nielsen	Rinas	Tauke	Mr. Speaker

The nays were, 15:

Bennett	Brockett	Hansen	Readinger
Bittle	Crawford	Kreamer	Varley
Bortell	Danker	Menke	Welden
Branstad	Evans	Pellett	

Absent or not voting, 4:

Connors	Drake	Krause	**Spear**

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

IMMEDIATE MESSAGE
(House File 914)

Avenson of Fayette asked and received unanimous consent that **House File 914** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Readinger of Polk called up for consideration **Senate File 1067,** a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty, amended by the House, further amended by the Senate, further amended by the House, further amended by the Senate, and moved that the House concur in the following Senate amendment to the House amendment to the Senate amendment to the House amendment:

H—6734

Amend the House amendment S—5713, to Senate amendment H—6309 to the House amendment to Senate File 1067 as amended and passed by the Senate, as follows:

1. Line 6 of amendment S—5713, by striking the word and figure "and 4" and inserting in lieu thereof the word and figure "through 8".

2. Line 13 of amendment S—5713, by striking the second set of quotation marks following the period in that line.

3. By inserting after line 13 of amendment S—5713

the following:
"2. Page 1, by striking lines 26 through 29 and inserting in lieu thereof the following: "issued under this section. The use of parking spaces which are so designated and are located on public property by a motor vehicle not displaying such a device,"." "

The motion prevailed and the House concurred in the Senate amendment H—6734, to the House amendment, to the Senate amendment to the House amendment.

Readinger of Polk moved that the bill, as amended by the House, further amended by the Senate, further amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1067)

The ayes were, 91:

Anderson	Dyrland	Jordan	Patchett
Avenson	Egenes	Junker	Pavich
Baker	Evans	Koogler	Pellett
Bennett	Fitzgerald	Lageschulte	Perkins
Bina	Gentleman	Lindeen	Poncy
Binneboese	Gilloon	Lipsky	Readinger
Bortell	Griffee	Lonergan	Rinas
Brandt	Halvorson	McElroy	Scheelhaase
Branstad	Hansen	Menke	Schroeder
Brockett	Hargrave	Mennenga	Small
Brunow	Harper	Middleswart	Spencer
Byerly	Harvey	Middleton	Spradling
Clark	Hennessey	Millen	Svoboda
Connors	Higgins	Miller, A. V.	Tauke
Crabb	Hines	Miller, K. D.	Tofte
Crawford	Hinkhouse	Miller, O. L.	Walter
Cusack	Horn	Monroe	Welden
Daggett	Howell	Nealson	Wells
Danker	Hullinger	Newhard	Woods
Den Herder	Husak	Nielsen	Wulff
Dieleman	Hutchins	Norland	Wyckoff
Doyle	Jesse	Oakley	Mr. Speaker
Dunton	Jochum	O'Halloran	

The nays were, none.

Absent or not voting, 8:

Bittle	Krause	Spear	Varley
Drake	Kreamer	Stromer	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF CONFERENCE COMMITTEE REPORT
(Senate File 1192)

Rinas of Linn called up for consideration the conference com-

mittee report on **Senate File 1192,** a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy, filed on May 18, 1976, and found on page 2854 of the House Journal and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1192)

The ayes were, 87:

Anderson	Dyrland	Junker	Pavich
Avenson	Egenes	Koogler	Pellett
Baker	Evans	Lageschulte	Poncy
Bennett	Fitzgerald	Lindeen	Readinger
Bina	Gentleman	Lipsky	Rinas
Binneboese	Gilloon	Lonergan	Scheelhaase
Bortell	Griffee	McElroy	Schroeder
Brandt	Halvorson	Menke	Small
Brockett	Hansen	Mennenga	Spencer
Brunow	Hargrave	Middleswart	Spradling
Byerly	Harper	Middleton	Svoboda
Clark	Harvey	Millen	Tauke
Connors	Hennessey	Miller, A. V.	Tofte
Crabb	Higgins	Miller, K. D.	Walter
Crawford	Hinkhouse	Miller, O. L.	Welden
Cusack	Horn	Monroe	Wells
Daggett	Hullinger	Nealson	West
Danker	Husak	Nielsen	Woods
Den Herder	Hutchins	Norland	Wulff
Dieleman	Jesse	Oakley	Wyckoff
Doyle	Jochum	O'Halloran	Mr. Speaker
Dunton	Jordan	Patchett	

The nays were, 1:

Branstad

Absent or not voting, 11:

Bittle	Howell	Newhard	Stromer
Drake	Krause	Perkins	Varley
Hines	Kreamer	Spear	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER
(House File 1487)

Rinas of Linn called up for consideration the motion to reconsider **House File 1487,** filed on May 7, 1976, and moved to reconsider the vote by which House File 1487, a bill for an act relating

to bonds and pledge orders issued by cities, passed the House on May 6, 1976.

A non-record roll call was requested.

The ayes were 79, nays 0.

The motion prevailed and the House reconsidered House File 1487.

Rinas of Linn moved to reconsider the vote by which House File 1487 was placed on its last reading, which motion prevailed.

SENATE FILE 1325 SUBSTITUTED FOR HOUSE FILE 1487

Rinas of Linn asked and received unanimous consent to substitute Senate File 1325 for House File 1487.

Senate File 1325, a bill for an act relating to bonds and pledge orders issued by cities, was taken up for consideration.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1325)

The ayes were, 89:

Anderson	Dyrland	Jochum	Oakley
Avenson	Egenes	Jordan	O'Halloran
Baker	Evans	Junker	Patchett
Bennett	Fitzgerald	Koogler	Pavich
Bina	Gentleman	Lageschulte	Pellett
Binneboese	Gilloon	Lindeen	Perkins
Bortell	Griffee	Lipsky	Poncy
Brandt	Halvorson	Lonergan	Readinger
Branstad	Hansen	McElroy	Rinas
Brockett	Hargrave	Menke	Scheelhaase
Brunow	Harper	Mennenga	Spencer
Byerly	Harvey	Middleswart	Spradling
Clark	Hennessey	Middleton	Tauke
Connors	Higgins	Millen	Tofte
Crabb	Hines	Miller, A. V.	Walter
Crawford	Hinkhouse	Miller, K. D.	Welden
Cusack	Horn	Miller, O. L.	Wells
Daggett	Howell	Monroe	West
Danker	Hullinger	Nealson	Woods
Den Herder	Husak	Newhard	Wulff
Dieleman	Hutchins	Nielsen	Wyckoff
Doyle	Jesse	Norland	Mr. Speaker
Dunton			

The nays were, none.

Absent or not voting, 10:

Bittle	Kreamer	Spear	Svoboda
Drake	Schroeder	Stromer	Varley
Krause	Small		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 356)

Rinas of Linn asked and received unanimous consent to withdraw the motion to reconsider **Senate File 356** filed by him on May 13, 1976.

HOUSE FILE 1487 WITHDRAWN

Rinas of Linn asked and received unanimous consent to withdraw **House File 1487** from further consideration by the House.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stromer of Hancock for the remainder of the day on request of Millen of Van Buren.

QUORUM CALL

Roll call was requested by Dyrland of Clayton and Koogler of Mahaska, to determine that a quorum was present.

Rule 69 was invoked.

Present, 72:

Avenson	Gentleman	Jordan	Pellett
Bennett	Gilloon	Junker	Perkins
Bina	Griffee	Koogler	Poncy
Bortell	Halvorson	Lageschulte	Rinas
Brandt	Hansen	Lindeen	Schroeder
Branstad	Hargrave	McElroy	Small
Brockett	Harper	Menke	Spear
Brunow	Harvey	Middleswart	Spradling
Byerly	Hennessey	Middleton	Svoboda
Crabb	Higgins	Millen	Tauke
Crawford	Hinkhouse	Miller, K. D.	Tofte
Cusack	Horn	Newhard	Walter
Daggett	Howell	Nielsen	Welden
Danker	Hullinger	Norland	Wells
Den Herder	Husak	Oakley	Woods
Dunton	Hutchins	O'Halloran	Wulff
Dyrland	Jesse	Patchett	Wyckoff
Fitzgerald	Jochum	Pavich	Mr. Speaker

Absent, 27:

Anderson	Doyle	Lipsky	Readinger
Baker	Drake	Lonergan	Scheelhaase
Binneboese	Egenes	Mennenga	Spencer
Bittle	Evans	Miller, A. V.	Stromer
Clark	Hines	Miller, O. L.	Varley
Connors	Krause	Monroe	West
Dieleman	Kreamer	Nealson	

REPORT OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations has considered **House File 1583,** a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

CONSIDERATION OF BILLS

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **House File 1583,** a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations.

Schroeder of Pottawattamie offered amendment H—6765 filed by him and Crabb of Crawford from the floor and requested division as follows:

H—6765

Amend House File 1583 as follows:

H—6765A

1. Page 4, by striking lines 32 through 35.
2. By striking pages 5 and 6.
3. Page 7, by striking lines 1 through 27 and inserting in lieu thereof the following:

"1. COMMISSION ON AGING.
Salary of executive director $14,000 to $16,490
2. IOWA STATE ARTS COUNCIL.
Salary of the director $17,000 to $21,725
3. DEPARTMENT OF BANKING.
Salary of the superintendent of banking $20,000 to $27,222
4. IOWA BEER AND LIQUOR CONTROL DEPARTMENT
Salary of the director $18,000 to $27,484
5. COMMISSION FOR THE BLIND.
Salary of the director $18,000 to $27,484
6. IOWA CIVIL RIGHTS COMMISSION.
Salary of the executive secretary $18,000 to $19,605
7. IOWA STATE COMMERCE COMMISSION.
a. Salary of the chairman of the Iowa state commerce commission $22,500 to $27,640
b. Salary of the members of the Iowa state commerce commission $22,500 to $26,699
c. Salary of the executive secretary $14,000 to $17,799
8. OFFICE OF STATE COMPTROLLER.
Salary of the state comptroller $25,000 to $32,771
9. STATE CONSERVATION COMMISSION.
Salary of the director $18,000 to $25,337
10. IOWA CRIME COMMISSION.
Salary of the executive director $17,800 to $21,202
11. IOWA DEVELOPMENT COMMISSION.
Salary of the director $23,400 to $28,531
12. DRUG ABUSE AUTHORITY.
Salary of the director $16,000 to $21,359
13. EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD.
Salary of the director $20,000 to $27,222
14. COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.
Salary of the executive secretary $14,000 to $15,705
15. EMPLOYMENT SECURITY COMMISSION.
Salary of each commissioner $18,000 to $22,772
16. ENERGY POLICY COUNCIL.
Salary of the director $18,000 to $23,296
17. DEPARTMENT OF ENVIRONMENTAL QUALITY.
Salary of the executive director $20,000 to $27,484
18. STATE FAIR BOARD.
Salary of the secretary $16,200 to $19,579
19. DEPARTMENT OF GENERAL SERVICES.
Salary of the director $23,400 to $27,222
20. OFFICE OF STATE GEOLOGIST.

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Salary of the state geologist	$22,000	to $25,652
21. STATE DEPARTMENT OF HEALTH.		
Salary of the commissioner of health	$23,400	to $28,531
22. HIGHER EDUCATION FACILITIES COMMISSION.		
Salary of the executive director	$18,500	to $19,893
23. STATE HISTORICAL DEPARTMENT.		
a. Salary of the director of historical society	$16,000	to $26,000
b. Salary of the director of museum and archives	$16,000	to $26,000
c. Salary of the director of historical preservation	$16,000	to $26,000
24. OFFICE OF THE INDUSTRIAL COMMISSIONER.		
Salary of the industrial commissioner	$18,000	to $25,128
25. INSURANCE DEPARTMENT OF IOWA.		
Salary of the commissioner of insurance	$23,400	to $28,269
26. BUREAU OF LABOR.		
Salary of the labor commissioner	$18,900	to $20,678
27. IOWA LAW ENFORCEMENT ACADEMY.		
Salary of the director	$18,000	to $24,605
28. STATE LIBRARY COMMISSION.		
Salary of the state librarian	$17,000	to $21,202
29. IOWA MERIT EMPLOYMENT COMMISSION.		
Salary of the director	$23,400	to $25,966
30. IOWA NATURAL RESOURCES COUNCIL.		
Salary of the director	$17,000	to $21,725
31. PAROLE BOARD.		
Salary of each member	$ 9,000	to $10,700
32. OFFICE FOR PLANNING AND PROGRAMMING.		
Salary of the director	$23,400	to $26,175
33. DEPARTMENT OF PUBLIC DEFENSE.		
Salary of the director of civil defense	$15,500	to $19,893
34. DEPARTMENT OF PUBLIC INSTRUCTION.		
Salary of the superintendent of public instruction	$28,000	to $33,399
35. DEPARTMENT OF PUBLIC SAFETY.		
Salary of the commissioner of public safety	$23,400	to $28,793
36. REAL ESTATE COMMISSION.		
Salary of the director	$15,000	to $15,705
37. BOARD OF REGENTS.		
Salary of executive secretary	$23,400	to $28,793
38. DEPARTMENT OF REVENUE.		
Salary of the director of revenue	$22,000	to $30,101
39. DEPARTMENT OF SOCIAL SERVICES.		
Salary of the commissioner of social services	$24,000	to $35,389
40. DEPARTMENT OF SOIL CONSERVATION.		

Salary of the director $18,200 to $23,034
41. DEPARTMENT OF TRANSPORTATION.

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a. Salary of the director of transportation $28,750 to $38,216
b. Salary of each member of the transportation regulation board $17,800 to $23,034
c. Salary of each member of the transportation commission $ 9,000 to $10,470"

4. Page 9, by striking line 18.

5. Page 9, line 20, by inserting after the word "court" the words "and the code editor, each".

H—6765B

6. Page 9, by inserting after line 25 the following:

"..... Secretary of agriculture .....$23,625"

7. Page 9, by inserting after line 25 the following:

"..... Attorney general .....$30,450"

8. Page 9, by inserting after line 25 the following:

"..... Auditor of state .....$23,625"

9. Page 9, by inserting after line 25 the following:

"..... Secretary of state .....$23,625"

10. Page 9, by inserting after line 25 the following:

"..... Treasurer of state .....$23,625"

11. Page 9, by inserting after line 25 the following:

"..... Governor .....$42,000"

H—6765C

12. Page 13, by inserting after line 21 the following:

"Sec. 21. Section five hundred nine A point seven (509A.7), Code 1975, is amended to read as follows:

509A.7 EMPLOYEE DEFINED. The word "employee" as used in this division *includes members of the general assembly but* shall not include temporary or retired employees[; however]. *However,* nothing herein shall be construed as preventing a retired employee from voluntarily continuing in force, at [his] *the employee's* own expense, an existing contract. For purposes of group insurance, the word "employee" includes a full-time certified court reporter as an employee of each county within the judicial district which employs him *or her,* on a percentage basis as provided in section 605.9. However, group insurance for the certified court reporter may be obtained through only one of the counties within the district, at the reporter's option, with a percentage

contribution from the other counties, on the basis provided in section 605.9, for the employer's share of the premium. ***The employer's share of premiums***

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for members of the general assembly shall be paid from funds provided pursuant to section two point twelve (2.12) of the Code.

Sec. 22. The provisions of section twenty-one (21) of this Act shall become effective on January 10, 1977."

13. Page 13, by inserting after line 21 the following:

"Sec. 23. Section ninety-seven C point two (97C.2), subsection three (3), Code 1975, is amended to read as follows:

3. The term "employee" includes elective and appointive officials of the state or any political subdivision thereof, except [members of the general assembly,] elective officials in positions, the compensation for which is on a fee basis, elective officials of school districts, elective officials of townships, and elective officials of other political subdivisions who are in part-time positions; provided that no member of a county board of supervisors shall be deemed to be an elective official in a part-time position, but every member of a county board of supervisors shall be deemed to be an employee within the purview of this chapter and shall be eligible to receive all of the benefits provided by this chapter to which he *or she* may be entitled as an employee.

H—6765D

Sec. 24. The state agency as defined in chapter ninety-seven C (97C) of the Code, shall make all arrangements necessary in order to provide for extending the benefits of the federal old-age and survivors' insurance system to members of the general assembly effective January 10, 1977."

14. By renumbering as necessary.

H—6765E

15. Amend the title, line 2, by striking the word "nonelected".

16. Amend the title, line 6, by inserting after the word "branch" the words ", elected state officials".

17. Amend the title, line 13, by inserting after the word "employees" the words "by providing for the extension of public employee's group insurance and federal old-age and survivors' insurance benefits to members of the general assembly".

Schroeder of Pottawattamie moved the adoption of amendment H—6765A.

Roll call was requested by Harvey of Scott and Avenson of Fayette.

On the question "Shall amendment H—6765A be adopted?"

The ayes were, 34:

Baker	Daggett	Koogler	Pellett
Bennett	Danker	Lageschulte	Schroeder
Bittle	Den Herder	Lindeen	Spear
Bortell	Dunton	McElroy	Tauke
Branstad	Evans	Menke	Tofte
Brockett	Halvorson	Millen	Welden
Clark	Hansen	Monroe	Woods
Crabb	Harvey	Norland	Wulff
Crawford	Junker		

The nays were, 44:

Anderson	Fitzgerald	Husak	O'Halloran
Avenson	Gilloon	Hutchins	Patchett
Bina	Griffee	Jesse	Pavich
Binneboese	Hargrave	Jochum	Perkins
Brandt	Harper	Jordan	Poncy
Brunow	Hennessey	Middleswart	Rinas
Byerly	Higgins	Middleton	Svoboda
Connors	Hinkhouse	Miller, A. V.	Walter
Cusack	Horn	Miller, K. D.	Wells
Dieleman	Howell	Newhard	Wyckoff
Dyrland	Hullinger	Nielsen	Mr. Speaker

Absent or not voting, 21:

Doyle	Kreamer	Nealson	Spencer
Drake	Lipsky	Oakley	Spradling
Egenes	Lonergan	Readinger	Stromer
Gentleman	Mennenga	Scheelhaase	Varley
Hines	Miller, O. L.	Small	West
Krause			

Amendment H—6765A lost.

Fitzgerald of Webster moved the previous question on House File 1583 and all motions and amendments filed thereto.

A non record roll call was requested.

The ayes were 52, nays 24.

The motion prevailed.

Schroeder of Pottawattamie offered the following amendment H—6766, to amendment H—6765B, filed by him from the floor:

H—6766

Amend amendment H—6765, to House File 1583, as follows:

1. Page 3, line 16, by striking the figures "$30,450" and inserting in lieu thereof the figures "$35,000".

Brunow of Appanoose rose on a point of order that amendments H—6766 and H—6765B were not germane.

The Speaker ruled the point well taken and amendments H—6766 and H—6765B not germane.

Schroeder of Pottawattamie moved the adoption of amendment H—6765C.

A non-record roll call was requested.

The ayes were 14, nays 62.

Amendment H—6765C lost.

Brunow of Appanoose rose on a point of order that amendment H—6765D was not germane.

The Speaker ruled the point well taken and amendment H—6765D not germane.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—6765E.

Miller of Buchanan offered the following amendment H—6768 filed by him from the floor and moved its adoption:

H—6768

Amend House File 1583 as follows:
1. Page 6, line 16, by striking the numerals "26,000" and inserting in lieu thereof the numerals "22,000".
2. Page 6, line 18, by striking the numerals "26,000" and inserting in lieu thereof the numerals "21,000".

A non-record roll call was requested.

The ayes were 32, nays 45.

Amendment H—6768 lost.

Horn of Linn offered the following amendment H—6767 filed by Horn, Dyrland, Varley, Hines, Miller of Cerro Gordo, Jochum, Bina, Pavich, Poncy, Newhard, O'Halloran, Tofte, Gilloon, Jordan, Wyckoff, Rinas, Koogler, Small, Mennenga, Spradling, Baker, Byerly and Wells from the floor and moved its adoption:

H—6767

Amend House File 1583, page 6, line 24, by striking the figure "$20,800" and inserting in lieu thereof the figure "$25,300".

A non-record roll call was requested.

The ayes were 54, nays 18.

Amendment H—6767 was adopted.

Tauke of Dubuque offered the following amendment H—6776 filed by Tauke, Nielsen and Oakley from the floor:

H—6776

Amend House File 1583 as follows:

1. Page 2, by inserting after line 14 the following:

"Sec. 3. Section six hundred two point four (602.4), Code 1975, is amended to read as follows:

602.4 DISTRICT JUDGES. Iowa district judges shall possess the full jurisdiction of the Iowa district court, including the [jurisdiction] *respective jurisdictions* of *district associate judges and* judicial magistrates. While exercising the jurisdiction possessed by judicial magistrates, district judges shall employ judicial magistrates' practice and procedure, and may hold court at any place where a judicial magistrate may do so.

Sec. 4. Section six hundred two point twenty-eight (602.28), Code 1975, is amended to read as follows:

602.28 DISTRICT ASSOCIATE JUDGES. The regular judges of the municipal courts of Iowa who are in office on June 30, 1973, and who are less than seventy-two years of age on July 1, 1973, and who have not been appointed district court judges shall become district associate judges on the latter date.

Those judicial magistrates who were appointed for terms of office of four years, pursuant to either section six hundred two point fifty-one (602.51) or section six hundred two point fifty-nine (602.59) of the Code, and who are in office on June 30, 1976, and who are less than seventy-two years of age on July 1, 1976, shall become district associate judges on July 1, 1976.

A person shall not qualify for appointment to the office of district associate judge unless that person is admitted to the practice of law in this state, and unless the person will be able to serve at least one complete term prior to reaching age seventy-two. A district associate judge shall be a qualified elector of the county of appointment during his or her term of office.

Sec. 5. Section six hundred two point twenty-nine (602.29), Code 1975, is amended to read as follows:

602.29 TERM, RETENTION. District associate judges shall stand for retention in office within the [county] *judicial election district* of their residence at the judicial election in 1974 and every four years thereafter, under sections 46.17 to 46.24. The term of office of the judges who are retained in office

at the judicial election shall extend for four years after January [1] *first* next following the election, and the term of office of the judges who are not

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retained in office at such a judicial election shall extend until January [1] *first* next following such election. District associate judges shall cease to hold office upon attaining age seventy-two.

Sec. 6. Section six hundred two point thirty-one (602.31), Code 1975, is amended to read as follows:

602.31 SALARY, EXPENSES, RETIREMENT. **The annual** salary of each district associate judge, payable from the general fund of the state of Iowa, shall be [a sum of nineteen thousand five hundred dollars] *equal to eighty percent of the salary of district judges.* District associate judges shall also receive from the state their actual and necessary expenses in the performance of their duties away from the city of their residence, in accordance with section 605.2. District associate judges *who were municipal court judges prior to July 1, 1973, and* who are members of the judicial retirement system under chapter 605A shall remain members thereof; but the state of Iowa, instead of the city and county, shall deduct four percent from their salaries for the judicial retirement fund and shall contribute the public's portion to the judicial retirement fund.

Any magistrate who becomes a district associate judge pursuant to section four (4) of this Act may join the judicial retirement system upon compliance with section eighteen (18) of this Act.

Sec. 7. Section six hundred two point thirty-two (602.32), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

District associate judges shall have the jurisdiction provided in section 602.60 *for judicial magistrates.* District associate judges shall hold court as directed at any place within the judicial district that a judicial magistrate may do so, and shall employ judicial magistrates' practice and procedure. In addition, district associate judges shall have jurisdiction in civil actions for money judgments where the amount in controversy does not exceed three thousand dollars, jurisdiction of indictable misdemeanors and the jurisdiction provided for in section 231.3 when designated as a judge of the juvenile court, and while exercising the additional jurisdiction [granted herein,] *the district associate judge* shall employ district judges' practice and procedure. When a district [court] judge is unable to serve as a result of temporary incapacity, a district associate judge may, by order of the chief judge of the district enrolled in the records of the clerk of the district court, temporarily exercise

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any of the jurisdiction of a district judge during the time of incapacity and as to the specific matters **or classes of matters specified in that order.** District associate judges shall have power to act at any place within their respective judicial districts, and venue shall be the same as in other district court proceedings.

Sec. 8. Section six hundred two point thirty-three (602.33), Code 1975, is amended to read as follows:

602.33 REPORTERS. Each district associate judge [and judicial magistrate appointed pursuant to section 602.51] may appoint a shorthand reporter subject to the approval of the chief judge of the district. All shorthand reporters appointed are reporters for the judicial district and their compensation shall be in accordance with section 605.8.

Sec. 9. Chapter six hundred two (602), Code 1975, is amended by adding the following new section as section six hundred two point thirty-seven (602.37):

602.37 *NEW SECTION.* NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES.

1. There shall be one district associate judge in counties having a population, according to the most recent federal decennial census, of more than thirty-five thousand and less than eighty thousand; two in counties having a population of more than eighty thousand and less than one hundred twenty-five **thousand; three in counties having a population of** more than one hundred twenty-five thousand and less **than two hundred thousand people; and four in counties** having a population of two hundred thousand people or above. A district associate judge appointed **pursuant to section fourteen (14) of this Act shall** not be counted for the purposes of this paragraph.

2. The district associate judges authorized by **this section and section fourteen (14) of this Act** shall be appointed by the district judges of the election district from persons nominated by the county judicial magistrate appointing commission. Each office of district associate judge authorized by this section shall be for a term of four years. District associate judges shall serve for one year after appointment and until the first day of January **following the next judicial election after the expiration of such year.** They shall stand for retention in office as provided in section six hundred two point twenty-nine (602.29) of the Code.

3. In November of any year in which an impending vacancy is created because a district associate judge is not retained in office pursuant to a judicial

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election, the county magistrate appointing commission shall publicize in at least two publications in the

official county newspaper, notice of each such vacancy. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying any nominations. The commission shall carefully consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December fifteenth of that year the names of three applicants who are nominated by the commission for each vacancy. Nominees shall be chosen solely on the basis of qualifications of the applicants, and political affiliation shall not be considered.

4. Within thirty days after notification is received by a county judicial magistrate appointing commission of a vacancy in the office of district associate judge, other than a vacancy referred to in subsection three (3) of this section, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. The commission shall publicize in at least two publications in the official county newspaper, notice of each vacancy to be filled. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying any nominations. The commission shall carefully consider the applications submitted and shall nominate three of those applicants solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

5. Within fifteen days after the chief judge of a judicial district has received the list of nominees to fill a vacancy in the office of district associate judge, the district judges in the election district shall, by majority vote, appoint one of those nominees to fill the vacancy.

6. As used in this section, vacancy means and includes the death, retirement, resignation or removal of an existing district associate judge, or an increase in the number of positions authorized.

Sec. 10. Chapter six hundred two (602), Code 1975, is amended by inserting the following new section as section six hundred two point thirty-eight (602.38):

602.38 *NEW SECTION.* **ALTERNATE DISTRICT ASSOCIATE JUDGE.**

1. AUTHORIZATION. In any county having only one

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district associate judge the county judicial magistrate appointing commission, by majority vote, may authorize that an alternate district associate judge be selected.

2. SELECTION. The procedures for selecting an alternate shall be as provided in section nine (9)

of this Act, but any person so appointed shall be designated as an alternate, and shall be subject to the limitations contained in this section.

3. JURISDICTION. An alternate district associate judge, when assigned to duty under subsection four (4) of this section, shall have the same qualifications, jurisdiction, obligations and liabilities as a regularly appointed district associate judge.

4. DUTIES. In case of inability of a district associate judge to act, the chief judge of the district may order that the alternate temporarily sit in place of that officer. The words "inability to act" shall mean a temporary absence from court duties, including a reasonable vacation period. An alternate may practice as an attorney except at such time as he or she is acting as judicial magistrate, but he or she shall not act in any manner on any case in which he or she is interested as an attorney.

5. SALARY. The alternate shall be compensated by the state at the rate of forty dollars per day for each day of actual duty, and for actual expenses incurred in the performance of duties, upon certification to the comptroller by the chief judge of the days of duty and the expenses incurred.

6. LIMITATIONS. The appointment of an alternate district associate judge shall not affect the rights, duties or remuneration of any regular judicial officer, and the appointment of an alternate shall not affect the number or apportionment of district associate judges authorized by this chapter.

Sec. 11. Section six hundred two point forty-seven (602.47), Code 1975, is amended to read as follows:

602.47 NO MEMBER OF COMMISSION TO BE APPOINTED [MAGISTRATE] *TO OFFICE.* No person while a member of the county judicial magistrate appointing commission shall be appointed to the office of judicial magistrate, *nor shall any member be nominated for or appointed to the office of district associate judge.*

Sec. 12. Section six hundred two point fifty-two (602.52), Code 1975, is amended to read as follows:

602.52 QUALIFICATIONS, AGE. A judicial magistrate shall be an elector of the county of appointment during his term of office, shall be less than seventy-

Page 6

two years of age, and shall cease to hold office upon attaining that age. A judicial magistrate [appointed pursuant to section 602.50] may be licensed to practice law in Iowa, and the commission in selecting persons for those positions shall first consider for appointment applicants so licensed. [After July 1, 1973, a judicial magistrate nominated and appointed pursuant to section 602.51 shall be licensed to practice law

in Iowa.]

Sec. 13. Section six hundred two point fifty-four (602.54), Code 1975, is amended to read as follows:

602.54 SALARY, EXPENSES. Each judicial magistrate shall receive a salary payable from the general fund of the state and also his actual and necessary expenses in the performance of his duties while away from the city of his residence, in accordance with section 605.2. The salary of judicial magistrates, except as otherwise provided [herein] *in section six hundred two point fifty-eight (602.58) of the Code,* shall be [the sum of four thousand eight hundred dollars annually] *as provided by the general assembly.* [The judicial magistrates serving pursuant to section 602.51 shall receive an annual salary of nineteen thousand five hundred dollars.] Judicial magistrates [except district associate judges] shall be members of the Iowa public employees' retirement system.

Sec. 14. Section six hundred two point fifty-nine (602.59), Code 1975, is amended to read as follows:

602.59 SUBSECTION FOR APPORTIONMENT.

1. APPLICABILITY. In any county having an apportionment of three or more judicial magistrates [appointable pursuant to section 602.50], the chief judge of the district, subject to the limitations of this section, may designate by order that [magistrates appointed pursuant to this section be utilized] *a district associate judge be appointed for a single term pursuant to this section* in lieu of magistrates appointed pursuant to section 602.50. The order of substitution may be made only upon the affirmative vote of a majority of the district judges in that judicial election district that the substitution be made, *and only upon a finding by a majority of those district judges that a substitution would provide more speedy and efficient dispatch of judicial business within that judicial election district.* [An] *Except as provided in subsections four (4) and five (5) of this section, an* order of substitution is renewable for successive terms upon the vote of the judges, but shall not be effective for any term unless a copy of the order is received

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by the chairman of the county judicial magistrate appointing commission not later than the thirty-first day of March of the year in which the substitution is to take effect. A copy of the order also shall be sent to the supreme court administrator.

[The district judges of a judicial election district may determine, for the year 1974, that a substitution be made pursuant to this section, by an affirmative vote of a majority rendered and with written notice thereof delivered to the chairman of the county judicial magistrate appointing commission not later

than June 1, 1974. A magistrate appointed in 1974 pursuant to this subsection shall be subject to all of the provisions of this section, except that the term of office shall be an irregular one for a period of five years from July 1, 1974.]

2. REDUCTION IN APPOINTMENTS. For any county in which such an order is in effect, the number of magistrates actually appointed pursuant to section 602.50 shall be reduced by three for each [magistrate] *district associate judge* substituted under the provisions of this section.

Upon any subsequent reduction in the apportionment of magistrates to the county, either the commission shall further reduce the number of magistrates appointed, or the chief judge shall revoke an order of substitution.

3. APPOINTMENT. A[judicial magistrate] *district associate judge* ordered pursuant to this section shall be nominated and appointed, and shall have *the same* qualifications, rights, salary, duties, responsibilities, liabilities, authority and jurisdiction[, the same] as a [magistrate] *district associate judge* authorized by [paragraph (1) of] section [602.51] *nine (9) of this Act.*

4. LIMITATIONS.

a. Except as provided in subsections 1 and 2, a substitution shall not increase or decrease the number of judicial magistrates authorized by this chapter.

b. A substitution [or reversion] pursuant to this section shall not [take effect during the term of office of any magistrate] *be made if the effect would be to remove any magistrate from office prior to the expiration of his or her term.*

c. A substitution shall not be made or [maintained] *renewed* where the apportionment to a county is insufficient to permit the full reduction in appointments *of magistrates as* required by subsection 2.

5. REVERSION. If an appointment by the supreme

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court administrator pursuant to section 602.57 reduces the number of judicial magistrate offices in the county to less than three, or a majority of the district judges in that judicial election district determines that a substitution is no longer desirable, then the substituted office shall not be renewed for a successive term. *However, a reversion pursuant to this section, irrespective of cause, shall not take effect until the substitute district associate judge fails to be retained in office at a judicial retention election or otherwise leaves office, whether voluntarily or involuntarily.* [At the end of the term] *If a vacancy occurs in the office of the substitute district associate judge,* appointments shall be made

pursuant to *subsection three (3) of* section 602.50.

Sec. 15. Section six hundred two point sixty (602.60), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

602.60 JURISDICTION, VENUE. Judicial magistrates shall have jurisdiction of nonindictable misdemeanors, [including] traffic and ordinance violations, preliminary hearings, search warrant proceedings, and small claims. They shall also have jurisdiction to exercise the powers specified in sections 748.2, 644.2 and 644.12. They shall have power to act any place within the *judicial* district as directed, and venue shall be the same as in other district court proceedings. [In addition, judicial magistrates appointed pursuant to section 602.51 shall have jurisdiction of indictable misdemeanors, the jurisdiction provided for in section 231.3 when designated a judge of the juvenile court, and jurisdiction in civil actions for money judgments where the amount in controversy does not exceed three thousand dollars and while exercising that jurisdiction, judicial magistrates shall employ district judges' practice and procedure.]

Sec. 16. Section six hundred five point fifteen (605.15), Code 1975, is amended to read as follows:

605.15 PRACTICE PROHIBITED. During the time that a supreme court justice, district judge, *or* district associate judge[, or judicial magistrate appointed pursuant to section 602.51] is holding such office he *or she* shall not practice as an attorney or counselor or give advice in relation to any action pending or about to be brought in any of the courts of the state.

Sec. 17. Section six hundred five point seventeen (605.17), Code 1975, is amended to read as follows:

605.17 WHEN JUDGE DISQUALIFIED. A *supreme court judge, district* judge, *district associate judge* or

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magistrate is disqualified from acting as such, except by mutual consent of parties, in any case wherein he *or she* or any member of any corporation, partnership, firm or association with which he *or she* may be associated is a party or interested, or where he *or she* is related to either party by consanguinity or affinity within the fourth degree, or where he *or she* or any member of any firm, partnership or association with which he *or she* may be associated has been attorney for either party in the action or proceeding. This section shall not prevent him *or her* from disposing of any preliminary matter not affecting the merits of the case.

Sec. 18. Any person who becomes a district associate judge by virtue of the operation of section four (4) of this Act and who was subject to the Iowa

employees' retirement system prior to the effective date of this Act pursuant to section six hundred two point fifty-four (602.54) of the Code, may elect at his or her option, to come under the provisions of chapter six hundred five A (605A) of the Code as of the date the person took office as magistrate under section six hundred two point fifty-one (602.51) or six hundred two point fifty-nine (602.59) of the Code by giving notice in writing to the state comptroller and the treasurer of state prior to July 1, 1977, and by remitting to the treasurer of state any difference between the amount which would have been assessed under chapter six hundred five A (605A) of the Code had the person been covered by that chapter since taking such office and the amount actually collected pursuant to the Iowa public employees' retirement system for the period of time from the date the person took office as magistrate until the date the person gives notice of election pursuant to this section. The state shall contribute to the judicial retirement system an amount equal to that contributed by the district associate judge making the election pursuant to this section. Upon filing that election and submitting any required contribution the person shall be entitled or subject to all benefits, privileges, conditions and liabilities of chapter six hundred five A (605A) of the Code retroactively to the date the person took office as magistrate serving full time.

Sec. 19. Section two hundred thirty-one point three (231.3), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The chief judge of the district shall designate one or more of the district judges[,] *or* district

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associate judges[, judicial magistrates serving pursuant to section 602.51, or any thereof,] *of that judicial district* to act as judge or judges of the juvenile court in any county or counties *within that judicial district.*

Sec. 20. Sections six hundred two point thirty (602.30), six hundred two point fifty-one (602.51) and six hundred two point seventy-one (602.71), Code 1975, are repealed."

2. By renumbering sections and correcting internal references.

3. Amend the title, line 6, by inserting after the words "branch and" the words "making revisions to the classifications of district associate judges and full-time magistrates consistent with those salaries, setting salaries for members of".

Brunow of Appanoose rose on a point of order that amendment H—6776 was not germane.

The Speaker ruled the point well taken and amendment H—6776 not germane.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1583)

The ayes were, 63:

Anderson	Fitzgerald	Koogler	Poncy
Avenson	Gilloon	Krause	Rinas
Baker	Griffee	Lindeen	Schroeder
Bina	Hargrave	Lonergan	Small
Binneboese	Harper	McElroy	Spear
Bortell	Hennessey	Menke	Spencer
Brandt	Higgins	Mennenga	Spradling
Brunow	Hines	Miller, A. V.	Svoboda
Byerly	Hinkhouse	Miller, K. D.	Tofte
Clark	Horn	Monroe	Walter
Connors	Howell	Newhard	Wells
Crawford	Hullinger	Norland	Woods
Dieleman	Husak	O'Halloran	Wulff
Dunton	Hutchins	Patchett	Wyckoff
Dyrland	Jochum	Pavich	Mr. Speaker
Egenes	Jordan	Perkins	

The nays were, 20:

Bennett	Daggett	Hansen	Millen
Bittle	Danker	Harvey	Miller, O. L.
Brockett	Den Herder	Junker	Pellett
Crabb	Evans	Lageschulte	Tauke
Cusack	Halvorson	Middleswart	Welden

Absent or not voting, 16:

Branstad	Jesse	Nealson	Scheelhaase
Doyle	Kreamer	Nielsen	Stromer
Drake	Lipsky	Oakley	Varley
Gentleman	Middleton	Readinger	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(House File 1583)

Fitzgerald of Webster asked and received unanimous consent that **House File 1583** be immediately messaged to the Senate.

HOUSE FILE 1254 WITHDRAWN

Mennenga of Clinton asked and received unanimous consent to withdraw **House File 1254** from further consideration by the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was **taken on House File 795 and Senate File 1192. Had I been present I would** have voted "aye."

MIDDLETON of Black Hawk

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1584**, a bill for an act creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations, and begs leave to report it has had the same under consideration and has instructed me to report the same back to House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate Joint Resolution 1008**, a joint resolution to establish an interim study committee to study the feasibility of establishing a separate retirement system for peace officers and correction officers and to make an appropriation, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1251**, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1314**, a bill for an act making appropriations to the department of social services to fund current programs under the jurisdiction of the department, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6759

Amend Senate File 1314 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 17, by striking the figure "II" and inserting in lieu thereof the figure "I".

2. Page 6, by inserting after line 19 the following:

"It is the intent of the general assembly in appropriating funds in this subsection that, notwithstanding the provisions of section two hundred thirty-nine point eighteen (239.18), of the Code, the department of social services shall not reduce the standard of payment for recipients in the aid to dependent children program or establish eligibility criteria for recipients in the aid to dependent children program which are more restrictive than federal regulations."

3. Page 6, line 28, by striking the word "current".

4. Page 8, by inserting after line 5 the following:

"Sec. ..... Section two hundred seventeen point three (217.3), subsection two (2), Code 1975, is amended to read as follows:

2. Adopt and establish policy for the operation and conduct of the department of social services, *subject to any guidelines which may be adopted by the general assembly,* and the implementation of all services and programs thereunder.

Sec. ..... Section two hundred seventeen point four (217.4), Code 1975, is amended to read as follows:

217.4 MEETINGS OF COUNCIL. The council shall meet at least [four times a year] *monthly.* [Special] *Additional* meetings shall be called by the [chairman] *chairperson* or upon written request of any three members thereof *as necessary to carry out the duties of the council.* The [chairman] *chairperson* shall preside at all meetings or in [his] *the* absence *of the chairperson* the vice [chairman] *chairperson* shall preside. The members of the council shall be paid a per diem of forty dollars per day [while in session,] and their reasonable and necessary expenses while attending [such] *council* meetings. [The amount of per diem any one member may receive in any fiscal year beginning with the date of employment shall not exceed eight hundred dollars.]"

5. Page 11, line 25, by striking the word "January" and inserting in lieu thereof the word "July".

6. By renumbering and correcting internal references as necessary.

7. Amend the title by inserting after the word "Act" the words "relating to and".

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6770

Amend the Small, et al., amendment, H—6563, to Senate File 1310 as follows:

1. Page 6, line 2, by striking the period at the end and inserting in lieu thereof:

", and shall also adopt rules relating to legal expenses incurred by the defendant in a malpractice case."

WALTER of Pottawattamie

H—6769

Amend the Senate amendment H—6726 to House File 1332, as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 2 the following:

"..... Page 1, by inserting before line 1 the following:

"Sec. ..... *NEW SECTION.* Notwithstanding any provisions to the contrary, an individual operating a motor vehicle on the highways of this state shall not be required to stop or submit to any inspection of the vehicle or person by any designated peace officer or any official exercising the function of a peace officer who is operating a motor vehicle unless such peace officer's motor vehicle bears at least two labels in a conspicuous place one on each side of the vehicle, each label covering not less than one square foot of surface, and such vehicle is equipped with roof mounted flashing signal lights." "

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

BYERLY of Polk
HORN of Linn

H—6744

Amend the Senate amendment, H—6726, to House File 1332 as amended, passed and reprinted by the House as follows:

1. Page 4, by striking lines 30 and 31.

HUTCHINS of Guthrie

H—6749

Amend the Senate amendment H—6726 to House File 1332 as amended, passed and reprinted by the House as follows:

1. Page 2, lines 3 and 4 by striking the words "violator of the law" and inserting in lieu thereof the words "perpetrator of a felony or in response to an incident dangerous to the public".

2. Page 2, lines 12 and 13 by striking the words "or turning in specified directions" and inserting in lieu thereof the words "for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available".

3. Page 2, line 22, by inserting after the words "emergency vehicle" the words "under subsection two (2) of this section and for a fire department vehicle, police vehicle or ambulance as provided in subsection three (3) of this section".

4. Page 2, by striking lines 28 through 37 and inserting in lieu thereof the words "device shall not be required when exercising the exemption granted under subsection three (3), paragraph b of this section when the vehicle is operated by a peace officer,

pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator."

5. Page 2, line 42, by inserting after the word "reckless" the words "or negligent".

HARGRAVE of Johnson

H—6755

Amend the Senate amendment, H—6726 to House File 1332 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 2, the following:

"..... Page 1, by striking lines 1 through 3 and inserting in lieu thereof the following:

"Sec. ..... Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 and 1976 Sessions, is amended by adding the following new section:

NEW SECTION. MOTORIZED BICYCLE LICENSE.

1. The department may issue a motorized bicycle license to any person fourteen years of age or older who has passed the approved driver education course required for applicants for such license. A motorized bicycle license shall entitle the licensee to operate a motorized bicycle while having the license in immediate possession on the highways of the state for a period of two years.

2. A motorized bicycle license shall be canceled upon a conviction for a moving violation and reapplication may be made thirty days after the date of cancellation. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section three hundred twenty-one A point seventeen (321A.17), of the Code, unless the conviction would otherwise result in a suspension or revocation of a person's operator's license.

3. As used in this section, "moving traffic violation" does not include any violation of any section of the Code or any municipal ordinance pertaining to the standards to be maintained for motor vehicle equipment except sections three hundred twenty-one point four hundred thirty (321.430) and three hundred twenty-one point four hundred thirty-one (321.431) of the Code, or any municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles.

4. A motorized bicycle license is not required to operate a motorized bicycle if possessed of an operator's or chauffeur's license valid for operation of motorcycles.

5. A motorized bicycle license shall terminate upon issuance to the licensee of an operator's or chauffeur's license valid for operation of motorcycles. A valid motorized bicycle license shall be returned to the department prior to issuance of an operator's

Page 2

or chauffeur's license valid for operation of motorcycles.

Sec. ..... Section three hundred twenty-one point one (321.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters sixty-seven (67) and one hundred seventy (170), is amended by adding the following new subsections:

NEW SUBSECTION. "Motorized bicycle" or "motor bicycle" means a two-wheeled motor vehicle with an engine having a displacement no greater than fifty cubic centimeters as fixed by the department and not capable of operation at a speed in excess of twenty-five miles per hour on level ground unassisted by human power."

..... Page 1, by inserting after line 8 the following:

"Sec. ..... Section three hundred twenty-one point one (321.1), subsection three (3), Code 1975, is amended to read as follows:

3. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter [and a bicycle with motor attached] but excluding a tractor *and a motorized bicycle.*"

..... Page 1, by inserting after line 16 the following:

"Sec. ..... Section three hundred twenty-one point thirty-four (321.34), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, *motorized bicycle,* truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle.

Sec. ..... Section three hundred twenty-one point thirty-seven (321.37), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Registration plates issued for a motor vehicle other than a motorcycle, *motorized bicycle* or a truck tractor shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof. The registration plate issued for a truck tractor shall be attached to the front thereof." "

2. Page 1, by striking line 19 and inserting in

lieu thereof the following:
"title.

Page 3

Sec. ..... Section three hundred twenty-one point one hundred seventeen (321.117), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-one (171), section eleven (11), is amended to read as follows:

321.117 MOTORCYCLE AND HEARSE FEES. For all motorcycles the annual fee shall be ten dollars. *For all motorized bicycles the annual fee shall be five dollars.* When said motorcycle has been registered five times, the annual registration fee shall be five dollars. The annual registration fee for hearses shall be fifty dollars. Passenger car plates shall be issued for hearses.

..... Page 3, by inserting after line 14 the following:

"Sec. ..... Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1975, is amended to read as follows:

1. To any person, as an operator, who is under the age of sixteen years; provided that, effective August 1, 1966, the department shall not issue a license to any person, as an operator, who is under the age of seventeen years and effective August 1, 1967, the department shall not issue a license to any person, as an operator, who is under the age of eighteen years, without his first having successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years. However, the department may issue a restricted license as provided in section 321.194, or an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. *The department may issue a license restricted only for use for motorized bicycles as provided in section two (2) of this Act, to any person fifteen years of age or older who has successfully completed an approved driver's education course established by the department of public instruction to acquaint the motorized bicycle operator with the rules of the road.*

Sec. ..... Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection one (1), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

"Student," for purposes of this section, [shall mean] *means* any person between the ages of fifteen years and twenty-one years who resides in the public school district and who satisfies the preliminary licensing requirements of the department *or any person between fifteen and twenty-one years of age who resides in the public school district, who satisfies the*

Page 4

preliminary licensing requirements of the department for operation of a motorized bicycle and who is enrolled in an approved driver education course for the purpose of qualifying for a motorized bicycle license as provided for in section two (2) of this Act.

Sec. ..... Section three hundred twenty-one point **one hundred seventy-eight (321.178), Code 1975, as** amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79) section fifteen (15), is amended by adding the following new subsection:

NEW SUBSECTION. **An individual applying for a** motorized bicycle license shall take the approved driver education course without meeting the **highway** driving experience requirement."

..... Page 3, by inserting after line 31, the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-two (321.182), Code 1975, is amended to read as follows:

321.182 APPLICATION FOR LICENSE OR PERMIT. **Every application for an instruction permit [or for], an operator's or chauffeur's license [or],** *a* **temporary driver's permit** *or a motorized bicycle license* **shall** be made upon a form furnished by the department and **shall be verified by the applicant before a person** authorized to administer oaths, and officers and **employees of the department are hereby authorized to administer such oaths without charge. The applicant shall write his usual signature with pen and ink upon the application in the space provided for signature." "**

3. Page 1, by inserting after line 23, the following:

"..... Page 4, line 2, by inserting after the word "license," the words *"motorized bicycle license,"*."

4. Page 1, by inserting after line 26 the following:

"..... Page 4, by inserting after line 13, the following:

"Sec. ..... Section thre hundred twenty-one point one hundred eighty-six (321.186), Code 1975, is amended to read as follows:

321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS. The department may examine every new **applicant for an operator's,** *motorized bicycle* **or** chauffeur's license or any person holding a valid **operator's,** *motorized bicycle* **or chauffeur's license** when the department has reason to believe that such person may be physically or mentally incompetent to

Page 5

operate a motor vehicle, or whose driving record appears to the department to justify such an

examination. Such examinations shall be held in every county within periods not to exceed fifteen days. It shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and such further physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways."

..... Page 4, line 20, by inserting after the word "operators' " the words ", *motorized bicycle*".

..... Page 4, line 22, by inserting after the word "operators' " the words ", *motorized bicycle*"."

5. Page 1, line 34, by inserting after the word "operator's" the words ", *motorized bicycle*".

6. Page 1, by striking line 43 and inserting in lieu thereof the following: "*licensee's social security number.*

Sec. ..... Section three hundred twenty-one point one hundred ninety (321.190), Code 1975, is amended to read as follows:

321.190 CARRIED AND EXHIBITED. Every licensee shall have his operator's or chauffeur's, *or motorized bicycle* license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he produces in court, within a reasonable time, an operator's or chauffeur's *or motorized bicycle* license [theretofore] issued to him and valid at the time of his arrest.

Sec. ..... Section three hundred twenty-one point one hundred ninety-one (321.191), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The fee for an operator's license shall be five dollars if issued for a period of two years, and ten dollars if issued for a period of four years. The fee for a chauffeur's license shall be ten dollars if issued for a period of two years, and twenty dollars if issued for a period of four years. The fee for an instruction permit shall be three dollars [and], for a temporary driver's permit, five dollars *and for a motorized bicycle license, five dollars.*

Page 6

Sec. ..... Section three hundred twenty-one point one hundred ninety-two (321.192), Code 1975, is amended to read as follows:

321.192 DISPOSAL OF FEES. Such license fees shall be forwarded by the department to the treasurer of

state who shall place same in the general fund of the state, provided that for each operator's *and motorized bicycle* license issued by a county sheriff for which a license fee is paid, the sheriff issuing the same shall be entitled to retain the sum of fifteen cents and for each chauffeur's license, the sum of fifty cents, which shall be credited to the county general fund.

Sec. ..... Section three hundred twenty-one point one hundred ninety-three (321.193), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

When provided in rules adopted pursuant to chapter 17A, the department upon issuing an operator's or chauffeur's license *or motorized bicycle license* shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee, including licenses issued under section 321.194, as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

Sec. ..... Section three hundred twenty-one point one hundred ninety-five (321.195), Code 1975, is amended to read as follows:

321.195 DUPLICATE CERTIFICATES. In the event that an instruction permit [or], operator's or chauffeur's license, *motorized bicycle license* or extension certificate issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon payment of a fee of two dollars for an operator's or chauffeur's license, [or] extension certificate *or motorized bicycle license*, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit, license, or extension certificate has been lost or destroyed.

Sec. ..... Section three hundred twenty-one point two hundred one (321.201), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. The provisions applicable in sections three hundred twenty-one point two hundred one (321.201) through three hundred twenty-one point

two hundred fifteen (321.215) of the Code relating to cancellation, suspension or revocation of an operator's or chauffeur's license are also applicable to motorized bicycle licenses and licensees holding motorized bicycle licenses."

7. Page 1, by striking line 46 and inserting in lieu thereof the following:

"Sec. ..... Section three hundred twenty-one point

two hundred sixteen (321.216), Code 1975, is amended to read as follows:

321.216 UNLAWFUL USE OF LICENSE. It is a misdemeanor, punishable as provided in section 321.482 unless another punishment is otherwise provided, for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license.

2. To lend his temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license to any other person or knowingly permit the use thereof by another.

3. To display or represent as one's own any temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license not issued to him.

4. To fail or refuse to surrender to the department upon its lawful demand any temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license which has been suspended, revoked, or canceled.

5. To use a false or fictitious name in any application for a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud and any such application.

6. To permit any unlawful use of a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license issued to him.

Sec. ..... Section three hundred twenty-one point two hundred eighteen (321.218), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. Any person operating a motorized bicycle on the highways of the state not

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possessed of an operator's or chauffeur's license valid for operation of motorcycles or a valid motorized bicycle license, shall, upon conviction, be guilty of a misdemeanor and punished by a fine of not less than five nor more than fifty dollars.

Sec. ..... Section three hundred twenty-one point".

8. Page 3, line 8, by inserting after the words and figures "section 321.115" the words "*and motorized bicycles*".

9. Page 4, by inserting after line 21, the following:

"..... Page 7, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one point two hundred seventy-five (321.275), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The provisions of this section shall apply to motorized bicycles."

"..... Page 7, by inserting after line 30 the following:

"Sec. ..... Section three hundred twenty-one point three hundred seventeen (321.317), subsection three (3), Code 1975, is amended to read as follows:

3. After the thirty-first day of December, 1953, it shall be unlawful for any person to sell or offer for sale or operate on the highways of the state of Iowa any vehicle subject to registration under the provisions of this chapter which has never been registered in this or any other state prior to January 1, 1954, unless such vehicle is equipped with a directional signal device of a type approved by the department and is in compliance with the provisions of subsection 2 of this section. Motorcycles, motor scooters, [bicycles with motor attached] and semi-trailers and trailers less than forty inches in width are exempt from the provisions of this section."

..... Page 8, by inserting after line 34 the following:

"Sec. ..... Section three hundred twenty-one point three hundred eighty-five (321.385), Code 1975, is amended to read as follows:

321.385 HEAD LAMPS ON MOTOR VEHICLES. Every motor vehicle other than a motorcycle *or motorized bicycle* shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter." "

10. Page 4, by inserting after line 31 the following:

Page 9

"..... Page 11, by inserting after line 26 the following:

"Sec. ..... Section three hundred twenty-one point four hundred thirty (321.430), subsection one (1), Code 1975, is amended to read as follows:

1. Every motor vehicle, other than a motorcycle *or motorized bicycle,* when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of

any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

Sec. ..... Section three hundred twenty-one point four hundred thirty (321.430), subsection four (4), paragraph a, is amended to read as follows:

a. Any motorcycle *or motorized bicycle.*" "

11. Page 4, by inserting after line 39 the following:

"..... Amend the title, line 11, by inserting after the word "transportation" the words "and providing for a motorized bicycle license and specifying the operation requirements for a motorized bicycle"."

12. Renumber the sections and correct internal references as necessary in conformance with this amendment.

HINES of Story

H—6761

Amend amendment H—6758 to House File 1332 as follows:

1. Page 1, lines 3 and 4 by striking the words "valid for operation of motorcycles".

2. Page 6, by inserting after line 29 the following:

The department may not require a person to whom is issued a valid operator's or chauffeur's license to comply with any other licensing requirements in order to operate a motorized bicycle.

HINES of Story

H—6775

Amend Senate amendment H—6726 to House File 1332 as follows:

"1. Page 1, by inserting before line 1 the following section:

Chapter three hundred eight A (308A) is amended by adding the following new section:

NEW SECTION. Bikeways and walkways approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as an independent bikeway or walkway construction project constructed pursuant to the Highway Act of 1973, 23 U.S.C. 217, shall not be constructed as elevated structures joining private buildings or so constructed to provide elevated access or egress facilities to private buildings."

MILLER of Buchanan

H—6773

Amend the Senate amendment H—6729, to House File 1558, as follows:

1. Page 1, by striking line 5.

HANSEN of O'Brien
SPENCER of Clay

H—6774

Amend the Senate amendment H—6729, to House File 1558, as follows:

1. Page 1, by striking lines 6 and 7.

WYCKOFF of Benton

H—6763

Amend House File 1566 as follows:

1. Page 1, line 2, by striking the words "subsection one (1),".

2. Page 1, by striking lines 3 through 12 and inserting in lieu thereof the following:

"606.15 FEES. Except in probate matters, the clerk of the district court shall charge and collect the following fees, all of which shall be paid into the county treasury for the use of the county except as indicated:

1. For filing any petition, appeal, or writ of error and docketing the same, [four] *seven* dollars. [Three] *Four* dollars of such fee shall remain in the county treasury for the use of the county, and [one dollar] *three dollars* of such fee shall be paid into the state treasury and deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and to be used for the purposes provided for in section 618.13.

2. For every attachment, [two] *five* dollars.

3. For every cause tried by jury, [five] *ten* dollars.

4. For every cause tried by the court, [two] *five* dollars [and fifty cents].

5. For every equity case, [three] *five* dollars.

6. For each injunction or other extraordinary process or order, [five] *seven* dollars *and fifty cents.*

7. For all causes continued on application of a party by affidavit, [two] *five* dollars.

8. For all other continuances, [one dollar] *two dollars and fifty cents.*

9. For entering any final judgment or decree, [one dollar and fifty cents] *five dollars.*

10. For taxing costs, [one dollar] *five dollars.*

11. For issuing execution or other process after judgment or decree, [two] *five* dollars.

12. For filing and properly entering and endorsing each mechanic's lien, [three] *five* dollars, and in case a suit is brought thereon, the same to be taxed as other costs in the action.

13. For certificate and seal, two dollars *and fifty cents.*

14. For filing and docketing transcript of judgment from another county, [one dollar] *two dollars and fifty cents.*

15. For entering any rule or order, [one dollar] *two dollars and fifty cents.*

16. For issuing writ or order, not including subpoenas, [two] *five* dollars.

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17. For issuing commission to take depositions, two dollars *and fifty cents.*

18. For entering sheriff's sale of real estate, [two] *five* dollars.

19. For entering judgment by confession, [two] *five* dollars.

20. For entering satisfaction of any judgment, [one dollar] *five dollars.*

21. For all copies of records, or papers filed in his office, transcripts, and making complete record, [fifty cents for each one hundred words] *one dollar per page.*

22. For taking and approving a bond and sureties thereon, [two] *five* dollars.

23. For receiving and filing a declaration of intention and issuing a duplicate thereof, [two] *five* dollars. For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, [four] *five* dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, [four] *five* dollars.

24. In addition to the fees required in the preceding subsection, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with the clerk money sufficient to cover the expense of subpoenaing and paying the legal fees of witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys aforesaid, and the residue, if any, except such as may be necessary to pay the cost of serving subpoenas, shall be returned by the clerk to the petitioner.

25. For certificates and seal to applications to procure pensions, bounties, or back pay for soldiers or other persons entitled thereto, [no charge] *five dollars.*

26. For making out transcripts in criminal cases appealed to the supreme court, [for each one hundred words, fifty cents] *one dollar per page.*

27. In criminal cases, the same fees for same services as in suits between private parties. When judgment is rendered against the defendant, the fees shall be collected from such defendant.

28. For issuing marriage licenses, five dollars each, and for issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three

Page 3

days from the date of filing the application for the license, [five] *seven* dollars *and fifty cents* each.

29. For certifying change in title of real estate, [two] *five* dollars.

30. In addition to all other fees, for making a complete record in cases where the same is required by law or directed by an order of the court, for [every one hundred words, twenty] *each page, fifty* cents."

SCHROEDER of Pottawattamie

H—6762

Amend the Koogler, et al., amendment, H—6574, to Senate File 368 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 15, by striking the word "horses,".

2. Page 4, lines 8 and 9, by striking the words "two years from the date of receipt" and inserting in lieu thereof the words "a period of time commencing on the date of receipt equal to two years if the history refers to breeder livestock, or equal to one year if the history refers to other than breeder livestock".

SCHEELHAASE of Woodbury

H—6772

Amend Senate File 423 as amended and passed by the Senate as follows:

1. Page 1, line 8, insert after the word "his" the words "or her".

SCHEELHAASE of Woodbury
BINA of Scott

H—6764

Amend Senate File 1221 as follows:

1. Page 2, by inserting after line 7 the following:

"Sec. ..... Section five hundred thirty-five point two (535.2), subsection two (2), Code 1975, is amended to read as follows:

2. Any domestic or foreign corporation or real estate investment trust as defined in section 856 of the Internal Revenue Code may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof, *and any other person borrowing money in the principal amount of thirty-five thousand dollars or more when the loan is secured by a real estate mortgage on agricultural land may agree in writing for payment of interest not exceeding ten cents on the hundred by the year,* and no such corporation or real estate investment trust *or other person* so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding.

Sec. ..... Nothing contained in this Act shall

be construed to negate the provisions of Act of October 28, 1974, United States Public Law Number 93-501, 88 STATUTES 1557."

2. Renumber the remaining sections as necessary.

HENNESSEY of Delaware
HOWELL of Floyd
PELLETT of Cass
SCHROEDER of Pottawattamie
GRIFFEE of Chickasaw

H—6777

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

Page 5, line 25, by inserting after the "programs." the words "Before any new secondary vocational programs shall be funded in the fiscal year beginning July 1, 1976, current continuing secondary vocational programs shall be at a reimbursement level of at least twenty-three percent."

BAKER of Buena Vista
STROMER of Hancock
BORTELL of Madison
MILLER of Calhoun
HANSEN of O'Brien
PERKINS of Greene
DAGGETT of Adams
HARPER of Davis
DYRLAND of Clayton
WOODS of Polk
DIELEMAN of Marion

H—6756

Amend Senate File 1310, as passed by the Senate and reprinted, as follows:

1. Page 14, by striking lines 31 through 33 and inserting in lieu thereof the following: "*make specific findings and conclusions of whether or not* [any contingent fee arrangement between the plaintiff and the plaintiff's attorney] *the fees charged to the parties are equitable.*"

NIELSEN of Polk

H—6771

Amend the Small, et al., amendment, H—6563, to Senate File 1310 as follows:

1. Page 3, line 19, by striking the word "shall" and inserting in lieu thereof the word "may".

2. Page 3, by striking lines 22 through 24 and substituting in lieu thereof:

"judgment ordering that those damages up to the sum of two hundred thousand dollars in whole or in part, may be payable to that party in installments and judgments over the sum of two

hundred thousand dollars, in whole or in part, shall be payable to that party in installments, subject to the limitations contained".

WALTER of Pottawattamie

H—6752

Amend Senate File 1314 as passed and reprinted by the Senate, as follows:

1. Page 6, line 22, by striking the figure "50,000,000" and inserting in lieu thereof the figure "53,000,000".

LIPSKY of Linn

H—6753

Amend Senate File 1314 as amended, passed and reprinted by the Senate, page 12, by inserting after line 8 the following new section:

"Sec. ..... *NEW SECTION.* DISPOSITION OF CERTAIN FEDERAL FUNDS. The funds made available by the federal government to this state under United States public law ninety-three dash six hundred forty-seven (93-647), hereafter referred to in this section as title twenty (XX), shall be distributed by the department of social services to the department's offices within the respective counties at the rate of eight dollars per capita, based on the total population of the respective counties, for the 1976-77 fiscal year. For each fiscal year thereafter, title twenty (XX) funds made available by the federal government to this state shall be distributed by the department to its offices within the respective counties on an equal per capita basis in each county. The funds so distributed shall be used in the manner and for the purposes authorized by title twenty (XX) and federal regulations adopted thereunder."

MILLER of Buchanan

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 9:04 p.m. until 9:00 a.m., Thursday, May 20, 1976.

JOURNAL OF THE HOUSE

One Hundred Thirtieth Calendar Day—Eighty-seventh Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, MAY 20, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Paul Williamson, pastor of the Asbury United Methodist Church, Webster City, Iowa.

The Journal of Wednesday, May 19, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, Newton, Iowa.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Eighty sixth grade students from Garner Elementary School, Garner, Iowa, accompanied by Sandra Stille, Miss Sweers and Mrs. Nelson. By Stromer of Hancock.

Seventy eighth grade students from Bedford Community Junior High School, Gravity, Iowa, accompanied by Pauline McCune, Stan Dunn and John Topercer. By Daggett of Adams.

Fifteen tenth, eleventh and twelfth grade special program students from Cedar Falls High School, Cedar Falls, Iowa, accompanied by Kevin Schuchat. By O'Halloran of Black Hawk.

Forty-eight sixth grade students from Logan-Magnolia Elementary School, Logan, Iowa, accompanied by Lowell Arps, James Rider and Mrs. Cohrs. By Crabb of Crawford.

Thirty-five eighth grade students from Essex Junior-Senior High School, Essex, Iowa, accompanied by Dick Glapsie. By McElroy of Fremont.

PETITION FILED

The following petition was received and placed on file:

By Perkins of Greene from twenty-nine citizens from west central Iowa urging support of House File 1069, relating to the availability of a competitive source of long-term farm loan money.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House File 1584, Senate Files 1251 and 1314 and Senate Joint Resolution 1008, under Rule 36.

HOUSE CONCURRENT RESOLUTION 146

By Connors

Whereas, advancements in medical science and technology have a dramatic effect on the utilization of life support services; and

Whereas, the use and possible termination of life support technology in the situation of the comatose patient confronts society with broad social, medical and legal questions; and

Whereas, there is a need for the rational resolution of problems relating to the use and termination of life support technology for the comatose patient enjoying no reasonable possibility of ever emerging to a cognitive, sapient state; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That a study committee be established by the legislative council to consider the social, medical and legal problems presented by the use and termination of life support technology for the comatose patient and to offer necessary legislation to resolve such problems; and

Be It Further Resolved, That clergy and members of the legal and medical professions be invited to attend meetings of the study committee; and

Be It Further Resolved, That the study committee shall prepare a report of its findings and recommenda-

Page 2

tions and submit it to the legislative council and the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

MOTION TO WITHDRAW FROM SIFTING

(Senate File 217)

Pursuant to Rule 56, we, the undersigned, move to have Senate File 217

withdrawn from the sifting committee and placed on the calendar.

CRAWFORD of Story
MONROE of Des Moines
TAUKE of Dubuque
ANDERSON of Jasper
MILLER of Cerro Gordo
WULFF of Black Hawk
BRANSTAD of Winnebago
DIELEMAN of Marion
GENTLEMAN of Polk
RINAS of Linn
MENNENGA of Clinton
HENNESSEY of Delaware
READINGER of Polk
DYRLAND of Clayton
CLARK of Lee
WYCKOFF of Benton
BYERLY of Polk
KOOGLER of Mahaska
MIDDLETON of Black Hawk
JOCHUM of Dubuque
HINES of Story
LONERGAN of Boone
CRABB of Crawford
VARLEY of Adair
JORDAN of Linn
McELROY of Fremont
MILLER of Buchanan
HIGGINS of Scott
WALTER of Pottawattamie
HARVEY of Scott
DAGGETT of Adams
SCHROEDER of Pottawattamie
SVOBODA of Iowa
WELDEN of Hardin
HANSEN of O'Brien
BENNETT of Ida
HALVORSON of Clayton
DEN HERDER of Sioux
NEALSON of Muscatine
WEST of Marshall
NIELSEN of Polk
BROCKETT of Marshall
BORTELL of Madison
LINDEEN of Henry
MENKE of O'Brien
TOFTE of Winneshiek
EVANS of Grundy
MILLEN of Van Buren
WOODS of Polk
PELLETT of Cass
JUNKER of Woodbury
LAGESCHULTE of Bremer
STROMER of Hancock

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 17, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1335, a bill for an act providing for an appropriation to the office for planning and programming, state comptroller and department of general services.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund.

Read first time and referred to **committee on appropriations.**

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of the following: Senate Joint Resolution 1008, House File 1584 and Senate File 1251.

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 48 for the committee on appropriations subcommittee on transportation meeting.

CONSIDERATION OF BILLS
APPROPRIATIONS CALENDAR

House File 1572, a bill for an act discontinuing the use of certain architectural personnel and their support funds by the department of social services, was taken up for consideration.

Den Herder of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1572)

The ayes were, 90:

Anderson	Brandt	Crawford	Drake
Avenson	Branstad	Cusack	Dunton
Baker	Brockett	Daggett	Dyrland
Bennett	Brunow	Danker	Egenes
Bina	Clark	Den Herder	Evans
Binneboese	Connors	Dieleman	Fitzgerald
Bittle	Crabb	Doyle	Gentleman

Gilloon	Jordan	Newhard	Spear
Griffee	Koogler	Nielsen	Spencer
Halvorson	Krause	Norland	Spradling
Hansen	Kreamer	Oakley	Stromer
Hargrave	Lageschulte	O'Halloran	Svoboda
Harper	Lindeen	Patchett	Tauke
Harvey	Lipsky	Pavich	Tofte
Hennessey	McElroy	Pellett	Varley
Hinkhouse	Menke	Perkins	Walter
Horn	Mennenga	Poncy	Welden
Howell	Middleswart	Readinger	Wells
Hullinger	Millen	Rinas	Woods
Husak	Miller, A. V.	Scheelhaase	Wulff
Hutchins	Miller, K. D.	Schroeder	Wyckoff
Jesse	Miller, O. L.	Small	Mr. Speaker
Jochum	Nealson		

The nays were, 2:

Higgins	Junker

Absent or not voting, 7:

Bortell	Hines	Middleton	West
Byerly	Lonergan	Monroe	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate Joint Resolution 1008, a joint resolution to establish an interim study committee to study the feasibility of establishing a separate retirement system for peace officers and correction officers and to make an appropriation, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 1008)

The ayes were, 67:

Anderson	Griffee	Koogler	Pellett
Avenson	Halvorson	Krause	Perkins
Baker	Hansen	Lonergan	Poncy
Bina	Hargrave	Menke	Rinas
Binneboese	Harper	Mennenga	Scheelhaase
Brandt	Hennessey	Middleswart	Small
Brunow	Higgins	Middleton	Spear
Connors	Hinkhouse	Miller, A. V.	Spencer
Crabb	Horn	Miller, K. D.	Spradling
Cusack	Howell	Miller, O. L.	Svoboda
Dieleman	Hullinger	Monroe	Tofte
Doyle	Husak	Newhard	Walter
Dunton	Hutchins	Nielsen	Wells
Dyrland	Jesse	Oakley	Woods
Egenes	Jochum	O'Halloran	Wyckoff
Fitzgerald	Jordan	Patchett	Mr. Speaker
Gilloon	Junker	Pavich	

The nays were, 29:

Bennett	Danker	Lageschulte	Schroeder
Bittle	Den Herder	Lindeen	Stromer
Bortell	Drake	Lipsky	Tauke
Branstad	Evans	McElroy	Varley
Brockett	Gentleman	Millen	Welden
Clark	Harvey	Nealson	West
Crawford	Kreamer	Readinger	Wulff
Daggett			

Absent or not voting, 3:

Byerly	Hines	Norland

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

House File 1584, a bill for an act creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1584)

The ayes were, 92:

Anderson	Dunton	Jordan	Pavich
Avenson	Dyrland	Junker	Pellett
Bennett	Egenes	Koogler	Poncy
Bina	Evans	Krause	Readinger
Binneboese	Fitzgerald	Lageschulte	Rinas
Bittle	Gentleman	Lindeen	Scheelhaase
Bortell	Gilloon	Lipsky	Schroeder
Brandt	Griffee	Lonergan	Spear
Branstad	Halvorson	McElroy	Spencer
Brockett	Hansen	Menke	Spradling
Brunow	Hargrave	Mennenga	Stromer
Byerly	Harper	Middleswart	Svoboda
Clark	Harvey	Middleton	Tauke
Connors	Hennessey	Millen	Tofte
Crabb	Higgins	Miller, A. V.	Varley
Crawford	Hinkhouse	Miller, O. L.	Walter
Cusack	Horn	Monroe	Welden
Daggett	Howell	Newhard	Wells
Danker	Hullinger	Nielsen	West
Den Herder	Husak	Norland	Woods
Dieleman	Hutchins	Oakley	Wulff
Doyle	Jesse	O'Halloran	Wyckoff
Drake	Jochum	Patchett	Mr. Speaker

The nays were, 6:

Baker	Miller, K. D.	Perkins	Small
Kreamer	Nealson		

Absent or not voting, 1:

Hines

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services, with report of committee recommending passage, was taken up for consideration.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1251)

The ayes were, 85:

Anderson	Gentleman	Kreamer	Pellett
Avenson	Gilloon	Lageschulte	Perkins
Baker	Griffee	Lindeen	Poncy
Bina	Halvorson	Lipsky	Readinger
Binneboese	Hansen	Lonergan	Rinas
Bittle	Hargrave	McElroy	Scheelhaase
Brandt	Harper	Menke	Schroeder
Brunow	Harvey	Mennenga	Spear
Byerly	Hennessey	Middleswart	Spencer
Clark	Higgins	Middleton	Spradling
Connors	Hines	Miller, A. V.	Stromer
Crabb	Hinkhouse	Miller, K. D.	Svoboda
Crawford	Howell	Miller, O. L.	Tauke
Cusack	Husak	Monroe	Varley
Den Herder	Hutchins	Newhard	Walter
Dieleman	Jesse	Nielsen	Welden
Doyle	Jochum	Norland	Wells
Drake	Jordan	Oakley	West
Dunton	Junker	O'Halloran	Woods
Dyrland	Koogler	Patchett	Wyckoff
Egenes	Krause	Pavich	Mr. Speaker
Fitzgerald			

The nays were, 12:

Bennett	Brockett	Evans	Nealson
Bortell	Daggett	Hullinger	Tofte
Branstad	Danker	Millen	Wulff

Absent or not voting, 2:

Horn	Small

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 1579, a bill for an act making an appropriation to the department of social services for capital improvement projects, was taken up for consideration.

Husak of Tama offered the following amendment H—6778 filed by Husak, Harper, West, Fitzgerald, Cusack, Brockett, Wyckoff, Dunton, Perkins, Stromer, Lonergan, McElroy, Koogler, Evans, Hinkhouse and Hutchins from the floor. Division was requested as follows:

H—6778

Amend House File 1579 as follows:

H—6778A

1. Page 1, line 4, by striking the words "two million (2,000,000)" and inserting in lieu thereof the words "two million nine hundred thousand (2,900,000)".

2. Page 1, line 4, by inserting after the word "dollars," the words "nine hundred thousand of which is to be applied to the cost of constructing at the Iowa veterans home a one hundred eighty bed nursing facility and for renovating the Sheeler health care facility of the Iowa veterans home, and the remainder,".

H—6778B

3. Page 1, by adding after line 7 the following:

"It is the intent of the general assembly that the general assembly meeting in the year 1977 shall appropriate an additional sum of two million five hundred thousand (2,500,000) dollars for completion of the projects at the Iowa veterans home provided for in this section."

H—6778C

4. Page 1, by inserting after line 14 the following section:

"Sec. ..... Unencumbered or unobligated funds remaining on June 30, 1980 from funds appropriated by section one (1) of this Act for the projects at the Iowa veterans home shall revert to the general fund of the state on September 30, 1980."

Husak of Tama moved the adoption of amendment H—6778A.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 81, nays 1.

Amendment H—6778A was adopted.

Husak of Tama moved the adoption of amendment H—6778B.

A non-record roll call was requested.

The ayes were 74, nays 12.

Amendment H—6778B was adopted.

Husak of Tama moved the adoption of amendment H—6778C.

Amendment H—6778C was adopted.

Griffee of Chickasaw in the chair at 11:18 a.m.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1579)

The ayes were, 94:

Anderson	Dunton	Junker	Poncy
Avenson	Dyrland	Koogler	Readinger
Baker	Egenes	Lageschulte	Rinas
Bennett	Evans	Lindeen	Scheelhaase
Bina	Fitzgerald	Lipsky	Schroeder
Binneboese	Gentleman	Lonergan	Small
Bittle	Gilloon	McElroy	Spear
Bortell	Halvorson	Menke	Spencer
Brandt	Hansen	Middleswart	Spradling
Branstad	Hargrave	Middleton	Stromer
Brockett	Harper	Millen	Svoboda
Brunow	Harvey	Miller, A.V.	Tauke
Byerly	Hennessey	Miller, K. D.	Tofte
Cochran	Higgins	Miller, O. L.	Varley
Connors	Hines	Nealson	Walter
Crabb	Hinkhouse	Newhard	Welden
Crawford	Horn	Nielsen	Wells
Cusack	Howell	Norland	West
Daggett	Hullinger	Oakley	Woods
Danker	Husak	O'Halloran	Wulff
Den Herder	Hutchins	Patchett	Wyckoff
Dieleman	Jesse	Pavich	Mr. Speaker (Griffee)
Doyle	Jochum	Pellett	
Drake	Jordan	Perkins	

The nays were, 2:

Clark	Kreamer

Absent or not voting, 3:

Krause	Mennenga	Monroe

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Cochran in the chair at 11:27 a.m.

SENATE AMENDMENT CONSIDERED
(House Refuses to Concur)

Avenson of Fayette called up for consideration **House File 1558**, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties, amended by the Senate as follows:

H—6729

Amend House File 1558, as amended, passed and reprinted by the House as follows:

1. Page 1, line 15, by inserting after the word "purposes" the figure ".....$4,000,000".

2. Page 1, by striking lines 16 through 26.

3. Page 2, by striking everything after line 27 through page 3, line 17.

4. Page 3, by striking line 31 through page 4, line 1, and inserting in lieu thereof the following:

"Sec. 5. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand twenty-six (1026), section one (1), subsection three (3), is amended by striking the subsection and inserting in lieu thereof the following:

"3. VOLGA RIVER. For the general construction of one of the following projects at the Volga river to be selected by the state conservation commission by August 1, 1976 and related features $1,500,000

a. The immediate construction of a single lake as designed in the Frog Hollow area approximately five-hundred acres in size; or

b. Construction to commence within the calendar year of multiple lakes approximately 145 acres, 55 acres, 45 acres, 25 acres and 18 acres in size each to be managed differently for sailing, power boating, fishing, canoeing and swimming, and to be completed by the end of 1979; or

c. Design and construction of only three of the five lakes approximately 145 acres, 55 acres, and 45 acres in size. Each lake shall be managed for either fishing, sailing, power boating, canoeing but not limited to these uses. Construction shall begin within the calendar year 1976. At least two of the lakes shall be completed by 1978. Funds allocated for the two small lakes in subparagraph "b" shall be used for building a structure housing an indoor swimming pool, living quarters for a park attendant and offices for the state conservation commission." "

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—6774, to the Senate amendment H—6729, filed by him on May 19, 1976, and found on page 2935 of the House Journal.

Hansen of O'Brien asked and received unanimous consent to withdraw amendment H—6773, to the Senate amendment H—6729, filed by him and Spencer of Clay on May 19, 1976, and found on page 2934 of the House Journal.

Avenson of Fayette moved that the House concur in the Senate amendment H—6729.

The motion lost and the House refused to concur in the Senate amendment H—6729.

MOTION TO RECONSIDER WITHDRAWN
(House File 324)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider **House File 324** filed by him on April 13, 1976.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 1585, by committee on appropriations, a bill for an act to make an appropriation for deposit in the energy research and development fund.

Read first time and **placed on appropriations calendar.**

House File 1586, by committee on appropriations, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund.

Read first time and **placed on appropriations calendar.**

House File 1587, by committee on appropriations, a bill for an act to establish a division of employment relations within the state comptroller's office and to establish a joint legislative committee on employment relations and making an appropriation.

Read first time and **placed on appropriations calendar.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 20, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1480, a bill for an act relating to railroad regulation laws.

Also: That the Senate has on May 19, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1503, a bill for an act relating to the practice of nursing and providing for disciplinary procedures.

Also: That the Senate has on May 18, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1539, a bill for an act providing for an appropriation for the purpose of alleviating overcrowded conditions in state correctional facilities.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1480

H—6784

Amend House File 1480 as amended and passed by the House and reprinted as follows:

1. Page 40, by striking line 13 through page 46, line 21.

2. Page 46, by striking lines 32 through 35, and inserting in lieu thereof the words "*railroad branch lines.* Any unencumbered funds".

SENATE AMENDMENT TO HOUSE FILE 1503

H—6780

Amend House File 1503, as amended and passed by the House, page 4, by striking lines 3 through 5 and inserting in lieu thereof the following: "to chapter nineteen (19) of the Code."

SENATE AMENDMENT TO HOUSE FILE 1539

H—6781

Amend House File 1539 as amended and passed by the House by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state to the department of social services, division of adult corrections, the following amounts, or so much thereof as is necessary, to be used in the manner designated:

1. For replacement of federal funds for community-based correction programs, the establishment of residential half-way houses and pre-institutional residential facilities and for operating costs of such half-way houses and pre-institutional residential facilities $2,750,000

2. For additional staff and remodeling of the Riverview Release Center in order to develop it to full capacity ..... $ 158,000

3. To convert and improve the dormitory at farm 3 at the State Penitentiary, Fort Madison.... $ 50,000

4. For construction of a medium security facility on state-owned land at Oakdale on and immediately adjacent to the grounds of the Iowa Security Medical Facility $5,536,000

5. For the maintenance and operation of the medium security facility at Oakdale $1,100,000

6. For additional probation, parole and clerical staff ..... $ 400,000

7. For additional personnel for the State Penitentiary at Fort Madison ..... $ 537,000

8. For additional personnel for the State Reformatory at Anamosa ..... $ 205,200

Sec. 2. There is appropriated from the general fund of the state to the Iowa drug abuse authority

the sum of two hundred ten thousand (210,000) dollars, or so much thereof as is necessary, for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to be used to provide aid for the alternatives in drug abuse prevention and treatment program.

Sec. 3. Within six months of the establishment of any residential half-way house or pre-institutional residential facility pursuant to subsection 1 of section 1 of this Act, the division of adult corrections shall, if at all practicable, contract with the community-based correctional program as defined in section two hundred seventeen point twenty-four (217.24) of the Code, in the judicial district where established, for the control and operation of that house or facility.

Sec. 4. Unobligated or unencumbered funds remaining on June 30, 1980 from the funds appropriated by section

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one (1) of this Act for capital improvements and used for such purposes shall revert to the general fund of the state on September 30, 1980. Unobligated or unencumbered funds remaining on June 30, 1977 from funds appropriated by section one (1) of this Act for staff services, or purposes other than capital improvements, shall revert to the general fund on September 30, 1977.

Sec. 5. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 6.

1. It is the intent of the general assembly to seek an analysis of the state's total adult corrections system, independent of advice thus far received, from qualified persons chosen by the judicial, executive and legislative branches of state government, and to consider this analysis before deciding upon a long-term program to update the state's prisons and make their capacity adequate for the actual needs of the state.

2. To carry out the intent expressed in subsection one (1) of this section, there is created as a temporary body the advisory commission on corrections relief composed of six persons, none of whom shall be members of or candidates for election to the general assembly during their tenure on the commission, two of whom shall be appointed by the chief justice of the Iowa supreme court, two by the governor and two by the legislative council. These appointments shall be made within thirty days after the effective date of this Act. The members of the commission who are not state employees shall be entitled to receive forty dollars per diem for each day devoted to their duties as commission members. All members shall receive

reimbursement for expenses actually and necessarily incurred in discharge of these duties. Staff assistance shall be provided to the commission by the legislative service bureau.

To further carry out the intent expressed in subsection one (1) of this section, the advisory commission shall hire professional corrections consultants to evaluate the state's correctional needs. For that purpose there is appropriated from the general fund of the state to the advisory commission on corrections relief the sum of, or so much thereof as is necessary, one hundred thousand (100,000) dollars. Unobligated or unencumbered funds remaining on January 1, 1977 from this appropriation shall revert to the general

Page 3

fund of the state forthwith. The evaluation established by this subsection shall include, but need not be limited to, the information sought by subsection three (3) of this section. This evaluation shall be completed and submitted to the legislative council by January 1, 1977, and it shall be submitted along with the final report required by subsection three (3) of this section.

3. The commission shall make such interim progress reports as the legislative council may request, and shall submit a final report not later than March 1, 1977. The final report shall include, but need not be limited to, information concerning:

a. Whether present major correctional facilities in the state are sufficient to contain and treat current and foreseeable populations of adult male and female offenders.

b. Whether present community corrections facilities are sufficient for male or female offenders.

c. The need for more medium security institutions in this state, in the form of either new construction or of modification of one or more existing state facilities.

d. The alternatives to construction as contemplated by paragraph b of this subsection.

e. The economic and other impacts of construction of new facilities or modification of existing ones on community corrections facilities and the philosophy of community placement in this state.

f. The appropriate actions for the legislative and executive branches of Iowa government in resolving the conflicting demands and proposals for relief of Iowa's corrections problems.

4. There is appropriated from the general fund of the state to the legislative service bureau for the fiscal period beginning July 1, 1976, to be used for the per diem and expenses of members of the advisory commission on corrections relief and for other expenses incidental for the study, the sum of

ten thousand (10,000) dollars or so much thereof as may be necessary. The legislative service bureau may expend other funds available to it to carry out this Act. The commission is abolished July 1, 1977.

Sec. 7. The department of social services, division of community services, shall fully terminate the program at the state juvenile home at Toledo not later than January 1, 1978. Program alternatives shall be developed at the community level and at private treatment centers. The department is instructed to submit to the general assembly not later than February

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15, 1977 a plan to accomplish this change which shall identify alternative programs to be utilized, a disposition plan for the Toledo campus and funding requirements to implement the plan."

SENATE AMENDMENT CONSIDERED

Crawford of Story called up for consideration **House File 1503,** a bill for an act relating to the practice of nursing and providing for disciplinary procedures, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6780

Amend House File 1503, as amended and passed by the House, page 4, by striking lines 3 through 5 and inserting in lieu thereof the following: "to chapter nineteen (19) of the Code."

The motion prevailed and the House concurred in the Senate amendment H—6780.

Crawford of Story moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1503)

The ayes were, 93:

Anderson	Clark	Dyrland	Hennessey
Avenson	Connors	Egenes	Higgins
Baker	Crabb	Evans	Hines
Bennett	Crawford	Fitzgerald	Hinkhouse
Bina	Cusack	Gentleman	Horn
Binneboese	Daggett	Gilloon	Howell
Bittle	Danker	Griffee	Husak
Bortell	Den Herder	Halvorson	Hutchins
Brandt	Dieleman	Hansen	Jesse
Branstad	Doyle	Hargrave	Jochum
Brunow	Drake	Harper	Jordan
Byerly	Dunton	Harvey	Junker

Koogler	Miller, K. D.	Pellett	Svoboda
Krause	Miller, O. L.	Perkins	Tauke
Lageschulte	Monroe	Poncy	Tofte
Lindeen	Nealson	Readinger	Varley
Lipsky	Newhard	Rinas	Walter
Lonergan	Nielsen	Scheelhaase	Welden
McElroy	Norland	Small	West
Menke	Oakley	Spear	Woods
Mennenga	O'Halloran	Spencer	Wulff
Middleswart	Patchett	Spradling	Wyckoff
Middleton	Pavich	Stromer	Mr. Speaker
Miller, A. V.			

The nays were, none.

Absent or not voting, 6:

Brockett	Kreamer	Schroeder	Wells
Hullinger	Millen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN

(Senate Joint Resolution 1006)

Hutchins of Guthrie asked and received unanimous consent to withdraw the motion to reconsider **Senate Joint Resolution 1006** filed by Nielsen of Polk on May 3, 1976.

(House File 1198)

Hullinger of Decatur asked and received unanimous consent to withdraw his motion to reconsider **House File 1198** filed by him on April 12, 1976.

AMENDMENT WITHDRAWN

(H—6680 to House File 1198)

Harvey of Scott asked and received unanimous consent to withdraw amendment H—6680 to **House File 1198** filed by him on May 13, 1976.

SENATE AMENDMENT CONSIDERED

Husak of Tama called up for consideration **House File 1123, a** bill for an act relating to noxious weeds, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6672

Amend House File 1123 as follows:

1. Page 1, line 11, by striking after the word "*annual,*", the words "*silver plumegrass (Miscanthus sacchariflorous),*".

The motion prevailed and the House concurred in the Senate amendment H—6672.

Husak of Tama moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1123)

The ayes were, 79:

Anderson	Drake	Jesse	Patchett
Avenson	Dunton	Jochum	Pellett
Baker	Dyrland	Jordan	Perkins
Bennett	Egenes	Koogler	Poncy
Bina	Evans	Krause	Readinger
Bittle	Fitzgerald	Lageschulte	Rinas
Bortell	Gentleman	Lindeen	Schroeder
Brandt	Gilloon	McElroy	Spear
Branstad	Griffee	Menke	Spencer
Brunow	Halvorson	Mennenga	Spradling
Byerly	Hansen	Middleswart	Stromer
Clark	Harper	Middleton	Svoboda
Connors	Hennessey	Millen	Tauke
Crabb	Higgins	Miller, A. V.	Varley
Crawford	Hines	Miller, K. D.	Wells
Cusack	Hinkhouse	Miller, O. L.	West
Daggett	Howell	Nealson	Woods
Danker	Hullinger	Newhard	Wulff
Den Herder	Husak	Nielsen	Mr. Speaker
Dieleman	Hutchins	Oakley	

The nays were, 13:

Binneboese	Kreamer	Pavich	Walter
Doyle	Lipsky	Scheelhaase	Welden
Harvey	Lonergan	Tofte	Wyckoff
Junker			

Absent or not voting, 7:

Brockett	Horn	Norland	Small
Hargrave	Monroe	O'Halloran	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER
(Senate File 1251)

I move to reconsider the vote by which Senate File 1251 passed the House on May 20, 1976.

BYERLY of Polk

MOTION TO RECONSIDER PREVAILED
(Senate File 1251)

Byerly of Polk called up for consideration the motion to recon-

sider **Senate File 1251,** filed by him and moved to reconsider the vote by which Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services, passed the House on May 20, 1976.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 77, nays 2.

The motion prevailed and the House reconsidered Senate File 1251.

Byerly of Polk moved to reconsider the vote by which Senate File 1251 was placed on its last reading which motion prevailed.

Byerly of Polk offered the following amendment H—6779 filed by him from the floor and moved its adoption:

H—6779

Amend Senate File 1251 as follows:

1. Page 1, line 7, by inserting after the word "systems.", the following: "Included in this total shall be $2,500 for actuarial services provided in House File 914.".

Amendment H—6779 was adopted.

Byerly of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1251)

The ayes were, 91:

Anderson	Den Herder	Hinkhouse	Middleswart
Baker	Dieleman	Horn	Middleton
Bennett	Doyle	Howell	Millen
Bina	Drake	Husak	Miller, A. V.
Binneboese	Dunton	Hutchins	Miller, K. D.
Bittle	Dyrland	Jesse	Miller, O. L.
Bortell	Egenes	Jochum	Monroe
Brandt	Evans	Jordan	Nealson
Branstad	Fitzgerald	Junker	Newhard
Brockett	Gentleman	Koogler	Nielsen
Brunow	Gilloon	Krause	Oakley
Byerly	Halvorson	Kreamer	O'Halloran
Clark	Hansen	Lageschulte	Patchett
Connors	Hargrave	Lindeen	Pavich
Crabb	Harper	Lipsky	Perkins
Crawford	Harvey	Lonergan	Poncy
Cusack	Hennessey	McElroy	Readinger
Daggett	Higgins	Menke	Rinas
Danker	Hines	Mennenga	Scheelhaase

Spear	Svoboda	Walter	Wulff
Spencer	Tauke	Welden	Wyckoff
Spradling	Tofte	West	Mr. Speaker
Stromer	Varley	Woods	

The nays were, 2:

Griffee	Schroeder

Absent or not voting, 6:

Avenson	Norland	Small	Wells
Hullinger	Pellett		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

INTRODUCTION OF BILL

House File 1588, by committee on appropriations, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds.

Read first time and **placed on appropriations calendar.**

MOTION TO RECONSIDER WITHDRAWN

(Senate File 1265)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider **Senate File 1265** filed by him on May 14, 1976.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 1277

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1277, an Act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

On the Part of the Senate:	On the Part of the House:
CHARLES P. MILLER, Chair	C. W. HUTCHINS, Chair
CLOYD E. ROBINSON	KEITH BAKER
KENNETH D. SCOTT	GREGORY D. CUSACK
RICHARD R. RAMSEY	INGWER L. HANSEN
RAY TAYLOR	JAMES C. WEST

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 1277)

The Speaker announced the appointment of the second conference committee to consider the difference between the House and the Senate concerning **House File 1277**: Hutchins of Guthrie, chair; Baker of Buena Vista, Cusack of Scott, Hansen of O'Brien and West of Marshall.

SENATE AMENDMENT CONSIDERED

Krause of Palo Alto called up for consideration **House File 1480**, a bill for an act relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establisment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6784

Amend House File 1480 as amended and passed by the House and reprinted as follows:

1. Page 40, by striking line 13 through page 46, line 21.

2. Page 46, by striking lines 32 through 35, and inserting in lieu thereof the words "*railroad branch lines.* Any unencumbered funds".

The motion prevailed and the House concurred in the Senate amendment H—6784.

Krause of Palo Alto moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1480)

The ayes were, 95:

Anderson	Dunton	Junker	Perkins
Avenson	Dyrland	Koogler	Poncy
Baker	Egenes	Krause	Readinger
Bennett	Evans	Lageschulte	Rinas
Bina	Fitzgerald	Lindeen	Scheelhaase
Binneboese	Gentleman	Lipsky	Schroeder
Bittle	Gilloon	Lonergan	Small
Bortell	Griffee	McElroy	Spear
Brandt	Halvorson	Menke	Spencer
Branstad	Hansen	Middleswart	Spradling
Brockett	Hargrave	Middleton	Stromer
Brunow	Harper	Millen	Svoboda
Byerly	Harvey	Miller, A. V.	Tauke
Clark	Hennessey	Miller, K. D.	Tofte
Connors	Higgins	Miller, O. L.	Varley
Crabb	Hines	Monroe	Walter
Crawford	Hinkhouse	Nealson	Welden
Cusack	Horn	Newhard	Wells
Daggett	Howell	Nielsen	West
Danker	Husak	Norland	Woods
Den Herder	Hutchins	Oakley	Wulff
Dieleman	Jesse	Patchett	Wyckoff
Doyle	Jochum	Pavich	Mr. Speaker
Drake	Jordan	Pellett	

The nays were, none.

Absent or not voting, 4:

Hullinger	Kreamer	Mennenga	O'Halloran

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1126**, a bill for an act relating to and appropriating funds to the Iowa state historical department, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6789

Amend Senate File 1126 as amended and passed by the Senate as follows:

1. Page 2, by inserting after line 1 I, the following:

"Sec. 6. There is appropriated from the general fund of the state for the fiscal year commencing July 1, 1976 and ending June 30, 1977 to the state board of regents, the sum of fifteen thousand (15,000) dollars, or so much thereof as may be necessary, to be used by the state archaeologist in investigating,

reporting upon and interring ancient human remains pursuant to section seven (7) of this Act.

Sec. 7. Chapter three hundred five A (305A), Code 1975, is amended by adding the following new sections:

NEW SECTION. The state archaeologist shall have the primary responsibility for investigating, preserving and reinterring discoveries of ancient human remains. For the purposes of section six (6) of this Act ancient human remains shall be those remains found within the state which are more than one hundred fifty years old. The state archaeologist shall make arrangements for the services of a forensic osteologist in studying and interpreting ancient burials and may designate other qualified archaeologists to assist the state archaeologist in recovering physical and cultural information about the ancient burials. The state archaeologist shall file with the department of health a written report containing both physical and cultural information regarding the remains at the conclusion of each investigation.

NEW SECTION. The state archaeologist shall establish, with the approval of the executive council, a cemetery on existing state lands for the reburial of ancient human remains found in the state. The cemetery shall not be open to the public. The state archaeologist in cooperation with the Iowa state conservation commission shall be responsible for coordinating interment in the cemetery.

Sec. 8. Section three hundred thirty-nine point five (339.5), Code 1975, is amended to read as follows:

339.5 REPORTS BY OTHERS. Every person who knows of the existence of a body where death occurred in the manner specified in section 339.6, shall notify the county or state medical examiner or the city or state law enforcement agency or county sheriff thereof as soon as possible, unless such person shall have good reason to believe that such notice has already been given. *If the remains are believed to be over one hundred fifty years old, the state archaeologist*

Page 2

shall be notified. Any person who shall fail to give such notice [to a medical examiner] shall be guilty of a public offense, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or a sentence in the county jail of not more than six months, or by both such fine and imprisonment.

Sec. 9. Section seven hundred fourteen point twenty-one (714.21), Code 1975, is amended to read as follows:

714.21 VIOLATING SEPULCHER. If any person, without lawful authority, willfully dig up, disinter, remove, or carry away any human body, or the remains thereof, *including ancient human remains as defined in section*

six (6) of this Act, from its place of interment; or aid, assist, encourage, incite, or procure the same to be done or attempted; or willfully receive, conceal, or dispose of any such human body or the remains thereof; or if any person, with the intent to commit any of the aforesaid acts, partially perform the same, [he] *the person* shall be imprisoned in the penitentiary not more than two years, or be fined not exceeding twenty-five hundred dollars, or both.

Sec. 10.

1. It is the intent of the general assembly that, as used in chapter three hundred three (303) of the Code, "state historical society" means only the division of the Iowa state historical department, an agency solely of the state, which is denominated the division of the state historical society. It does not mean or include any private entity.

2. A corporation organized under the laws of this state shall not exercise any powers or duties exercisable by law by the Iowa state historical department and its divisions. If a corporation exercises or attempts to exercise these powers or duties, it shall be subject to an equitable suit for involutary dissolution by any interested person.

3. Unless specifically designated otherwise, any gift, bequest, devise, endowment, or grant to or application for membership in the state historical society shall be presumed to be to or in the division of the state historical society of the Iowa state historical department.

Sec. 11.

1. Without personal liability, the director of the division of the state historical society shall immediately take possession of all real or personal property of the state historical society and treat it as property of the state. If any of this property is money, the director shall deposit it as

Page 3

provided in chapter three hundred three (303) of the Code.

2. To implement any of the provisions of this Act and notwithstanding anything to the contrary in chapter thirteen (13) of the Code, the executive council may appoint competent legal counsel to represent the Iowa state historical department and its divisions. There is appropriated from unappropriated funds in the general fund of the state an amount necessary to pay the reasonable expense incurred under this subsection."

2. Amend the title, line 1, by striking the words "funds to" and inserting in lieu thereof the words "funds for programs of historical significance under the jurisdiction of the state archaeologist and".

3. By renumbering and correcting internal references in accordance with this amendment.

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1252**, a bill for an act making appropriations to the bureau of labor and the Iowa merit employment department, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1332**, a bill for an act making appropriations to the department of transportation for designated capital transportation projects, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6782

Amend Senate File 1332 as amended, passed, and reprinted by the Senate as follows:

By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 to the department of transportation the following amounts to be used in the manner designated.

1. For public transit purposes to implement a state assistance plan $2,000,000

2. For railroad assistance including but not limited to branch-line improvement, terminal car control analysis, rail inspections, and special hearings $3,000,000

Sec. 2. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 the sum of twelve million (12,000,000) dollars, or so much thereof as is necessary, to be deposited in the road use tax fund.

Sec. 3. Unencumbered or unobligated funds appropriated by this Act, except funds appropriated for railroad assistance and for deposit in the road use tax fund remaining on June 30, 1980 shall revert to the general fund of the state on September 30, 1980."

DUNTON of Keokuk, Chair

CONSIDERATION OF BILLS

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **Senate File 1252**, a bill for an

act making appropriations to the bureau of labor and the Iowa merit employment department, with report of committee recommending passage.

Dunton of Keokuk asked and received unanimous consent to withdraw amendment H—6314 filed by the committee on appropriations on April 15, 1976, and found on page 1992 of the House Journal.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1252)

The ayes were, 93:

Avenson	Egenes	Koogler	Perkins
Baker	Evans	Lageschulte	Poncy
Bennett	Fitzgerald	Lindeen	Readinger
Bina	Gentleman	Lipsky	Rinas
Binneboese	Gilloon	Lonergan	Scheelhaase
Bittle	Griffee	McElroy	Schroeder
Bortell	Halvorson	Menke	Small
Brandt	Hansen	Mennenga	Spear
Branstad	Hargrave	Middleswart	Spencer
Brockett	Harper	Middleton	Spradling
Brunow	Harvey	Millen	Stromer
Byerly	Hennessey	Miller, A. V.	Svoboda
Clark	Higgins	Miller, K. D.	Tauke
Connors	Hines	Miller, O. L.	Tofte
Crabb	Hinkhouse	Monroe	Varley
Crawford	Horn	Nealson	Walter
Cusack	Howell	Newhard	Welden
Daggett	Husak	Nielsen	Wells
Den Herder	Hutchins	Norland	West
Dieleman	Jesse	Oakley	Woods
Doyle	Jochum	Patchett	Wulff
Drake	Jordan	Pavich	Wyckoff
Dunton	Junker	Pellett	Mr. Speaker
Dyrland			

The nays were, 1:

Danker

Absent or not voting, 5:

Anderson	Krause	Kreamer	O'Halloran
Hullinger			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the

Senate has, on May 20, 1976, insisted on its amendment to the House amendment to the Senate amendment to House File 584, a bill for an act relating to competition between business, commercial, or professional entities, and the members of the conference committee on the part of the Senate are: The Senator from Linn, Mr. Redmond, chair; the Senator from Dubuque, Mr. Carr; the Senator from Webster, Mr. Coleman; the Senator from Polk, Mr. Hill; and the Senator from Scott, Mrs. Shaw.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1200, a bill for an act relating to the assessment date, collection period, and delinquency dates of property taxes.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1216, a bill for an act appropriating funds to certain executive agencies including the executive council, auditor of state, treasurer of state, and insurance department.

Also: That the members of the Second Conference Committee on House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding for care and treatment of persons suffering the effects of alcohol, on the part of the Senate are: The Senator from Des Moines, Mr. Miller, chair; the Senator from Clarke, Mr. Ramsey; the Senator from Linn, Mr. Robinson; the Senator from Cerro Gordo, Mr. Scott; and the Senator from Hardin, Mr. Taylor.

Also: That the Senate has on May 20, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1329, a bill for an act relating to corporate status for the area education agencies.

Also: That the Senate has on May 19, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1472, a bill for an act to change the requirements for awarding a permanent professional teachers' certificate.

Also: That the Senate has on May 19, 1976, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 1478, a bill for an act regulating the establishment and use of electronic fund transfer systems.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1502, a bill for an act relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1508, a bill for an act relating to the registration of mobile homes.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1568, a bill for an act appropriating funds to the Iowa beer and liquor control department of capital improvements.

Also: That the Senate has on May 20, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1569, a bill for an act providing for an appropriation to the comptroller's office for the purpose of providing funds for leasing data processing systems.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1570, a bill for an act transferring security of capitol complex from the department of general services to the department of public safety.

Also: That the Senate has on May 20, 1976, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 139, approving modification of existing agreement to permit expenditure of funds originally allocated for emergency medical technician-ambulance training and Iowa Health Corps.

Also: That the Senate has on May 19, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1111, a bill for an act relating to who may form a professional corporation.

Also: That the Senate has on May 19, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1145, a bill for an act relating to the issuance of cards and licenses by the department of transportation.

Also: That the Senate has, on May 20, 1976, insisted on its amendment to the House amendment to Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes, and that the members of the conference committee on the part of the Senate are: The Senator from Polk, Mr. Willits, chair; the Senator from Woodbury, Mr. Andersen; the Senator from Butler, Mr. Burroughs; the Senator from Johnson, Mrs. Doderer; and the Senator from Linn, Mr. Sovern.

Also: That the Senate has on May 19, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1244, a bill for an act authorizing the board of supervisors to establish and govern certain service districts.

Also: That the Senate has on May 19, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1269, a bill for an act to legalize and validate an election upon the proposition to authorize the board of directors of the Saydel Consolidated School District to sell and convey certain real estate.

Also: That the Senate has on May 19, 1976, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1304, a bill for an act relating to the administration of workmen's compensation claims of state employees.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1321, a bill for an act relating to the status and power of an entity created under chapter twenty-eight F (28F) of the Code to accomplish joint financing of public works and facilities.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1336, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1337, a bill for an act making an appropriation for funding of staff for the utilities division of the state commerce commission.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1329

H—6791

Amend House File 1329, as passed by the House, as follows:

1. Page 1, by striking lines 8 through 11 and inserting in lieu thereof the words "be sued. An area education agency may hold property and execute lease-purchase agreements pursuant to the provisions of section two hundred seventy-three point three (273.3), subsection seven (7) of the Code."

SENATE AMENDMENT TO HOUSE FILE 1569

H—6790

Amend House File 1569, page 1, line 4, by striking the word "purchase" and inserting in lieu thereof the word "lease".

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

CONSIDERATION OF BILLS

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **Senate File 1126**, a bill for an act relating to and appropriating funds to the Iowa state historical department, with report of committee recommending amendment and passage.

Crawford of Story offered the following amendment H—6518 filed by him and moved its adoption:

H—6518

Amend Senate File 1126 as follows:

1. Page 1, line 19, by striking the figure

"324,163" and inserting in lieu thereof the figure "391,607".

A non-record roll call was requested.

The ayes were 29, nays 45.

Amendment H—6518 lost.

Brunow of Appanoose in the chair at 7:18 p.m.

Small of Johnson offered the following amendment H—6576 filed by him and moved its adoption:

H—6576

Amend Senate File 1126 as amended and passed by the Senate as follows:

Page 1, after line 19 by inserting the words:

"For gathering and controlling bibliographical data on newspapers .....$17,170".

A non-record roll call was requested.

The ayes were 53, nays 19.

Amendment H—6576 was adopted.

Griffee of Chickasaw offered the following amendment H—6789 filed by the committee on appropriations and moved its adoption:

H—6789

Amend Senate File 1126 as amended and passed by the Senate as follows:

1. Page 2, by inserting after line 1 I, the following:

"Sec. 6. There is appropriated from the general fund of the state for the fiscal year commencing July 1, 1976 and ending June 30, 1977 to the state board of regents, the sum of fifteen thousand (15,000) dollars, or so much thereof as may be necessary, to be used by the state archaeologist in investigating, reporting upon and interring ancient human remains pursuant to section seven (7) of this Act.

Sec. 7. Chapter three hundred five A (305A), Code 1975, is amended by adding the following new sections:

NEW SECTION. The state archaeologist shall have the primary responsibility for investigating, preserving and reinterring discoveries of ancient human remains. For the purposes of section six (6) of this Act ancient human remains shall be those remains found within the state which are more than one hundred fifty years old. The state archaeologist shall make arrangements for the services of a forensic osteologist in studying and interpreting ancient

burials and may designate other qualified archaeologists to assist the state archaeologist in recovering physical and cultural information about the ancient burials. The state archaeologist shall file with the department of health a written report containing both physical and cultural information regarding the remains at the conclusion of each investigation.

NEW SECTION. The state archaeologist shall establish, with the approval of the executive council, a cemetery on existing state lands for the reburial of ancient human remains found in the state. The cemetery shall not be open to the public. The state archaeologist in cooperation with the Iowa state conservation commission shall be responsible for coordinating interment in the cemetery.

Sec. 8. Section three hundred thirty-nine point five (339.5), Code 1975, is amended to read as follows:

339.5 REPORTS BY OTHERS. Every person who knows of the existence of a body where death occurred in the manner specified in section 339.6, shall notify the county or state medical examiner or the city or state law enforcement agency or county sheriff thereof as soon as possible, unless such person shall have good reason to believe that such notice has already been given. *If the remains are believed to be over one hundred fifty years old, the state archaeologist*

Page 2

shall be notified. Any person who shall fail to give such notice [to a medical examiner] shall be guilty of a public offense, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or a sentence in the county jail of not more than six months, or by both such fine and imprisonment.

Sec. 9. Section seven hundred fourteen point twenty-one (714.21), Code 1975, is amended to read as follows:

714.21 VIOLATING SEPULCHER. If any person, without lawful authority, willfully dig up, disinter, remove, or carry away any human body, or the remains thereof, *including ancient human remains as defined in section six (6) of this Act,* from its place of interment; or aid, assist, encourage, incite, or procure the same to be done or attempted; or willfully receive, conceal, or dispose of any such human body or the remains thereof; or if any person, with the intent to commit any of the aforesaid acts, partially perform the same, [he] *the person* shall be imprisoned in the penitentiary not more than two years, or be fined not exceeding twenty-five hundred dollars, or both.

Sec. 10.

1. It is the intent of the general assembly that, as used in chapter three hundred three (303) of the Code, "state historical society" means only the di-

vision of the Iowa state historical department, an agency solely of the state, which is denominated the division of the state historical society. It does not mean or include any private entity.

2. A corporation organized under the laws of this state shall not exercise any powers or duties exercisable by law by the Iowa state historical department and its divisions. If a corporation exercises or attempts to exercise these powers or duties, it shall be subject to an equitable suit for involuntary dissolution by any interested person.

3. Unless specifically designated otherwise, any gift, bequest, devise, endowment, or grant to or application for membership in the state historical society shall be presumed to be to or in the division of the state historical society of the Iowa state historical department.

Sec. 11.

1. Without personal liability, the director of the division of the state historical society shall immediately take possession of all real or personal property of the state historical society and treat it as property of the state. If any of this property is money, the director shall deposit it as

Page 3

provided in chapter three hundred three (303) of the Code.

2. To implement any of the provisions of this Act and notwithstanding anything to the contrary in chapter thirteen (13) of the Code, the executive council may appoint competent legal counsel to represent the Iowa state historical department and its divisions. There is appropriated from unappropriated funds in the general fund of the state an amount necessary to pay the reasonable expense incurred under this subsection."

2. Amend the title, line 1, by striking the words "funds to" and inserting in lieu thereof the words "funds for programs of historical significance under the jurisdiction of the state archaeologist and".

3. By renumbering and correcting internal references in accordance with this amendment.

Amendment H—6789 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Calhoun for the remainder of the day on request of Middleswart of Warren.

Griffee of Chickasaw moved that the bill be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1126)

The ayes were, 90:

Anderson	Dyrland	Krause	Poncy
Avenson	Evans	Lageschulte	Rinas
Baker	Fitzgerald	Lindeen	Scheelhaase
Bennett	Gilloon	Lipsky	Schroeder
Bina	Griffee	Lonergan	Small
Binneboese	Halvorson	McElroy	Spear
Bittle	Hansen	Menke	Spencer
Brandt	Hargrave	Mennenga	Spradling
Branstad	Harper	Middleswart	Stromer
Brockett	Harvey	Middleton	Svoboda
Byerly	Hennessey	Millen	Tauke
Clark	Higgins	Miller, A. V.	Tofte
Cochran	Hines	Miller, K. D.	Varley
Connors	Hinkhouse	Monroe	Walter
Crabb	Horn	Nealson	Welden
Crawford	Howell	Newhard	Wells
Cusack	Hullinger	Norland	West
Daggett	Husak	Oakley	Woods
Danker	Hutchins	O'Halloran	Wulff
Dieleman	Jochum	Patchett	Wyckoff
Doyle	Jordan	Pavich	Mr. Speaker (Brunow)
Drake	Junker	Pellett	
Dunton	Koogler	Perkins	

The nays were, none.

Absent or not voting, 9:

Bortell	Gentleman	Kreamer	Nielsen
Den Herder	Jesse	Miller, O. L.	Readinger
Egenes			

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

REPORT OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations has considered **House File 1585**, a bill for an act to make an appropriation for deposit in the energy research and development fund, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass**.

DUNTON of Keokuk, Chair

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **House File 1585**, a bill for an act to make an appropriation for deposit in the energy research and development fund.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1585)

The ayes were, 81:

Anderson	Gentleman	Lageschulte	Poncy
Bennett	Griffee	Lindeen	Rinas
Bina	Halvorson	Lipsky	Scheelhaase
Binneboese	Hansen	Lonergan	Small
Bittle	Hargrave	McElroy	Spear
Branstad	Harper	Menke	Spencer
Brockett	Harvey	Mennenga	Spradling
Byerly	Hennessey	Middleswart	Stromer
Cochran	Higgins	Middleton	Svoboda
Connors	Hines	Millen	Tauke
Crabb	Hinkhouse	Miller, A. V.	Tofte
Crawford	Horn	Miller, K. D.	Varley
Cusack	Howell	Monroe	Walter
Daggett	Hullinger	Nealson	Wells
Dieleman	Husak	Newhard	West
Doyle	Hutchins	Norland	Woods
Drake	Jesse	Oakley	Wulff
Dunton	Jochum	O'Halloran	Wyckoff
Dyrland	Jordan	Pavich	Mr. Speaker (Brunow)
Evans	Junker	Pellett	
Fitzgerald	Krause		

The nays were, 9:

Avenson	Clark	Koogler	Schroeder
Baker	Danker	Perkins	Welden
Brandt			

Absent or not voting, 9:

Bortell	Gilloon	Miller, O. L.	Patchett
Den Herder	Kreamer	Nielsen	Readinger
Egenes			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Cochran in the chair at 7:55 p.m.

INTRODUCTION OF BILL

House File 1589, by committee on appropriations, a bill for an act relating to and appropriating funds for programs for low income and elderly persons.

Read first time and **placed on appropriations calendar.**

HOUSE CONCURRENT RESOLUTION 147

By Middleton, Lipsky, Svoboda, Brandt
Gentleman and Spencer

Whereas, the Iowa State Women's Reformatory at Rockwell City is established to rehabilitate individual offenders of the law; and

Whereas, the purpose of rehabilitation within the corrections community is to return individuals convicted of crimes against the state and private persons to the mainstream of society to lead healthy and productive lives; and

Whereas, there have been several reports and letters of concern that have alleged that the rehabilitation program and implementation of that program is inadequate and ineffective; and

Whereas, there have been reports and letters of concern further alleging that the disciplinary policy and the procedure to appeal from disciplinary policy decisions may not be equitable and proper; and

Whereas, correspondence between the administration and concerned individuals and members of the General Assembly has been unsatisfactory; and

Whereas, it may be desirable to close the Iowa State Women's Reformatory and to establish extensive community programs instead of operating a single penal institution for women; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council establish a committee to investigate during the 1976 interim the rehabilitation program, alternatives to prison confinement, disciplinary policy and appeal procedures from disciplinary decisions by the Rockwell City administration, which committee shall be composed

of female and male members of the House of Representatives and the Senate representing both political parties, and which shall include members of the appropriate standing committees of the House of Representatives and the Senate; and

Be It Further Resolved, That the investigating committee may include nonlegislative members having special knowledge in the fields of penal and correctional facilities, rehabilitation programs and that the committee be authorized to retain, if necessary, consultants and assistants, and that a report of the committee's findings be prepared and submitted to the legislative council and members of the Sixty-seventh General Assembly, 1977 Session, and shall be accompanied by legislative bill drafts designed to carry out the recommendations of the committee.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 148

By Brunow, Brandt, Bortell, Krause, Miller of Buchanan, Menke, Rinas and Schroeder

Whereas, TRACIS was formed in 1970 for the purpose of planning and forming a computer center for the purpose of collecting and dispatching criminal information data to law enforcement agencies; and

Whereas, the criminal information data has not been placed in the computer and is not available to law enforcement agencies throughout the state; and

Whereas, a question has arisen concerning the payment of consulting fees to the Planning Research Corporation; and

Whereas, there is a need for a complete review of the TRACIS program; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a study committee as provided by law, composed of members of the Senate and the House of Representatives representing both political parties, to conduct a study during the 1976 interim relating to the development and operations system of TRACIS in this state and to determine the need for evaluating the operation of the program; and

Be It Further Resolved, That the study committee shall prepare a report of its findings and recommendations and submit it to the legislative council and the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

HOUSE RESOLUTION 120

By Clark, Tauke, Millen, Harvey, Oakley, Stromer, West, Bennett, Nealson, Wulff, Danker, Crabb, Schroeder, Lindeen, Halvorson, Brockett, Drake, Varley and Pellett

Whereas, transportation on the upper Mississippi River provides a vital link to foreign and domestic markets for Iowa products; and

Whereas, 9 million tons of freight are shipped to and from the state of Iowa annually by way of the upper Mississippi River; and

Whereas, Locks and Dam 26 at Alton, Illinois has deteriorated to an obsolete condition; and

Whereas, the closing of Locks and Dam 26 would have a devastating effect on the economy of Iowa as well as on the economies of our sister states; *Now, Therefore,*

Be It Resolved by the House of Representatives, That we appeal to the Iowa Congressional Delegation to make every effort to secure the reconstruction

of Locks and Dam 26 at the earliest possible date; and

Be It Further Resolved, That a copy of this resolution be forwarded to the members of the Iowa Congressional Delegation.

Laid over under Rule 25.

EXPLANATION OF VOTES

I was necessarily absent from the House chamber when the vote was taken on House File 1572. Had I been present I would have voted "aye."

MIDDLETON of Black Hawk

I was necessarily absent from the House chamber when the vote was taken on House File 1583. Had I been present, I would have voted "aye."

WEST of Marshall

I was necessarily absent from the House chamber when the vote was taken on House File 1583. Had I been present, I would have voted "aye."

GENTLEMAN of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 20, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 352, an act relating to dissolution of marriage.

House File 863, an act relating to workmen's compensation laws and providing a civil penalty.

House File 1320, an act to correct an internal Code reference under the individual income tax law.

House File 1321, an act relating to accumulated distributions of trusts under the individual income tax and making the act retroactive.

House File 1408, an act relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision.

House File 1436, an act relating to the State Psychopathic Hospital.

House File 1470, an act relating to the location and construction of electric power generating facilities and providing penalties.

House File 1483, an act relating to the Uniform Guarantee Association Act.

Senate File 357, an act relating to investment by state banks in revenue bonds issued by municipalities in support of industrial projects.

Senate File 487, an act relating to the regulation of savings and loan associations organized under the laws of the State of Iowa.

Senate File 1050, an act relating to the assumption of civil and criminal jurisdiction over Veterans Administration lands within the state.

Senate File 1124, an act making an appropriation to carry out a study

of operational aspects of the Department of Social Services which relate to Title XIX of the United States Social Security Act.

Senate File 1258, an act relating to the establishment of electric utility services areas and to the regulation of rural electric cooperative rates by the State Commerce Commission.

Senate File 1279, an act to legalize and validate the proceedings of the Polk County Commissioner of Elections in connection with an election in and for the City of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto.

Senate File 1283, an act relating to and making an appropriation to the Iowa Beer and Liquor Control Department.

Senate File 1285, an act relating to limiting intermittent employment under the Merit Employment system to a period of not more than one hundred twenty calendar days out of any twelve-month period, temporarily exempting the Department of Social Services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application of the provisions of the act.

REPORTS OF COMMITTEES

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations has considered **House File 1586**, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1587**, a bill for an act to establish a division of employment relations within the state comptroller's office and to establish a joint legislative committee on employment relations and making an appropriation, and begs leave to report it has had the same under consideration and has instructed **me to report the same back** to the House with the recommendation that the **same do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1588**, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1589**, a bill for an act relating to and appropriating funds for programs for low income and elderly persons, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Norland of Worth, from the committee on ways and means, submitted the following report:

MR. SPEAKER: Your committee on ways and means to whom was referred **Senate File 1309**, a bill for an act relating to the exchange of property by the Dubuque community school district to the state of Iowa for the purpose of construction of an armory and conveying land and a building to the Dubuque community school district for school use, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

NORLAND of Worth, Chair

AMENDMENTS FILED

H—6788

Amend amendment H—6755, to Senate amendment H—6726, to House File 1332, as follows:

1. Page 1, lines 44 and 45, by striking the words "valid for operation of motorcycles".

2. Page 6, by inserting after line 29 the following:

"The department may not require a person to whom is issued a valid operator's or chauffeur's license to comply with any other licensing requirement in order to operate a motorized bicycle."

HINES of Story

H—6796

Amend the Senate amendment H—6726 to House File 1332, as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 2 the following:

"..... Page 1, by inserting before line 1 the following:

"Sec. ..... *NEW SECTION.* **Notwithstanding any** provisions to the contrary, an individual operating a motor vehicle on the highways of this state shall not be required to stop or submit to any inspection of the vehicle or person by any designated peace officer or any official exercising the function of a peace officer who is operating a motor vehicle unless such peace officer's motor vehicle bears at

least two labels in a conspicuous place one on each side of the vehicle, each label covering not less **than one square foot of surface, and such vehicle is equipped with roof mounted flashing signal lights.** The provisions of this section shall not be applicable to streets under the jurisdiction and control of municipal governing bodies." "

2. By striking page 1 line 44 through page 2 line 47.

3. Renumber the sections and correct internal references as necessary in conformance with this amendment.

BYERLY of Polk
HORN of Linn

H—6802

Amend House File 1368 as follows:

1. Page 1, by striking lines 1 through 30.

2. By renumbering sections.

3. Amend the title, by striking lines 1 through 3 and inserting in lieu thereof the words "An Act relating to the maximum permissible rate of interest charges on certain loans secured by a mortgage on agricultural land."

SCHROEDER of Pottawattamie

H—6803

Amend amendment H—6173 to House File 1482 as follows:

1. Page 1, line 40, by striking the word "eight" and inserting in lieu thereof the word "seven".

EVANS of Grundy
BROCKETT of Marshall
WELDEN of Hardin

H—6785

Amend the Koogler, et al., amendment, H—6574, to Senate File 368 as amended, passed and reprinted by the Senate as follows:

1. Page 6, by inserting after line 40 the following:

"Sec. 9. Section five hundred fifty-four point two thousand five hundred seven (554.2507), subsection two (2), Code 1975, is amended to read as follows:

2. *a.* Where payment is due and demanded on the delivery to the buyer of goods or documents of title, his right as against the seller to retain or dispose of them is conditional upon his making the payment due.

b. (1) If a commercial buyer of livestock fails to satisfy the payment due, as against all adverse claimants who cannot prove estoppel, a cash seller is entitled to reclaim the livestock from the

commercial buyer, in lieu of recovering the price, upon causing the commercial buyer to receive a written demand for reclamation not later than five business days after receipt of notice of nonpayment.

(2) If the unpaid cash seller's ability to identify the livestock has been impaired by the conduct of the commercial buyer, including ordinary processing, as against all adverse claimants who cannot prove estoppel the cash seller in lieu of recovering the price is entitled, upon causing the commercial buyer to receive a written demand for reclamation of equivalent value not later than five business days after receipt of notice of nonpayment, to reclaim equivalent value determined as of the date of receipt by the commercial buyer of the written demand. A written demand for reclamation of equivalent value entitles a cash seller to reclaim any livestock or livestock products of the commercial buyer, designated by the cash seller in the written demand or otherwise, which are not identifiable as those of another cash seller and which have not been sold by the commercial buyer to a buyer in the ordinary course under this Article. A written demand for reclamation of equivalent value also entitles a cash seller to reclaim from the commercial buyer cash and noncash proceeds derived from the sale of livestock or livestock products, designated by the cash seller in the written demand or otherwise, which are not identifiable as those of another cash seller.

(3) Except as provided in this subsection, a cash seller may not base a right to reclaim livestock or its designated equivalent value, in lieu of recovery of the price, upon a commercial buyer's fraudulent

Page 2

or innocent representation of ability to pay cash. Successful reclamation of livestock or its designated equivalent value in lieu of recovery of the price excludes all other remedies.

(4) For purposes of paragraph b of this subsection, a cash seller of livestock includes a seller who takes a nonpostdated check within a reasonable time after the cash sale price has been determined and who takes steps not later than five business days after receipt of the check to obtain payment of the check.

(5) The making of a single demand for reclamation within the time specified in subparagraphs one (1) and two (2) of this paragraph is sufficient as a demand both for the livestock and for equivalent value. However, a cash seller shall be entitled to reclaim equivalent value only if and to the extent that identity of the livestock of the cash seller has been impaired."

HUTCHINS of Guthrie
PERKINS of Greene

H—6801

Amend Senate File 1086, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 33 the following section:

"Sec. ..... Section four hundred point thirteen (400.13), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The chief of the fire department and the chief of the police department shall be appointed from the chiefs' civil service eligible lists. Such lists shall be determined by original examination open to all persons applying, whether or not members of the employing city. The chief of a fire department shall have had a minimum of five years' experience in a fire department, *or three years experience in a fire department and two years of comparable experience or educational training.* The chief of a police department shall have had a minimum of five years experience in a public law enforcement agency, *or three years experience in a public law enforcement agency and two years of comparable experience or educational training.* A chief of a police department or fire department shall maintain his civil service rights as determined by section 400.12."

2. By renumbering sections as necessary.

BYERLY of Polk

H—6787

Amend amendment H—6563, to Senate File 1310 as follows:

1. Page 6, by inserting after line 26 the following subsection:

"..... In every malpractice case in which a judgment for the plaintiff is entered the county attorney of the county in which the malpractice took place shall review the record in the case and shall file criminal action against the health care provider involved if in his judgment the record in the case warrants criminal prosecution."

2. Page 6, line 36, by inserting after the word "sum," the words "and to require review of malpractice cases by law enforcement authorities,"

NIELSEN of Polk

H—6786

Amend Senate File 1314 as follows:

1. Page 6, by inserting after line 19 the following:

"It is the intent of the general assembly in appropriating funds in this subsection that the department of social services shall no later than September 1, 1976, increase payments for aid to dependent children by five (5) per cent."

BRANDT of Black Hawk

H—6797

Amend Senate File 1314 as amended, passed, and reprinted by the Senate as follows:

Page 6, by inserting after line 22 the following:

"It is the intent of the general assembly in making the appropriation provided for in this subsection that the department of social services shall increase the maximum reimbursement for intermediate care facilities to twenty-one dollars per day effective not later than September 1, 1976."

HARVEY of Scott

H—6798

Amend Senate File 1314 as amended, passed and reprinted by the Senate, page 8, by inserting after line 5 the following new section:

"Sec. ..... Section two hundred nineteen point fourteen (219.14), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

219.14 CONTRIBUTING TO OWN SUPPORT. Every member of the home who receives a pension, compensation or gratuity from the United States government, or income from any source of more than twenty dollars per month, shall contribute to his or her own maintenance or support while a member of the home. The amount of the contribution and the method of collection shall be determined by the director, but the amount shall in no case exceed the actual cost of keeping and maintaining such a person in the home. The director may require any member of the home to render such assistance in the care of the home and its grounds as his or her psychosocial and physical condition will permit, as a phase of that member's rehabilitation program. The director shall compensate each member who furnishes such assistance at rates established by the director in accordance with the provisions of section fourteen (14) of the United States fair labor standards Act (52 Stat 1068, 29 USC 214), as amended to January 1, 1976."

HUSAK of Tama
CUSACK of Scott

H—6799

Amend Senate File 1314, as amended and passed by the Senate and reprinted, page 12, by inserting after line 8 the following new section:

"Sec. ..... Chapter two hundred thirty-nine (239), Code 1975, is amended by adding the following new section:

NEW SECTION. REIMBURSEMENT OF CERTAIN SCHOOL FEES.

The department shall, when billed, reimburse local public school districts for school fees or book rentals which are mandatory upon all students as a condition

of participation in a particular course or class and are incurred by children who are recipients of assistance under this chapter, are enrolled in that course or class, and have asked the school to seek such reimbursement from the department. The school district shall bill the department in a manner and upon forms prescribed by the department. Nothing in this section shall be construed to require any recipient of assistance under this chapter to identify himself or herself as such to a school district if the recipient does not wish to do so."

MILLER of Buchanan

H—6800

Amend amendment H—6759 to Senate File 1314 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 39, by striking the word "while" and inserting in lieu thereof the word "[while]".

2. Page 1, by striking line 40 and inserting in lieu thereof the words "[attending such meetings. The amount of per]".

WELDEN of Hardin

H—6783

Amend Senate File 1332, as passed by the Senate and reprinted, as follows:

1. Page 1, line 16, by striking the words and figures "twenty million (20,000,000)" and inserting in lieu thereof the words and figures "thirty mlilion (30,000,000)".

2. Page 2, line 1, by striking the words and figures "five million (5,000,000)" and inserting in lieu thereof the words and figures "fifteen million (15,000,000)".

HULLINGER of Decatur
SCHEELHAASE of Woodbury
WYCKOFF of Benton
MILLER of Buchanan
KOOGLER of Mahaska
MIDDLESWART of Warren
MILLER of Cerro Gordo
HINKHOUSE of Cedar

H—6804

Amend Senate File 1333 as passed by the Senate, page 2, by inserting after line 25 the following:

"c. For completion of the Iowa history series project.....$90,000".

HARVEY of Scott
STROMER of Hancock

H—6792

Amend Senate File 1335 as follows:

1. Page 3, line 8, by striking the words and numbers "one hundred eight thousand fourteen dollars ($108,014)" and inserting in lieu thereof the words and numbers "one hundred thirty-one thousand eight hundred and one dollars ($131,801)".

GRIFFEE of Chickasaw

H—6793

Amend Senate File 1335 as follows:

1. Page 2, line 17, by striking the figure "$2,664,173", and inserting in lieu thereof the figure "$2,764,173".

GRIFFEE of Chickasaw

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 8:03 p.m. until 9:00 a.m., Friday, May 21, 1976.

JOURNAL OF THE HOUSE

One Hundred Thirty-first Calendar Day—Eighty-eighth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, MAY 21, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Richard W. Kuhn, pastor of the St. Francis Catholic Church, Fayette, Iowa.

The Journal of Thursday, May 20, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rod Gottula, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

One hundred twenty fifth grade students from Indianola Middle School, Indianola, Iowa, accompanied by Mrs. O'Hair, Miss Degner, Mrs. Biros and Miss Nyswonger. By Middleswart of Warren.

Twenty-four seventh grade students from C.A.L. Community School, Latimer, Iowa, accompanied by Mick West. By Welden of Franklin.

Twenty-five eighth grade students from Wesley-St. Benedict School, Wesley, Iowa, accompanied by Mary Bellinghausen. By Branstad of Winnebago and Krause of Palo Alto.

Fifteen students from Meredith Junior High School, Des Moines, Iowa, accompanied by Nancy Mueller. By Kreamer of Polk.

Fifty-five eighth grade students from St. John's School, Waterloo, Iowa, accompanied by Sister Dolores, Sister Bernadette, Sister Mary Jo, Miss Kitty Horn, Mrs. Etringer and Father John Heenan. By Middleton of Black Hawk.

Sixty students from Interstate 35 School, Truro, Iowa, accompanied by Chuck Dickinson. By Bortell of Madison.

Eight members of the track team from Centerville High School, Centerville, Iowa, accompanied by James Fenton and Juanita Fenton. By Brunow of Appanoose.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House Files 1586, 1587, 1588 and 1589 and Senate Files 1309 and 1332, under Rule 36.

INTRODUCTION OF BILLS

House File 1590, by committee on ways and means, a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities from state individual income taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendents of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations.

Read first time and **placed on the ways and means calendar.**

House File 1591, by committee on appropriations, a bill for an act making an appropriation for the purpose of providing for the development of an interactive computer system encompassing state budgeting and monitoring procedures.

Read first time and **placed on the appropriations calendar.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 21, 1976, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services.

Also: That the Senate has on May 20, 1976, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 1280, a bill for an act correcting erroneous, inconsistent and obsolete sections of the Code.

STEVEN C. CROSS, Secretary

SENATE MESSAGES CONSIDERED

Senate File 1321, a bill for an act relating to the status and power of an entity created under chapter twenty-eight F (28F) of the Code to accomplish joint financing of public works and facilities.

Read first time and referred to **sifting committee.**

Senate File 1336, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces.

Read first time and referred to committee on **appropriations.**

Senate File 1337, a bill for an act making an appropriation for funding of staff for the utilities division of the Iowa state commerce commission.

Read first time and referred to committee on **appropriations.**

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 614

To the Speaker of the House of Representatives and President of the Senate:

We, the undersigned members of the conference committee appointed to consider the differences between the House of Representatives and the Senate on House File 614, a bill for an Act relating to termination of parental rights and adoption and providing penalties, respectfully submit the following report:

That the Senate amendment, H—6243, to House File 614, as amended, passed, and reprinted by the House, be amended as follows:

1. Page 1, line 35, by striking the word "Biological" and inserting in lieu thereof the word "Natural".

2. Page 3, line 19, by striking the words "who is not an agency" and inserting in lieu thereof the words ", other than an agency,".

3. Page 3, line 50, by inserting after the word "two" the word "disinterested".

4. Page 4, by inserting after line 6 the following:

"h. Shall state the purpose of the release, including that if it is not revoked it may be grounds for termination,

and shall fully inform the signing parent of the manner in which the parent may seek to revoke the release."

5. Page 4, lines 24 and 25, by striking the words "filing of a petition for" and inserting in lieu thereof the words "hearing on".

6. Page 4, line 28, by striking the words "revoked and" and inserting in lieu thereof the word "revoked."

7. Page 4, by striking lines 29 and 30 and inserting in lieu thereof the following:

"If, within ninety-six hours of signing the release, a parent petitions to have the release revoked, the juvenile

Page 2

court shall order the release revoked. Otherwise, the juvenile court shall order the release revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. In determining whether good cause, other than fraud, coercion, or misrepresentation, exists for revocation, the juvenile court shall give paramount consideration to the best interests of the child and due consideration to the interests of the parents of the child and of any person standing in the place of the parents."

8. Page 4, line 37, by inserting after the words "A parent" the words "or prospective parent".

9. Page 4, line 45, by inserting after the word "child" the words "or the pregnant woman".

10. Page 5, line 31, by striking the word "biological" and inserting in lieu thereof the word "natural".

11. Page 5, line 33, by striking the word "biological" and inserting in lieu thereof the word "natural".

12. Page 5, line 35, by striking the words "Act or a parent," and inserting in lieu thereof the word "Act."

13. Page 5, by striking lines 36 through 50.

14. Page 6, by striking lines 1 through 7.

15. Page 6, by striking lines 24 through 33.

16. Page 6, line 34, by striking the number "5" and inserting in lieu thereof the number "4".

17. Page 6, line 50, by striking the number "6" and inserting in lieu thereof the number "5".

18. Page 7, line 1, by striking the word "shall" and inserting in lieu thereof the word "may".

19. Page 7, by inserting after line 12 the following:

"6. The juvenile court shall require that every reasonable effort is made to identify, locate, and notice an unidentified and unlocated necessary party. A reasonable effort to notice

Page 3

this necessary party shall not be by published notice which includes the name of any identified necessary party. If the

juvenile court reasonably concludes, upon a proper showing, that the identity and location of the necessary party has not been determined, the juvenile court shall, upon proper findings and order entered of record, dispense with notice to this necessary party."

20. Page 7, by striking lines 29 and 30 and inserting in lieu thereof the words "less than one week after the child is born."

21. Page 9, line 35, by striking the word "biological" and inserting in lieu thereof the word "natural".

22. Page 9, line 41, by striking the word "biological" and inserting in lieu thereof the word "natural".

23. Page 13, line 13, by striking the word "biological" and inserting in lieu thereof the word "natural".

24. Page 15, line 18, by striking the word "biological" and inserting in lieu thereof the word "natural".

25. Page 15, line 24, by striking the word "biological" and inserting in lieu thereof the word "natural".

26. Page 15, line 28, by striking the word "biological" and inserting in lieu thereof the word "natural".

27. Page 15, line 29, by striking the word "biological" and inserting in lieu thereof the word "natural".

28. Page 15, line 33, by striking the word "biological" and inserting in lieu thereof the word "natural".

29. Page 15, line 38, by striking the word "biological" and inserting in lieu thereof the word "natural".

30. Page 19, line 48, by striking the word "biological" and inserting in lieu thereof the word "natural".

31. Page 20, line 3, by striking the word "biological" and inserting in lieu thereof the word "natural".

32. Page 20, line 8, by striking the word "biological" and inserting in lieu thereof the word "natural".

33. Page 20, line 8, by striking the words "parents,

Page 4

unless" and inserting in lieu thereof the words "parents.".

34. Page 20, by striking lines 9 through 11 and inserting in lieu thereof the following: "A natural parent may file an affidavit requesting that the court reveal or not reveal the parent's name. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records. If the adopted person who".

35. Page 20, line 12, by striking the word "biological" and inserting in lieu thereof the word "natural".

36. Page 20, line 18, by striking the word "biological" and inserting in lieu thereof the word "natural".

37. Page 20, line 29, by striking the word "biological" and inserting in lieu thereof the word "natural".

38. Page 20, line 33, by striking the word "biological" and inserting in lieu thereof the word "natural".

39. Page 20, line 36, by striking the word "biological" and inserting in lieu thereof the word "natural".

40. Page 20, by striking lines 46 through 50.

41. Page 21, by striking lines 1 through 45 and renumbering the bill sections accordingly.

42. Page 22, line 4, by striking the word "biological" and inserting in lieu thereof the word "natural".

On the Part of the Senate:	On the Part of the House:
MINNETTE DODERER	M. PETER MIDDLETON, Chair
WILLIAM E. GLUBA	THOMAS J. HIGGINS
JAMES M. REDMOND	JOAN LIPSKY
ELIZABETH SHAW	BRICE C. OAKLEY

SPONSOR WITHDRAWN
(House Concurrent Resolution 147)

Spencer of Clay requests to be withdrawn as a sponsor of **House Concurrent Resolution 147.**

COMMUNICATION FROM THE IOWA CRIME COMMISSION

There is on file in the office of the Chief Clerk a report of activities from the Iowa Crime Commission, submitted pursuant to Chapter 80C.4, Code of Iowa.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **Senate File 1332,** a bill for an act making appropriations to the department of transportation for designated capital transportation projects, with report of committee recommending amendment and passage.

Brunow of Appanoose offered the following amendment H—6782 filed by the committee on appropriations:

H—6782

Amend Senate File 1332 as amended, passed, and reprinted by the Senate as follows:

By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 to the department of transportation the following amounts to be used in the manner designated.

1. For public transit purposes to implement a state assistance plan $2,000,000

2. For railroad assistance in cluding but not limited to branch-

line improvement, terminal car control analysis, rail inspections, and special hearings $3,000,000

Sec. 2. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 the sum of twelve million (12,000,000) dollars, or so much thereof as is necessary, to be deposited in the road use tax fund.

Sec. 3. Unencumbered or unobligated funds appropriated by this Act, except funds appropriated for railroad assistance and for deposit in the road use tax fund remaining on June 30, 1980 shall revert to the general fund of the state on September 30, 1980."

Krause of Palo Alto offered the following amendment H—6795, to the committee amendment H—6782, filed by him and Drake of Muscatine from the floor:

H—6795

Amend the committee on appropriations amendment, H—6782, to Senate File 1332 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 3, by inserting before the word "by" the figure "1.".

2. Page 1, by striking line 25 and inserting in lieu thereof the following: "the general fund of the state on September 30, 1980.

Sec. 4. Chapter four hundred eighty-three (483), Code 1975, is amended by striking the chapter.

3. Page 1, by inserting after line 25 the following new sections:

Sec. 5. *NEW SECTION.* As used in this chapter, unless the context otherwise requires:

1. "District" means a railroad district established under the provisions of this chapter.

2. "Department" means the state department of transportation.

3. "Board" means the transportation regulation board.

4. "Railroad corporation" means any corporation organized under the laws of this state or any other state for the purpose of operating a railroad within this state.

5. "Control county" means the county designated by the department to administer the election procedures and hold hearings within a railroad district or a proposed railroad district.

6. "Railroad" means roadbeds, track, track structure, and other appurtenances of railroad right-of-way of railroad branch lines.

Sec. 6. *NEW SECTION.* It is declared to be the policy of the state of Iowa and the objective of this chapter to allow citizens to act in the public interest to form a railroad district for the restoration,

conservation, purchase or improvement of a raiload. The establishment of such a distict is in all respects for the benefit of the people of the state of Iowa for the improvement and promotion of the economy, which is a public purpose. The funds for the restoration, conservation, purchase, or improvement shall be derived from a vote of the qualified electors of the district for a tax not to exceed eighty-one cents per thousand dollars of assessed value. The number of years in which it shall be levied and paid shall not exceed twenty years. All of the purposes stated in this chapter are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned or granted.

Sec. 7. *NEW SECTION.* The department may develop

Page 2

a proposed railroad district and a preliminary recommendation concerning the desirability and necessity of the creation of such a district within thirty days of the receipt of a petition signed by at least ten eligible electors of the area to be included in the district. The petition shall describe the territory proposed to be organized as a district which description shall not be required to be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate. The department shall determine the control county for the district.

Sec. 8. *NEW SECTION.* The board of supervisors of the control county shall publish notice of the proposed hearing upon the question of desirability and necessity of the creation of a railroad district within thirty days of receipt of the proposed plan from the department. The notice shall be published once in an official newspaper of each county with territory in the proposed district at least five days prior to the date of hearing. All eligible electors of the proposed district and all other interested parties shall have the right to attend such hearing and to be heard. In addition to the presentation of proposed boundaries of the district the department shall discuss the desirability and necessity of the proposed district. If it appears at the hearing that it is desirable to include within the proposed district territory outside the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given through the entire area considered for inclusion in the district and such further hearing held.

Sec. 9. *NEW SECTION.* Following the hearing, the department shall file a recommendation with the control county concerning the creation of the railroad district. If the recommendation is for the creation

of the district, a referendum shall be held in the proposed railroad district within sixty days of the recommendation. If the recommendation is to revise the plan, a revised plan shall be submitted to the control county board of supervisors by the department within sixty days of the recommendation and a referendum shall be held within sixty days of the receipt of this revised plan. A recommendation to not create the district may be overturned by a petition of fifty or more eligible electors of the proposed railroad district. In such case the proposal to create the district shall be submitted to the voters

Page 3

at a referendum to be held within sixty days of the date the petition was received.

Sec. 10. *NEW SECTION.* The board of supervisors of the control county shall hold a referendum within the proposed railroad district upon the question of the creation of the district and at the same time, hold an election to elect the first trustees of the district. Notice of the referendum and election shall be given in the manner provided under section forty-nine point fifty-three (49.53) of the Code.

Sec. 11. *NEW SECTION.* Petitions nominating candidates for trustees shall be filed with the control county commissioner of elections at least thirty days prior to the election and shall be made according to section forty-five point three (45.3) of the Code. An eligible elector of the district may not sign more than three such petitions.

Sec. 12. *NEW SECTION.* Trustees shall be elected for six-year terms. However, at the first election, the trustee receiving the highest number of votes shall serve a term of six years, the trustee receiving the second highest number of votes shall serve a term of four years and the trustee receiving the third highest number of votes shall serve a term of two years. The term of office for trustees shall commence upon receipt of the certificate of election. A bond shall not be required of railroad district trustees. Vacancies shall be filled by appointment by the trustees until the vacancy can be filled pursuant to section sixty-nine point twelve (69.12) of the Code.

Sec. 13. *NEW SECTION.* Two ballots, one containing the public question "Shall a railroad district described as follows be created" and the other, the candidates for trustees, shall be submitted upon request to each qualified elector of the district. The control county commissioner of elections shall cause the ballots to be printed.

Sec. 14. *NEW SECTION.* The polling places for all elections for railroad districts shall be designated by county commissioner of elections and may

be the office of the county commissioner of elections in each county in which any territory of the district lies. Subsequent elections for railroad district trustees shall be held biennially as close to the anniversary of the original election as possible and pursuant to the provisions of section thirty-nine point two (39.2) of the Code.

Sec. 15. *NEW SECTION.* The vote of any elections held for a railroad district shall be canvassed on

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Monday following the election if the district lies wholly within one county. If the district lies within more than one county the noncontrol counties shall canvass the vote on the second day following the election and certify the result to the control county by noon on the Monday following the election. If a majority of the votes cast on the question "Shall a railroad district be created?" do not favor creation of the district, the vote to elect trustees shall be void.

Sec. 16. *NEW SECTION.* The trustees of a railroad district shall have all powers listed in sections seventeen (17) through nineteen (19) of this Act and may receive and accept gifts, grants, loans, or other aid from any public or private entities.

Sec. 17. *NEW SECTION.* The trustees may on their own initiative or upon receipt of a petition from ten eligible electors of the district request the control county commissioner of elections to call a referendum on either of the following public questions:

1. Shall a tax of not to exceed _____ be levied against the value of the real property within the district?

2. Shall the trustees of the district be authorized to issue bonds in the amount of _____ and levy a tax for the retirement of the bonds and interest thereon?

If a majority of the votes cast are in favor of question one or sixty percent of the votes cast are in favor of question two, the tax shall be levied by the board of supervisors and collected at the same time and in the same manner as other property taxes. This tax shall not be levied more than once, unless a written agreement pursuant to section eighteen (18) of this Act has been made. The referendum shall state the purposes for which it is proposed to vote the taxes, the maximum rate of tax proposed, the number of years not exceeding twenty in which it shall be levied and paid in equal installments, and the location of the railroad for which it is proposed to improve, restore, purchase, or conserve.

Sec. 18. *NEW SECTION.* Prior to expenditure of any funds derived from section six (6) of this Act, the trustees shall enter into a written agreement

with the department and railroad corporation for the purpose specified in the referendum according to the provisions of section sixteen (16) of this Act.

Sec. 19. *NEW SECTION.* All moneys collected under this chapter shall be placed in the Iowa railroad assistance fund. Not later than December 15 or June

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15 of each year in which the tax is collected, the county auditor shall transmit the amount of tax levied and collected, by warrant, to the treasurer of state who shall credit it to the railroad assistance fund. Moneys levied and collected for the purpose of retiring general obligation bonds and paying interest on such bonds shall be held as a sinking fund in the railroad assistance fund and disbursed by the trustees for retirement and interest payment of these bonds. Pursuant to the agreement as specified in section eighteen (18) of this Act, the trustees shall submit a certified claim to the state comptroller directing that a warrant be issued against the railroad assistance fund. Funds transmitted to the Iowa railroad assistance fund under the provisions of this section shall be used for the purposes provided for in chapter four hundred eighty-three (483) of the Code.

Sec. 20. *NEW SECTION.* A railroad district shall be dissolved twenty years after its creation if all bonds have been retired and all obligations fulfilled, unless a petition by ten eligible electors objecting to the dissolution is filed with the trustees. The trustees shall notify the department and the control county board of supervisors of this petition. The control county board of supervisors shall hold a hearing on the proposed dissolution of the railroad district and cause a notice of such hearing to be published according to section eight (8) of this Act. At the hearing the department shall present a recommendation on the desirability of dissolution of the railroad district and such recommendation shall be accepted unless a written objection is given to the board within ten days of the hearing. Upon receipt of such objection the board shall make final determination if the district shall be dissolved or retained.

Sec. 21. *NEW SECTION.* Should the taxes voted for the railroad district under the provisions of this chapter remain in the railroad assistance fund for more than one year after the terms of the agreement have expired, the right to the undistributed unencumbered taxes and the money shall revert to the general fund of the county from which it was originally collected in proportion to the taxes levied and collected for this fund in the most recent collection

year.

Sec. 22. *NEW SECTION.* The provisions of chapters thirty-nine (39) through fifty-three (53) of the Code shall apply to the conduct of elections held for the

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railroad district, except as otherwise specifically provided in this chapter.

Sec. 23. If any part or provision of this Act or the application thereof to any person or circumstances is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other parts or provisions or applications of the Act which can be given effect without the invalid or unenforceable parts or provisions or application, and to this end the parts and provisions of this Act are declared to be severable."

3. Page 1, by inserting after line 25 the following:

"..... Amend the title by striking lines 1 and 2 and inserting in lieu thereof the following:

"An Act relating to transportation, by creating rail districts, providing a tax, and providing for an appropriation to the department of transportation." "

Husak of Tama rose on a point of order that amendment H—6795 was not germane.

The Speaker propounded the question to the House.

A non-record roll call was requested.

The ayes were 47, nays 32.

Amendment H—6795 was ruled germane.

Fitzgerald of Webster moved the previous question on Senate File 1332.

A non-record roll call was requested.

The ayes were 54, nays 40.

The motion prevailed.

Krause of Palo Alto moved the adoption of amendment H—6795, to the committee amendment H—6782.

Roll call was requested by Danker of Pottawattamie and Avenson of Fayette.

Rule 69 was invoked.

On the question "Shall amendment H—6795, to amendment H—6782, be adopted?"

The ayes were, 56:

Anderson	Dyrland	Hullinger	Pavich
Avenson	Evans	Hutchins	Poncy
Bina	Fitzgerald	Jesse	Readinger
Bittle	Gentleman	Jochum	Small
Brandt	Gilloon	Krause	Spencer
Brunow	Griffee	Mennenga	Spradling
Connors	Halvorson	Middleton	Stromer
Crawford	Hansen	Millen	Svoboda
Cusack	Hargrave	Miller, A. V.	Tauke
Den Herder	Harper	Monroe	Varley
Dieleman	Higgins	Newhard	Walter
Doyle	Hines	Norland	Wells
Drake	Horn	O'Halloran	Wulff
Dunton	Howell	Patchett	Mr. Speaker

The nays were, 35:

Baker	Danker	Lageschulte	Pellett
Bennett	Egenes	Lindeen	Perkins
Binneboese	Harvey	Lipsky	Scheelhaase
Bortell	Hinkhouse	Lonergan	Spear
Branstad	Husak	McElroy	Tofte
Brockett	Jordan	Menke	Welden
Clark	Junker	Middleswart	West
Crabb	Koogler	Miller, O. L.	Wyckoff
Daggett	Kreamer	Nealson	

Absent or not voting, 8:

Byerly	Miller, K. D.	Oakley	Schroeder
Hennessey	Nielsen	Rinas	Woods

Amendment H—6795 was adopted.

Brunow of Appanoose moved the adoption of amendment H—6782, as amended.

Amendment H—6782, as amended, was adopted.

With the adoption of amendment H—6782, the following amendments are out of order:

H—6732 filed by Wulff of Black Hawk on May 18, 1976, and found on page 2877 of the House Journal.

H—6783 filed by Hullinger, et al., on May 20, 1976, and found on page 2982 of the House Journal.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1332)

The ayes were, 71:

Anderson	Binneboese	Branstad	Crawford
Avenson	Bittle	Brunow	Cusack
Baker	Bortell	Clark	Den Herder
Bina	Brandt	Connors	Dieleman

Doyle	Hennessey	Lonergan	Poncy
Dunton	Higgins	McElroy	Readinger
Dyrland	Hines	Mennenga	Scheelhaase
Egenes	Hinkhouse	Middleswart	Small
Evans	Horn	Miller, A. V.	Spear
Fitzgerald	Howell	Miller, K. D.	Spencer
Gentleman	Hullinger	Monroe	Spradling
Gilloon	Hutchins	Newhard	Svoboda
Griffee	Jesse	Norland	Varley
Halvorson	Jochum	Oakley	Walter
Hansen	Jordan	O'Halloran	Woods
Hargrave	Junker	Patchett	Wulff
Harper	Krause	Pavich	Mr. Speaker
Harvey	Lindeen	Perkins	

The nays were, 21:

Bennett	Husak	Millen	Tauke
Brockett	Koogler	Miller, O. L.	Tofte
Crabb	Lageschulte	Nealson	Welden
Daggett	Lipsky	Pellett	West
Danker	Menke	Stromer	Wyckoff
Drake			

Absent or not voting, 7:

Byerly	Middleton	Rinas	Wells
Kreamer	Nielsen	Schroeder	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

RULE 48 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 48 for the committee on appropriations subcommittee on education meeting.

SENATE AMENDMENT CONSIDERED
(House Refuses to Concur)

Cusack of Scott called up for consideration **House File 1539,** a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6781

Amend House File 1539 as amended and passed by the House by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state to the department of social services, division of adult corrections, the following amounts, or so much thereof as is necessary, to be used in the manner designated:

1. For replacement of federal funds for community-based correction programs, the establishment of residential half-way houses and pre-institutional residential facilities and for operating costs of such half-way houses and pre-institutional residential facilities $2,750,000

2. For additional staff and remodeling of the Riverview Release Center in order to develop it to full capacity ..... $ 158,000

3. To convert and improve the dormitory at farm 3 at the State Penitentiary, Fort Madison ..... $ 50,000

4. For construction of a medium security facility on state-owned land at Oakdale on and immediately adjacent to the grounds of the Iowa Security Medical Facility $5,536,000

5. For the maintenance and operation of the medium security facility at Oakdale $1,100,000

6. For additional probation, parole and clerical staff ..... $ 400,000

7. For additional personnel for the State Penitentiary at Fort Madison ..... $ 537,000

8. For additional personnel for the State Reformatory at Anamosa ..... $ 205,200

Sec. 2. There is appropriated from the general fund of the state to the Iowa drug abuse authority the sum of two hundred ten thousand (210,000) dollars, or so much thereof as is necessary, for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to be used to provide aid for the alternatives in drug abuse prevention and treatment program.

Sec. 3. Within six months of the establishment of any residential half-way house or pre-institutional residential facility pursuant to subsection 1 of section 1 of this Act, the division of adult corrections shall, if at all practicable, contract with the community-based correctional program as defined in section two hundred seventeen point twenty-four (217.24) of the Code, in the judicial district where established, for the control and operation of that house or facility.

Sec. 4. Unobligated or unencumbered funds remaining on June 30, 1980 from the funds appropriated by section

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one (1) of this Act for capital improvements and used for such purposes shall revert to the general fund of the state on September 30, 1980. Unobligated or unencumbered funds remaining on June 30, 1977 from funds appropriated by section one (1) of this Act for staff services, or purposes other than capital improvements, shall revert to the general fund on September 30, 1977.

Sec. 5. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth

in such federal grants or receipts.

Sec. 6.

1. It is the intent of the general assembly to seek an analysis of the state's total adult corrections system, independent of advice thus far received, from qualified persons chosen by the judicial, executive and legislative branches of state government, and to consider this analysis before deciding upon a long-term program to update the state's prisons and make their capacity adequate for the actual needs of the state.

2. To carry out the intent expressed in subsection one (1) of this section, there is created as a temporary body the advisory commission on corrections relief composed of six persons, none of whom shall be members of or candidates for election to the general assembly during their tenure on the commission, two of whom shall be appointed by the chief justice of the Iowa supreme court, two by the governor and two by the legislative council. These appointments shall be made within thirty days after the effective date of this Act. The members of the commission who are not state employees shall be entitled to receive forty dollars per diem for each day devoted to their duties as commission members. All members shall receive reimbursement for expenses actually and necessarily incurred in discharge of these duties. Staff assistance shall be provided to the commission by the legislative service bureau.

To further carry out the intent expressed in subsection one (1) of this section, the advisory commission shall hire professional corrections consultants to evaluate the state's correctional needs. For that purpose there is appropriated from the general fund of the state to the advisory commission on corrections relief the sum of, or so much thereof as is necessary, one hundred thousand (100,000) dollars. Unobligated or unencumbered funds remaining on January 1, 1977 from this appropriation shall revert to the general

Page 3

fund of the state forthwith. The evaluation established by this subsection shall include, but need not be limited to, the information sought by subsection three (3) of this section. This evaluation shall be completed and submitted to the legislative council by January 1, 1977, and it shall be submitted along with the final report required by subsection three (3) of this section.

3. The commission shall make such interim progress reports as the legislative council may request, and shall submit a final report not later than March 1, 1977. The final report shall include, but need not be limited to, information concerning:

a. Whether present major correctional facilities

in the state are sufficient to contain and treat current and foreseeable populations of adult male and female offenders.

b. Whether present community corrections facilities are sufficient for male or female offenders.

c. The need for more medium security institutions in this state, in the form of either new construction or of modification of one or more existing state facilities.

d. The alternatives to construction as contemplated by paragraph b of this subsection.

e. The economic and other impacts of construction of new facilities or modification of existing ones on community corrections facilities and the philosophy of community placement in this state.

f. The appropriate actions for the legislative and executive branches of Iowa government in resolving the conflicting demands and proposals for relief of Iowa's corrections problems.

4. There is appropriated from the general fund of the state to the legislative service bureau for the fiscal period beginning July 1, 1976, to be used for the per diem and expenses of members of the advisory commission on corrections relief and for other expenses incidental for the study, the sum of ten thousand (10,000) dollars or so much thereof as may be necessary. The legislative service bureau may expend other funds available to it to carry out this Act. The commission is abolished July 1, 1977.

Sec. 7. The department of social services, division of community services, shall fully terminate the program at the state juvenile home at Toledo not later than January 1, 1978. Program alternatives shall be developed at the community level and at private treatment centers. The department is instructed to submit to the general assembly not later than February

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15, 1977 a plan to accomplish this change which shall identify alternative programs to be utilized, a disposition plan for the Toledo campus and funding requirements to implement the plan."

A non-record roll call was requested.

The ayes were 13, nays 75.

The motion lost and the House refused to concur in the Senate amendment H—6781.

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **Senate File 1314**, a bill for an act making appropriations to the department of social services to fund current programs under the jurisdiction of the department, with report of committee recommending amendment and passage.

Lipsky of Linn offered the following amendment H—6752 filed by her and considered first by unanimous consent:

H—6752

Amend Senate File 1314 as passed and reprinted by the Senate, as follows:

1. Page 6, line 22, by striking the figure "50,000,000" and inserting in lieu thereof the figure "53,000,000".

Fitzgerald of Webster moved the previous question on Senate File 1314, and all motions and amendments filed thereto.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 56, nays 34.

The motion prevailed.

Brunow of Appanoose in the chair at 11:17 a.m.

Lipsky of Linn moved the adoption of amendment H—6752.

Roll call was requested by Lipsky of Linn and Scheelhaase of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—6752 be adopted?"

The ayes were, 29:

Bennett	Drake	Kreamer	Readinger
Bittle	Egenes	Lindeen	Schroeder
Bortell	Gentleman	Lipsky	Stromer
Brandt	Harvey	McElroy	Tauke
Brockett	Hines	Middleton	Tofte
Clark	Jochum	Millen	Varley
Crawford	Junker	Oakley	Wulff
Daggett			

The nays were, 67:

Anderson	Evans	Jordan	Pellett
Avenson	Fitzgerald	Koogler	Perkins
Baker	Gilloon	Krause	Poncy
Bina	Griffee	Lageschulte	Rinas
Binneboese	Halvorson	Lonergan	Scheelhaase
Branstad	Hansen	Menke	Spear
Byerly	Hargrave	Mennenga	Spencer
Cochran	Harper	Middleswart	Spradling
Connors	Hennessey	Miller, A. V.	Svoboda
Crabb	Higgins	Miller, K. D.	Walter
Cusack	Hinkhouse	Miller, O. L.	Welden
Danker	Horn	Monroe	Wells
Den Herder	Howell	Nealson	West
Dieleman	Hullinger	Nielsen	Woods
Doyle	Husak	Norland	Wyckoff
Dunton	Hutchins	O'Halloran	Mr. Speaker (Brunow)
Dyrland	Jesse	Pavich	

Absent or not voting, 3:
Newhard Patchett Small

Amendment H—6752 lost.

Speaker Cochran in the chair at 11:28 a.m.

(Senate File 1314 pending at recess.)

CONFERENCE COMMITTEE APPOINTED
(House File 584)

The Speaker announced the appointment of the conference committee to consider the difference between the House and the Senate concerning **House File 584**: Jesse of Polk, chair; Small of Johnson, Monroe of Des Moines, Egenes of Story and Varley of Adair.

CONFERENCE COMMITTEE APPOINTED
(Senate File 1191)

The Speaker announced the appointment of the conference committee to consider the difference between the House and the Senate concerning **Senate File 1191**: Griffee of Chickasaw, chair; Dyrland of Clayton, Anderson of Jasper, Wulff of Black Hawk, and Crabb of Crawford.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows for the remainder of the day:

Menke of O'Brien on request of Hansen of O'Brien; Pellett of Cass on request of Danker of Pottawattamie; Junker of Woodbury on request of Wyckoff of Benton; Nealson of Muscatine, Crabb of Crawford, Drake of Muscatine, and Lipsky of Linn on request of Millen of Van Buren.

BUSINESS PENDING

The House resumed consideration of Senate File 1314, a bill for an act making appropriations to the department of social

services to fund current programs under the jurisdiction of the department.

Cusack of Scott offered the following amendment H—6759 filed by the committee on appropriations:

H—6759

Amend Senate File 1314 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 17, by striking the figure "II" and inserting in lieu thereof the figure "I".

2. Page 6, by inserting after line 19 the following:

"It is the intent of the general assembly in appropriating funds in this subsection that, notwithstanding the provisions of section two hundred thirty-nine point eighteen (239.18), of the Code, the department of social services shall not reduce the standard of payment for recipients in the aid to dependent children program or establish eligibility criteria for recipients in the aid to dependent children program which are more restrictive than federal regulations."

3. Page 6, line 28, by striking the word "current".

4. Page 8, by inserting after line 5 the following:

"Sec. ..... Section two hundred seventeen point three (217.3), subsection two (2), Code 1975, is amended to read as follows:

2. Adopt and establish policy for the operation and conduct of the department of social services, *subject to any guidelines which may be adopted by the general assembly,* and the implementation of all services and programs thereunder.

Sec. ..... Section two hundred seventeen point four (217.4), Code 1975, is amended to read as follows:

217.4 MEETINGS OF COUNCIL. The council shall meet at least [four times a year] *monthly.* [Special] *Additional* meetings shall be called by the [chairman] *chairperson* or upon written request of any three members thereof *as necessary to carry out the duties of the council.* The [chairman] *chairperson* shall preside at all meetings or in [his] *the* absence *of the chairperson* the vice [chairman] *chairperson* shall preside. The members of the council shall be paid a per diem of forty dollars per day [while in session,] and their reasonable and necessary expenses while attending [such] *council* meetings. [The amount of per diem any one member may receive in any fiscal year beginning with the date of employment shall not exceed eight hundred dollars.]"

5. Page 11, line 25, by striking the word "January" and inserting in lieu thereof the word "July".

6. By renumbering and correcting internal references as necessary.

7. Amend the title by inserting after the word "Act" the words "relating to and".

Brandt of Black Hawk offered the following amendment H—6805, to the committee amendment H—6759, filed by her from the floor and moved its adoption:

H—6805

Amend H—6759 to Senate File 1314 as follows:
1. By striking lines 7 through 16 and inserting in lieu thereof the following:
"It is the intent of the general assembly in appropriating funds in this subsection that the department of social services shall no later than September 1, 1976, increase payments for aid to dependent children by five (5) per cent."
"It is the further intent of the general assembly in appropriating funds in this subsection that, notwithstanding the provision of section two hundred thirty-nine point eighteen (239.18), of the Code, the department of social services shall not establish eligibility criteria for recipients in the aid to dependent children program which are more restrictive than federal regulations."

Amendment H—6805 lost.

Welden of Hardin offered the following amendment H—6800, to the committee amendment H—6759, filed by him and moved its adoption:

H—6800

Amend amendment H—6759 to Senate File 1314 as amended, passed and reprinted by the Senate as follows:
1. Page 1, line 39, by striking the word "while" and inserting in lieu thereof the word "[while]".
2. Page 1, by striking line 40 and inserting in lieu thereof the words "[attending such meetings. The amount of per]".

Amendment H—6800 was adopted.

Cusack of Scott moved the adoption of amendment H—6759, as amended.

Amendment H—6759, as amended, was adopted.

Daggett of Adams offered the following amendment H—6679 filed by him and moved its adoption:

H—6679

Amend Senate File 1314 as amended and passed by the Senate and reprinted as follows:
1. Page 5, line 5, by striking the

figures "4,780,000" and inserting in lieu thereof the figures "4,861,725".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 22, nays 51.

Amendment H—6679 lost.

Cusack of Scott asked and received unanimous consent to withdraw amendment H—6661 filed by Cusack, et al., on May 13, 1976, and found on page 2755 of the House Journal.

Amendment H—6786 filed by Brandt of Black Hawk on May 20, 1976, and found on page 2980 of the House Journal was out of order.

Brunow of Appanoose in the chair at 4:59 p.m.

Harvey of Scott offered the following amendment H—6797 filed by him and moved its adoption:

H—6797

Amend Senate File 1314 as amended, passed, and reprinted by the Senate as follows:

Page 6, by inserting after line 22 the following:

"It is the intent of the general assembly in making the appropriation provided for in this subsection that the department of social services shall increase the maximum reimbursement for intermediate care facilities to twenty-one dollars per day effective not later than September 1, 1976."

Amendment H—6797 lost.

Husak of Tama offered the following amendment H—6798 filed by Cusack of Scott and him and moved its adoption:

H—6798

Amend Senate File 1314 as amended, passed and reprinted by the Senate, page 8, by inserting after line 5 the following new section:

"Sec. ..... Section two hundred nineteen point fourteen (219.14), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

219.14 CONTRIBUTING TO OWN SUPPORT. Every member of the home who receives a pension, compensation or gratuity from the United States government, or income from any source of more than twenty dollars per month, shall contribute to his or her own maintenance or support while a member of the home. The amount of the contribution and the method of collection shall

be determined by the director, but the amount shall in no case exceed the actual cost of keeping and maintaining such a person in the home. The director may require any member of the home to render such assistance in the care of the home and its grounds as his or her psychosocial and physical condition will permit, as a phase of that member's rehabilitation program. The director shall compensate each member who furnishes such assistance at rates established by the director in accordance with the provisions of section fourteen (14) of the United States fair labor standards Act (52 Stat 1068, 29 USC 214), as amended to January 1, 1976."

Amendment H—6798 was adopted.

Miller of Buchanan offered the following amendment H—6753 filed by him and moved its adoption:

H—6753

Amend Senate File 1314 as amended, passed and reprinted by the Senate, page 12, by inserting after line 8 the following new section:

"Sec. ..... *NEW SECTION.* DISPOSITION OF CERTAIN FEDERAL FUNDS. The funds made available by the federal government to this state under United States public law ninety-three dash six hundred forty-seven (93-647), hereafter referred to in this section as title twenty (XX), shall be distributed by the department of social services to the department's offices within the respective counties at the rate of eight dollars per capita, based on the total population of the respective counties, for the 1976-77 fiscal year. For each fiscal year thereafter, title twenty (XX) funds made available by the federal government to this state shall be distributed by the department to its offices within the respective counties on an equal per capita basis in each county. The funds so distributed shall be used in the manner and for the purposes authorized by title twenty (XX) and federal regulations adopted thereunder."

A non-record roll call was requested.

The ayes were 20, nays 55.

Amendment H—6753 lost.

Miller of Buchanan offered the following amendment H—6799 filed by him and moved its adoption:

H—6799

Amend Senate File 1314 as amended and passed by the Senate and reprinted, page 12, by inserting after line 8 the following new section:

"Sec. ..... Chapter two hundred thirty-nine (239),

Code 1975, is amended by adding the following new section:

NEW SECTION. REIMBURSEMENT OF CERTAIN SCHOOL FEES.

The department shall, when billed, reimburse local public school districts for school fees or book rentals which are mandatory upon all students as a condition of participation in a particular course or class and are incurred by children who are recipients of assistance under this chapter, are enrolled in that course or class, and have asked the school to seek such reimbursement from the department. The school district shall bill the department in a manner and upon forms prescribed by the department. Nothing in this section shall be construed to require any recipient of assistance under this chapter to identify himself or herself as such to a school district if the recipient does not wish to do so."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 24, nays 38.

Amendment H—6799 lost.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1314)

The ayes were, 86:

Anderson	Evans	Koogler	Readinger
Avenson	Fitzgerald	Krause	Rinas
Baker	Gentleman	Lageschulte	Scheelhaase
Bennett	Gilloon	Lindeen	Schroeder
Bina	Griffee	Lonergan	Small
Binneboese	Halvorson	Mennenga	Spear
Bortell	Hansen	Middleswart	Spencer
Brandt	Hargrave	Middleton	Spradling
Branstad	Harper	Millen	Stromer
Byerly	Harvey	Miller, A. V.	Svoboda
Clark	Hennessey	Miller, K. D.	Tauke
Cochran	Higgins	Miller, O. L.	Varley
Connors	Hines	Monroe	Walter
Crawford	Hinkhouse	Newhard	Welden
Cusack	Horn	Nielsen	Wells
Daggett	Howell	Norland	West
Den Herder	Hullinger	Oakley	Woods
Dieleman	Husak	O'Halloran	Wulff
Doyle	Hutchins	Patchett	Wyckoff
Dunton	Jesse	Pavich	Mr. Speaker (Brunow)
Dyrland	Jochum	Perkins	
Egenes	Jordan	Poncy	

The nays were, 1:
Danker

Absent or not voting, 12:

Bittle	Drake	Lipsky	Nealson
Brockett	Junker	McElroy	Pellett
Crabb	Kreamer	Menke	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

IMMEDIATE MESSAGE
(Senate File 1314)

Cusack of Scott asked and received unanimous consent that **Senate File 1314** be **immediately messaged** to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall for the remainder of the day on request of West of Marshall; Halvorson of Clayton for the remainder of the day on request of Avenson of Fayette.

REPORT OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1261**, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6815

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

1. Page 2, by striking lines 4 through 35.

2. Page 3, by striking lines 1 through 7 and inserting in lieu thereof the following:

"Sec. ..... There is appropriated from the general fund of the state to the higher education facilities commission for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the following sums, or so much thereof as may be necessary, to be used for the funding of the following programs for the purposes designated:

	1976-1977 Fiscal Year
1. HIGHER EDUCATION FACILITIES	

COMMISSION
For salaries, support, maintenance and miscellaneous purposes ..... $ 193,000
2. TUITION GRANT PROGRAM
To finance tuition grants to full-time resident students attending accredited private institutions of higher education in Iowa under sections two hundred sixty-one point nine (261.9) to two hundred sixty-one point sixteen (261.16) of the Code $9,500,000
3. SCHOLARSHIP PROGRAM
To finance scholarships awarded by the higher education facilities commission under subsection four (4) of section two hundred sixty-one point two (261.2).. of the Code ..... $ 350,000
4. VOCATIONAL-TECHNICAL TUITION GRANTS
To finance tuition grants to full-time resident students attending a vocational-technical program at an area school in the state under section two hundred sixty-one point seventeen (261.17) of the Code ..... $ 150,000

Sec. ..... Section two hundred sixty-one point nine (261.9), subsection five (5), Code 1975, is amended to read as follows:

5. "Accredited private institution" means an institution of higher learning located in Iowa which is operated privately and not controlled or administered by any state agency or any subdivision of the state, *except for county hospitals as provided*

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in paragraph c of this subsection, and

a. Which is accredited by the North Central Association of Colleges and Secondary Schools accrediting agency based on their requirements as of April 1, 1969, or

b. Which has been certified by the North Central Association of Colleges and Secondary Schools accrediting agency based on their requirements as of April 1, 1969, (1) as a candidate for accreditation by such agency or (2) as a school giving satisfactory assurance that it has the potential for accreditation and is making progress which, if continued, will result in its achieving accreditation by such agency within a reasonable time, or

c. [Which has received letters from at least three Iowa institutions accredited by the North Central Association of Colleges and Secondary Schools accrediting agency based on their requirements as

of April 1, 1969, stating that its credits are and have been accepted as if earned in an institution so accredited] *Which is a school of nursing accredited by the national league for nursing and approved by the board of nurse examiners, including such a school operated, controlled, and administered by a county public hospital.*

Sec. ..... Section two hundred sixty-one point nine (261.9), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Half-time resident student" means an individual resident of Iowa who is enrolled at an accredited private institution in a course of study including at least six semester hours or the trimester or quarter equivalent of six semeter hours. "Course of study" does not include correspondence courses.

Sec. ..... Section two hundred sixty-one point ten (261.10), Code 1975, is amended to read as follows:

261.10 WHO QUALIFIED. A tuition grant may be awarded to any resident of Iowa who is admitted and in attendance as a full-time *or half-time* resident student at any accredited private institution and who establishes financial need.

Sec. ..... Section two hundred sixty-one point eleven (261.11), Code 1975, is amended to read as follows:

261.11 EXTENT OF GRANT. A qualified *full-time resident* student may receive tuition grants for not more than eight semesters of undergraduate study or the trimester *or quarter* equivalent. *A qualified half-time resident student may receive tuition grants*

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for not more than sixteen semesters of undergraduate study or the trimester or quarter equivalent.

Sec. ..... Section two hundred sixty-one point twelve (261.12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty (60), section four (4), is amended to read as follows:

261.12 AMOUNT OF GRANT.

1. The amount of a tuition grant to a qualified *full-time* student for the fall and spring semesters, or the trimester equivalent, shall be the amount of his financial need for that period. However, a tuition grant shall not exceed the lesser of:

[1] *a.* The total tuition and mandatory fees for that student for two semesters or the trimester *or quarter* equivalent, less the base amount determined annually by the higher education facilities commission, which base amount shall be within ten dollars of the average tuition for two semesters or the trimester equivalent of undergraduate study at the state universities under the board of regents, but in any

event the base amount shall not be less than four hundred dollars; or

[2] *b.* One thousand three hundred dollars.

2. The amount of a tuition grant to a qualified half-time student for the fall and spring semesters, or the trimester or quarter equivalent, shall be one-half the amount which would be paid for a qualified full-time student under the provisions of subsection one (1) of this section.

Sec. ..... Chapter two hundred sixty-one (261), Code 1975, is amended by adding the following new section:

NEW SECTION. APPROPRIATION—STANDING LIMITED.

1. There is appropriated from the general fund of the state to the higher education facilities commission for the fiscal year beginning July 1, 1977, and ending June 30, 1978, and for each fiscal year thereafter the sum of ten million (10,000,0000) dollars for tuition grants.

2. There is appropriated from the general fund of the state to the higher education facilities commission for the fiscal year beginning July 1, 1977, and ending June 30, 1978, and for each fiscal year thereafter the sum of three hundred fifty thousand (350,000) dollars for scholarships.

3. There is appropriated from the general fund of the state to the higher education facilities commission for the fiscal year beginning July 1, 1977, and ending June 30, 1978, and for each fiscal year

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thereafter the sum of one hundred fifty thousand (150,000) dollars for vocational-technical tuition grants.

4. This section shall not be construed to be a limitation on any of the amounts which may be appropriated by the general assembly for any program enumerated in this section.

Sec. ..... It is the intent of the general assembly to extend the tuition grant program beginning July 1, 1977 to the half-time students as provided in this Act taking at least six semester hours or the trimester or quarter equivalent in the school year beginning in the fall of 1977 and limited to a maximum of five hundred thousand dollars for these half-time students unless this amount is changed by legislative action. It is the further intent to extend eligibility for the tuition grant program to nursing students as defined in this Act, beginning July 1, 1977."

3. Page 3, by striking lines 23 through 33 and inserting in lieu thereof the words "It shall be a condition of this appropriation that the college of osteopathic medicine and surgery submit one copy of its most recent annual audit conducted by an independent third party when the audit becomes avail-

able to the legislative fiscal director for the review of the committees on appropriations."

4. Page 8, line 4, by striking the figure "500,000" and inserting in lieu thereof the figure "200,000".

5. Page 8, by inserting after line 4 the following paragraph:

"..... In approving the distribution of funds for transportation equipment needs from the appropriation provided in paragraph a of this subsection, the school budget review committee shall give consideration to those school districts which have a high percent of resident nonpublic school students."

6. Page 8, by striking line 17 and inserting in lieu thereof the following:

"a. For costs of providing trans-".

7. Page 8, line 23, by striking the figure "3,000,000" and inserting in lieu thereof the figure "3,450,000".

8. Page 8, by inserting after line 23 the following paragraph:

"b. If the amount appropriated in paragraph a of this subsection is in excess of the amount re-

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quired to pay all approved claims under section two hundred eighty-five point two (285.2) of the Code, then that amount, not to exceed three hundred thousand (300,000) dollars, shall be transferred to the school budget review committee for supplemental aid to public school districts for transportation equipment needs which have become necessary because of the furnishing of transportation to nonpublic school pupils under chapter two hundred eighty-five (285) of the Code."

9. Page 9, by inserting after line 35 the following:

"d. To provide funds for allocation to merged area schools for the payment of increased employer contributions for the Iowa public employees retirement system.....$900,000"

10. Page 10, by striking lines 1 through 35.

11. Page 11, by striking lines 1 through 24.

12. Page 11, by inserting after line 24 the following section:

"Sec. ..... Section four hundred forty-two point

seven (442.7), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section nineteen (19), is amended by adding the following new subsection:

NEW SUBSECTION. For the school year beginning July 1, 1976, the state percent of growth otherwise computed by the state comptroller under this section shall be increased by an amount equal to eight-tenths of one percent to compensate for the cost of increased employer contributions to the Iowa public employees' retirement system."

13. Page 11, line 29, by inserting after the word "purposes" the words ", provided that, as a condition for the appropriation of these funds and notwithstanding any provision of chapter twenty (20) of the Code to the contrary, the state board of regents, for purposes of implementing collective bargaining pursuant to chapter twenty (20) of the Code, shall continue to act as a "public employer" for its academic, professional and scientific, and other employees who are exempt from its merit system by chapter nineteen A (19A) of the Code and who are defined as "professional" employees by chapter twenty

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(20) of the Code".

14. By renumbering sections and correcting internal references which may be required by this amendment.

DUNTON of Keokuk, Chair

MOTION FOR IMMEDIATE CONSIDERATION
(Senate File 1261)

Fitzgerald of Webster asked for unanimous consent to take up for immediate consideration **Senate File 1261.**

Objection was raised.

Fitzgerald of Webster moved to suspend the rules for the immediate consideration of Senate File 1261.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 55, nays 25.

The motion prevailed.

Senate File 1261, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments and boards responsible for education programs in this state, with report of committee recommending amendment and passage, was taken up for consideration.

Horn of Linn offered amendment H—6815 filed by the committee on appropriations on May 20, 1976, and found on pages 3008 through 3013 of the House Journal.

Tauke of Dubuque offered the following amendment H—6828 to the committee amendment H—6815, filed by him from the floor:

H—6828

Amend amendment H—6815 to Senate File 1261, as follows:

1. Page 1, line 27, by striking the figures "$9,500,000" and inserting in lieu thereof the figures "$10,200,000".

Fitzgerald of Webster moved the previous question on Senate File 1261 with respect to the filing of amendments only.

A non-record roll call was requested.

The ayes were 55, nays 19.

The motion prevailed.

Tauke of Dubuque moved the adoption of amendment H—6828, to the committee amendment H—6815.

Roll call was requested by Tauke of Dubuque and Oakley of Clinton.

On the question "Shall amendment H—6828, to amendment H—6815, be adopted?"

The ayes were, 26:

Bennett	Cusack	Lageschulte	Schroeder
Bina	Dieleman	Lindeen	Spencer
Bittle	Egenes	Millen	Stromer
Bortell	Evans	Miller, O. L.	Tauke
Branstad	Gentleman	Oakley	Varley
Clark	Harvey	Readinger	West
Crawford	Howell		

The nays were, 49:

Anderson	Gilloon	Krause	Patchett
Avenson	Griffee	Lonergan	Pavich
Baker	Hargrave	Mennenga	Perkins
Binneboese	Harper	Middleswart	Poncy
Brandt	Hines	Middleton	Rinas
Brunow	Hinkhouse	Miller, A. V.	Small
Byerly	Horn	Miller, K. D.	Spear
Connors	Hutchins	Monroe	Walter
Daggett	Jesse	Newhard	Wells
Danker	Jochum	Nielsen	Woods
Doyle	Jordan	Norland	Wyckoff
Dyrland	Koogler	O'Halloran	Mr. Speaker
Fitzgerald			

Absent or not voting, 24:

Brockett	Hansen	Kreamer	Scheelhaase
Crabb	Hennessey	Lipsky	Spradling
Den Herder	Higgins	McElroy	Svoboda
Drake	Hullinger	Menke	Tofte
Dunton	Husak	Nealson	Welden
Halvorson	Junker	Pellett	Wulff

Amendment H—6828 lost.

Stromer of Hancock offered amendment H—6817 filed by Stromer, Hansen, Harvey and Schroeder from the floor and requested division as follows:

H—6817

Amend the House committee on appropriations amendment H—6815, to Senate File 1261 as passed by the Senate and reprinted, as follows:

H—6817A

1. On page 1, by inserting after line 42 the following:

"Sec. ..... Section two hundred sixty-one point two (261.2), subsection four (4), Code 1975, is amended to read as follows:

"4. Prepare and administer a state plan for a state supported and administered scholarship program. Said state plan shall provide for scholarships based on ability and need to deserving students of Iowa, matriculating in Iowa universities, colleges, area vocational schools, area community colleges, *business schools, trade schools,* or schools of professional nursing.

H—6817B

Sec. ..... Section two hundred sixty-one point seventeen (261.17), subsection one (1), Code 1975, is amended to read as follows:

1. A vocational-technical tuition grant may be awarded to any resident of Iowa who is admitted and in attendance as a full-time student in a vocational-technical program at *a business school, trade school, or* an area school in the state, and who establishes financial need."

Stromer of Hancock moved the adoption of amendment H—6817A, to the committee amendment H—6815.

Amendment H—6817A lost.

Stromer of Hancock moved the adoption of amendment H—6817B, to the committee amendment H—6815.

Roll call was requested by Stromer of Hancock and Brunow of Appanoose.

On the question "Shall amendment H—6817B, to the committee amendment H—6815, be adopted?"

The ayes were, 26:

Bittle	Harvey	Miller, K. D.	Spencer
Bortell	Hutchins	Miller, O. L.	Stromer
Branstad	Krause	Norland	Varley
Daggett	Lageschulte	Oakley	Welden
Danker	Lindeen	Readinger	West
Evans	Millen	Schroeder	Wyckoff
Gentleman	Miller, A. V.		

The nays were, 45:

Avenson	Dyrland	Jochum	Patchett
Baker	Egenes	Jordan	Pavich
Bina	Fitzgerald	Koogler	Poncy
Binneboese	Gilloon	Lonergan	Rinas
Brandt	Griffee	Mennenga	Scheelhaase
Brunow	Hargrave	Middleswart	Spear
Byerly	Harper	Middleton	Tauke
Clark	Hennessey	Monroe	Walter
Crawford	Hines	Newhard	Wells
Cusack	Hinkhouse	Nielsen	Woods
Den Herder	Horn	O'Halloran	Mr. Speaker
Dieleman			

Absent or not voting, 28:

Anderson	Dunton	Jesse	Pellett
Bennett	Halvorson	Junker	Perkins
Brockett	Hansen	Kreamer	Small
Connors	Higgins	Lipsky	Spradling
Crabb	Howell	McElroy	Svoboda
Doyle	Hullinger	Menke	Tofte
Drake	Husak	Nealson	Wulff

Amendment H—6817B lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows for the remainder of the day:

Wulff of Black Hawk on request of Branstad of Winnebago; Branstad of Winnebago on request of Schroeder of Pottawattamie; Bennett of Ida, Hansen of O'Brien and Tofte of Winneshiek on request of Millen of Van Buren.

Mennenga of Clinton offered the following amendment H—6834, to the committee amendment H—6815, filed by him from the floor:

H—6834

Amend H—6815, filed by the committee on appropriations, to Senate File 1261, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking line 44 and inserting in lieu thereof the following: "(261.9), subsections

two (2), three (2), and five (5), Code 1975, are amended".

2. Page 1, by inserting after line 45 the following:

"2. "Financial need" means the difference between the student's financial resources available, including those available from his parents as determined by a completed parents' confidential statement, and the student's anticipated expenses while attending the accredited [private] institution. Financial need shall be redetermined at least annually.

3. "Full-time resident student" means an individual resident of Iowa who is enrolled at an accredited [private] institution in a course of study including at least twelve semester hours or the trimester equivalent of twelve semester hours. "Course of study" does not include correspondence courses."

3. Page 1, line 46, by striking the word "private" and inserting in lieu thereof the word "[private]".

4. Page 1, line 47, by striking the word "which" and inserting in lieu thereof the word "*:* [which]".

5. Page 1, by striking lines 48, 49, and 50 and inserting in lieu thereof the words "[is operated privately and not controlled or administered by any state agency or any subdivision of the state]".

6. Page 2, line 1, by striking the word "and" and inserting in lieu thereof the word "[and]".

7. Page 2, by striking lines 26 through 35.

8. Page 2, line 40, by striking the words "*or half-time*".

9. Page 2, line 41, by striking the word "private" and inserting in lieu thereof the word "[private]".

10. Page 2, line 42, by inserting after the word "need" the words "*of at least two hundred dollars to meet expenses at the accredited institution of his or her choice*".

11. Page 2, line 49, by striking the words "*A qualified*".

12. Page 2, by striking line 50.

13. Page 3, by striking lines 1 and 2.

14. Page 3, line 10, by inserting after the word "student" the words "*who is in attendance at an accredited institution which is operated privately and not controlled or administered by any state agency*

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or any subdivision of the state".

15. Page 3, by striking lines 25 through 30 and inserting in lieu thereof the following:

"*2. The amount of a tuition grant to a qualified full-time student in attendance at an accredited institution which is directly controlled or administered by a public agency for the fall and spring semesters or trimester or quarter equivalent shall be two hun-*

dred dollars."

16. Page 3, by inserting after line 30 the following sections:

"Sec. ..... Section two hundred sixty-one point thirteen (261.13), Code 1975, is amended to read as follows:

261.13 ANNUAL GRANT. A tuition grant may be made annually for both the fall and spring semesters or the trimester equivalent. Payments under the grant shall be allocated equally among the semesters or trimesters and shall be paid at the beginning of each semester or trimester upon certification by the accredited [private] institution that the student is admitted and in attendance. If the student discontinues attendance before the end of any semester or trimester after receiving payment under the grant, the entire amout of any refund due that student, up to the amount of any payments made under the annual grant, shall be paid by the accredited [private] institution to the state.

Sec. ..... Section two hundred sixty-one point fourteen (261.14), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A qualified full-time student who receives two hundred dollars under section two hundred sixty-one point twelve (261.12), subsection two (2), of the Code shall not receive any other direct public financial assistance.

Sec. ..... Section two hundred sixty-one point fifteen (261.15), subsection four (4), Code 1975, is amended to read as follows:

4. Make an annual report to the governor and general assembly, and evaluate the tuition grant program for the period. The commission may require the accredited [private] institution to promptly furnish any information which the commission may request in connection with the tuition grant program."

17. Page 4, by striking lines 9 through 16 and inserting in lieu thereof the words "to extend eligibility for".

Mennenga of Clinton asked for unanimous consent to withdraw amendment H—6834, to the committee amendment H—6815.

Objection was raised.

Mennenga of Clinton moved to withdraw amendment H—6834, to the committee amendment H—6815.

Roll call was requested by Oakley of Clinton and Schroeder of Pottawattamie.

On the question "Shall amendment H—6834 be withdrawn?"

The ayes were, 57:

Anderson	Fitzgerald	Jesse	Patchett
Avenson	Gentleman	Jochum	Pavich
Baker	Gilloon	Jordan	Perkins
Binneboese	Griffee	Koogler	Poncy
Bortell	Hargrave	Lonergan	Rinas
Brandt	Harper	Mennenga	Scheelhaase
Byerly	Harvey	Middleswart	Spear
Clark	Hennessey	Middleton	Tauke
Connors	Hines	Miller, A. V.	Walter
Cusack	Hinkhouse	Miller, K. D.	Welden
Daggett	Horn	Newhard	Wells
Den Herder	Howell	Nielsen	Woods
Dieleman	Hullinger	Norland	Wyckoff
Doyle	Hutchins	O'Halloran	Mr. Speaker
Dyrland			

The nays were, 19:

Bina	Danker	Millen	Spencer
Bittle	Egenes	Oakley	Stromer
Branstad	Evans	Readinger	Varley
Brunow	Lageschulte	Schroeder	West
Crawford	Lindeen	Small	

Absent or not voting, 23:

Bennett	Hansen	Lipsky	Pellett
Brockett	Higgins	McElroy	Spradling
Crabb	Husak	Menke	Svoboda
Drake	Junker	Miller, O. L.	Tofte
Dunton	Krause	Monroe	Wulff
Halvorson	Kreamer	Nealson	

Amendment H—6834 was withdrawn.

Stromer of Hancock offered the following amendment H—6818, to the committee amendment H—6815, filed by Stromer, Miller of Cerro Gordo, Spencer, Schroeder, Harvey and Readinger from the floor and moved its adoption:

H—6818

Amend amendment H—6815, to Senate File 1261, as follows:

1. Page 2, line 25, by striking the period after the word "hospital" and inserting in lieu thereof the following: ", *or*".

2. Page 2, by inserting after line 25 the following new paragraph:

"d. Which is accredited by the accrediting commission of the Association of Independent Colleges and Schools and recognized by the United States Department of Health, Education and Welfare."

Roll call was requested by Stromer of Hancock and Harvey of Scott.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6818, to the committee amendment H—6815, be adopted?"

The ayes were, 30:

Anderson	Harvey	Miller, K. D.	Small
Bina	Howell	Miller, O. L.	Spencer
Bittle	Krause	Norland	Stromer
Connors	Lageschulte	Oakley	Varley
Daggett	Lindeen	Poncy	Welden
Danker	**Middleswart**	Readinger	West
Gentleman	Millen	Schroeder	Wyckoff
Griffee	Miller, A. V.		

The nays were, 47:

Avenson	Dunton	Hutchins	Pavich
Baker	Dyrland	Jochum	Perkins
Binneboese	Egenes	Jordan	Rinas
Bortell	Evans	Koogler	Scheelhaase
Brandt	Fitzgerald	Lonergan	Spear
Brunow	Gilloon	Mennenga	Svoboda
Clark	Hargrave	Middleton	Tauke
Byerly	Harper	Monroe	Walter
Crawford	Hennessey	Newhard	Wells
Cusack	Hinkhouse	Nielsen	Woods
Dieleman	Horn	O'Halloran	Mr. Speaker
Doyle	Hullinger	Patchett	

Absent or not voting, 22:

Bennett	Halvorson	Junker	Nealson
Branstad	Hansen	Kreamer	Pellett
Brockett	Higgins	Lipsky	Spradling
Crabb	Hines	McElroy	Tofte
Den Herder	Husak	Menke	Wulff
Drake	Jesse		

Amendment H—6818 lost.

Koogler of Mahaska offered the following amendment H—6831, to the committee amendment H—6815, filed by him from the floor and asked and received unanimous consent it be withdrawn:

H—6831

Amend H—6815, filed by the committee on appropriations, to Senate File 1261, as amended, passed and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 30 the following section:

"Sec. ..... Section two hundred sixty-one point thirteen (261.13), Code 1975, is amended to read as follows:

261.13 ANNUAL GRANT. A tuition grant may be made annually for both the fall and spring semesters or the trimester equivalent. Payments under the grant shall be allocated equally among the semesters or trimesters and shall be paid at the beginning of each semester or trimester upon certification by the ac-

credited private institution that the student is admitted and in attendance. If the student discontinues attendance before the end of any semester or trimester after receiving payment under the grant, the entire amount of any refund due that student, up to the amount of any payments made under the annual grant, shall be paid by the accredited private institution to the state.

If a student who is awarded a tuition grant does not receive the appropriate degree within the time specified by the accredited private institution or area school, or by an institution to which a student who was awarded a tuition grant transfers, plus two years, the student shall make repayment of the total amount of the tuition grant received by the student under arrangements made between the student and the higher education facilities commission.

For the purposes of this section "appropriate degree" means the degree or certificate which is awarded by a college, university, or area school for satisfactory completion of the course or program in which the student is enrolled."

LEAVE OF ABSENCE

Leave of absence was granted as follows for the remainder of the day:

McElroy of Fremont on request of Varley of Adair.

Horn of Linn offered the following amendment H—6833, to the committee amendment H—6815, filed by him and Stromer of Hancock from the floor and moved its adoption:

H—6833

Amend H—6815, filed by the committee on appropriations, to Senate File 1261, as amended, passed, and reprinted by the Senate, as follows:

1. Page 5, by inserting after line 22 the following paragraph:

"e. Funds appropriated in paragraph d of this subsection shall not be allocated to a merged area school which has levied a tax under section ninety-seven B point nine (97B.9), subsection three (3), of the Code for payment of increased employer contributions for the Iowa public employees' retirement system unless the levy is disapproved."

Amendment H—6833 was adopted.

Daggett of Adams offered the following amendment H—6827, to the committee amendment H—6815, filed by him and Bortell of Madison from the floor and moved its adoption:

H—6827

Amend amendment H—6815, to Senate File 1261 as passed by the Senate and reprinted, as follows:

1. Page 5, by striking lines 32 through 36 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* There shall be appropriated from the general fund of the state for the school year beginning July 1, 1976, the sum of six million six hundred thousand (6,600,000) dollars for the cost of increased".

Roll call was requested by Clark of Lee and Harvey of Scott.

On the question "Shall amendment H—6827, to the committee amendment H—6815, be adopted?"

The ayes were, 21:

Bittle	Egenes	Lindeen	Stromer
Bortell	Evans	Millen	Tauke
Clark	Gentleman	Oakley	Varley
Crawford	Harvey	Readinger	Welden
Daggett	Lageschulte	Schroeder	West
Danker			

The nays were, 53:

Anderson	Gilloon	Lonergan	Perkins
Avenson	Griffee	Mennenga	Poncy
Baker	Hargrave	Middleswart	Rinas
Bina	Harper	Middleton	Scheelhaase
Binneboese	Hennessey	Miller, A. V.	Small
Brandt	Hinkhouse	Miller, K. D.	Spear
Brunow	Horn	Miller, O. L.	Spencer
Byerly	Howell	Monroe	Svoboda
Connors	Hutchins	Newhard	Walter
Cusack	Jochum	Norland	Wells
Dieleman	Jordan	O'Halloran	Woods
Doyle	Koogler	Patchett	Wyckoff
Dyrland	Krause	Pavich	Mr. Speaker
Fitzgerald			

Absent or not voting, 25:

Bennett	Halvorson	Jesse	Nealson
Branstad	Hansen	Junker	Nielsen
Brockett	Higgins	Kreamer	Pellett
Crabb	Hines	Lipsky	Spradling
Den Herder	Hullinger	McElroy	Tofte
Drake	Husak	Menke	Wulff
Dunton			

Amendment H—6827 lost.

Welden of Hardin offered the following amendment H—6820, to the committee amendment H—6815, filed by him and Miller of Calhoun from the floor:

H—6820

Amend committee amendment H—6815 to Senate File 1261, page 5, by inserting after line 38 the following:

"Sec. ..... Section four hundred forty-two point fourteen (442.14) subsection one (1) Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section twenty-three (23) is amended to read as follows:

1. For the budget year beginning July 1, 1976, and each succeeding school year, if a school board wishes to spend more than the amount permitted under sections four hundred forty-two point one (442.1) through four hundred forty-two point thirteen (442.13) of the Code, [and the school board has not attempted by resolution to raise an additional enrichment amount for that budget year,] the school board may raise an additional enrichment amount [not to exceed five per cent of the state cost per pupil multiplied by the adjusted enrollment in the district,] as provided in this section. However, the additional enrichment amount may be used only for educational research, curriculum maintenance or development, or innovative programs.

Sec. ..... Section four hundred forty-two point fifteen (442.15) unnumbered paragraph three (3) Code 1975 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter 79 (79), section twenty-four (24) is amended to read as follows:

An additional enrichment amount authorized under section four hundred forty-two point fourteen (442.14) of the Code or a lesser amount than the amount so authorized may be continued as provided in this section for a period of five school years. If the amount authorized is less than the maximum [of five percent of the state cost per pupil] and the board wishes to increase the amount, it shall reestablish its authority to do so in the manner provided in section four hundred forty-two point fourteen (442.14) of the Code. If the board wishes to continue any additional enrichment amount beyond the five-year period, it shall reestablish its authority to do so in the manner provided in section four hundred forty-two point fourteen (442.14) of the Code within the twelve-month period prior to termination of the five-year period."

Byerly of Polk rose on a point of order that amendment H—6820 was not germane.

The Speaker ruled the point well taken and amendment H—6820 not germane.

Welden of Hardin offered the following amendment H—6829,

to the committee amendment H—6815, filed by Welden, Bittle, Oakley and Varley from the floor and moved its adoption:

H—6829

Amend the House committee on appropriations amendment H—6815, to Senate File 1261 as amended, passed and reprinted by the Senate as follows:

1. Page 5, by striking lines 39 through 50 and on page 6 by striking line 1.

Roll call was requested by Bittle of Polk and Varley of Adair.

Rule 70 was invoked.

On the question "Shall amendment H—6829 to the committee amendment H—6815, be adopted?"

The ayes were, 32:

Bittle	Griffee	Miller, O. L.	Spencer
Bortell	Harvey	Monroe	Stromer
Clark	Koogler	Newhard	Tauke
Daggett	Lageschulte	Norland	Varley
Danker	Lindeen	Oakley	Walter
Egenes	Middleswart	Perkins	Welden
Evans	Millen	Readinger	West
Gentleman	Miller, K. D.	Schroeder	Wyckoff

The nays were, 45:

Anderson	Doyle	Hullinger	Patchett
Avenson	Dunton	Hutchins	Pavich
Baker	Dyrland	Jesse	Poncy
Bina	Gilloon	Jochum	Rinas
Binneboese	Hargrave	Jordan	Scheelhaase
Brandt	Harper	Krause	Small
Brunow	Hennessey	Lonergan	Spear
Byerly	Hines	Mennenga	Svoboda
Connors	Hinkhouse	Middleton	Wells
Crawford	Horn	Miller, A. V.	Woods
Cusack	Howell	O'Halloran	Mr. Speaker
Dieleman			

Absent or not voting, 22:

Bennett	Fitzgerald	Kreamer	Nielsen
Branstad	Halvorson	Lipsky	Pellett
Brockett	Hansen	McElroy	Spradling
Crabb	Higgins	Menke	Tofte
Den Herder	Husak	Nealson	Wulff
Drake	Junker		

Amendment H—6829 lost.

Stromer of Hancock offered the following amendment H—6832, to the committee amendment H—6815, filed by him from the floor and moved its adoption:

H—6832

Amend the House committee on appropriations amendment, H—6815, to Senate File 1261 as amended, passed, and

reprinted by the Senate, as follows:

Page 5, by striking lines 39 through 50, and on page 6, by striking line 1 and inserting in lieu thereof the following:

"..... Page 14, by inserting after line 27 the following:

NEW SECTION.

a. The board of regents is responsible for representing the state of Iowa in collective bargaining with respect to the faculties and academically-related professional and scientific employees of the universities including negotiating, signing, and administering any contract with the understanding that the governor shall be consulted prior to and during the process of negotiation in order to have input into the fiscal aspects of any agreement.

b. The board of regents and the governor shall have joint responsibility for administration of the collective bargaining responsibilities of the state with respect to professional and scientific employees engaged in patient treatment and tertiary care in the universities including joint signing and approving of any contracts with the understanding that the board of regents or its designee shall act as chief negotiator with respect to such employees and shall administer all aspects of any agreement as it relates to employees under the board of regents except that the final step of the grievance procedures for employees in tertiary care shall be administered jointly.

c. The governor is responsible for collective bargaining with respect to professional and scientific employees under the board of regents not covered by (a) and (b) above in the areas of fiscal and staff services, engineering, patient care and all such employees at the Iowa School for the Deaf and the Iowa Braille and Sight Saving School (Education) with the understanding that the board of regents shall be represented in any collective bargaining negotiations for said employees, except for any employees in the area of engineering, and further, that the board of regents shall be responsible for administering the provisions for grievance procedure in any such contract up to the point of arbitration."

Roll call was requested by Stromer of Hancock and Oakley of Clinton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6832, to the committee amendment H—6815, be adopted?"

The ayes were, 80:

Bittle	Danker	Gentleman	Jordan
Bortell	Dunton	Harper	Lageschulte
Clark	Egenes	Harvey	Lindeen
Daggett	Evans	Hennessey	Mennenga

Middleswart	Oakley	Stromer	Welden
Millen	Readinger	Tauke	West
Miller, K. D.	Schroeder	Varley	Wyckoff
Miller, O. L.	Spencer		

The nays were, 44:

Anderson	Doyle	Jochum	Perkins
Avenson	Dyrland	Koogler	Poncy
Baker	Fitzgerald	Krause	Rinas
Bina	Gilloon	Lonergan	Scheelhaase
Binneboese	Griffee	Middleton	Small
Brunow	Hines	Miller, A. V.	Spear
Byerly	Horn	Newhard	Svoboda
Connors	Howell	Norland	Walter
Crawford	Hullinger	O'Halloran	Wells
Cusack	Hutchins	Patchett	Woods
Dieleman	Jesse	Pavich	Mr. Speaker

Absent or not voting, 25:

Bennett	Halvorson	Junker	Nealson
Brandt	Hansen	Kreamer	Nielsen
Branstad	Hargrave	Lipsky	Pellett
Brockett	Higgins	McElroy	Spradling
Crabb	Hinkhouse	Menke	Tofte
Den Herder	Husak	Monroe	Wulff
Drake			

Amendment H—6832 lost.

Perkins of Greene asked and received unanimous consent to suspend the rules to offer the following amendment H—6837, to the committee amendment H—6815, filed by him and Hutchins of Guthrie from the floor and moved its adoption:

H—6837

Amend amendment H—6815 to Senate File 1261 as amended, passed and reprinted by the Senate as follows:

1. Page 4, by striking lines 31 through 39 and inserting in lieu thereof the following:

"..... In approving the distribution of funds for transportation equipment needs from the appropriation provided in paragraph a of this subsection, the school budget review committee shall give consideration to those school districts which transport a high percent of nonpublic school students compared to total students transported."

Amendment H—6837 was adopted.

Brunow of Appanoose in the chair at 8:53 p.m.

Horn of Linn moved the adoption of amendment H—6815, as amended.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 51, nays 8.

Amendment H—6815, as amended, was adopted.

With the adoption of amendment H—6815, as amended, amendment H—6261 (to page 2) filed by Tauke, et al., on April 12, 1976, and found on page 1891 of the House Journal was out of order.

Miller of Buchanan offered the following amendment H—6028 filed by him and moved its adoption:

H—6028

Amend Senate File 1261 as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 7 the following:

"Sec. ..... Section two hundred sixty-one point two (261.2), subsection four (4), Code 1975, is amended to read as follows:

4. Prepare and administer a state plan for a state supported and administered scholarship program. Said state plan shall provide for scholarships based on [ability and] need to deserving students of Iowa, matriculating in Iowa universities, colleges, area vocational schools, area community colleges, or schools of professional nursing."

2. Renumber the sections as required by this admendment.

Amendment H—6028 lost.

Schroeder of Pottawattamie asked for unanimous consent to suspend the rules to substitute amendment H—6836 filed by him and Millen of Van Buren from the floor as follows for amendment H—6814:

H—6836

Amend Senate File 1261, as amended, passed, and reprinted by the Senate, page 8, by inserting after line 23 the following new subsection:

"..... For allocation to counties for the repair and maintenance of bridges with a load capacity of twelve tons or less upon application by the counties that such a bridge is located on a school bus route .....$5,000,000"

Objection was raised and the rules were not suspended.

The following amendments were ruled out of order:

H—6715 filed by Schroeder and Spencer on May 17, 1976, and found on page 2845 of the House Journal and H—6814 filed by

Schroeder of Pottawattamie and Spencer of Clay from the floor as follows:

H—6814

Amend Senate File 1261, as amended, passed and reprinted by the Senate, as follows:

1. Page 3, by inserting before line 8 the following section:

"Sec. ..... Section two hundred sixty-one point nine (261.9), subsection five (5), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. Which is accredited by the accrediting commission of the association of independent colleges and schools and recognized by the United States department of health, education, and welfare."

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—6233 filed by him on April 8, 1976, and found on page 1818 of the House Journal.

Miller of Buchanan offered the following amendment H—6027 filed by him and moved its adoption:

H—6027

Amend Senate File 1261, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, line 29, by inserting after the word "year." the words "A person who receives financial benefits under this section and sections five (5) and six (6) of this Act shall be required to repay the amount of funds paid on behalf of such person unless such person practices optometry in this state for the same number of years for which the person received benefits. The debt owed to the state shall be prorated based upon the number of years the person attended an optometric school and received benefits from the state and for each year the person practices in this state the prorated amount of debt shall not have to be repaid to the state."

A non-record roll call was requested.

The ayes were 27, nays 33.

Amendment H—6027 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oakley of Clinton for the remainder of the day on request of Clark of Lee.

Baker of Buena Vista offered the following amendment H—6442 filed by him and Stromer of Hancock:

H—6442

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

Page 5, line 15, by striking the figure "3,000,000" and inserting in lieu thereof the figure "3,500,000".

Baker of Buena Vista offered the following amendment H—6443, to amendment H—6442, filed by him and Stromer of Hancock and moved its adoption:

H—6443

Amend the amendment H—6442 to Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

Page 1, line 4, by striking the figure "3,500,000" and inserting in lieu thereof the figure "3,900,000".

Roll call was requested by Stromer of Hancock and Schroeder of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6443, to amendment H—6442, be adopted?"

The ayes were, 34:

Baker	Evans	Miller, K. D.	Stromer
Binneboese	Gentleman	Miller, O. L.	Svoboda
Bittle	Harvey	Nielsen	Tauke
Bortell	Hutchins	Perkins	Varley
Clark	Jesse	Readinger	Welden
Crawford	Koogler	Scheelhaase	West
Daggett	Lageschulte	Schroeder	Woods
Danker	Lindeen	Spencer	Wyckoff
Egenes	Millen		

The nays were, 40:

Anderson	Fitzgerald	Jordan	O'Halloran
Avenson	Gilloon	Krause	Patchett
Bina	Hargrave	Lonergan	Pavich
Brandt	Harper	Mennenga	Poncy
Byerly	Hennessey	Middleswart	Rinas
Cochran	Hines	Middleton	Small
Connors	Horn	Miller, A. V.	Walter
Cusack	Howell	Monroe	Wells
Dieleman	Hullinger	Newhard	Mr. Speaker (Brunow)
Dunton	Jochum	Norland	
Dyrland			

Absent or not voting, 25:

Bennett	Griffee	Junker	Oakley
Branstad	Halvorson	Kreamer	Pellett
Brockett	Hansen	Lipsky	Spear
Crabb	Higgins	McElroy	Spradling
Den Herder	Hinkhouse	Menke	Tofte
Doyle	Husak	Nealson	Wulff
Drake			

Amendment H—6443 lost.

Baker of Buena Vista moved the adoption of amendment H—6442.

Roll call was requested by Crawford of Story and Tauke of Dubuque.

Rule 70 was invoked.

On the question "Shall amendment H—6442 be adopted?"

The ayes were, 31:

Anderson	Daggett	Lindeen	Spencer
Baker	Danker	Millen	Stromer
Bina	Egenes	Miller, K. D.	Tauke
Binneboese	Evans	Miller, O. L.	Varley
Bittle	Gentleman	Perkins	Welden
Bortell	Harvey	Readinger	West
Clark	Koogler	Scheelhaase	Wyckoff
Crawford	Lageschulte	Schroeder	

The nays were, 44:

Avenson	Griffee	Jordan	O'Halloran
Brandt	Hargrave	Krause	Patchett
Byerly	Harper	Lonergan	Pavich
Cochran	Hennessey	Mennenga	Poncy
Connors	Hines	Middleswart	Rinas
Cusack	Horn	Middleton	Small
Dieleman	Howell	Miller, A. V.	Walter
Doyle	Hullinger	Monroe	Wells
Dunton	Hutchins	Newhard	Woods
Dyrland	Jesse	Nielsen	Mr. Speaker (Brunow)
Fitzgerald	Jochum	Norland	
Gilloon			

Absent or not voting, 24:

Bennett	Halvorson	Kreamer	Pellett
Branstad	Hansen	Lipsky	Spear
Brockett	Higgins	McElroy	Spradling
Crabb	Hinkhouse	Menke	Svoboda
Den Herder	Husak	Nealson	Tofte
Drake	Junker	Oakley	Wulff

Amendment H—6442 lost.

Baker of Buena Vista offered the following amendment H—6777 filed by Baker, et al., and moved its adoption:

H—6777

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

Page 5, line 25, by inserting after the "programs." the words "Before any new secondary vocational programs shall be funded in the fiscal year beginning July 1, 1976, current continuing secondary vocational programs shall be at a reimbursement level of at least twenty-three percent."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 46, nays 23.

Amendment H—6777 was adopted.

Fitzgerald of Webster asked for unanimous consent to suspend Rule 2.

Objection was raised.

Fitzgerald of Webster moved to suspend Rule 2 for the further consideration of Senate File 1261.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 51, nays 20.

The motion prevailed and the rules were suspended.

LEAVE OF ABSENCE

Leave of absence was granted as follows for the remainder of the day:

Hinkhouse of Cedar on request of Hutchins of Guthrie; Higgins of Scott on request of Jochum of Dubuque.

Miller of Buchanan offered the following amendment H—6029 filed by him and moved its adoption:

H—6029

Amend Senate File 1261 as amended, passed, and reprinted by the Senate, page 9, by inserting after line 35 the following:

"Funds appropriated by this subsection shall not be **expended to finance any activities, teams, or** facilities which are associated with, engaged in, or used for intercollegiate athletics. This provision shall not apply to physical education courses or intramural athletic programs.

Any person who attends a merged area school and participates in intercollegiate athletics shall not be eligible to receive the benefits provided for under subsection four (4) of section two hundred sixty-one point two (261.2) of the Code."

Amendment H—6029 lost.

With the adoption of amendment H—6815, the following amendments are out of order:

H—5998 (to page 10) filed by Daggett of Adams on March 25, 1976, and found on page 1438 of the House Journal.

H—6104 (to page 11) filed by Daggett of Adams on April 1, 1976, and found on page 1551 of the House Journal.

Hines of Story offered the following amendment H—5999 filed by him and moved its adoption:

H—5999

Amend Senate File 1261, as passed by the Senate and reprinted as follows:

1. Page 12, line 4, by striking the figure "257,600" and inserting in lieu thereof the figure "249,851".

2. Page 12, line 10, by striking the figure "58,950,900" and inserting in lieu thereof the figure "60,450,226".

3. Page 12, line 18, by striking the figure "13,871,100" and inserting in lieu thereof the figure "14,235,400".

4. Page 12, line 25, by striking the figure "3,161,600" and inserting in lieu thereof the figure "3,214,000".

5. Page 12, line 29, by striking the figure "1,130,300" and inserting in lieu thereof the figure "1,160,200".

6. Page 12, line 33, by striking the figure "2,253,800" and inserting in lieu thereof the figure "2,263,200".

7. Page 13, line 6, by striking the figure "2,419,600" and inserting in lieu thereof the figure "2,465,700".

8. Page 13, line 12, by striking the figure "48,556,200" and inserting in lieu thereof the figure "49,962,900".

9. Page 13, line 16, by striking the figure "5,723,300" and inserting in lieu thereof the figure "5,928,600".

10. Page 13, line 21, by striking the figure "5,159,200" and inserting in lieu thereof the figure "5,211,500".

11. Page 13, line 25, by striking the figure "20,232,300" and inserting in lieu thereof the figure "20,544,800".

12. Page 13, line 30, by striking the figure "1,384,300" and inserting in lieu thereof the figure "1,403,100".

13. Page 13, line 34, by striking the figure "2,551,100" and inserting in lieu thereof the figure "2,582,100".

Amendment H—5999 lost.

Lageschulte of Bremer offered the following amendment H—6725 filed by Lageschulte, et al., and moved its adoption:

H—6725

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

Page 12, line 10, by inserting after the word "purposes" the words "; and for the pediatric department of the college of medicine to fund a program of research in the cause, course, treatment, cure and management of diabetes mellitus in an amount of thirty-five thousand (35,000) dollars, or so much thereof as is necessary".

Roll call was requested by Lageschulte of Bremer and Harvey of Scott.

Rule 69 was invoked.

On the question "Shall amendment H—6725 be adopted?"

The ayes were, 60:

Anderson	Doyle	Jordan	Pavich
Baker	Dunton	Koogler	Perkins
Bina	Dyrland	Krause	Readinger
Binneboese	Egenes	Lageschulte	Rinas
Bittle	Evans	Lindeen	Scheelhaase
Bortell	Gentleman	Lonergan	Schroeder
Brandt	Hargrave	Mennenga	Spencer
Byerly	Harper	Middleswart	Stromer
Clark	Harvey	Millen	Svoboda
Connors	Hennessey	Miller, A. V.	Tauke
Crawford	Hines	Miller, K. D.	Walter
Daggett	Howell	Miller, O. L.	Welden
Danker	Hullinger	Monroe	West
Den Herder	Hutchins	Newhard	Woods
Dieleman	Jochum	Norland	Wyckoff

The nays were, 17:

Avenson	Griffee	O'Halloran	Varley
Cochran	Horn	Patchett	Wells
Cusack	Jesse	Poncy	Mr. Speaker
Fitzgerald	Middleton	Small	(Brunow)
Gilloon	Nielsen		

Absent or not voting, 22:

Bennett	Hansen	Lipsky	Pellett
Branstad	Higgins	McElroy	Spear
Brockett	Hinkhouse	Menke	Spradling
Crabb	Husak	Nealson	Tofte
Drake	Junker	Oakley	Wulff
Halvorson	Kreamer		

Amendment H—6725 was adopted.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—6031 filed by him on March 26, 1976, and found on page 1471 of the House Journal.

Miller of Buchanan offered the following amendment H—6596 filed by him and moved its adoption:

H—6596

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

1. Page 14, by inserting after line 7 the following:

"Sec. ..... The college of medicine of the state university of Iowa shall give preference to persons applying for admission to the college of medicine to those persons who agree to practice medicine in rural areas and to practice in areas of the state where the doctor-patient ratio indicates there is a shortage of persons engaged in the general practice of medicine."

2. Renumber the remaining section.

Roll call was requested by Mennenga of Clinton and Daggett of Adams.

On the question "Shall amendment H—6596 be adopted?"

The ayes were, 35:

Anderson	Dunton	Jordan	Miller, K. D.
Baker	Dyrland	Koogler	Monroe
Bittle	Egenes	Krause	Newhard
Bortell	Evans	Lageschulte	Scheelhaase
Connors	Griffee	Lindeen	Spencer
Daggett	Harper	Lonergan	Svoboda
Danker	Hennessey	Mennenga	Woods
Dieleman	Howell	Middleswart	Wyckoff
Doyle	Jesse	Millen	

The nays were, 40:

Avenson	Gilloon	Nielsen	Small
Bina	Hargrave	Norland	Stromer
Binneboese	Harvey	O'Halloran	Tauke
Brandt	Hines	Patchett	Varley
Byerly	Horn	Pavich	Walter
Clark	Hutchins	Perkins	Welden
Crawford	Jochum	Poncy	Wells
Cusack	Middleton	Readinger	West
Den Herder	Miller, A. V.	Rinas	Mr. Speaker (Brunow)
Fitzgerald	Miller, O. L.	Schroeder	
Gentleman			

Absent or not voting, 24:

Bennett	Halvorson	Junker	Oakley
Branstad	Hansen	Kreamer	Pellett
Brockett	Higgins	Lipsky	Spear
Cochran	Hinkhouse	McElroy	Spradling
Crabb	Hullinger	Menke	Tofte
Drake	Husak	Nealson	Wulff

Amendment H—6596 lost.

Crawford of Story offered the following amendment H—6813 filed by him from the floor and moved its adoption:

H—6813

Amend Senate File 1261 as amended, passed, and reprinted by the Senate as follows:

1. Page 14, by inserting after line 7 the following: "8. For allocation by the board of regents to provide for the additinal cost of an enrollment increase during the 1975-76 and 1976-77 school years .....$800,000.

"9. For allocation by the board of regents to provide for equipment replacement of five (5) per cent of inventory per annum .....$2,500,000."

Roll call was requested by Clark of Lee and Crawford of Story.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6813 be adopted?"

The ayes were, 20:

Bittle	Gentleman	Middleton	Small
Brandt	Hargrave	Millen	Stromer
Clark	Harvey	O'Halloran	Tauke
Crawford	Hines	Readinger	Varley
Egenes	Lonergan	Schroeder	West

The nays were, 57:

Anderson	Dunton	Koogler	Pavich
Avenson	Dyrland	Krause	Perkins
Baker	Evans	Lageschulte	Poncy
Bina	Fitzgerald	Lindeen	Rinas
Binneboese	Gilloon	Mennenga	Scheelhaase
Bortell	Griffee	Middleswart	Spencer
Byerly	Harper	Miller, A. V.	Svoboda
Cochran	Hennessey	Miller, K. D.	Walter
Connors	Horn	Miller, O. L.	Welden
Cusack	Howell	Monroe	Wells
Daggett	Hullinger	Newhard	Woods
Danker	Hutchins	Nielsen	Wyckoff
Den Herder	Jesse	Norland	Mr. Speaker
Dieleman	Jochum	Patchett	(Brunow)
Doyle	Jordan		

Absent or not voting, 22:

Bennett	Hansen	Lipsky	Pellett
Branstad	Higgins	McElroy	Spear
Brockett	Hinkhouse	Menke	Spradling
Crabb	Husak	Nealson	Tofte
Drake	Junker	Oakley	Wulff
Halvorson	Kreamer		

Amendment H—6813 lost.

Speaker Cochran in the chair at 10:48 p.m.

Miller of Buchanan offered the following amendment H—6819 filed by him from the floor and moved its adoption:

H—6819

Amend Senate File 1261 as amended, passed, and

reprinted by the Senate as follows:

1. Page 14, by inserting after line 7 the following:

"Sec. ..... Any organization:

1. Which receives fees or money from persons attending an institution under the control of the board of regents or under the control of the department of public instruction, which fees are paid for the privilege of attending a function sponsored by such institution; or

2. Which receives moneys from any source for the purpose of paying the salary or portion of the salary of an employee of an institution under the control of the state board of regents or the department of public instruction; or

3. Which allows an employee or department of an institution of the state board of regents or a merged area school to write checks upon or receive moneys in any form for use of any student or department of an institution under the control of the state board of regents or the department of public instruction; shall be deemed to be an organization or agency responsible for the expenditure of public money of the state and subject to the provisions of chapter eleven (11) of the Code."

2. Renumber the sections as required.

Amendment H—6819 lost.

Miller of Buchanan offered the following amendment H—6453 filed by him and moved its adoption:

H—6453

Amend Senate File 1261, as amended, passed, and reprinted by the Senate as follows:

1. Page 15, by inserting after line 2 the following section:

"Sec. ..... Funds appropriated by this Act shall not be expended to finance any activities, teams, or facilities which are associated with, engaged in, or used for intercollegiate athletics. This provision shall not apply to physical education courses or intramural athletic programs.

Any person who attends an institution of higher learning under the state board of regents, private college or university, or merged area school and participates in intercollegiate athletics shall not be eligible to receive funds under sections two hundred sixty-one point two (261.2), subsection four (4); two hundred sixty-one point eleven (261.11); or two hundred sixty-one point seventeen (261.17) of the Code."

2. By renumbering sections as necessary.

Amendment H—6453 lost.

Dunton of Keokuk offered the following amendment H—6000 filed by him and moved its adoption:

H—6000

Amend Senate File 1261, as passed by the Senate and reprinted, as follows:

1. Page 15, line 4, by striking "...." and inserting in lieu thereof the word "at".

A non-record roll call was requested.

The ayes were 57, nays 1.

Amendment H—6000 was adopted.

Horn of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1261)

The ayes were, 76:

Anderson	Dunton	Koogler	Perkins
Avenson	Dyrland	Krause	Poncy
Baker	Egenes	Lageschulte	Readinger
Bina	Evans	Lindeen	Rinas
Binneboese	Fitzgerald	Lonergan	Scheelhaase
Bittle	Gentleman	Mennenga	Schroeder
Bortell	Gilloon	Middleswart	Small
Brandt	Griffee	Middleton	Spear
Brunow	Hargrave	Millen	Spencer
Byerly	Harper	Miller, A. V.	Stromer
Clark	Harvey	Miller, K. D.	Svoboda
Connors	Hennessey	Miller, O. L.	Tauke
Crawford	Hines	Monroe	Varley
Cusack	Horn	Newhard	Walter
Daggett	Howell	Nielsen	Wells
Danker	Hutchins	Norland	West
Den Herder	Jesse	O'Halloran	Woods
Dieleman	Jochum	Patchett	Wyckoff
Doyle	Jordan	Pavich	Mr. Speaker

The nays were, 1:

Hullinger

Absent or not voting, 22:

Bennett	Hansen	Lipsky	Pellett
Branstad	Higgins	McElroy	Spradling
Brockett	Hinkhouse	Menke	Tofte
Crabb	Husak	Nealson	Welden
Drake	Junker	Oakley	Wulff
Halvorson	Kreamer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 1261)

Horn of Linn asked for unanimous consent that Senate File 1261 be immediately messaged to the Senate.

Objection was raised.

Horn of Linn moved to reconsider the vote by which Senate File 1261 passed the House on May 21, 1976.

A non-record roll call was requested.

The ayes were 18, nays 49.

The motion lost.

REQUESTS TO VOTE

Varley of Adair asked for unanimous consent that Lipsky of Linn be recorded as voting "aye" in her absence on **Senate Files 1314** and **1261.**

Objection was raised.

Clark of Lee asked and received unanimous consent that Spear of Lee be recorded as voting "aye" in his absence on Senate File 1261, and the vote was so recorded.

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the votes were taken on House Files 1123 and 1480 and on Senate File 1252. Had I been present, I would have voted "aye" on all of these.

O'HALLORAN of Black Hawk

I was excused from the House at 7:00 p.m., May 21, to attend my daughter's graduation and missed the votes on Senate File 1126 and House File 1585. Had I been present I would have voted "aye" on both bills.

MILLER of Calhoun

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 21, 1976, he approved and transmitted to the Secretary of State the following bills:

Senate File 194, an act relating to the selling of tangible goods by a licensee authorized to make supervised loans pursuant to the "Iowa Consumer Credit Code".

Senate File 205, an act relating to the issuance, continuation, and termination of teachers' contracts.

Senate File 1190, an act relating to the financing and administration of the Office of the Attorney General and making an appropriation.

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate Joint Resolution 1009**, a joint resolution to provide for an interim study of the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and liability risks, and to provide for an appropriation, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6807

Amend Senate Joint Resolution 1009, as passed by the Senate, as follows:

1. Page 1, line 12, by striking the word "malpractice" and inserting in lieu thereof the words "professional liability insurance".

2. Page 2, line 1, by striking the word "may" and inserting in lieu thereof the word "shall".

3. Page 2, line 3, by inserting after the word "pool" the words "and shall study the underlying reasons for the restricted insurance markets as outlined above and shall recommend solutions to ease the market difficulties if possible".

4. Page 2, by inserting after line 3 the following:

"The study committee shall study alternatives including but not limited to reinsurance pools, revision of the Iowa tort claims act, changes in liability law and tort reform."

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations has considered **House File 1591**, a bill for an act making an appropriation for the purpose of providing for the development of an interactive computer system encompassing state budgeting and monitoring procedures, and begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

AMENDMENTS FILED

H—6835

Amend the Senate amendment H—6791, to House File 1329, as follows:

1. Page 1, line 8, by striking the quotation marks.

2. Page 1, by inserting after line 8 the following:

"Sec. ..... Section two hundred seventy-three point eight (273.8), Code 1975, is amended by

striking the section and inserting in lieu thereof the following:

273.8 BOARD OF DIRECTORS. The board of directors of a merged area which is conterminous with an area education agency, established under section two hundred eighty A point twelve (280A.12) of the Code, shall constitute the board of directors of the area education agency.

Sec. ..... The terms of office of persons serving as directors of an area education agency on June 30, 1976 shall expire July 1, 1976.

2. Amend the title, line 1, by inserting after the word "status" the words "and governance"."

SCHROEDER of Pottawattamie

H—6816

Amend the Senate amendment, H—6726 to House File 1332 as amended, passed and reprinted by the House as follows:

1. By striking page 1, line 1 through page 4, line 42 and inserting in lieu thereof the following: "Amend House File 1332, as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 1 through 3 and inserting in lieu thereof the following:

"Sec. ..... Chapter three hundred eight A (308A), Code 1975, is amended by adding the following new section:

NEW SECTION. **Bikeways and walkways approved as** either incidental features of highway construction projects primarily for motor vehicular traffic or as an independent bikeway or walkway construction project constructed pursuant to the Highway Act of 1973, 23 U.S.C. 217, shall not be constructed as elevated structures joining private buildings or so constructed to provide elevated access or egress facilities to private buildings."

Sec. ..... Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 and 1976 Sessions, is amended by adding the following new section:

NEW SECTION. **MOTORIZED BICYCLE LICENSE.**

1. The department may issue a motorized bicycle license to any person fourteen years of age or older who has passed the approved driver education course required for applicants for such license. A motorized bicycle license shall entitle the licensee to operate a motorized bicycle while having the license in immediate possession on the highways of the state for a period of two years.

2. A motorized bicycle license shall be canceled upon a conviction for a moving traffic violation and reapplication may be made thirty days after the date of cancellation. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain

proof of financial responsibility under section three hundred twenty-one A point seventeen (321A.17), of the Code, unless the conviction would otherwise result in a suspension or revocation of a person's operator's license.

3. As used in this section, "moving traffic violation" does not include any violation of any section of the Code or any municipal ordinance pertaining to the standards to be maintained for motor vehicle equipment except sections three hundred twenty-

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one point four hundred thirty (321.430) and three hundred twenty-one point four hundred thirty-one (321.431) of the Code, or any municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles.

4. A motorized bicycle license is not required to operate a motorized bicycle if possessed of an operator's or chauffeur's license.

5. A motorized bicycle license shall terminate upon issuance to the licensee of an operator's or chauffeur's license valid for operation of motorcycles. A valid motorized bicycle license shall be returned to the department prior to issuance of an operator's or chauffeur's license valid for operation of motorcycles.

Sec. ..... Section three hundred twenty-one point one (321.1), subsection seventy-two (72), Code 1975, is amended to read as follows:

72. A "special truck" means a motor truck not used for hire with a gross weight registration of eight through [twelve] *eighteen* tons[, inclusive], used by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities purchased by the owner for use in his own farming operation *or occasional use for charitable purposes.*

Sec. ..... Section three hundred twenty-one point one (321.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters sixty-seven (67) and one hundred seventy (170), is amended by adding the following new subsection:

NEW SUBSECTION. "Motorized bicycle" or "motor bicycle" means a two-wheeled motor vehicle with an engine having a displacement no greater than fifty cubic centimeters as fixed by the department and not capable of operation at a speed in excess of twenty-five miles per hour on level ground unassisted by human power."

2. Page 1, by inserting after line 8 the following:

"Sec. ..... Section three hundred twenty-one point one (321.1), subsection three (3), Code 1975, is amended to read as follows:

3. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact

with the ground including a motor scooter [and a bicycle with motor attached] but excluding a tractor *and a motorized bicycle.*"

3. Page 1, by inserting after line 16 the following:

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"Sec. ..... Section three hundred twenty-one point thirty-four (321.34), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, *motorized bicycle,* truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle.

Sec. ..... Section three hundred twenty-one point thirty-seven (321.37), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Registration plates issued for a motor vehicle other than a motorcycle, *motorized bicycle* or a truck tractor shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof. The registration plate issued for a truck tractor shall be attached to the front thereof."

4. Page 1, by inserting after line 25 the following:

"Sec. ..... Section three hundred twenty-one point forty-six (321.46), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The purchaser or transferee shall immediately apply for and obtain from the county treasurer of his residence a transfer of registration and a new certificate of title for such vehicle except as provided in section 321.48. The purchaser or transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and the signed registration card. *The purchaser or the transferee shall not be required to list a social security number as part of the application for a registration transfer and a new title.*

Sec. ..... Section three hundred twenty-one point fifty-one (321.51), subsection six (6), Code 1975, is amended to read as follows:

6. No vehicle sold or otherwise transferred pursuant to the provisions of this section shall be driven upon the highway until a valid official certificate of inspection has been affixed thereto and an unrestricted certificate of title, a registration card, and registration plates for the vehicle have been issued to the purchaser or transferee, except as set out in section 321.98. *However, upon receipt of an affidavit signed by the owner of the vehicle stating that the vehicle is reasonably safe for operation, an inspection station may issue a permit*

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authorizing the owner to operate the vehicle to and from a specific inspection station. The affidavit and permit mentioned in this section shall be on forms prescribed and furnished by the department which shall forward these forms to each county treasurer where they shall be made available upon request.

Sec. ..... Section three hundred twenty-one point one hundred seventeen (321.117), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-one (171), section eleven (11), is amended to read as follows:

321.117 MOTORCYCLE AND HEARSE FEES. For all motorcycles the annual fee shall be ten dollars. *For all motorized bicycles the annual fee shall be five dollars.* When said motorcycle has been registered five times, the annual registration fee shall be five dollars. The annual registration fee for hearses shall be fifty dollars. Passenger car plates shall be issued for hearses.

Sec. ..... Section three hundred twenty-one point one hundred twenty-one (321.121), Code 1975, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE. The registration fee for a special truck shall be one hundred dollars for a gross weight of eight[, nine, or ten] tons, [and one hundred fifty dollars for a gross weight of eleven or twelve tons] *and in addition, fifteen dollars for each ton over eight tons.* Any person convicted of using a truck registered as a special truck for any purpose other than permitted by section 321.1, subsection 72, shall, in addition to any other penalty imposed by law, be required to pay regular motor truck registration fees upon such truck. A distinctive decal shall be applied to the special truck registration plate for easy identification."

5. Page 3, by inserting after line 14 the following:

"Sec. ..... Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1975, is amended to read as follows:

1. To any person, as an operator, who is under the age of sixteen years; provided that, effective August 1, 1966, the department shall not issue a license to any person, as an operator, who is under the age of seventeen years and effective August 1, 1967, the department shall not issue a license to any person, as an operator, who is under the age of eighteen years, without his first having successfully completed an approved driver education course, in

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which case, the minimum age shall be sixteen years. However, the department may issue a restricted license

as provided in section 321.194, or an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. *The department may issue a license restricted only for use for motorized bicycles as provided in this Act, to any person fourteen years of age or older who has successfully completed an approved driver's education course established by the department of public instruction to acquaint the motorized bicycle operator with the rules of the road.*

Sec. ..... Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection one (1), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

"Student," for purposes of this section, [shall mean] *means* any person between the ages of fifteen years and twenty-one years who resides in the public school district and who satisfies the preliminary licensing requirements of the department *or any person between fourteen and twenty-one years of age who resides in the public school district, who satisfies the preliminary licensing requirements of the department for operation of a motorized bicycle and who is enrolled in an approved driver education course for the purpose of qualifying for a motorized bicycle license as provided for in this Act.*

Sec. ..... Section three hundred twenty-one point one hundred seventy-eight (321.178), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79) section fifteen (15), is amended by adding the following new subsection:

NEW SUBSECTION. An individual applying for a motorized bicycle license shall take the approved driver education course without meeting the highway driving experience requirement."

6. Page 3, by inserting after line 31, the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-two (321.182), Code 1975, is amended to read as follows:

321.182 APPLICATION FOR LICENSE, OR PERMIT. Every application for an instruction permit [or for], an operator's or chauffeur's license [or], *a* temporary driver's permit *or a motorized bicycle license* shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and

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employees of the department are hereby authorized to administer such oaths without charge. The applicant shall write his usual signature with pen and ink upon the application in the same space provided for signature."

7. Page 3, line 35, by inserting after the words

"APPLICATIONS OF" the word "UNMARRIED".

8. Page 3, line 35, by inserting after the word "any" the word "unmarried".

9. Page 4, line 2, by inserting after the word **"license," the words *"motorized bicycle license,"*.**

10. Page 4, by striking lines 7 through 9.

11. Page 4, line 10, by striking the words *"years and"* and inserting in lieu thereof the word "; if".

12. Page 4, by inserting after line 13, the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-six (321.186), Code 1975, is amended to read as follows:

321.186. EXAMINATION OF NEW OR INCOMPETENT OPERATORS. The department may examine every new **applicant for an operator's, *motorized bicycle* or** chauffeur's license or any person holding a valid **operator's, *motorized bicycle* or chauffeur's license** when the department has reason to believe that such person may be physically or mentally incompetent to **operate a motor vehicle**, or whose driving record appears to the department to justify such an examination. Such examination shall be held in every county within periods not to exceed fifteen days. It shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and such further physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways."

13. Page 4, line 20, by inserting after the word **"operators' " the words ", *motorized bicycle*".**

14. Page 4, line 22, by inserting after the word **"operators' " the words ", *motorized bicycle*"."**

15. Page 4, by inserting after line 29 the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, is amended to read as follows:

321.189 LICENSES ISSUED. The department **shall** upon payment of the required fee, issue to every

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applicant qualifying therefor an operator's, *motorized bicycle* or chauffeur's license as applied for, which license shall bear thereon a distinguishing number **assigned to the licensee, the full name, date of birth, occupation, sex, residence address, a brief description of the licensee, and the usual signature** of the licensee. No license shall be valid unless **it bears the signature of the licensee. *The***

distinguishing number assigned to a licensee shall not be the licensee's social security number.

Sec. ..... Section three hundred twenty-one point one hundred ninety (321.190), Code 1975, is amended to read as follows:

321.190 CARRIED AND EXHIBITED. Every licensee shall have his operator's or chauffeur's, *or motorized bicycle* license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he produces in court, within a reasonable time, an operator's or chauffeur's *or motorized bicycle* licensed [theretofore] issued to him and valid at the time of his arrest.

Sec. ..... Section three hundred twenty-one point one hundred ninety-one (321.191), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The fee for an operator's license shall be five dollars if issued for a period of two years, and ten dollars if issued for a period of four years. The fee for a chauffeur's license shall be ten dollars if issued for a period of two years, and twenty dollars if issued for a period of four years. The fee for an instruction permit shall be three dollars [and], for a temporary driver's permit, five dollars *and for a motorized bicycle license, five dollars.*

Sec. ..... Section three hundred twenty-one point one hundred ninety-two (321.192), Code 1975, is amended to read as follows:

321.192 DISPOSAL OF FEES. Such license fees shall be forwarded by the department to the treasurer of state who shall place same in the general fund of the state, provided that for each operator's *and motorized bicycle* license issued by a county sheriff for which a license fee is paid, the sheriff issuing the same shall be entitled to retain the sum of fifteen cents and for each chauffeur's license, the sum of fifty cents, which shall be credited to the county general fund.

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Sec. ..... Section three hundred twenty-one point one hundred ninety-three (321.193), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

When provided in rules adopted pursuant to chapter 17A, the department upon issuing an operator's or chauffeur's license *or motorized bicycle license* shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of vehicle or special mechanical control devices required on a motor vehicle

which the licensee may operate or such other restrictions applicable to the licensee, including licenses issued under section 321.194, as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. *The department shall not require a person issued a valid operator's or chauffeur's license to comply with any other licensing requirements in order to operate a motorized bicycle.*

Sec. ..... Section three hundred twenty-one point one hundred ninety-five (321.195), Code 1975, is amended to read as follows:

321.195 DUPLICATE CERTIFICATES. In the event that an instruction permit [or], operator's or chauffeur's license, *motorized bicycle license* of extension certificate issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon payment of a fee of two dollars for an operator's or chauffeur's license, [or] extension certificate *or motorized bicycle license*, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit, license, or extension certificate has been lost or destroyed.

Sec. ..... Section three hundred twenty-one point two hundred one (321.201), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. The provisions applicable in sections three hundred twenty-one point two hundred one (321.201) through three hundred twenty-one point two hundred fifteen (321.215) of the Code relating to cancellation, suspension or revocation of an operator's or chauffeur's license are also applicable to motorized bicycle licenses and licensees holding motorized bicycle licenses."

16. Page 5, by inserting after line 12 the following:

"Sec. ..... Section three hundred twenty-one point two hundred sixteen (321.216), Code 1975, is amended

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to read as follows:

321.216 UNLAWFUL USE OF LICENSE. It is a misdemeanor, punishable as provided in section 321.482 unless another punishment is otherwise provided, for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license.

2. To lend his temporary driver's permit, temporary instruction permit, *motorized bicycle license*,

operator's license, or chauffeur's license to any other person or knowingly permit the use thereof by another.

3. To display or represent as one's own any temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license not issued to him.

4. To fail or refuse to surrender to the department upon its lawful demand any temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license which has been suspended, revoked, or canceled.

5. To use a false or fictitious name in any application for a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

6. To permit any unlawful use of a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license issued to him.

Sec ..... Section three hundred twenty-one point two hundred eighteen (321.218), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. Any person operating a motorized bicycle on the highways of the state not possessed of an operator's or chauffeur's license valid for operation of motorcycles or a valid motorized bicycle license, shall, upon conviction, be guilty of a misdemeanor and punished by a fine of not less than five nor more than fifty dollars.

Sec. ..... Section three hundred twenty-one point two hundred thirty-one (321.231), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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321.231 AUTHORIZED EMERGENCY VEHICLES.

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

2. The driver of any authorized emergency vehicle, may:

a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.

b. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conform

to the traffic laws and regulations is available.

3. The driver of a fire department vehicle, police vehicle or ambulance may:

a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

4. The exemptions granted to an authorized emergency vehicle under subsection two (2) of this section and for a fire department vehicle, police vehicle or ambulance as provided in subsection three (3) of this section shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of section three hundred twenty-one point four hundred thirty-three (321.433) of the Code, or a visual signaling device approved by the department except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection three (3), paragraph b of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.

5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

See. ..... Sections three hundred twenty-one point two hundred thirty-two (321.232) and three hundred twenty-one point two hundred ninety-six (321.296), Code 1975, are repealed."

Page 11

17. Page 5, by inserting after line 22 the following new section:

"Sec. ..... Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179), section one (1), is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115 *and motorized bicycles*, when first registered in this state, *other than a registration to a dealer licensed under chapter three hundred twenty-two (322) of the Code*, and each time when transferred for use within this state or when registration is changed from a registration as provided in section 321.115 to a regular registration,

other than transfers to a dealer licensed under chapter three hundred twenty-two (322), shall be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for the motor vehicle not more than sixty days prior to the date on which the vehicle was transferred and the vehicle has not been transferred during the sixty-day period, provided that during a one-year period the vehicle may be transferred between parents and their children or between spouses without another inspection. A vehicle inspection is not required when the transfer of the vehicle or an interest in the vehicle is between spouses or when required pursuant to a decree for dissolution of marriage between former spouses. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. If an inspection is required, and applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his residence, a statement on a form provided by the director, signed by an authorized

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inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. If an inspection is required the county treasurer shall not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his Iowa residency and he executes a statement to that effect in form and content as prescribed by the director. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-

of-state residency to the department at the time of mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals."

18. Page 7, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one point two hundred seventy-five (321.275) Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The provisions of this section shall apply to motorized bicycles."

19. Page 7, by inserting after line 30 the following:

"Sec. ..... Section three hundred twenty-one point three hundred seventeen (321.317), subsection three (3), Code 1975, is amended to read as follows:

3. After the thirty-first day of December, 1953, it shall be unlawful for any person to sell or offer for sale or operate on the highways of the state of Iowa any vehicle subject to registration under the provisions of this chapter which has never been registered in this or any other state prior to January 1, 1954, unless such vehicle is equipped with a directional signal device of a type approved by the department and is in compliance with the provisions of subsection 2 of this section. Motorcycles, motor scooters, [bicycles with motor attached] and semi-trailers and trailers less than forty inches in width are exempt from the provisions of this section."

20. Page 8, by inserting after line 34 the

Page 13

following:

"Sec. ..... Section three hundred twenty-one point three hundred eighty-five (321.385), Code 1975, is amended to read as follows:

321.385 HEAD LAMPS ON MOTOR VEHICLES. Every motor vehicle other than a motorcycle *or motorized bicycle* shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter."

21. Page 10, line 8, by striking the words "or usually operated".

22. Page 10, lines 19 and 20, by striking the words "or usually operated".

23. Page 10, line 21, by inserting after the word "department" the words "or when the member has used the blue light beyond the scope of its authorized use".

24. Page 11, by inserting after line 26 the following:

"Sec. ..... Section three hundred twenty-one point four hundred thirty (321.430), subsection one (1), Code 1975, is amended to read as follows:

1. Every motor vehicle, other than a motorcycle *or motorized bicycle*, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

Sec. ..... Section three hundred twenty-one point four hundred thirty (321.430) subsection four (4), paragraph a, is amended to read as follows:

a. Any motorcycle *or motorized bicycle*."

25. Page 13, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection five (5), Code 1975, is amended to read as follows:

5. No combination of vehicles coupled together which are used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, travel trailers, boats, farm and industrial tractors and self-propel-

Page 14

led farm implements, *nonself-propelled implements of husbandry*, and self-propelled vehicles shall have an unladen length, inclusive of front and rear bumpers in excess of sixty feet, but the passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, or boats being transported may extend up to three feet beyond the front and rear bumpers of the transporting vehicles when the overall length of the vehicle with load does not exceed sixty-five feet."

26. Page 14, by inserting after line 6 the following:

"Sec. ..... The sections of this Act amending section three hundred twenty-one point forty-six (321.46), unnumbered paragraph one (1), Code 1975, and section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, shall be effective January 1, 1977."

27. Amend the title, line 11, by inserting after the word "transportation" the words "and providing for a motorized bicycle license and specifying the operation requirements for a motorized bicycle".

16. Renumber the sections and correct internal

references as necessary in conformance with this amendment.

KRAUSE of Palo Alto
KOOGLER of Mahaska
DRAKE of Muscatine
SCHROEDER of Pottawattamie
HUTCHINS of Guthrie
WULFF of Black Hawk
HINES of Story
MILLER of Buchanan
HARGRAVE of Johnson

H—6822

Amend amendment H—6816 to Senate amendment H—6726 to House File 1332 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting before the period in line 6 the following:

", such permit shall be valid for forty-eight hours after issuance by inspection station."

SCHROEDER of Pottawattamie

H—6809

Amend H—6173 to page 1 of House File 1482 as follows:

1. Page 2 by striking lines 14 through 30 and inserting in lieu thereof the following:

"1. The present and future use of energy sources other than fossil fuels and electricity for heating and cooling the building.

2. The life cycle costs in terms of energy and economics of building design parameters including, but not limited to the following:

a. Suitability of the building site and orientation of the building on the site in the case of a new structure.

b. The thermal efficiency of the building envelope, including, walls, roof, windows and doors.

c. The efficiency of the mechanical components of the heating and cooling system.

d. Illumination levels and fixture types with a view toward energy conservation.

e. Any other design features which affect energy consumption."

BROCKETT of Marshall

H—6811

Amend House File 1542 as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred ninety-nine point thirty (499.30), unnumbered paragraph six (6), Code

1975, is amended to read as follows:

Notwithstanding the articles of incorporation of any association now in effect, for each taxable year of the association beginning after December 31, 1962, all remaining net earnings shall be allocated to the account of each member, including subscribers described in section 499.16 ratably in proportion to the business he had done with the association during such year. The directors shall determine, or the articles of incorporation or bylaws of the association may specify, the percentage or the amount of said allocation that currently shall be paid in cash, provided that so long as there are unpaid deferred patronage dividends for prior years the amount currently payable in cash shall not exceed twenty per cent of said allocation. *This limitation shall not be applicable to, and one hundred percent of current allocations shall be paid in cash to, the following:*

1. A member or patron which is a nonprofit corporation.

2. A member or patron who presents to the cooperative proof that he or she has reached the age of sixty-five.

3. A member or patron who presents to the cooperative proof that he or she is eligible for disability benefits under title sixteen (XVI) of the Social Security Act (42 USC), as amended, or similar disability payments under any Act of Congress. All [said] remaining allocation not [so] paid in cash shall be transferred to a revolving fund and credited to [said] *the* members and subscribers. [Such credits] *Credits* in the revolving fund are herein referred to as deferred patronage dividends.

Sec. 2. Section four hundred ninety-nine point thirty-three (499.33), Code 1975, is amended to read as follows:

499.33 USE OF REVOLVING FUND. The directors may use the revolving fund to pay the obligations or add to the capital of the association or retire its preferred stock. In such event the deferred patronage dividends credited to members shall constitute a charge on the revolving fund and future additions thereto, and on the corporate assets, subordinate to creditors and preferred stockholders then or thereafter existing. Deferred patronage dividends

Page 2

for any year shall have priority over those for any subsequent year, [except that the directors may, at their discretion, pay deferred patronage dividends of deceased members or patrons, and members who become ineligible without reference to the order of priority herein prescribed] *with the following exceptions:*

1. All deferred patronage dividends credited to

a deceased member shall be paid to that person's estate within one year after that person's death.

2. All deferred patronage dividends credited to a member who becomes ineligible as provided in section four hundred ninety-nine point thirteen (499.13) of the Code shall be paid to that person within five years after the date that person makes demand for payment. Interest at the rate of six percent per annum on the unpaid balance shall accrue beginning one year after the date of demand, and shall be paid each year as it accrues. Any person who has received under the provisions of this subsection all or a part of the deferred patronage dividends credited to him or her by a cooperative shall not be eligible to resume membership in that cooperative within three years after the date of the last such deferred patronage dividend payment.

HOWELL of Floyd

H—6826

Amend House File 1587 as follows:

1. Page 1, line 20, by striking the word "Consulting" and inserting in lieu thereof the words "Acting as the governor's liaison".

2. Page 1, line 27, by striking the words "the state" and inserting in lieu thereof the words "the governor, who shall be the public employer of all state employees except those employed in an academic, scientific, professional, medical, or other academically-related capacity by any institution of the state board of regents, and representing the state, except for such employees of the state board of regents,".

3. Page 1, by striking lines 29 and 30 and inserting in lieu thereof the following subsection:

"3. Representing the state as a negotiator in collective bargaining pursuant to section twenty point seventeen (20.17), subsection eight (8), of the Code."

4. Page 1, line 32, by inserting after the word "governor" the words ", provided that these duties shall not modify, reduce, or abridge the authority or duties of the general assembly; political subdivisions of the state; or boards, commissions, agencies, or departments of the state".

5. Page 2, line 2, by striking the word "ten" and inserting in lieu thereof the word "fourteen".

6. Page 2, line 10, by striking the word "and".

7. Page 2, line 11, by inserting after the word "appropriations" the words ", the chairperson and minority ranking member of the house of representatives committee on state government, and the chairperson and minority ranking member of the senate committee on state government".

8. Page 2, line 18, by striking the word "tentative" and inserting in lieu thereof the word "rati-

fied".

9. Page 2, line 18, by striking the word "state" and inserting in lieu thereof the words "public employer".

10. Page 2, by striking lines 21 through 35 and inserting in lieu thereof the following: "on employment relations by the public employer and the organization which represents the public employees for the purposes of bargaining in a joint presentation to the committee. The ratified agreement shall be submitted to the committee after ratification by the public employer and the employee organization which represents public employees for purposes of collective bargaining, but not later than April fifteenth. For purposes of section twenty point nineteen (20.19) of the Code, the certified budget

Page 2

submission date of state agencies shall be December fifteenth for purposes of the implementation of the impasse procedure for collective bargaining. The joint legislative committee on employment relations shall thereupon vote to appropriate or not to appropriate funds required for the implementation of the ratified collective bargaining agreement.

If the committee votes to appropriate sufficient funds to implement the ratified collective bargaining agreement, the committee shall prepare legislative bill drafts designed to carry out those portions of the ratified agreement which require an appropriation of the general assembly.

If the committee votes not to appropriate sufficient funds to implement the ratified collective bargaining agreement, the ratified contract shall be returned to the negotiating parties pursuant to section twenty point seventeen (20.17), subsection six (6), of the Code."

BYERLY of Polk

H—6806

Amend House File 1588 as follows:

1. Page 2, line 25, by striking the figure "$1,670,000" and inserting in lieu thereof the figure "1,695,000".

STROMER of Hancock

H—6821

Amend House File 1590, page 3, line 18, by insert- after the word "is" the words "disabled or is".

NORLAND of Worth

H—6823

Amend House File 1590 as follows:

1. Page 5, by striking lines 24 through 26.

2. By renumbering the sections to conform with this amendment.

SCHROEDER of Pottawattamie
WULFF of Black Hawk

H—6825

Amend House File 1590, as follows:
1. Page 5, by striking lines 33 through 35.
2. Page 6, by striking lines 1 and 2.

BRANSTAD of Winnebago

H—6830

Amend House File 1590 as follows:
1. Page 4, by striking lines 4 through 28.
2. Renumber the remaining sections as necessary.

BRANSTAD of Winnebago
READINGER of Polk
BITTLE of Polk
WEST of Marshall
BROCKETT of Marshall
BORTELL of Madison
EVANS of Grundy
WULFF of Black Hawk
WELDEN of Hardin
HANSEN of O'Brien
WYCKOFF of Benton
McELROY of Fremont
VARLEY of Adair
MILLER of Buchanan
LINDEEN of Henry
DANKER of Pottawattamie
BENNETT of Ida
CLARK of Lee
TOFTE of Winneshiek
MILLEN of Van Buren
OAKLEY of Clinton

H—6824

Amend H—3630 to Senate File 217, as passed by the Senate and reprinted, as follows:
1. Line 5 by striking the words "*employee organizations*" and inserting in lieu thereof the word "*employers*".

OAKLEY of Clinton
MIDDLETON of Black Hawk
JESSE of Polk
BITTLE of Polk

H—6810

Amend Senate File 1333 as follows:
1. Page 2, line 7, by inserting after the word "technology," the following: "for the library addition, phase 1 and remodeling at Iowa state

university of science and technology,"

2. Page 2, line 9, by striking the figure "600,000" and inserting in lieu thereof the figure "956,400".

CRAWFORD of Story

H—6812

Amend Senate File 1335 as follows:

1. Page 3, line 8, by striking the figures "$ 108,014" and inserting in lieu thereof the figures "$ 131,801".

GRIFFEE of Chickasaw

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 11:28 p.m. until 10:00 a.m., Monday, May 24, 1976.

JOURNAL OF THE HOUSE

One Hundred Thirty-fourth Calendar Day—Eighty-ninth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, MONDAY, MAY 24, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Larry Wheatcraft, pastor of the Calvary Baptist Church, Saint Charles, Iowa.

The Journal of Friday, May 21, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Olin Elliott, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Drake of Muscatine on request of Varley of Adair; Lageschulte of Bremer on request of Pellett of Cass; Bittle of Polk for the week of May 24, 1976, on request of Brockett of Marshall.

PRESENTATION OF VISITORS

Small of Johnson presented to the House the Honorable Ray A. Yenter, former member of the House during the Thirty-ninth, Fortieth, Fortieth-Extra and Forty-first General Assemblies, representing Johnson County.

The Speaker announced the following visitors were present in the House chamber:

Fourteen students from Saint Paul's Lutheran School, Whittemore, Iowa, accompanied by Paul Buelow. By Krause of Palo Alto.

Forty-four tenth and eleventh grade students from Grandview Park Baptist School, Des Moines, accompanied by Linda Wessel. By Nielsen of Polk.

Sixty fourth grade students from Berg Elementary School, Newton, Iowa, accompanied by Marsha Haycock, Marilyn Roth

and Pam Fisher. By Anderson of Jasper and Dieleman of Marion.

Twenty-six eighth grade students from Saint Michael's School, Whittemore, Iowa, accompanied by Father McCartney. By Krause of Kossuth.

Fifty-five sixth, seventh and eighth grade members of the Student Council from Bettendorf Middle School, Bettendorf, Iowa, accompanied by Sue Richardson. By Harvey of Scott.

PETITION FILED

The following petition was received and placed on file:

By Baker of Buena Vista from nine residents of Clay County urging support of House File 1069 and Senate File 1008, relating to the availability and competitive source of long-term farm loan money.

ADOPTION OF COMMITTEE REPORTS

The Chief Clerk announced the adoption of reports of committees on House File 1591 and Senate Joint Resolution 1009, under Rule 36.

HOUSE CONCURRENT RESOLUTION 149

By Doyle, Scheelhaase and Crabb

Whereas, a previous general assembly has authorized the creation of a committee to investigate the Iowa-Nebraska boundary dispute; and

Whereas, during the past twelve years major changes have occurred on the Missouri River as a result of actions of the United States Corps of Engineers; and

Whereas, a person traveling down the Missouri River from Sioux City to Missouri Valley crosses the Iowa-Nebraska boundary no less than twenty-six times; and

Whereas, there is a dispute concerning the ownership of several thousand acres of land; and

Whereas, many lakes have gone dry because of a change in the course of the Missouri River; and

Whereas, the narrowing of the Missouri River is causing a scouring of the river bottom; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a special committee, composed of members of the Senate and the House of Representatives representing both political parties, to meet with the appropriate Nebraska and federal authorities during the 1976 interim to determine the appropriate course of action to resolve the problems presently existing relative to the change in the course of the Missouri River; and

Be It Further Resolved, That the special committee shall

prepare a report of its findings and recommendations and submit it to the legislative council and the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the special committee.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 829, a bill for an act relating to the administration of the Uniform Consumer Credit Code.

Also: That the Senate has on May 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1390, a bill for an act relating to civil damages for the taking of game or fur-bearing animals.

Also: That the Senate has on May 19, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1490, a bill for an act relating to the licensing and regulating of the sale of eggs and providing a penalty.

STEVEN C. CROSS, Secretary

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of the following bills: House File 1588, House File 1589, Senate Joint Resolution 1009, House File 1590 and House File 1586.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

House File 1588, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—6806 filed by Stromer of Hancock and moved its adoption:

H—6806

Amend House File 1588 as follows:
1. Page 2, line 25, by striking the figure "$1,670,000" and inserting in lieu thereof the figure "1,695,000".

Amendment H—6806 lost.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1588)

The ayes were, 85:

Anderson	Evans	Koogler	Pavich
Baker	Fitzgerald	Krause	Pellett
Bennett	Gentleman	Kreamer	Perkins
Bina	Gilloon	Lindeen	Poncy
Bortell	Griffee	Lipsky	Readinger
Brandt	Halvorson	McElroy	Scheelhaase
Branstad	Hansen	Menke	Schroeder
Brockett	Hargrave	Mennenga	Small
Brunow	Harper	Middleswart	Spear
Byerly	Hennessey	Middleton	Spencer
Connors	Higgins	Millen	Spradling
Crabb	Hinkhouse	Miller, A. V.	Stromer
Crawford	Horn	Miller, K. D.	Tauke
Cusack	Howell	Miller, O. L.	Tofte
Daggett	Hullinger	Nealson	Varley
Danker	Husak	Newhard	Welden
Den Herder	Hutchins	Nielsen	Wells
Dieleman	Jesse	Norland	West
Doyle	Jochum	Oakley	Woods
Dunton	Jordan	O'Halloran	Wyckoff
Dyrland	Junker	Patchett	Mr. Speaker
Egenes			

The nays were, 1:

Harvey

Absent or not voting, 13:

Avenson	Drake	Lonergan	Svoboda
Binneboese	Hines	Monroe	Walter
Bittle	Lageschulte	Rinas	Wulff
Clark			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 1588)

Brunow of Appanoose asked and received unanimous consent that **House File 1588** be **immediately messaged** to the Senate.

House File 1589, a bill for an act relating to and appropriating funds for programs for low income and elderly persons, was taken up for consideration.

By unanimous consent the following corrective amendment H—6838 filed by Cusack of Scott from the floor was adopted:

H—6838

Amend House File 1589 as follows:

1. Page 5, line 28, by striking the words "department of social services" and inserting in lieu thereof the words "employment security commission".

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1589)

The ayes were, 91:

Anderson	Evans	Koogler	Perkins
Baker	Fitzgerald	Krause	Poncy
Bennett	Gentleman	Kreamer	Readinger
Bina	Gilloon	Lindeen	Rinas
Bortell	Griffee	Lipsky	Scheelhaase
Brandt	Halvorson	McElroy	Schroeder
Branstad	Hansen	Menke	Small
Brockett	Hargrave	Mennenga	Spear
Brunow	Harper	Middleswart	Spencer
Byerly	Harvey	Middleton	Spradling
Clark	Hennessey	Millen	Stromer
Connors	Higgins	Miller, A. V.	Svoboda
Crabb	Hines	Miller, K. D.	Tauke
Crawford	Hinkhouse	Miller, O. L.	Tofte
Cusack	Horn	Nealson	Varley
Daggett	Howell	Newhard	Walter
Danker	Hullinger	Nielsen	Welden
Den Herder	Husak	Norland	Wells
Dieleman	Hutchins	Oakley	West
Doyle	Jesse	O'Halloran	Woods
Dunton	Jochum	Patchett	Wyckoff
Dyrland	Jordan	Pavich	Mr. Speaker
Egenes	Junker	Pellett	

The nays were, none.

Absent or not voting, 8:

Avenson	Bittle	Lageschulte	Monroe
Binneboese	Drake	Lonergan	Wulff

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 1589)

Cusack of Scott asked and received unanimous consent that **House File 1589** be **immediately messaged** to the Senate.

Senate Joint Resolution 1009, a joint resolution to provide for an interim study of the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and

liability risks, and to provide for an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

Griffee of Chickasaw offered the following amendment H—6807 filed by the committee on appropriations:

H—6807

Amend Senate Joint Resolution 1009, as passed by the Senate, as follows:

1. Page 1, line 12, by striking the word "malpractice" and inserting in lieu thereof the words "professional liability insurance".

2. Page 2, line 1, by striking the word "may" and inserting in lieu thereof the word "shall".

3. Page 2, line 3, by inserting after the word "pool" the words "and shall study the underlying reasons for the restricted insurance markets as outlined above and shall recommend solutions to ease the market difficulties if possible".

4. Page 2, by inserting after line 3 the following:

"The study committee shall study alternatives including but not limited to reinsurance pools, revision of the Iowa tort claims act, changes in liability law and tort reform."

Tauke of Dubuque moved that Senate Joint Resolution 1009 be deferred and that the resolution retain its place on the calendar.

The motion lost.

Griffee of Chickasaw moved the adoption of amendment H—6807.

Amendment H—6807 was adopted.

Griffee of Chickasaw moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 1009)

The ayes were, 64:

Anderson	Cusack	Griffee	Hullinger
Baker	Den Herder	Hansen	Husak
Bina	Dieleman	Harper	Jesse
Binneboese	Doyle	Harvey	Jochum
Brandt	Dunton	Hennessey	Koogler
Brockett	Dyrland	Higgins	Krause
Byerly	Evans	Hines	Kreamer
Connors	Fitzgerald	Hinkhouse	Lindeen
Crabb	Gentleman	Horn	Lipsky
Crawford	Gilloon	Howell	McElroy

Menke	Monroe	Perkins	Spencer
Mennenga	Nielsen	Poncy	Spradling
Middleton	Norland	Rinas	Svoboda
Miller, A. V.	O'Halloran	Scheelhaase	Walter
Miller, K. D.	Patchett	Small	Wells
Miller, O. L.	Pavich	Spear	Mr. Speaker

The nays were, 21:

Bennett	Halvorson	Oakley	Tauke
Branstad	Junker	Pellett	Tofte
Clark	Lonergan	Readinger	Welden
Daggett	Millen	Schroeder	West
Danker	Nealson	Stromer	Wyckoff
Egenes			

Absent or not voting, 14:

Avenson	Drake	Lageschulte	Varley
Bittle	Hargrave	Middleswart	Woods
Bortell	Hutchins	Newhard	Wulff
Brunow	Jordan		

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

ADOPTION OF THE SECOND CONFERENCE COMMITTEE REPORT
(House File 614)

Middleton of Black Hawk called up for consideration the second conference committee report on **House File 614**, a bill for an act relating to termination of parental rights and adoption and providing penalties filed on May 21, 1976, and found on pages 2986 through 2989 of the House Journal, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report was adopted.

Middleton of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 614)

The ayes were, 92:

Anderson	Brockett	Danker	Gentleman
Avenson	Brunow	Den Herder	Gilloon
Baker	Byerly	Dieleman	Halvorson
Bennett	Clark	Doyle	Hansen
Bina	Connors	Dunton	Hargrave
Binneboese	Crabb	Dyrland	Harper
Bortell	Crawford	Egenes	Harvey
Brandt	Cusack	Evans	Higgins
Branstad	Daggett	Fitzgerald	Hines

Hinkhouse	Lipsky	Norland	Spencer
Horn	McElroy	Oakley	Spradling
Howell	Menke	O'Halloran	Stromer
Hullinger	Mennenga	Patchett	Svoboda
Husak	Middleswart	Pavich	Tauke
Hutchins	Middleton	Pellett	Tofte
Jesse	Millen	Perkins	Varley
Jochum	Miller, A. V.	Poncy	Walter
Jordan	Miller, K. D.	Readinger	Welden
Junker	Miller, O. L.	Rinas	Wells
Koogler	Monroe	Scheelhaase	West
Krause	Nealson	Schroeder	Woods
Kreamer	Newhard	Small	Wyckoff
Lindeen	Nielsen	Spear	Mr. Speaker

The nays were, 2:

Hennessey	Lonergan

Absent or not voting, 5:

Bittle	Griffee	Lageschulte	Wulff
Drake			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that on May 21, 1976, the Senator from Scott, Mr. Gluba, declined to serve as chairperson of the Second Conference Committee on the part of the Senate on House File 614, a bill for an Act relating to the termination of parental rights and adoption, and that the Senator from Clarke, Mr. Ramsey, was appointed as chairperson of the Second Conference Committee on the part of the Senate.

Also: That the Senate has, on May 21, 1976, insisted on its amendment to House File 1558, a bill for an Act appropriating funds for public projects under the jurisdiction of the state conservation commission, and that the members of the conference committee on the part of the Senate, appointed on May 24, 1976, are: The Senator from Lee, Mr. Junkins, chair; the Senator from Harrison, Mr. Culver; the Senator from Montgomery, Mr. Hultman; the Senator from Woodbury, Mr. Kelly; and the Senator from Linn, Mr. Robinson.

Also: That the Senate has on May 24, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1583, a bill for an act providing for compensation and benefits for state employees and nonelected state officials.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1338, a bill for an act providing that for the purposes of chapter three hundred ninety (390) of the Code, ownership of certain transmission facilities may include the right to the use of an amount of the capacity thereof.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1340, a bill for an act to amend the rules of civil procedure proposed by the supreme court.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1341, a bill for an act to define certain additional substances as controlled substances.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1583

H—6851

Amend House File 1583, as amended and passed by the House as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. There is created a "salary adjustment fund" to be used to segregate funds appropriated by the general assembly to be distributed to various state departments to fund certain salary increases for designated state employees. The distribution of funds from the salary adjustment fund shall be subject to the approval of the governor and the state comptroller.

Sec. 2. There is appropriated from the general fund of the state to supplement other funds appropriated for salaries, support, maintenance, equipment and miscellaneous purposes by the general assembly to the state board of regents and the institutions enumerated in subsection three (3) of this section for the fiscal year beginning July 1, 1976, and ending June 30, 1977:

1. Funds as necessary to finance an average base salary increase of five percent of the base salaries of the faculty members paid during the fiscal year beginning July 1, 1975, and ending June 30, 1976, rounded to the nearest dollar amunt divisible by the number of payrolls paid annually to such persons to be allocated to faculty members at the discretion of the state board of regents.

2. Funds as necessary to finance a mandatory cost-of-living increase of five percent rounded to the nearest dollar divisible by the number of payrolls paid annually for professional and scientific personnel and for all employees under the state board of regents merit system except board office employees. However,

the mandatory cost-of-living increase given an employee shall equal one-half of that provided under the provisions of this subsection if the salary of the employee is in excess of the pay grade for the classification to which the employee is assigned.

3. The institutions for which supplemental funds are appropriated and the amounts necessary are:

INSTITUTION	APPROPRIATION
State university of Iowa	$2,945,400
State sanatorium	97,800
Hospital school	96,000
Psychopathic hospital	167,900
Hygienic laboratory	61,200
University hospitals	444,700
Iowa state university of science and technology	2,482,600

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Experimental station	318,200
Cooperative extension service	378,100
University of northern Iowa	931,400
School for the deaf	100,900
Iowa braille and sight-saving school	54,700

Sec. 3. The salary schedule of the merit system and the executive council exempt pay plan, provided for in section nineteen A point nine (19A.9), subsection two (2), of the Code, as they exist on June 30, 1976, shall be increased by five percent rounded to the nearest dollar amount divisible by twenty-six to provide for a cost-of-living adjustment. All salaries of persons who are exempt from chapter nineteen A (19A) of the Code and who are included in the state comptroller's central payroll system and state board of regents office employees shall receive a like increase under this section consistent with appropriations provided by the general assembly except members of the general assembly, board members and commission members, persons whose salaries are set by the general assembly, persons whose salaries are set by the governor pursuant to sections nine (9) through eleven (11) of this Act, persons whose salaries are set by the governor or by an appointing authority for which funds have been appropriated for a like cost-of-living increase, employees designated under section nineteen A point three (19A.3), subsection six (6), of the Code and employees under the state board of regents merit system.

Sec. 4. There is appropriated from the general fund of the state to the salary adjustment fund, created by this Act, the following amount for the fiscal year beginning July 1, 1976, and ending June 30, 1977, or so much thereof as may be necessary, to be distributed to each department to supplement funds appropriated to the department in order to

implement the cost-of-living increase provided in section three (3) of this Act: $6,900,000.

Sec. 5. There is appropriated from the road use tax fund to the state department of transportation, for the fiscal year beginning July 1, 1976, and ending June 30, 1977, the following amount or so much thereof as necessary to pay to employees of the state department of transportation who are eligible to be paid from the road use tax fund and who are eligible to receive the cost-of-living increase provided for in section three (3) of this Act: $222,000.

Sec. 6. There is appropriated from the primary road fund to the state department of transportation,

for the fiscal year beginning July 1, 1976, and ending June 30, 1977, the following amount or so much thereof as necessary to pay to the employees of the state department of transportation who are eligible to be paid from prorated primary road funds as provided in section three hundred seven point twenty-eight (307.28) of the Code and who are eligible to receive the cost-of-living increase provided for in section three (3) of this Act: $2,246,000.

Sec. 7. Funds appropriated by section four (4) of this Act shall relate to salaries supported from general fund appropriations and shall not be construed to replace revolving, federal, trust or special funds where applicable.

Sec. 8. To departmental revolving, trust or special funds, except the primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental authorization is provided unless otherwise provided, in an amount necessary to fund the salary adjustments provided in section three (3) of this Act.

Sec. 9. The governor may establish a salary for appointed nonelected persons in the executive branch of government holding a position enumerated in section ten (10) of this Act within the range provided for the position by section ten (10) of this Act by considering among other things, whether the person receiving the salary is temporary or permanent, or acting full or part time, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, the availability of qualified candidates for the position, and subordinates' salaries.

The governor in establishing salaries as provided in sections nine (9) and ten (10) of this Act shall take into consideration other employee benefits which may be provided for an individual including but not limited to housing.

The director of the commission for the blind and

the secretary of the state fair board may be furnished housing in addition to their salaries.

Sec. 10. The following annual salary ranges shall be in effect for the fiscal year beginning July 1, 1976 and ending June 30, 1977 for the positions specified and for each fiscal year after the fiscal year ending June 30, 1977 the salary range shall be the same as the range specified for the fiscal year beginning July 1, 1976 unless otherwise specified by the general assembly. The governor shall specify

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the salary to be paid to the person indicated at a rate within the salary ranges indicated from funds appropriated by the general assembly for such purposes:

	Range for 1976-77
1. COMMISSION ON AGING.	
Salary of executive director	$14,000 to $19,000
2. IOWA STATE ARTS COUNCIL.	
Salary of the director	$17,000 to $21,950
3. DEPARTMENT OF BANKING.	
Salary of the superintendent of banking	$20,000 to $28,750
4. IOWA BEER AND LIQUOR CONTROL DEPARTMENT.	
Salary of the director	$18,000 to $27,600
5. COMMISSION FOR THE BLIND.	
Salary of the director	$18,000 to $27,600
6. IOWA CIVIL RIGHTS COMMISSION.	
Salary of the executive secretary	$18,000 to $21,650
7. IOWA STATE COMMERCE COMMISSION.	
a. Salary of the chairman of the Iowa state commerce commission	$22,500 to $29,500
b. Salary of the members of the Iowa state commerce commission	$22,500 to $27,600
c. Salary of the executive secretary	$14,000 to $18,650
8. OFFICE OF STATE COMPTROLLER.	
Salary of the state comptroller	$25,000 to $34,700
9. STATE CONSERVATION COMMISSION.	
Salary of the director	$23,400 to $27,600
10. IOWA CRIME COMMISSION.	
Salary of the executive director	$17,800 to $21,950
11. IOWA DEVELOPMENT COMMISSION.	
Salary of the director	$23,400 to $28,750
12. DRUG ABUSE AUTHORITY.	
Salary of the director	$16,000 to $21,350
13. EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD.	
Salary of the director	$20,000 to $27,600
14. COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.	
Salary of the executive secretary	$14,000 to $19,000
15. EMPLOYMENT SECURITY COMMISSION.	
Salary of each commissioner	$18,000 to $23,000
16. ENERGY POLICY COUNCIL.	
Salary of the director	$18,000 to $25,300

17. DEPARTMENT OF ENVIRONMENTAL QUALITY.
Salary of the executive director $20,000 to $27,600
18. STATE FAIR BOARD.
Salary of the secretary $16,200 to $19,650
19. DEPARTMENT OF GENERAL SERVICES.
Salary of the director $23,400 to $27,600
20. OFFICE OF STATE GEOLOGIST.

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Salary of the state geologist $22,000 to $30,400
21. STATE DEPARTMENT OF HEALTH.
Salary of the commissioner of health $23,400 to $28,750
22. HIGHER EDUCATION FACILITIES COMMISSION.
Salary of the executive director $18,500 to $20,200
23. STATE HISTORICAL DEPARTMENT.
a. Salary of the director of historical society $16,000 to $25,750
b. Salary of the director of museum and archives $16,000 to $19,000
c. Salary of the director of historical preservation $14,400 to $18,050
24. OFFICE OF THE INDUSTRIAL COMMISSIONER.
Salary of the industrial commissioner $18,000 to $25,300
25. INSURANCE DEPARTMENT OF IOWA.
Salary of the commissioner of insurance $23,400 to $28,350
26. BUREAU OF LABOR.
Salary of the labor commissioner $18,900 to $25,300
27. IOWA LAW ENFORCEMENT ACADEMY.
Salary of the director $18,000 to $24,800
28. STATE LIBRARY COMMISSION.
Salary of the state librarian $17,000 to $21,350
29. IOWA MERIT EMPLOYMENT COMMISSION.
Salary of the director $23,400 to $27,100
30. IOWA NATURAL RESOURCES COUNCIL.
Salary of the director $17,000 to $21,850
31. PAROLE BOARD.
Salary of each member $ 9,000 to $10,700
32. OFFICE FOR PLANNING AND PROGRAMMING.
Salary of the director $23,400 to $26,500
33. DEPARTMENT OF PUBLIC DEFENSE.
Salary of the director of civil defense $15,500 to $19,950
34. DEPARTMENT OF PUBLIC INSTRUCTION.
Salary of the superintendent of public instruction $28,000 to $34,200
35. DEPARTMENT OF PUBLIC SAFETY.
Salary of the commissioner of public safety $23,400 to $28,900
36. REAL ESTATE COMMISSION.
Salary of the director $15,000 to $17,800
37. BOARD OF REGENTS.
Salary of executive secretary $23,400 to $34,700
38. DEPARTMENT OF REVENUE
Salary of the director of revenue $22,000 to $31,100
39. DEPARTMENT OF SOCIAL SERVICES.
Salary of the commissioner of social

services $24,000 to $35,650
40. DEPARTMENT OF SOIL CONSERVATION.
Salary of the director $18,200 to $23,000
41. DEPARTMENT OF TRANSPORTATION.

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a. Salary of the director of transportation $28,750 to $40,250
b. Salary of each member of the transportation regulation board $17,800 to $25,300
c. Salary of each member of the transportation commission $ 9,000 to $10,500

Sec. ..... Notwithstanding any laws of this state, the provisions of sections nine (9) and ten (10) of this Act shall govern for the fiscal year 1976-1977 and for each fiscal year after the fiscal year ending June 30, 1977, unless otherwise specified by the general assembly. The salary rates established by the governor under sections nine (9) and ten (10) of this Act for the persons indicated shall be the total salary paid to the persons for whom established. Any salary rates or adjustments to salaries provided for by sections one (1) through eight (8) of this Act shall not apply to the position specified in sections nine (9) and ten (10) of this Act, however funds appropriated for salaries, salary increases or adjustments to salaries by this or any other Act of the general assembly may be expended to fund salaries established pursuant to sections nine (9) and ten (10) of this Act if funds appropriated to the agencies represented by or employing the persons holding the positions specified in sections nine (9) and ten (10) of this Act are insufficient to pay salaries provided for in sections nine (9) and ten (10) of this Act.

Sec. 12. The governor shall report to the legislative council the salary rates established pursuant to the provisions of sections nine (9) through eleven (11) of this Act.

Sec. 13. The salary rates established in this section shall be in effect for the fiscal year beginning July 1, 1976 and ending June 30, 1977 and for each fiscal year after the fiscal year ending June 30, 1977 the rate shall be the same as the rate established by this section for the fiscal year beginning July 1, 1976 unless otherwise specified by the general assembly. Persons receiving the salary rates established by this section shall not receive any salary adjustments pursuant to sections one (1) through eight (8) of this Act and if this Act conflicts with any other provisions of law, this Act shall govern for the fiscal year beginning July 1, 1976 and ending June 30, 1977 and for each fiscal year after the fiscal year ending June 30, 1977 unless otherwise specified by the general assembly. Salaries

provided for in this section shall be paid from funds appropriated to the agency which the person represents

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or for which the person is employed, however if the funds of the agency which have been appropriated for salaries are insufficient to pay the salaries fixed by this section because of increases in such salaries, funds may be allocated from funds appropriated by the general assembly for salary adjustment purposes. In addition, if federal funds are available for any position provided for in this section, such federal funds may be expended if the combined federal and state funds do not exceed the rates provided for in this section.

The following annual salary rates shall be paid to the persons holding the positions indicated in the manner provided by this section:

1. Chief justice of the supreme court $38,844
2. Each justice of the supreme court $37,804
3. Each chief judge of a judicial district $33,592
4. Each district court judge except the chief judge of a judicial district $33,072
5. Each district associate judge $24,804
6. Each full-time judicial magistrate $24,804
7. Each part-time judicial magistrate ..... $ 6,750
8. Code editor $21,008
9. Court administrator $24,700
10. Clerk of the supreme court $21,008
11. Each legal assistant to the supreme court $13,130
12. Chairman of the public employment relations board $28,340
13. Two members of the public employment relations board, each $26,260
14. Attorney General $35,000

Sec. 14. All federal grants to and the federal receipts of the agencies affected by the provisions of this Act which are received and may be expended for purposes of this Act, are appropriated for such purposes and as set forth in such federal grants or receipts.

Sec. 15. Section seventy-nine point one (79.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety (90), section fourteen (14), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The head of any department, agency, or commission may grant an educational leave to employees for whom the head of the department, agency, or commission is responsible and funds appropriated by the general assembly may be used for such purposes. The head of such department, agency, or commission shall notify the legislative council of all educational leaves granted

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within fifteen days of the granting of the educational leave. If the head of a department, agency or commission fails to notify the legislative council of an educational leave the expenditure of funds appropriated by the general assembly for the educational leave shall not be allowed.

Sec. 16. Section seventy-nine point one (79.1), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety (90), section fourteen (14), is amended to read as follows:

Salaries specifically provided for in an appropriation Act of the general assembly shall be in lieu of existing statutory salaries, for the positions provided for in any such Act, and all salaries, *including longevity where applicable by express provision in the Code,* shall be paid according to the provisions of [this Act] *Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety (90),* and shall be in full compensation of all services, [except as otherwise expressly provided] *including any service on committees, boards, commisisons or similar duty for Iowa government, except for members of the general assembly.* All employees of the state including highway maintenance employees of the state department of transportation shall earn two weeks' vacation per year during the first year of employment and through the fourth year of employment, and three weeks' vacation per year during the fifth and through the eleventh year of employment, and four weeks' vacation per year during the twelfth year and all subsequent years of employment, with pay. One week vacation shall be equal to the number of hours in the employee's normal work week. Vacation allowances shall be accrued according to the provisions of [this Act] *Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety (90),* as provided by the rules of the Iowa merit employment department. Said vacations shall be granted at the discretion and convenience of the head of the department, agency or commission, except that in no case may an employee be granted vacation in excess of the amount earned by [him] *the employee.* In the event that the employment of an employee of the state is terminated the provisions of [this Act] *Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety (90),* relating to such termination shall apply.

Sec. 17. Section ninety-seven B point eleven (97B.11), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty

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(50), section three (3), is amended to read as follows:

97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

Each employer shall deduct from the wages of each member of the system a contribution in the amount **of three and [one-half]** ***six-tenths*** **percent of the covered** wages paid by the employer until the first of the month after the member's seventieth birthday or [his] ***the member's*** **termination or retirement from employment,** whichever is earlier. The contributions of the employer shall be in the amount of three and one-half percent of the covered wages of the member for service through December 31, 1975, and in the amount of [four **and seventy-five]** ***five and twenty-five*** **hundredths** percent of the covered wages of the member for service **commencing January 1, [1976]** ***1977.***

Sec. 18. The provisions of section seventeen (17) of this Act shall become effective January 1, 1977.

Sec. 19. There is appropriated from the general fund of the state to the office of the state comptroller for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of five hundred thousand (500,000) dollars, or so much thereof as may be necessary, to be used to make the increased employer contributions to the Iowa public employees' retirement fund provided for in section seventeen (17) of this Act."

2. Amend the title, lines 11, 12 and 13, by striking the words "by providing for an increase in the state's share of the cost of medical and health group insurance for state employees,".

HOUSE INSISTS

(Senate File 1251)

Byerly of Polk called up for consideration **Senate File 1251,** a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services and moved that the House insist on its amendment to Senate File 1251.

The motion prevailed and the House insists on its amendment.

SENATE AMENDMENTS CONSIDERED

Griffee of Chickasaw called up for consideration **House File 1569,** a bill for an act making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6790

Amend House File 1569, page 1, line 4, by striking the word "purchase" and inserting in lieu thereof the word "lease".

The motion prevailed and the House concurred in the Senate amendment H—6790.

Griffee of Chickasaw moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1569)

The ayes were, 82:

Anderson	Gilloon	Lindeen	Pellett
Avenson	Griffee	Lipsky	Poncy
Baker	Halvorson	Lonergan	Readinger
Bennett	Hansen	McElroy	Rinas
Bina	Harper	Menke	Scheelhaase
Binneboese	Harvey	Mennenga	Schroeder
Bortell	Hennessey	Middleswart	Small
Brandt	Higgins	Middleton	Spear
Brunow	Hines	Millen	Spencer
Connors	Hinkhouse	Miller, A. V.	Spradling
Crabb	Horn	Miller, K. D.	Stromer
Cusack	Howell	Miller, O. L.	Svoboda
Den Herder	Hullinger	Monroe	Varley
Dieleman	Husak	Nealson	Walter
Doyle	Hutchins	Newhard	Wells
Dunton	Jesse	Norland	West
Dyrland	Jochum	Oakley	Woods
Egenes	Jordan	O'Halloran	Wulff
Evans	Junker	Patchett	Wyckoff
Fitzgerald	Koogler	Pavich	Mr. Speaker
Gentleman	Krause		

The nays were, 10:

Branstad	Crawford	Nielsen	Tofte
Byerly	Daggett	Tauke	Welden
Clark	Danker		

Absent or not voting, 7:

Bittle	Drake	Kreamer	Perkins
Brockett	Hargrave	Lageschulte	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Miller of Calhoun called up for consideration **House File 1329,** a bill for an act relating to corporate status for the area education agencies, amended by the Senate as follows:

H—6791

Amend House File 1329, as passed by the House, as follows:

1. Page 1, by striking lines 8 through 11 and inserting in lieu thereof the words "be sued. An area education agency may hold property and execute lease-purchase agreements pursuant to the provisions

of section two hundred seventy-three point three (273.3), subsection seven (7) of the Code."

Schroeder of Pottawattamie offered the following amendment H—6835, to the Senate amendment H—6791, filed by him:

H—6835

Amend the Senate amendment H—6791, to House File 1329, as follows:

1. Page 1, line 8, by striking the quotation marks.

2. Page 1, by inserting after line 8 the following:

"Sec. ..... Section two hundred seventy-three point eight (273.8), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

273.8 BOARD OF DIRECTORS. The board of directors of a merged area which is conterminous with an area education agency, established under section two hundred eighty A point twelve (280A.12) of the Code, shall constitute the board of directors of the area education agency.

Sec. ..... The terms of office of persons serving as directors of an area education agency on June 30, 1976 shall expire July 1, 1976.

2. Amend the title, line 1, by inserting after the word "status" the words "and governance"."

Crawford of Story rose on a point of order that amendment H—6835 was not germane.

The Speaker ruled the point well taken and amendment H—6835 not germane.

Byerly of Polk moved to suspend the rules governing germaneness for the consideration of amendment H—6835, to the Senate amendment H—6791.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 58, nays 32.

The motion prevailed and the rules were suspended.

Fitzgerald of Webster moved the previous question on House File 1329 and all motions and amendments filed thereto.

A non-record roll call was requested.

The ayes were 56, nays 28.

The motion prevailed.

Schroeder of Pottawattamie moved the adoption of amendment H—6835, to the Senate amendment H—6791.

Roll call was requested by Kreamer of Polk and Lipsky of Linn.

Rule 70 was invoked.

Under the provisions of Rule 71, Spradling of Sioux refrained from voting.

On the question "Shall amendment H—6835, to the Senate amendment H—6791, be adopted?"

The ayes were, 51:

Anderson	Dyrland	Jesse	Schroeder
Avenson	Egenes	Koogler	Spear
Bennett	Evans	Lindeen	Spencer
Bortell	Gilloon	McElroy	Svoboda
Branstad	Griffee	Mennenga	Tofte
Brockett	Halvorson	Middleswart	Varley
Brunow	Hansen	Miller, K. D.	Walter
Byerly	Hargrave	Nealson	Wells
Connors	Harper	Nielsen	West
Daggett	Hinkhouse	Patchett	Woods
Danker	Howell	Pavich	Wyckoff
Den Herder	Hullinger	Perkins	Mr. Speaker
Dieleman	Hutchins	Rinas	

The nays were, 42:

Bina	Harvey	Lipsky	O'Halloran
Binneboese	Hennessey	Lonergan	Pellett
Brandt	Higgins	Menke	Poncy
Clark	Hines	Middleton	Readinger
Crabb	Horn	Millen	Scheelhaase
Crawford	Husak	Miller, A. V.	Small
Cusack	Jochum	Miller, O. L.	Stromer
Doyle	Jordan	Newhard	Tauke
Dunton	Junker	Norland	Welden
Fitzgerald	Krause	Oakley	Wulff
Gentleman	Kreamer		

Absent or not voting, 6:

Baker	Drake	Monroe	Spradling
Bittle	Lageschulte		

Amendment H—6835 was adopted.

Miller of Calhoun moved that the House concur in the Senate amendment H—6791, as amended.

The motion prevailed and the House concurred in the Senate amendment H—6791, as amended.

Miller of Calhoun moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1329)

The ayes were, 61:

Anderson	Dyrland	Hutchins	Perkins
Avenson	Egenes	Jesse	Rinas
Baker	Evans	Jordan	Schroeder
Bennett	Fitzgerald	Koogler	Spear
Bortell	Gentleman	Krause	Spencer
Branstad	Gilloon	McElroy	Stromer
Brockett	Griffee	Mennenga	Svoboda
Brunow	Halvorson	Middleswart	Tofte
Byerly	Hansen	Miller, A. V.	Varley
Clark	Harper	Miller, K. D.	Walter
Connors	Hines	Miller, O. L.	Wells
Crabb	Hinkhouse	Nielsen	West
Daggett	Horn	Norland	Woods
Danker	Howell	Patchett	Wyckoff
Dieleman	Hullinger	Pavich	Mr. Speaker
Dunton			

The nays were, 34:

Bina	Hennessey	Menke	Poncy
Binneboese	Higgins	Middleton	Readinger
Brandt	Husak	Millen	Scheelhaase
Crawford	Jochum	Nealson	Small
Cusack	Junker	Newhard	Spradling
Den Herder	Kreamer	Oakley	Tauke
Doyle	Lindeen	O'Halloran	Welden
Hargrave	Lipsky	Pellett	Wulff
Harvey	Lonergan		

Absent or not voting, 4:

Bittle	Drake	Lageschulte	Monroe

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

ADOPTION OF HOUSE RESOLUTION 121

Perkins of Greene asked and received unanimous consent for the immediate consideration of **House Resolution 121** filed by him as follows and moved its adoption:

HOUSE RESOLUTION 121

By Perkins, Cochran, Millen, Fitzgerald, Koogler, Byerly, Nielsen of Polk, Hutchins and Jesse

Whereas, the membership of the House of Representatives of the Sixty-sixth General Assembly has learned with great sorrow of the passing of Mrs. Clara D. Baker of Linn Grove, Iowa, mother of Representative Keith Baker, *Now, Therefore,*

Be It Resolved, that the members of the House of Representatives hereby wish to express their personal sympathy in the loss of their beloved, to Representative Baker, his father Mr. Barty Baker, and members of the Baker family.

Be It Further Resolved, that a copy of this resolution be forwarded to Representative Baker and **members of the family.**

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Koogler of Mahaska called up for consideration **House File 1332,** a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, temporary driver permits and instruction permits, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, the transfer of motor vehicle certification, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation, amended by the Senate, as follows:

H—6726

Amend House File 1332, as amended, passed and reprinted by the House, as follows:

1. Page 1, by inserting after line 25 the following:

"Sec. ..... Section three hundred twenty-one point forty-six (321.46), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The purchaser or transferee shall immediately apply for and obtain from the county treasurer of his residence a transfer of registration and a new certificate of title for such vehicle except as provided in section 321.48. The purchaser or transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and the signed registration card. *The purchaser or the transferee shall not be required to list a social security number as part of the application for a registration transfer and a new title.*"

2. Page 3, line 35, by inserting after the words "APPLICATIONS OF" the word "UNMARRIED".

3. Page 3, line 35, by inserting after the word "any" the word "unmarried".

4. Page 4, by striking lines 7 through 9.

5. Page 4, line 10, by striking the words *"years and"* and inserting in lieu thereof the word "; if".

6. Page 4, by inserting after line 29 the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, is amended to read as follows:

321.189 LICENSES ISSUED. The department shall upon payment of the required fee, issue to every applicant qualifying therefor an operator's or **chauffeur's license as applied for, which license** shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, occupation, sex, residence address, a brief description of the licensee, and the usual signature of the licensee. No license shall be valid unless it bears the signature of the licensee. *The distinguishing number assigned to a licensee shall not be the licensee's social security number*".

7. Page 5, by inserting after line 12 the following:

"Sec. ..... Section three hundred twenty-one point two hundred thirty-one (321.231), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

321.231 AUTHORIZED EMERGENCY VEHICLES.

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1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

2. The driver of any authorized emergency vehicle may:

a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.

b. Disregard laws or regulations governing direction of movement or turning in specified directions.

3. The driver of a fire department vehicle, police vehicle or ambulance may:

a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

4. The exemptions granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of section three hundred twenty-one point four hundred thirty-three (321.433) of the Code, or a visual signaling device approved by the department except that use of an audible or visual signaling device shall not be required under the following circumstances:

a. The vehicle is not equipped with such device, and is not required to be so equipped.

b. The vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for

the purpose of determining the speed of travel of such suspected violator.

c. The vehicle is stopped, standing, or parked.

5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Sec. ..... Sections three hundred twenty-one point two hundred thirty-two (321.232) and three hundred twenty-one point two hundred ninety-six (321.296), Code 1975, are repealed."

8. Page 5, by inserting after line 22 the following new section:

"Sec. ..... Section three hundred twenty-one point

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two hundred thirty-eight (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179), section one (1), is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115, when first registered in this state, *other than a registration to a dealer licensed under chapter three hundred twenty-two (322) of the Code*, and each time when transferred for use within this state or when registration is changed from a registration as provided in section 321.115 to a regular registration, other than transfers to a dealer licensed under chapter three hundred twenty-two (322), shall be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for the motor vehicle not more than sixty days prior to the date on which the vehicle was transferred and the vehicle has not been transferred during the sixty-day period, provided that during a one-year period the vehicle may be transferred between parents and their children or between spouses without another inspection. A vehicle inspection is not required when the transfer of the vehicle or an interest in the vehicle is between spouses or when required pursuant to a decree for dissolution of marriage between former spouses. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the

authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. If an inspection is required, an applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his residence, a statement on a form provided by the director, signed by an authorized inspection station certifying the date that a certificate of inspection was isued for and affixed to the vehicle. If an inspection is required the county treasurer shall

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not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his Iowa residency and he executes a statement to that effect in form and content as prescribed by the director. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-of-state residency to the department at the time of mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals."

9. Page 10, line 8, by striking the word "or usually operated".

10. Page 10, lines 19 and 20, by striking the words "or usually operated".

11. Page 10, line 21, by inserting after the word "department" the words "or when the member has used the blue light beyond the scope of its authorized use".

12. Page 10, line 27, by striking the word "an" and inserting in lieu thereof the words "a public".

13. Page 14, by inserting after line 6 the following:

"Sec. ..... The sections of this Act amending section three hundred twenty-one point forty-six (321.46) unnumbered paragraph one (1), Code 1975, and section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, shall be effective January 1, 1977."

14. Renumber sections and correct internal ref-

erences as are necessary in accordance with this amendment.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—6775, to the Senate amendment H—6726, filed by him on May 19, 1976, and found on page 2934 of the House Journal.

Krause of Palo Alto offered the following amendment H—6816, to the Senate amendment H—6726, filed by Krause, et al.:

H—6816

Amend the Senate amendment, H—6726 to House File 1332 as amended, passed and reprinted by the House as follows:

1. By striking page 1, line 1 through page 4, line 42 and inserting in lieu thereof the following: "Amend House File 1332, as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 1 through 3 and inserting in lieu thereof the following:

"Sec. ..... Chapter three hundred eight A (308A), Code 1975, is amended by adding the following new section:

NEW SECTION. Bikeways and walkways approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as an independent bikeway or walkway construction project constructed pursuant to the Highway Act of 1973, 23 U.S.C. 217, shall not be constructed as elevated structures joining private buildings or so constructed to provide elevated access or egress facilities to private buildings."

Sec. ..... Chapter three hundred twenty-one (321), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 and 1976 Sessions, is amended by adding the following new section:

NEW SECTION. MOTORIZED BICYCLE LICENSE.

1. The department may issue a motorized bicycle license to any person fourteen years of age or older who has passed the approved driver education course required for applicants for such license. A motorized bicycle license shall entitle the licensee to operate a motorized bicycle while having the license in immediate possession on the highways of the state for a period of two years.

2. A motorized bicycle license shall be canceled upon a conviction for a moving traffic violation and reapplication may be made thirty days after the date of cancellation. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section three hundred twenty-one A point seventeen (321A.17), of

the Code, unless the conviction would otherwise result in a suspension or revocation of a person's operator's license.

3. As used in this section, "moving traffic violation" does not include any violation of any section of the Code or any municipal ordinance pertaining to the standards to be maintained for motor vehicle equipment except sections three hundred twenty-

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one point four hundred thirty (321.430) and three hundred twenty-one point four hundred thirty-one (321.431) of the Code, or any municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles.

4. A motorized bicycle license is not required to operate a motorized bicycle if possessed of an **operator's or chauffeur's license.**

5. A motorized bicycle license shall terminate upon issuance to the licensee of an operator's or chauffeur's license valid for operation of motorcycles. A valid motorized bicycle license shall be returned to the department prior to issuance of an operator's **or chauffeur's license valid for operation of** motorcycles.

Sec. ..... Section three hundred twenty-one point one (321.1), subsection seventy-two (72), Code 1975, is amended to read as follows:

72. **A "special truck" means a motor truck not** used for hire with a gross weight registration of **eight through** [twelve] *eighteen* **tons**[**, inclusive**]**, used** by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities **purchased by the owner for use in his own farming** operation *or occasional use for charitable purposes.*

Sec. ..... Section three hundred twenty-one point one (321.1), Code 1975, as amended by Acts of the **Sixty-sixth General Assembly, 1975 Session, chapters** sixty-seven (67) and one hundred seventy (170), is amended by adding the following new subsections:

NEW SUBSECTION. **"Motorized bicycle" or "motor** bicycle" means a two-wheeled motor vehicle with an engine having a displacement no greater than fifty **cubic centimeters as fixed by the department and not** capable of operation at a speed in excess of twenty-**five miles per hour on level ground unassisted by** human power."

2. Page 1, by inserting after line 8 the following:

"Sec. ..... Section three hundred twenty-one point **one (321.1), subsection three (3), Code 1975, is** amended to read as follows:

3. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact

with the ground including a motor scooter [and a bicycle with motor attached] but excluding a tractor *and a motorized bicycle.*"

3. Page 1, by inserting after line 16 the following:

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"Sec. ..... Section three hundred twenty-one point thirty-four (321.34), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, *motorized bicycle,* truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle.

Sec. ..... Section three hundred twenty-one point thirty-seven (321.37), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Registration plates issued for a motor vehicle other than a motorcycle, *motorized bicycle* or a truck tractor shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof. The registration plate issued for a truck tractor shall be attached to the front thereof."

4. Page 1, by inserting after line 25 the following:

"Sec. ..... Section three hundred twenty-one point forty-six (321.46), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The purchaser or transferee shall immediately apply for and obtain from the county treasurer of his residence a transfer of registration and a new certificate of title for such vehicle except as provided in section 321.48. The purchaser or transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and the signed registration card. *The purchaser or the transferee shall not be required to list a social security number as part of the application for a registration transfer and a new title.*

Sec. ..... Section three hundred twenty-one point fifty-one (321.51), subsection six (6), Code 1975, is amended to read as follows:

6. No vehicle sold or otherwise transferred pursuant to the provisions of this section shall be driven upon the highway until a valid official certificate of inspection has been affixed thereto and an unrestricted certificate of title, a registration card, and registration plates for the vehicle have been issued to the purchaser or transferee, except as set out in section 321.98. *However, upon receipt of an affidavit signed by the owner of the vehicle*

stating that the vehicle is reasonably safe for operation, an inspection station may issue a permit

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authorizing the owner to operate the vehicle to and from a specific inspection station. The affidavit and permit mentioned in this section shall be on forms prescribed and furnished by the department which shall forward these forms to each county treasurer where they shall be made available upon request.

Sec. ..... Section three hundred-twenty-one point one hundred seventeen (321.117), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-one (171), section eleven (11), is amended to read as follows:

321.117 MOTORCYCLE AND HEARSE FEES. For all motorcycles the annual fee shall be ten dollars. *For all motorized bicycles the annual fee shall be five dollars.* When said motorcycle has been registered five times, the annual registration fee shall be five dollars. The annual registration fee for hearses shall be fifty dollars. Passenger car plates shall be issued for hearses.

Sec. ..... Section three hundred twenty-one point one hundred twenty-one (321.121), Code 1975, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE. The registration fee for a special truck shall be one hundred dollars for a gross weight of eight[, nine, or ten] tons, [and one hundred fifty dollars for a gross weight of eleven or twelve tons] *and in addition, fifteen dollars for each ton over eight tons.* Any person convicted of using a truck registered as a special truck for any purpose other than permitted by section 321.1, subsection 72, shall, in addition to any other penalty imposed by law, be required to pay regular motor truck registration fees upon such truck. A distinctive decal shall be applied to the special truck registration plate for easy identification."

5. Page 3, by inserting after line 14 the following:

"Sec. ..... Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1975, is amended to read as follows:

1. To any person, as an operator, who is under the age of sixteen years; provided that, effective August 1, 1966, the department shall not issue a license to any person, as an operator, who is under the age of seventeen years and effective August 1, 1967, the department shall not issue a license to any person, as an operator, who is under the age of eighteen years, without his first having successfully completed an approved driver education course, in

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which case, the minimum age shall be sixteen years. However, the department may issue a restricted license as provided in section 321.194, or an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. *The department may issue a license rstricted only for use for motorized bicycles as provided in this Act, to any person fourteen years of age or older who has successfully completed an approved driver's education course established by the department of public instruction to acquaint the motorized bicycle operator with the rules of the road.*

Sec. ..... Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection one (1), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

"Student," for purposes of this section, [shall mean] *means* any person between the ages of fifteen years and twenty-one years who resides in the public school district and who satisfies the preliminary licensing requirements of the department *or any person between fourteen and twenty-one years of age who resides in the public school district, who satisfies the preliminary licensing requirements of the department for operation of a motorized bicycle and who is enrolled in an approved driver education course for the purpose of qualifying for a motorized bicycle license as provided for in this Act.*

Sec. ..... Section three hundred twenty-one point one hundred seventy-eight (321.178), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79) section fifteen (15), is amended by adding the following new subsection:

NEW SUBSECTION. An individual applying for a motorized bicycle license shall take the approved driver education course without meeting the highway driving experience requirement."

6. Page 3, by inserting after line 31, the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-two (321.182), Code 1975, is amended to read as follows:

321.182 APPLICATION FOR LICENSE OR PERMIT. Every application for an instruction permit [or for], an operator's or chauffeur's license [or], *a* temporary driver's permit *or a motorized bicycle license* shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and

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employees of the department are hereby authorized to administer such oaths without charge. The applicant

shall write his usual signature with pen and ink upon the application in the space provided for signature."

7. Page 3, line 35, by inserting after the words "APPLICATIONS OF" the word "UNMARRIED".

8. Page 3, line 35, by inserting after the word "any" the word "unmarried".

9. Page 4, line 2, by inserting after the word "license," the words "*motorized bicycle license,*".

10. Page 4, by striking lines 7 through 9.

11. Page 4, line 10, by striking the words "*years and*" and inserting in lieu thereof the word "; if".

12. Page 4, by inserting after line 13, the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-six (321.186), Code 1975, is amended to read as follows:

321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS. The department may examine every new applicant for an operator's, *motorized bicycle* or chauffeur's license or any person holding a valid operator's, *motorized bicycle* or chauffeur's license when the department has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify such an examination. Such examinations shall be held in every county within periods not to exceed fifteen days. It shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and such further physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways."

13. Page 4, line 20, by inserting after the word "operators' " the words ", *motorized bicycle*".

14. Page 4, line 22, by inserting after the word "operators' " the words ", *motorized bicycle*"."

15. Page 4, by inserting after line 29 the following:

"Sec. ..... Section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, is amended to read as follows:

321.189 LICENSES ISSUED. The department shall upon payment of the required fee, issue to every

applicant qualifying therefor an operator's, *motorized bicycle* or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee the full name, date of birth, occupation, sex, residence address, a brief

description of the licensee, and the usual signature of the licensee. No license shall be valid unless it bears the signature of the licensee. *The distinguishing number assigned to a licensee shall not be the licensee's social security number.*

Sec. ..... Section three hundred twenty-one point one hundred ninety (321.190), Code 1975, is amended to read as follows:

321.190 CARRIED AND EXHIBITED. Every licensee shall have his operator's or chauffeur's, *or motorized bicycle* license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he produces in court, within a reasonable time, an operator's or chauffeur's *or motorized bicycle* license [theretofore] issued to him and valid at the time of his arrest.

Sec. ..... Section three hundred twenty-one point one hundred ninety-one (321.191), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The fee for an operator's license shall be five dollars if issued for a period of two years, and ten dollars if issued for a period of four years. The fee for a chauffeur's license shall be ten dollars if issued for a period of two years, and twenty dollars if issued for a period of four years. The fee for an instruction permit shall be three dollars [and], for a temporary driver's permit, five dollars *and for a motorized bicycle license, five dollars.*

Sec. ..... Section three hundred twenty-one point one hundred ninety-two (321.192), Code 1975, is amended to read as follows:

321.192 DISPOSAL OF FEES. Such license fees shall be forwarded by the department to the treasurer of state who shall place same in the general fund of the state, provided that for each operator's *and motorized bicycle* license issued by a county sheriff for which a license fee is paid, the sheriff issuing the same shall be entitled to retain the sum of fifteen cents and for each chauffeur's license, the sum of fifty cents which shall be credited to the county general fund.

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Sec. ..... Section three hundred twenty-one point one hundred ninety-three (321.193), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

When provided in rules adopted pursuant to chapter 17A, the department upon issuing an operator's or chauffeur's license *or motorized bicycle license* shall have authority whenever good cause appears to impose

restrictions suitable to the licensee's driving ability with respect to the type of vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee, including licenses issued under section 321.194, as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. *The department shall not require a person issued a valid operator's or chauffeur's license to comply with any other licensing requirements in order to operate a motorized bicycle.*

Sec. ..... Section three hundred twenty-one point one hundred ninety-five (321.195), Code 1975, is amended to read as follows:

321.195 DUPLICATE CERTIFICATES. In the event that an instruction permit [or], operator's or chauffeur's license, *motorized bicycle license* or extension certificate issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon payment of a fee of two dollars for an operator's or chauffeur's license, [or] extension certificate *or motorized bicycle license*, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit, license, or extension certificate has been lost or destroyed.

Sec. ..... Section three hundred twenty-one point two hundred one (321.201), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. The provisions applicable in sections three hundred twenty-one point two hundred one (321.201) through three hundred twenty-one point two hundred fifteen (321.215) of the Code relating to cancellation, suspension or revocation of an operator's or chauffeur's license are also applicable to motorized bicycle licenses and licensees holding motorized bicycle licenses."

16. Page 5, by inserting after line 12 the following:

"Sec. ..... Section three hundred twenty-one point two hundred sixteen (321.216), Code 1975, is amended

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to read as follows:

321.216 UNLAWFUL USE OF LICENSE. It is a misdemeanor, punishable as provided in section 321.482 unless another punishment is otherwise provided, for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license.

2. To lend his temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license to any other person or knowingly permit the use thereof by another.

3. To display or represent as one's own any temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license not issued to him.

4. To fail or refuse to surrender to the department upon its lawful demand any temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license which has been suspended, revoked, or canceled.

5. To use a false or fictitious name in any application for a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

6. To permit any unlawful use of a temporary driver's permit, temporary instruction permit, *motorized bicycle license*, operator's license, or chauffeur's license issued to him.

Sec. ..... Section three hundred twenty-one point two hundred eighteen (321.218), Code 1975, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. Any person operating a motorized bicycle on the highways of the state not possessed of an operator's or chauffeur's license valid for operation of motorcycles or a valid motorized bicycle license, shall, upon conviction, be guilty of a misdemeanor and punished by a fine of not less than five nor more than fifty dollars.

Sec. ..... Section three hundred twenty-one point two hundred thirty-one (321.231), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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321.231 AUTHORIZED EMERGENCY VEHICLES.

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

2. The driver of any authorized emergency vehicle, may:

a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.

b. Disregard laws or regulations governing direction of movement for the minimum distance

necessary before an alternative route that conform to the traffic laws and regulations is available.

3. The driver of a fire department vehicle, police vehicle or ambulance may:

a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

4. The exemptions granted to an authorized emergency vehicle under subsection two (2) of this section and for a fire department vehicle, police vehicle or ambulance as provided in subsection three (3) of this section shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of section three hundred twenty-one point four hundred thirty-three (321.433) of the Code, or a visual signaling device approved by the department except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection three (3), paragraph b of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.

5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Sec. ..... Sections three hundred twenty-one point two hundred thirty-two (321.232) and three hundred twenty-one point two hundred ninety-six (321.296), Code 1975, are repealed."

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17. Page 5, by inserting after line 22 the following new section:

"Sec. ..... Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179), section one (1), is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115 *and motorized bicycles*, when first registered in this state, *other than a registration to a dealer licensed under chapter three hundred twenty-two (322) of Code*, and each time when transferred for use within this state or when registration is changed from a registration as provided in section 321.115 to a regular registration,

other than transfers to a dealer licensed under chapter three hundred twenty-two (322), shall be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for the motor vehicle not more than sixty days prior to the date on which the vehicle was transferred and the vehicle has not been transferred during the sixty-day period, provided that during a one-year period the vehicle may be transferred between parents and their children or between spouses without another inspection. A vehicle inspection is not required when the transfer of the vehicle or an interest in the vehicle is between spouses or when required pursuant to a decree for dissolution of marriage between former spouses. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. If an inspection is required, an applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his residence, a statement on a form provided by the director, signed by an authorized

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inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. If an inspection is required the county treasurer shall not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his Iowa residency and he executes a statement to that effect in form and content as perscribed by the director. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-of-state residency to the department at the time of

mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals."

18. Page 7, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one point two hundred seventy-five (321.275), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The provisions of this section shall apply to motorized bicycles."

19. Page 7, by inserting after line 30 the following:

"Sec. ..... Section three hundred twenty-one point three hundred seventeen (321.317), subsection three (3), Code 1975, is amended to read as follows:

3. After the thirty-first day of December, 1953, it shall be unlawful for any person to sell or offer for sale or operate on the highways of the state of Iowa any vehicle subject to registration under the provisions of this chapter which has never been registered in this or any other state prior to January 1, 1954, unless such vehicle is equipped with a directional signal device of a type approved by the department and is in compliance with the provisions of subsection 2 of this section. Motorcycles, motor scooters, [bicycles with motor attached] and semi-trailers and trailers less than forty inches in width are exempt from the provisions of this section."

20. Page 8, by inserting after line 34 the

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following:

"Sec. ..... Section three hundred twenty-one point three hundred eighty-five (321.385), Code 1975, is amnded to read as follows:

321.385 HEAD LAMPS ON MOTOR VEHICLES. Every motor vehicle other than a motorcycle *or motorized bicycle* shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter."

21. Page 10, line 8, by striking the words "or usually operated".

22. Page 10, lines 19 and 20, by striking the words "or usually operated".

23. Page 10, line 21, by inserting after the word "department" the words "or when the member has used the blue light beyond the scope of its authorized use".

24. Page 11, by inserting after line 26 the following:

"Sec. ..... Section three hundred twenty-one point four hundred thirty (321.430), subsection one (1),

Code 1975, is amended to read as follows:

1. Every motor vehicle, other than a motorcycle *or motorized bicycle*, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

Sec. ..... Section three hundred twenty-one point four hundred thirty (321.430), subsection four (4), paragraph a, is amended to read as follows:

a. Any motorcycle *or motorized bicycle*."

25. Page 13, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection five (5), Code 1975, is amended to read as follows:

5. No combination of vehicles coupled together which are used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, travel trailers, boats, farm and industrial tractors and self-propel-

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led farm implements, *nonself-propelled implements of husbandry*, and self-propelled vehicles shall have an unladen length, inclusive of front and rear bumpers in excess of sixty feet, but the passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, or boats being transported may extend up to three feet beyond the front and rear bumpers of the transporting vehicles when the overall length of the vehicle with load does not exceed sixty-five feet."

26. Page 14, by inserting after line 6 the following:

"Sec. ..... The sections of this Act amending section three hundred twenty-one point forty-six (321.46), unnumbered paragraph one (1), Code 1975, and section three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975, shall be effective January 1, 1977."

27. Amend the title, line 11, by inserting after the word "transportation" the words "and providing for a motorized bicycle license and specifying the operation requirements for a motorized bicycle".

16. Renumber the sections and correct internal references as necessary in conformance with this amendment.

Schroeder of Pottawattamie offered the following amendment H—6822, to amendment H—6816, to the Senate amendment H—6726, filed by him and moved its adoption:

H—6822

Amend amendment H—6816 to Senate amendment H—6726 to House File 1332 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting before the period in line 6 the following:

", such permit shall be valid for forty-eight hours after issuance by inspection station."

Amendment H—6822 was adopted.

By unanimous consent the following corrective amendment H—6847, to amendment H—6816, to the Senate amendment H—6726, filed by Hutchins of Guthrie and Krause of Palo Alto from the floor was adopted:

H—6847

Amend amendment H—6816, to Senate amendment H—6726, to House File 1332 as follows:

1. Page 13, by inserting after line 19 the following:

"..... Page 10, line 27, by inserting after the word "emergency" the words "in the line of duty".

Avenson of Fayette offered the following amendment H—6844, to amendment H—6816, to the Senate amendment H—6726, filed by him from the floor:

H—6844

Amend the Krause, et al., amendment, H—6816, to the Senate amendment, H—6726, to House File 1332 as amended passed and reprinted by the House as follows:

1. Page 8, by striking line 46 and inserting in lieu thereof the following: "motorized bicycle licenses.

Sec. ..... Section three hundred twenty-one point two hundred nine (321.209), Code of Iowa, 1975 is amended by striking subsection seven (7).

Sec. ..... Section three hundred twenty-one point two hundred ten (321.210), is amended by inserting after subsection seven (7) the following new subsection:

"8. Has been convicted of drag racing."

Fitzgerald of Webster moved the previous question on House File 1332 and all motions and amendments filed thereto.

A non-record roll call was requested.

The ayes were 52, nays 27.

The motion prevailed.

Avenson of Fayette moved the adoption of amendment H—6844, to amendment H—6816, to the Senate amendment H—6726.

A non-record roll call was requested.

The ayes were 30, nays 41.

Amendment H—6844 lost.

Griffee of Chickasaw in the chair at 3:44 p.m.

Krause of Palo Alto moved the adoption of amendment H—6816, as amended, to the Senate amendment H—6726.

A non-record roll call was requested.

The ayes were 44, nays 9.

Amendment H—6816, as amended, was adopted.

With the adoption of amendment H—6816, as amended, the following amendments are out of order: H—6727, H—6735, H—6736, H—6737, H—6738, H—6744, H—6749, H—6755, H—6761, H—6769, H—6788 and H—6796.

Koogler of Mahaska moved that the House concur in the Senate amendment H—6726, as amended.

The motion prevailed and the House concurred in the Senate amendment H—6726, as amended.

Horn of Linn moved that the rules pertaining to the previous question be suspended to defer action on House File 1332.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 26, nays 47.

The motion lost.

Koogler of Mahaska moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

Under the provisions of Rule 71, Bennett of Ida refrained from voting.

On the question "Shall the bill pass?" (H.F. 1332)

The ayes were, 80:

Baker	Evans	Junker	Pavich
Bina	Fitzgerald	Koogler	Pellett
Binneboese	Gentleman	Krause	Perkins
Bortell	Gilloon	Kreamer	Readinger
Brandt	Halvorson	Lindeen	Rinas
Branstad	Hansen	Lipsky	Scheelhaase
Brockett	Hargrave	McElroy	Schroeder
Brunow	Harper	Menke	Small
Byerly	Hennessey	Middleswart	Spear
Clark	Higgins	Middleton	Spencer
Connors	Hines	Millen	Stromer
Crawford	Hinkhouse	Miller, A. V.	Tauke
Cusack	Horn	Miller, K. D.	Tofte
Daggett	Howell	Miller, O. L.	Varley
Danker	Hullinger	Nealson	Walter
Den Herder	Husak	Newhard	Welden
Dieleman	Hutchins	Norland	Wells
Doyle	Jesse	Oakley	West
Dunton	Jochum	O'Halloran	Wulff
Egenes	Jordan	Patchett	Wyckoff

The nays were, 11:

Anderson	Harvey	Poncy	Woods
Avenson	Lonergan	Spradling	Mr. Speaker (Griffee)
Dyrland	Monroe	Svoboda	

Absent or not voting, 8:

Bennett	Cochran	Drake	Mennenga
Bittle	Crabb	Lageschulte	Nielsen

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

CONSIDERATION OF BILLS
WAYS AND MEANS CALENDAR

Senate File 1309, a bill for an act relating to the exchange of property by the Dubuque community school district to the state of Iowa for the purpose of construction of an armory and conveying land and a building to the Dubuque community school district for school use, with report of committee recommending passage, was taken up for consideration.

Dyrland of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1309)

The ayes were, 84:

Anderson	Bortell	Byerly	Cusack
Baker	Brandt	Clark	Daggett
Bennett	Branstad	Cochran	Danker
Bina	Brockett	Connors	Den Herder
Binneboese	Brunow	Crawford	Doyle

Dunton	Hutchins	Miller, O. L.	Spear
Dyrland	Jesse	Monroe	Spencer
Egenes	Jochum	Newhard	Spradling
Evans	Jordan	Norland	Stromer
Fitzgerald	Junker	Oakley	Svoboda
Gentleman	Koogler	O'Halloran	Tauke
Gilloon	Krause	Patchett	Tofte
Halvorson	Kreamer	Pavich	Varley
Hansen	Lindeen	Pellett	Walter
Hargrave	Lipsky	Perkins	Welden
Harper	Lonergan	Poncy	West
Harvey	McElroy	Readinger	Woods
Higgins	Middleswart	Rinas	Wulff
Hinkhouse	Middleton	Scheelhaase	Wyckoff
Horn	Miller, A. V.	Schroeder	Mr. Speaker (Griffee)
Howell	Miller, K. D.	Small	
Husak			

The nays were, 3:

Avenson	Menke	Nealson

Absent or not voting, 12:

Bittle	Drake	Hullinger	Millen
Crabb	Hennessey	Lageschulte	Nielsen
Dieleman	Hines	Mennenga	Wells

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Buena Vista for the remainder of the day on request of Perkins of Greene.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 24, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1343, a bill for an act relating to the duties and financing of the department of transportation and appropriating from the road use tax fund.

STEVEN C. CROSS, Secretary

House File 1590, a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and dis-

ability annuities from state individual income taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendents of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations, was taken up for consideration.

Norland of Worth offered the following amendment H—6821 filed by him and moved its adoption:

H—6821

Amend House File 1590, page 3, line 18, by inserting after the word "is" the words "disabled or is".

Amendment H—6821 was adopted.

Spear of Lee offered the following amendment H—6840 filed by him from the floor and moved its adoption:

H—6840

Amend House File 1590 as follows:

1. Page 3, line 33, by inserting after the period the following: "The amount of the exemption shall be reduced by the amount of any social security annuity received."

A non-record roll call was requested.

The ayes were 38, nays 26.

Amendment H—6840 was adopted.

Branstad of Winnebago offered the following amendment H—6830 filed by Branstad, et al.:

H—6830

Amend House File 1590 as follows:

1. Page 4, by striking lines 4 through 28.

2. Renumber the remaining sections as necessary.

Fitzgerald of Webster moved the previous question on House File 1590, with respect to the filing of amendments only.

A non-record roll call was requested.

The ayes were 52, nays 28.

The motion prevailed.

Branstad of Winnebago moved the adoption of amendment H—6830.

Roll call was requested by Branstad of Winnebago and Norland of Worth.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6830 be adopted?"

The ayes were, 44:

Bennett	Dunton	Lipsky	Pellett
Bortell	Evans	McElroy	Readinger
Branstad	Gentleman	Menke	Schroeder
Brockett	Halvorson	Middleswart	Stromer
Clark	Hansen	Middleton	Tauke
Crabb	Harper	Millen	Tofte
Crawford	Harvey	Miller, K. D.	Varley
Daggett	Hinkhouse	Miller, O. L.	Welden
Danker	Jordan	Nealson	West
Den Herder	Junker	Newhard	Wulff
Dieleman	Lindeen	Oakley	Wyckoff

The nays were, 47:

Anderson	Fitzgerald	Jochum	Rinas
Avenson	Gilloon	Koogler	Scheelhaase
Bina	Hargrave	Krause	Small
Binneboese	Hennessey	Lonergan	Spear
Brandt	Higgins	Miller, A. V.	Spencer
Brunow	Hines	Monroe	Spradling
Byerly	Horn	Norland	Svoboda
Cochran	Howell	O'Halloran	Walter
Connors	Hullinger	Patchett	Wells
Cusack	Husak	Pavich	Woods
Doyle	Hutchins	Perkins	Mr. Speaker
Dyrland	Jesse	Poncy	(Griffee)

Absent or not voting, 8:

Baker	Drake	Kreamer	Mennenga
Bittle	Egenes	Lageschulte	Nielsen

Amendment H—6830 lost.

Norland of Worth offered the following amendment H—6856 filed by him from the floor and moved its adoption:

H—6856

Amend House File 1590 as follows:

1. Page 3, line 1, by inserting after the word "rate" the words "under this subsection".

2. Page 4, by inserting after line 28 the following new section:

"Sec. ..... Section four hundred fifty point six (450.6), Code 1975, is amended to read as follows:

450.6 ACCRUAL OF TAX—MATURITY—EXTENSION OF TIME.

The tax hereby imposed shall be for the use of the state, shall accrue at the death of the decedent owner, and shall be paid to the department of revenue within [fifteen] *twelve* months after the death of the decedent owner except when otherwise provided in this chapter. When in the opinion of the director of

revenue additional time should be granted for payment to avoid hardship, the director may extend the period to a date not exceeding three years from date of death of decedent, but in case of any such extension the tax shall bear six percent interest from the expiration of [fifteen] *twelve* **months from decendent's death."**

3. Renumber sections and correct internal references as necessary in accordance with this amendment.

Amendment H—6856 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie for the remainder of the day on request of Millen of Van Buren.

Lipsky of Linn offered the following amendment H—6860 filed by her from the floor and moved its adoption:

H—6860

Amend House File 1590 as follows:

1. Page 3, by inserting after line 8 the following new section:

"Sec..... Chapter one hundred thirty-five D (135D), Code 1975, is amended by adding the following new section:

NEW SECTION. **A mobile home owner who qualifies for a reduced tax rate provided in section one hundred thirty-five D point twenty-two (135D.22) of the Code and who rents a space upon which to set the mobile home shall be entitled to the protections provided in sections four hundred twenty-five point thirty-three (425.33) through four hundred twenty-five point thirty-six (425.36) of the Code and if the mobile home owner who qualifies for a reduced tax rate believes that a landlord has increased the mobile home owner's rent because the mobile home owner is eligible for a reduced tax rate, the provisions of sections four hundred twenty-five point thirty-three (425.33) and four hundred twenty-five point thirty-six (425.36) of the Code shall be applicable."**

2. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

Amendment H—6860 was adopted.

Junker of Woodbury offered the following amendment H—6858 filed by him and Spear of Lee from the floor and moved its adoption:

H—6858

Amend House File 1590 as follows:

1. Page 3, line 19, by inserting after the word "receives" the words "an annuity or".

2. Page 3, line 25, by inserting after the second word "of" the words "an annuity or".

3. Page 3, line 34, by inserting after the word "of" the words "an annuity or".

Amendment H—6858 was adopted.

Miller of Buchanan offered the following amendment H—6859 filed by him from the floor and moved its adoption:

H—6859

Amend House File 1590 as follows:

1. Page 4, by inserting after line 3 the following new section:

"Sec. 5. Section four hundred twenty-seven point one (427.1), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. LOW-RENT HOUSING. The property owned and operated by a nonprofit organization providing low-rent housing for the elderly and the physically and mentally handicapped. The exemption granted under the provisions of this subsection shall apply only until the terms of the original low-rent housing development mortgage is paid in full or expires, subject to the provisions of subsection twenty-three (23) of this section."

2. Page 5, by inserting after line 29 the following new section:

"Sec. ..... The provisions of section five (5) of this Act shall be effective to January 1, 1977.

3. Renumber sections and correct internal references as are necessary in accordance with this amendment.

4. Amend the title, line 8, by inserting after the word "taxes," the words "exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes,".

Amendment H—6859 was adopted.

Speaker Cochran in the chair at 5:27 p.m.

Hines of Story offered the following amendment H—6841 filed by him from the floor:

H—6841

Amend House File 1590 as follows:

1. Page 4, by striking lines 4 through 28 and inserting in lieu thereof the following:

"Sec. 5. Section four hundred twenty-two point thirty-three (422.33), subsection one (1), paragraph

b, Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred ten (210), section one (1), is amended to read as follows:

b. Net income of the above class having been separately allocated and deducted as above provided, the remainder of the net income of the taxpayer shall be allocated and apportioned as follows:

Where income is derived from business other than the manufacture or sale of tangible personal property, such income shall be specifically allocated or equitably apportioned within and without the state under rules of the director.

Where income is derived from the manufacture or sale of tangible personal property, the part thereof attributable to business within the state shall be in that proportion which the [gross] sales *of tangible personal property* made within the state bear to the total [gross] sales *of tangible personal property.*

[The gross sales of the corporation within the state shall be taken to be the gross sales from goods delivered or shipped to a purchaser within the state regardless of the f.o.b. point or other conditions of the sale, excluding deliveries for transportation out of the state.] *Sales of tangible personal property are in this state if the property is delivered or shipped to a purchaser other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale; or the property is shipped from an office, store, warehouse, factory, or other place of storage in this state and the purchaser is the United States government or the taxpayer is not taxable in the state of the purchaser. For purposes of apportionment of income under this division, a taxpayer is taxable in another state if in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business or a corporate stock tax, or that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether in fact, the state does or does not.*

For the purpose of this section, *"state" means any state of the United States, the District of Columbia, the commonwealth of Puerto Rico, any*

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territory or possession of the United States and any foreign country or political subdivision thereof, the word "sale" shall include exchange, and the word "manufacture" shall include the extraction and recovery of natural resources and all processes of fabricating and curing. The words "tangible personal property" shall be taken to mean corporeal personal property, such as machinery, tools, implements, goods, wares,

and merchandise, and shall not be taken to mean money deposits in banks, shares of stock, bonds, notes, credits, or evidence of an interest in property and evidences of debt."

2. Page 5, by inserting after line 29 the following new section:

"Sec. ..... The provisions of section five (5) of this Act shall be applicable for tax years beginning on or after July 1, 1976."

3. Page 5, by striking lines 33, 34, and 35.

4. Page 6, by striking lines 1 and 2.

5. Renumber sections and correct internal references as are necessary in accordance with this amendment.

Husak of Tama rose on a point of order that amendment H—6841 was not germane.

The Speaker ruled the point well taken and amendment H—6841 not germane.

Hines of Story moved that the rules governing germaneness be suspended for the consideration of amendment H—6841.

Roll call was requested by Hines of Story and Jochum of Dubuque.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H—6841?"

The ayes were, 29:

Binneboese	Gilloon	Jochum	Patchett
Byerly	Griffee	Jordan	Rinas
Connors	Hargrave	Krause	Small
Crawford	Hennessey	Lonergan	Spear
Cusack	Higgins	Mennenga	Svoboda
Doyle	Hines	Miller, O. L.	Wells
Dyrland	Jesse	Monroe	Woods
Fitzgerald			

The nays were, 58:

Anderson	Egenes	McElroy	Scheelhaase
Avenson	Evans	Menke	Schroeder
Bennett	Halvorson	Millen	Spencer
Bina	Hansen	Miller, A. V.	Spradling
Bortell	Harper	Miller, K. D.	Stromer
Brandt	Harvey	Nealson	Tauke
Branstad	Hinkhouse	Newhard	Tofte
Brockett	Horn	Norland	Varley
Brunow	Howell	Oakley	Walter
Clark	Hullinger	Pavich	Welden
Crabb	Husak	Pellett	West
Daggett	Hutchins	Perkins	Wulff
Den Herder	Junker	Poncy	Wyckoff
Dieleman	Koogler	Readinger	Mr. Speaker
Dunton	Lindeen		

Absent or not voting, 12:

Baker	Drake	Lageschulte	Middleton
Bittle	Gentleman	Lipsky	Nielsen
Danker	Kreamer	Middleswart	O'Halloran

The motion lost.

Norland of Worth offered the following amendment H—6848 filed by him from the floor and moved its adoption:

H—6848

Amend House File 1590 as follows:

1. Page 4, line 14, by striking the words "[five and one-half] *ten*" and inserting in lieu thereof the words "five and one-half".

2. Page 4, line 14, by inserting after the period the words "*Effective July 1, 1977, the additional personal property tax credit shall be increased for the tax year beginning July 1, 1977, and each succeeding tax year, when the growth in state general fund revenues, adjusted for changes in rate or basis, exceeded ten percent during the fiscal year ending in the preceding calendar year.*"

Amendment H—6848 was adopted.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H—6849 filed by him and Wyckoff of Benton from the floor and requested H—6849 be printed in the House Journal as follows:

H—6849

Amend House File 1590 by inserting in line 14 page 4 after the word "percent" the following: "cumulatively of one or more consecutive years. For purposes of this section the first year of cumulative growth rate shall be fiscal year 1977."

With the adoption of amendment H—6848, the following amendments H—6852 and H—6853 filed by Schroeder of Pottawattamie from the floor, are out of order:

H—6852

Amend House File 1590 as follows:

1. Page 4, line 14 by striking the word "*ten*" and inserting in lieu thereof the words "*seven and one-half*".

H—6853

Amend House File 1590 as follows:

1. Page 4, line 14 by striking the word "*ten*" and inserting in lieu thereof the word "*eight*"

Bennett of Ida offered the following amendment H—6850 filed by him from the floor and moved its adoption:

H—6850

Amend House File 1590 as follows:

1. Page 5, by striking lines 3 through 21.

2. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

Roll call was requested by Bennett of Ida and Harvey of Scott.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6850 be adopted?"

The ayes were, 37:

Bennett	Doyle	Lipsky	Readinger
Binneboese	Evans	McElroy	Schroeder
Bortell	Gentleman	Menke	Stromer
Branstad	Halvorson	Millen	Tauke
Brockett	Hansen	Nealson	Tofte
Clark	Harvey	Newhard	Welden
Crabb	Hinkhouse	Nielsen	West
Crawford	Junker	Pellett	Wulff
Daggett	Lindeen	Perkins	Wyckoff
Den Herder			

The nays were, 51:

Anderson	Griffee	Krause	Poncy
Avenson	Hargrave	Lonergan	Rinas
Bina	Harper	Mennenga	Scheelhaase
Brandt	Hennessey	Middleswart	Small
Brunow	Higgins	Middleton	Spear
Byerly	Hines	Miller, A. V.	Spencer
Connors	Horn	Miller, K. D.	Spradling
Cusack	Howell	Miller, O. L.	Svoboda
Dieleman	Hullinger	Norland	Walter
Dunton	Husak	Oakley	Wells
Dyrland	Jochum	O'Halloran	Woods
Fitzgerald	Jordan	Patchett	Mr. Speaker
Gilloon	Koogler	Pavich	

Absent or not voting, 11:

Baker	Drake	Jesse	Monroe
Bittle	Egenes	Kreamer	Varley
Danker	Hutchins	Lageschulte	

Amendment H—6850 lost.

Schroeder of Pottawattamie offered the following amendment H—6823 filed by him and Wulff of Black Hawk and moved its adoption:

H—6823

Amend House File 1590 as follows:

1. Page 5, by striking lines 24 through 26.

2. By renumbering the sections to conform with this amendment.

Amendment H—6823 was adopted.

Branstad of Winnebago offered the following amendment H—6825 filed by him and moved its adoption:

H—6825

Amend House File 1590, as follows:
1. Page 5, by striking lines 33 through 35.
2. Page 6, by striking lines 1 and 2.

Amendment H—6825 was adopted.

Perkins of Greene moved to reconsider the vote by which amendment H—6830 failed to be adopted by the House.

Roll call was requested by Harvey of Scott and Bennett of Ida.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H—6830 failed to be adopted be reconsidered?"

The ayes were, 43:

Bennett	Evans	Menke	Schroeder
Bortell	Gentleman	Middleswart	Spencer
Branstad	Halvorson	Millen	Stromer
Brockett	Hansen	Miller, K. D.	Tauke
Clark	Harper	Miller, O. L.	Tofte
Crabb	Harvey	Nealson	Varley
Crawford	Hutchins	Newhard	Welden
Daggett	Junker	Pellett	West
Den Herder	Lindeen	Perkins	Wulff
Dunton	Lipsky	Readinger	Wyckoff
Egenes	McElroy	Scheelhaase	

The nays were, 49:

Anderson	Gilloon	Jochum	Patchett
Avenson	Griffee	Jordan	Pavich
Bina	Hargrave	Koogler	Poncy
Binneboese	Hennessey	Krause	Rinas
Brandt	Higgins	Lonergan	Small
Brunow	Hines	Mennenga	Spear
Byerly	Hinkhouse	Middleton	Spradling
Connors	Horn	Miller, A. V.	Svoboda
Cusack	Howell	Monroe	Walter
Dieleman	Hullinger	Nielsen	Wells
Doyle	Husak	Norland	Woods
Dyrland	Jesse	O'Halloran	Mr. Speaker
Fitzgerald			

Absent or not voting, 7:

Baker	Danker	Kreamer	Oakley
Bittle	Drake	Lageschulte	

The motion lost.

Norland of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Hansen of O'Brien refrained from voting.

On the question "Shall the bill pass?" (H.F. 1590)

The ayes were, 85:

Anderson	Egenes	Junker	Perkins
Avenson	Evans	Koogler	Poncy
Bennett	Fitzgerald	Krause	Readinger
Bina	Gentleman	Lindeen	Rinas
Binneboese	Gilloon	Lipsky	Scheelhaase
Bortell	Griffee	Lonergan	Small
Brandt	Halvorson	McElroy	Spear
Branstad	Hargrave	Mennenga	Spencer
Brockett	Harper	Middleswart	Spradling
Brunow	Harvey	Middleton	Stromer
Byerly	Hennessey	Millen	Svoboda
Clark	Higgins	Miller, A. V.	Tauke
Connors	Hines	Miller, K. D.	Tofte
Crabb	Hinkhouse	Miller, O. L.	Walter
Crawford	Horn	Nealson	Welden
Cusack	Howell	Newhard	Wells
Daggett	Hullinger	Norland	West
Den Herder	Husak	O'Halloran	Woods
Dieleman	Hutchins	Patchett	Wulff
Doyle	Jochum	Pavich	Wyckoff
Dunton	Jordan	Pellett	Mr. Speaker
Dyrland			

The nays were, 4:

Jesse	Menke	Nielsen	Schroeder

Absent or not voting, 10:

Baker	Drake	Lageschulte	Oakley
Bittle	Hansen	Monroe	Varley
Danker	Kreamer		

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

SENATE AMENDMENT CONSIDERED
(House refuses to concur)

Brunow of Appanoose called up for consideration **House File 1583**, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employ-

ees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations, amended by the Senate and found on pages 3067 through 3075 of the House Journal, and moved that the House concur in the Senate amendment H—6851.

The motion lost and the House refused to concur in the Senate amendment H—6851.

MOTION TO RECONSIDER

I move to reconsider the vote by which House File 1329 passed the House on May 24, 1976.

EGENES of Story

MOTION TO RECONSIDER LOST

Egenes of Story called up for consideration the motion to reconsider House File 1329, filed by her, and moved to reconsider the vote by which House File 1329, a bill for an act relating to corporate status for the area education agencies, passed the House on May 24, 1976.

Roll call was requested by Bina of Scott and Egenes of Story.

Rules 69 and 70 were invoked.

On the question "Shall House File 1329 be reconsidered?"

The ayes were, 46:

Avenson	Dyrland	Jochum	O'Halloran
Bina	Egenes	Jordan	Patchett
Binneboese	Evans	Junker	Pellett
Bortell	Gentleman	Krause	Poncy
Brandt	Gilloon	Lindeen	Scheelhaase
Brockett	Harvey	Lipsky	Spear
Clark	Higgins	Menke	Svoboda
Crawford	Hines	Mennenga	Tauke
Cusack	Hinkhouse	Middleswart	Tofte
Daggett	Horn	Middleton	Welden
Den Herder	Husak	Norland	West
Doyle	Hutchins		

The nays were, 41:

Anderson	Halvorson	Millen	Schroeder
Bennett	Hansen	Miller, A. V.	Spencer
Branstad	Hargrave	Miller, K. D.	Spradling
Brunow	Harper	Miller, O. L.	Stromer
Byerly	Howell	Nealson	Walter
Connors	Hullinger	Nielsen	Wells
Crabb	Jesse	Pavich	Woods
Dieleman	Koogler	Perkins	Wulff
Dunton	Lonergan	Readinger	Wyckoff
Fitzgerald	McElroy	Rinas	Mr. Speaker
Griffee			

Absent or not voting, 12:

Baker	Drake	Lageschulte	Oakley
Bittle	Hennessey	Monroe	Small
Danker	Kreamer	Newhard	Varley

The motion lost.

ADMINISTRATION COMMITTEE APPOINTMENT

The Speaker announced the appointment of Perkins of Greene to the administration committee.

CONFERENCE COMMITTEE APPOINTED
(Senate File 1251)

The Speaker announced the appointment of the conference committee to consider the difference between the House and the Senate concerning Senate File 1251: Byerly of Polk, chair; Griffee of Chickasaw, Monroe of Des Moines, Varley of Adair and Lipsky of Linn.

CONFERENCE COMMITTEE APPOINTED
(House File 1558)

The Speaker announced the appointment of the conference committee to consider the difference between the House and the Senate concerning House File 1558: Avenson of Fayette, chair; Spencer of Clay, Wyckoff of Benton, Halvorson of Clayton and Welden of Hardin.

AMENDMENT H—6428 WITHDRAWN
(Senate File 7)

Hines of Story asked and received unanimous consent to withdraw amendment H—6428 to Senate File 7 filed by him on April 27, 1976, and found on pages 2249 through 2258 of the House Journal.

HOUSE FILE 1541 WITHDRAWN

Mennenga of Clinton asked and received unanimous consent to withdraw House File 1541 from further consideration by the House.

HOUSE FILE 1031 WITHDRAWN

Daggett of Adams asked and received unanimous consent to withdraw House File 1031 from further consideration by the House.

SENATE MESSAGES CONSIDERED

Senate File 1338, a bill for an act providing that for the purposes of chapter three hundred ninety (390) of the Code, ownership of certain transmission facilities may include the right to the use of an amount of the capacity thereof.

Read first time and referred to **sifting committee.**

Senate File 1340, a bill for an act to amend the rules of civil procedure proposed by the supreme court.

Read first time and referred to **sifting committee.**

Senate File 1341, a bill for an act to define certain additional substances as controlled substances.

Read first time and referred to **sifting committee.**

Senate File 1343, a bill for an act relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation, and funding the state department of transportation's share for administration of the state merit system.

Read first time and referred to committee on **appropriations.**

COMMUNICATION FROM THE SECRETARY OF STATE

May 21, 1976

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of section 3.9, Code of Iowa, 1975, there being no newspaper by the name of Neola Gazette-Reporter and Minden Shelby News, published in Neola, Iowa, I hereby designate Neola Gazette-Reporter and Minden-Shelby News, published in Neola, Iowa, to publish Senate File 1279.

Respectfully submitted
MELVIN D. SYNHORST
Secretary of State

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 1191

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on **Senate File 1191, a bill for an Act providing for the financing** of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, **respectfully make the following report:**

1. **That the Senate recede from its amendment H—6691 to the** House amendment S—5737 to Senate File 1191 and that the House amendment S—5737 be amended as follows:

Amend the House amendment, S—5737, to Senate File 1191 as follows:

Page 1, line 3, by striking the figure "671,382" and inserting in lieu thereof the figure "666,132".

On the part of the Senate:	On the part of the House:
EARL M. WILLITS, Chair	WILLIAM B. GRIFFEE, Chair
STEVE SOVERN	TERRY DYRLAND
MINNETTE F. DODERER	ROBERT T. ANDERSON
LEONARD C. ANDERSEN	HENRY C. WULFF
CLIFF BURROUGHS	FRANK CRABB

EXPLANATIONS OF VOTES

I was necessarily absent from the House Chamber after 6:30 p.m. on Friday, May 21. Had I been present, I would have voted as follows on Senate File 1261. I would have voted "aye" on amendments H—6828, H—6817A and H—6817B. I would have voted "nay" on amendments H—6834 and H—6815. I would have voted "aye" on amendments H—6818, H—6833, H—6827, H—6829, H—6832, H—6837 and H—6815. I would have voted "nay" on amendment H—6027. I would have voted "aye" on amendments H—6443, H—6442, H—6777, H—6725, H—6596, H—6813 and H—6000, and I would have voted "aye" on final passage of Senate File 1261.

HANSEN of O'Brien

Having been in the Governor's Office, I was necessarily absent from the House Chamber when the vote was taken on S. J. R. 1009. Had I been present, I would have voted "nay."

BORTELL of Madison

I was necessarily absent at the time when the vote was taken on Senate File 1314 and Senate File 1261. I would like to be recorded as having voted "aye" on both of these bills, had I been present.

MENKE of O'Brien

Due to my meeting with Senate leadership in an effort to find solutions to the corrections dilemma facing the House and Senate, I was out of the House Chamber for a period Monday, May 17, when some votes were taken on non-controversial bills. Had I been present and voting, I would have voted "aye" on Senate Files 244, 253, 273, 1105, 1303, 1304 and 1145.

CUSACK of Scott

I was in the Governor's office at the time the final vote was taken on Senate Joint Resolution 1009. Had I been present, I would have voted "aye".

HUTCHINS of Guthrie

I was excused from the House at 6:30 p.m. on May 21 and missed the votes on Senate File 1261 and amendments. Had I been present I would have voted "aye" on amendments H—6828, H—6817B, H—6818, H—6827, H—6832, H—6442, H—6725, H—6813 and Senate File 1261 and "nay" on amendments H—6829, H—6443, H—6596 and the motion to withdraw H—6834.

WULFF of Black Hawk

I was necessarily absent when Senate File 1314 and Senate File 1261 were brought to a final vote. Had I been present I would have voted "aye".

LIPSKY of Linn

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 24, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 628, an act relating to school bus transportation requirements.

Senate File 1092, an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review.

Senate File 1141, an act to establish and regulate the practice of barbering and the practice of cosmetology, and to provide penalties.

Senate File 1210, an act relating to unified law enforcement, including the duration of agreements, a property tax levy for unified law enforcement purposes and the establishment of a public safety fund.

Senate File 1291, an act to legalize the incorporation of the City of Yale, Iowa.

Senate File 1323, an act to provide funds to supplement funds appropriated to the law library for books, periodicals, and publications.

Senate File 1330, an act to appropriate funds to the Legislative Council to finance the computerization of an accurate data base containing the Code of Iowa.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of May, 1976: House Files 628, 1059, 1460, 1498, 1520, 1534, 1546, 1556, 1557 and 1577.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

AMENDMENTS FILED

H—6862

Amend House File 1479 as follows:

1. Page 3, by striking lines 27 through 35, and inserting in lieu thereof the following:

"b. Whose parent, guardian or custodian has physically abused or neglected the child or is imminently likely to abuse or neglect the child and such abuse or neglect causes or creates a substantial risk of death, disfigurement, or impairment of bodily functions.

c. Who has suffered physical abuse or neglect which causes disfigurement or impairment of bodily functioning as a result of:

(1) Conditions created by the child's parent, guardian or custodian; or

(2) The failure of the child's parent, guardian,

or custodian to exercise a minimum degree of care in supervising the child.

d. With respect to whom there is a substantial likelihood of physical abuse or neglect which will cause death, disfigurement or impairment of bodily functioning as a result of:

(1) Conditions created by the child's parent, guardian, or custodian; or

(2) The failure of the child's parent, guardian, or custodian to exercise a minimum degree of care in supervising the child."

2. Page 4, by striking lines 1 and 2.

3. Page 4, by striking lines 26 through 29 and inserting in lieu thereof the following:

"20. "Physical abuse or neglect" or "abuse or neglect" means nonaccidental physical injury suffered by a child as the result of the acts or omissions of the child's parents, guardian or custodian or other person legally responsible for the child."

4. Page 4, by striking lines 30 through 33, and inserting in lieu thereof the following:

"21. "Sexual abuse" means the commission of a sex offense as defined by the penal law."

5. Page 5, line 24, by striking the words "or agency" and inserting in lieu thereof the words "except a peace officer,".

6. Page 9, line 29, by inserting after the word "shall" the following: "appoint counsel to represent a child who is entitled to such representation or".

7. Page 9, line 35, by striking the words "is financially able to employ" and inserting in lieu thereof the following: "has the ability in whole or in part to pay for the employment of".

8. Page 10, by striking lines 2 through 5, and inserting in lieu thereof the following:

Page 2

"4. In any case in which the court determines that there is a conflict of interest between the child and his or her parent, guardian or legal custodian and that counsel retained to represent the child by the parent, guardian or custodian could not properly represent the child as a result of the conflict, the court shall appoint counsel to represent the child.

5. The court may enforce an order issued under subsections three (3) or four (4) of this section by appointing counsel and ordering the parent, guardian or custodian to pay all or part of a reasonable attorney's fee set by the court."

9. Page 11, line 32, by inserting after the word "on" the words "himself or herself or on".

10. Page 12, line 6, by striking the word and figure "five (5)" and inserting in lieu thereof the word and figure "six (6)".

11. Page 13, line 22, by striking the word "older."

and inserting in lieu thereof the word "older;".

12. Page 13, by striking line 29 and inserting in lieu thereof the word "facility;".

13. Page 13, line 31, by striking the word "times." and inserting in lieu thereof the words "times; and".

14. Page 15, line 30, by striking the words "and his" and inserting in lieu thereof the words "with the advice of his".

15. Page 18, by striking lines 3 and 4, and inserting in lieu thereof the following: "summons requiring the child to appear before the court at a time and place stated and requiring the person who has custody or control of the child to appear before the court and to bring the child with him or her at that time."

16. Page 18, line 5, by striking the words "and place stated."

17. Page 18, line 10, by inserting after the word "the" the word "known".

18. Page 18, by striking lines 11 and 12 and inserting in lieu thereof the words "a child if this person is not".

19. Page 18, line 15, by inserting after the word "any." the following: "In addition the court shall have notice served upon the child."

20. Page 20, by inserting after line 3 the following new section:

"Sec. ..... *NEW SECTION.* REPORTER REQUIRED. Stenographic notes or mechanical recordings shall be taken of all court hearings held pursuant to this division unless waived by the parties. The child shall not be competent to waive the reporting

Page 3

requirement, but waiver may be made for the child by the child's counsel or guardian ad litem. Matters which must be reported under the provisions of this section shall be the same as those required in section six hundred twenty-four point nine (624.9) of the Code."

21. Page 28, line 22, by inserting after the word "custody" the words "unless the child and his or her attorney consent to the admission of such statements or evidence".

22. Page 28, line 25, by striking the word "probation" and inserting in lieu thereof the word "intake".

23. Page 28, line 26, by inserting after the word "adjudication" the words "unless the child and his or her attorney consent to the admission of such statements or evidence".

24. Page 28, line 27, by striking the words "during intake or a" and inserting in lieu thereof the words "to a juvenile probation officer or other person conducting a predisposition investigation during such

an".

25. Page 28, line 28, by striking the word "predisposition".

26. Page 34, by striking lines 2 through 6 and inserting in lieu thereof the following:

"1. At any time prior to expiration of a dispositional order and upon the motion of an authorized party or upon its own motion, the court may terminate the order and discharge the child, modify the order, or vacate the order in accordance with and subject to the provisions of this section. If the court vacates the order, it may make any other order in accordance with and subject to the provisions of section twenty-seven (27) of this Act."

27. Page 34, line 27, by striking the word "The" and inserting in lieu thereof the words "Upon the motion of an authorized party or upon its own motion, the".

28. Page 34, by striking lines 31 through 35 and inserting in lieu thereof the following:

"5. Upon the motion of an authorized party or upon its own motion, the court may for good cause shown modify an order or vacate an order and enter a new order so as to decrease the duration of the original dispositional order or so as to provide for a less restrictive disposition than that provided for in the original dispositional order.

6. Upon the motion of an authorized party, the court may for good cause shown modify an order or

Page 4

vacate an order and enter a new order so as to increase the duration of the original dispositional order or so as to provide for a more restrictive disposition than that provided for in the original order. Where, however, the request to modify or vacate is based on the child's alleged failure to comply with the conditions or terms of the order, the court may modify or vacate the order only if it finds that there is clear and convincing evidence that the child violated a material and reasonable condition or term of the order."

29. Page 35, by striking lines 1 through 5.

30. Page 40, line 34, by inserting after the word "abused" the words "or neglected".

31. Page 47, by inserting after line 22 the following new section:

"Sec. ..... *NEW SECTION.* REPORTER REQUIRED. Stenographic notes or mechanical recordings shall be taken of all court hearings held pursuant to this division unless waived by the parties. The child shall not be competent to waive the reporting requirement, but waiver may be made for the child by the child's counsel or guardian ad litem. Matters which must be reported under the provisions of this

section shall be the same as those required in section six hundred twenty-four point nine (624.9) of the Code."

32. Page 84, by inserting after line 19 the following new section:

"Sec. ..... The provisions of this Act shall become effective July 1, 1977."

33. By renumbering the sections and subsections as necessary.

HIGGINS of Scott
DYRLAND of Clayton
GENTLEMAN of Polk
BRANDT of Black Hawk

H—6861

Amend H—6764 to page 2 of Senate File 1221 as follows:

1. Page 1, by inserting after line 19 the following:

"Sec. ..... Section five hundred thirty-seven point two thousand two hundred two (537.2202), subsection three (3), Code 1975, is amended to read as follows:

3. If the billing cycle is monthly, the charge may not exceed an amount equal to one and [one-half] *one-fourth* percent of [that part of] the maximum amount pursuant to subsection 2 [which is five hundred dollars or less and one and one-fourth percent of that part of the maximum amount which is more than five hundred dollars]. If the billing cycle is not monthly, the maximum charge for the billing cycle shall bear the same relation to the applicable monthly maximum charge as the number of days in the billing cycle bears to three hundred sixty-five divided by twelve. A billing cycle is monthly if the closing date of the cycle is the same date each month or does not vary by more than four days from the regular date.

Sec. ..... Section five hundred thirty-seven point two thousand four hundred two (537.2402), subsection three (3), Code 1975, is amended to read as follows:

3. If the billing cycle is monthly, the charge may not exceed an amount equal to one and [one-half] *one-fourth* percent of [that part of] the maximum amount pursuant to subsection 2 [which is five hundred dollars or less and one and one-fourth percent of that part of the maximum amount which is more than five hundred dollars]. If the billing cycle is not monthly, the maximum charge for the billing cycle shall bear the same relation to the applicable monthly maximum charge as the number of days in the billing cycle bears to three hundred sixty-five divided by twelve. A billing cycle is monthly if the closing date of the cycle is the same date each month or does not vary by more than four days from the regular date."

HIGGINS of Scott
JOCHUM of Dubuque
HINES of Story

H—6855

Amend Senate File 1335 as follows:

1. Page 4, by inserting after line 3 the following new section:

"Sec. ..... *NEW SECTION.* Except for real estate acquired for highway purposes and leased as consideration for such purchase, and such other lands as have been acquired for highway purposes subject to federal laws, rules and regulations, a state agency shall not lease to any person more than ten acres of state-owned agricultural land held under its jurisdiction without advertising for bids by two publications in a newspaper published in the county in which the land is situated. The first publication shall not be less than fifteen days prior to the date set for receiving bids. The agency shall lease the land to the highest responsible bidder submitting a sealed proposal. If in the judgement of the lessor agency the bids received are not acceptable, all bids may be rejected and bids requested. If no bids are received, the agency may negotiate a lease at rates consistent with those for similiar lands in the adjacent area of the state. The term of the lease shall not exceed three years. A state agency may lease real estate to any governmental authority for public purposes. Nothing in this section shall apply to real estate acquired by an agency where the leasing of agricultural lands was a part of the consideration for such purchase.

SCHROEDER of Pottawattamie
HUSAK of Tama

H—6854

Amend Senate File 1335 as follows:

1. Page 2, by inserting after line 30 the following:

"From the funds appropriated by this subdivision thirty thousand (30,000) dollars shall be used for a horticulturist-landscaper, landscaping and beautification, including the planting of flowers, of the capitol complex grounds."

DUNTON of Keokuk
SCHROEDER of Pottawattamie
MENKE of O'Brien

Note: **For explanation of brackets** and italics, see page 91 of the House Journal

On motion by Fitzgerald of Webster, the House adjourned at 7:17 p.m. until 9:00 a.m., Tuesday, May 25, 1976.

JOURNAL OF THE HOUSE

One Hundred Thirty-fifth Calendar Day—Ninetieth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, TUESDAY, MAY 25, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Raymond Russell, pastor of the First United Methodist Church, Atlantic, Iowa.

The Journal of Monday, May 24, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Buena Vista on request of Perkins of Greene.

PETITION FILED

The following petition was received and placed on file:

By Gentleman of Polk from one thousand seven hundred three residents of Polk County protesting any plans and urging immediate stoppage of plans to convert the Ingersoll Theater into a triple-x movie theater.

HOUSE CONCURRENT RESOLUTION 150
by Doyle, Krause and Dyrland

WHEREAS, Chapter three hundred twenty-one (321), of the Code, is in need of recodification in a logical, organizational pattern; and

WHEREAS, Chapter three hundred twenty-one (321), of the Code, needs to be reviewed in depth for possible revisions to make it more in line with the Uniform Vehicle Code which has been substantially adopted in most states; and

WHEREAS, legislative study of this subject commenced in 1973 is not yet completed; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the legislative council is authorized to create a study committee, as provided by law, which members shall include members of the appropriate standing committees of the House of Repre-

sentatives and the Senate to conduct during the 1976 legislature interim a comprehensive study of Iowa's motor vehicle laws and the Uniform Vehicle Code; and

BE IT FURTHER RESOLVED, That the study committee be authorized if necessary to retain consultants or assistants and that a report of the study be prepared and submitted to the legislative council and the members of the 1977 Session of the Sixty-seventh General Assembly, and shall be accompanied by legislative bill drafts designed to carry out the recommendations of the committee.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 151

By Hinkhouse, Husak, Jordan, Pellett and Scheelhaase

Whereas, there is a general need to state clearly the rights, duties, and remedies of parties involved in a fence controversy when a person has made a partition fence which is found to be on the land of another; and

Whereas, there is a specific need to state clearly the rights, duties, and remedies of parties involved in a partition fence controversy because of numerous sales of farms and of building sites which involve partition fences; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a study committee, composed of members of the House of Representatives and Senate representing both political parties, to conduct a study during the 1976 legislative interim relating to amending chapter 113 of the Code to state the specific rights and responsibilities of parties involved in a partition fence controversy and to state the specific remedies available to an aggrieved party in a partition fence controversy; and

Be It Further Resolved, That the study committee shall prepare a report of its findings and submit it to the legislative council and to the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

HOUSE RESOLUTION 122

By Hargrave

Whereas, there appears to be a need for a more sophisticated computer system for members of the general assembly and the executive branch of government in order that revenues and expenditures may more accurately, quickly, and efficiently be judged, deter-

mined, monitored; and

Whereas, the establishment and determination of the requirements and implementation of such system requires thorough and deliberate study and consideration; and

Whereas, it is not possible during the lateness of the present legislative session to provide such thorough and deliberate consideration of the merits of purchasing such a computer program as well as considering the expenditure of supporting costs; *Now, Therefore,*

Be It Resolved by the House of Representatives, That the legislative council is requested to study the need for the development of a computer system which would provide timely and sophisticated budget information and the ability to monitor budgets, and if it determines that such need exists the house encourages the legislative council to expend such funds as may be necessary for the purchase and implementation of the system from funds available pursuant to section two point twelve (2.12) of the Code; and

Page 2

Be It Further Resolved, That appropriate executive agencies and personnel shall cooperate and participate with the legislative council in making the study requested by this resolution.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 21, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 909, a bill for an act relating to the platting of land.

Also: That the Senate has on May 24, 1976, amended the House amendment to the Senate amendment, concurred in the House amendment to the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

House File 1514, a bill for an act providing an appropriation to certain agencies administering Iowa service programs.

Also: That the Senate has, on May 24, 1976, insisted on its amendment to House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, and that the members of the conference committee, appointed May 25, 1976, on the part of the Senate are: The Senator from Kossuth, Mr. Priebe, chairperson; the Senator from Scott, Mr. Gluba; the Senator from Polk, Mr. Kinley; the Senator from Jackson, Mr. Lamborn; and the Senator from Jefferson, Mr. Schwengels.

Also: That the Senate has on May 25, 1976, refused to concur in the House amendment to the following bill:

Senate File 1332, a bill for an act providing for an appropriation to the department of transportation for designated capital projects.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 1514

H—6863

Amend the House amendment, S—5861, to the Senate amendment, H—6685, to House File 1514 as amended, passed and reprinted by the House as follows:

1. Page 1, line 17, by striking the word "agency" and inserting in lieu thereof the words "division of the department of health".

2. Page 1, line 21, by striking the word "agency" and inserting in lieu thereof the word "division".

3. Page 1, by striking line 47 through page 2, line 2, and inserting in lieu thereof the following:

"1. Administrative structure of the new division of the department of health, including any limitations on the authority of the commissioner of public health over the head of the new division, and whether or not an advisory council should be established for the new division and if so its composition, manner of selection and responsibilities."

HOUSE INSISTS
(Senate File 1332)

Brunow of Appanoose called up for consideration **Senate File 1332**, a bill for an act making appropriations to the department of transportation for designated capital transportation projects, and moved that the House insist on its amendment to Senate File 1332.

The motion prevailed and the House insists on its amendment.

CONFERENCE COMMITTEE APPOINTED
(House File 1539)

The Speaker announced the appointment of the conference committee to consider the difference between the House and the Senate concerning **House File 1539**: Cusack of Scott, chair; Higgins of Scott, Husak of Tama, Newhard of Jones and Den Herder of Sioux.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 25, 1976, adopted the second conference committee report and the amendments contained therein, and passed House File 614, a bill for an act relating to the termination of parental rights and adoption.

Also: That the Senate has, on May 25, 1976, insisted on its amendment to House File 1583, a bill for an act providing compensation and benefits for state employees and nonelected state officials, and that the members of the conference committee on the part of the Senate are: The Senator from Jasper, Mr. Hill, chairperson; the Senator from Woodbury, Mr. Andersen; the Senator from Lee, Mr. Junkins; the Senator from Scott, Mrs. Shaw; and the Senator from Polk, Mr. Willits.

Also: That the Senate has, on May 25, 1976, adopted the conference committee report and the amendments contained therein, and passed Senate File 1191, a bill for an act relating to the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation.

STEVEN C. CROSS, Secretary

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1333**, a bill for an act making appropriations to various state educational agencies to provide for capital improvements, for reimbursement of state educational institutions for deficiencies in operating funds caused by funds pledged to finance academic and administrative buildings and facilities and utility services, for purchasing certain equipment, and providing for the reversion of funds, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1335**, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6866

Amend Senate File 1335 as passed by the Senate as follows:

1. Page 2, by striking lines 16 and 17 and inserting in lieu thereof the following:

"(1). For salaries, support, maintenance and miscellaneous purposes $2,664,173

(2). For preparation, preservation and maintenance of voter registration records as required by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section twenty-two (22) .....$ 100,000"

2. Page 2, line 27 by striking the figure "$1,258,780" and inserting in lieu thereof the figure "$866,580".

3. Page 2, by striking lines 29 and 30 and inserting in lieu thereof the following:

"(1) For salaries, support, maintenance and miscellaneous purposes $1,767,814

(2) From the funds appropriated by subparagraph one (1) of this paragraph thirty thousand (30,000) dollars shall be used for a horticulturist-landscaper, landscaping and beautification, including the planting of flowers, of the capitol complex grounds."

4. Page 3, line 8, by striking the figure "$108,014" and inserting in lieu thereof the figure "$131,801".

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1343**, a bill for an act relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation's share for administration of the state merit system, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate Files 1333 and 1343.

CONFERENCE COMMITTEE APPOINTED
(Senate File 1332)

The Speaker announced the appointment of the conference committee to consider the difference between the House and Senate concerning **Senate File 1332**: Brunow of Appanoose, chair; Krause of Palo Alto, Dunton of Keokuk, Menke of O'Brien and Bortell of Madison.

CONFERENCE COMMITTEE APPOINTED
(House File 1583)

The Speaker announced the appointment of the conference committee to consider the difference between the House and Senate concerning **House File 1583**: Brunow of Appanoose, chair; Avenson of Fayette, Jochum of Dubuque, McElroy of Fremont and Wulff of Black Hawk.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 1558

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties, respectfully submit the following report:

1. That the Senate and House conferees failed to reach an agreement.

On the Part of the Senate:	On the Part of the House:
LOWELL L. JUNKINS, Chair	DONALD D. AVENSON, Chair
CLOYD E. ROBINSON	RUSSELL WYCKOFF
LOUIS P. CULVER	DON W. SPENCER
E. KEVIN KELLY	RICHARD W. WELDEN
CALVIN O. HULTMAN	ROGER A. HALVORSON

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 1558)

The Speaker announced the appointment of the second conference committee to consider the difference between the House and the Senate concerning **House File 1558**: Avenson of Fayette, chair; Wyckoff of Benton, Spencer of Clay, Welden of Hardin and Halvorson of Clayton.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the members of the second conference committee on House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, on the part of the Senate, appointed May 25, 1976, are: The Senator from Lee, Mr. Junkins, chairperson; the Senator from Harrison, Mr. Culver; the Senator from Montgomery, Mr. Hultman; the Senator from Woodbury, Mr. Kelly; and the Senator from Linn, Mr. Robinson.

STEVEN C. CROSS, Secretary

CONSIDERATION OF HOUSE RESOLUTION 120

Clark of Lee called up for consideration **House Resolution 120** filed on May 20, 1976, and found on pages 2974 and 2975 of the House Journal.

Fitzgerald of Webster moved that House Resolution 120 be tabled.

Roll call was requested by Harvey of Scott and Perkins of Greene.

Rules 69 and 70 were invoked.

On the question "Shall House Resolution 120 be tabled?"

The ayes were, 57:

Anderson	Griffee	Koogler	Pavich
Avenson	Hargrave	Krause	Perkins
Bina	Harper	Lonergan	Poncy
Binneboese	Higgins	Mennenga	Rinas
Brandt	Hines	Middleswart	Scheelhaase
Brunow	Horn	Middleton	Small
Byerly	Howell	Miller, A. V.	Spear
Connors	Hullinger	Miller, K. D.	Spencer
Cusack	Husak	Miller, O. L.	Spradling
Den Herder	Hutchins	Monroe	Svoboda
Dieleman	Jesse	Nielsen	Walter
Dunton	Jochum	Norland	Wells
Dyrland	Jordan	O'Halloran	Woods
Fitzgerald	Junker	Patchett	Mr. Speaker
Gilloon			

The nays were, 34:

Bennett	Egenes	Lindeen	Stromer
Bortell	Evans	Lipsky	Tauke
Brockett	Gentleman	McElroy	Tofte
Clark	Halvorson	Menke	Varley
Crabb	Hansen	Millen	Welden
Crawford	Harvey	Nealson	West
Daggett	Hennessey	Pellett	Wulff
Danker	Hinkhouse	Schroeder	Wyckoff
Drake	Lageschulte		

Absent or not voting, 8:

Baker	Branstad	Kreamer	Oakley
Bittle	Doyle	Newhard	Readinger

The motion prevailed and House Resolution 120 was tabled.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 1539

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and House of Representatives

on House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, respectfully submit the following report:

1. That the Senate and House conferees failed to reach an agreement.

On the Part of the Senate:	On the Part of the House:
BERL E. PRIEBE, Chair	GREGORY CUSACK, Chair
WILLIAM E. GLUBA	THOMAS J. HIGGINS
CLIFTON C. LAMBORN	EMIL J. HUSAK
FORREST V. SCHWENGELS	SCOTT D. NEWHARD
	ELMER H. DEN HERDER

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 1539)

The Speaker announced the appointment of the second conference committee to consider the difference between the House and the Senate concerning **House File 1539**: Cusack of Scott, chair; Higgins of Scott, Husak of Tama, Newhard of Jones and Den Herder of Sioux.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oakley of Clinton for the remainder of the day on request of Tauke of Dubuque.

SENATE AMENDMENT CONSIDERED

Cusack of Scott called up for consideration **House File 1514**, a bill for an act making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority, amended by the Senate, and moved that the House concur in the following Senate amendment H—6863, to the House amendment, to the Senate amendment:

H—6863

Amend the House amendment, S—5861, to the Senate amendment, H—6685, to House File 1514 as amended, passed and reprinted by the House as follows:

1. Page 1, line 17, by striking the word "agency" and inserting in lieu thereof the words "division of the department of health".

2. Page 1, line 21, by striking the word "agency" and inserting in lieu thereof the word "division".

3. Page 1, by striking line 47 through page 2, line 2, and inserting in lieu thereof the following:
"1. Administrative structure of the new division of the department of health, including any limitations on the authority of the commissioner of public health over the head of the new division, and whether or not an advisory council should be established for the new division and if so its composition, manner of selection and responsibilities."

The motion prevailed and the House concurred in the Senate amendment, to the House amendment, to the Senate amendment.

Cusack of Scott moved that the bill, as amended by the Senate, further amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1514)

The ayes were, 87:

Anderson	Dyrland	Junker	Perkins
Avenson	Egenes	Koogler	Poncy
Bennett	Evans	Krause	Readinger
Bina	Fitzgerald	Lageschulte	Rinas
Binneboese	Gilloon	Lindeen	Scheelhaase
Bortell	Griffee	Lipsky	Schroeder
Brandt	Halvorson	Lonergan	Small
Brockett	Hansen	McElroy	Spear
Brunow	Hargrave	Menke	Spencer
Byerly	Harper	Mennenga	Spradling
Clark	Harvey	Middleswart	Svoboda
Connors	Hennessey	Middleton	Tauke
Crabb	Higgins	Miller, A. V.	Tofte
Crawford	Hines	Miller, K. D.	Varley
Cusack	Hinkhouse	Miller, O. L.	Walter
Daggett	Horn	Monroe	Wells
Danker	Howell	Nealson	West
Den Herder	Hullinger	Newhard	Woods
Dieleman	Husak	Norland	Wulff
Doyle	Hutchins	O'Halloran	Wyckoff
Drake	Jochum	Pavich	Mr.Speaker
Dunton	Jordan	Pellett	

The nays were, none.

Absent or not voting, 12:

Baker	Gentleman	Millen	Patchett
Bittle	Jesse	Nielsen	Stromer
Branstad	Kreamer	Oakley	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT
(House File 1277)

Hutchins of Guthrie submitted for consideration the following conference committee report on **House File 1277:**

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 1277

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, respectfully made the following report:

1. That the Senate and House recede from their respective amendments;

2. That House File 1277 be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred twenty-five point two (125.2), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Residence" means the place where a person resides. For the purpose of determining which Iowa county, if any, is liable pursuant to this chapter for payment of costs attributable to its residents, the following rules shall apply:

a. If a person claims an Iowa homestead, then the person's residence shall be in the county where that homestead is claimed, irrespective of any other factors.

b. If paragraph a does not apply, and the person continuously has been provided or has maintained living quarters within any county of this state for a period of not less than one year, whether or not at the same location within that county, then the person's residence shall be in that county, irrespective of other factors. However, this paragraph shall not apply to unemancipated persons under eighteen years of

age who are wards of this state.

c. If paragraphs a and b do not apply, or, if the person is under eighteen years of age, is unemancipated, and is a ward of this state, then the person shall be unclassified with respect to county of residence, and payment of all costs shall be made by the division as provided in this chapter.

d. An unemancipated person under eighteen years of age who is not a ward of the state shall be deemed to reside where the parent having legal custody, or the legal guardian, or legal custodian of that person has residence as determined according to this subsection.

e. The provisions of this subsection shall not be used in any case to which section one hundred twenty-five point twenty-six (125.26) of the Code is applicable.

Sec. 2. Section one hundred twenty-five point two (125.2), Code 1975, is amended by striking subsection eight (8).

Sec. 3. Section one hundred twenty-five point seven (125.7), subsection two (2), Code 1975, is amended to read as follows:

2. Approve the comprehensive alcoholism program, *and the funding therefor,* developed by the division pursuant to sections 125.1 to 125.26.

Sec. 4. Section one hundred twenty-five point nine (125.9), subsection one (1), Code 1975, is amended to read as follows:

1. Plan, establish and maintain treatment programs as necessary or desirable [with the approval of the commission] *in accordance with the comprehensive alcoholism program.*

Sec. 5. Section one hundred twenty-five point ten (125.10), subsections eight (8), nine (9), and eleven (11), Code 1975, are amended to read as follows:

8. Organize and [foster] *implement, in cooperation with local treatment programs,* training programs for all persons engaged in treatment of alcoholics and intoxicated persons.

9. Sponsor and [encourage] *implement, in cooperation with local treatment programs,* research into the causes and nature

of alcoholism and treatment of alcoholics and intoxicated persons, and serve as a clearing house for information relating to alcoholism.

11. [Advise the commission and the governor in the preparation of] *Develop and implement, with the counsel and approval of the Commission,* a comprehensive plan for treatment of alcoholics and intoxicated persons [for inclusion in the state's comprehensive health], *said* plan *to be coordinated with health systems agencies.*

Sec. 6. Section one hundred twenty-five point ten (125.10), subsection fifteen (15), Code 1975, is amended to read as follows:

15. Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics and intoxicated persons and to provide them with adequate and appropriate treatment, *and may negotiate and implement contracts with hospitals and other appropriate health facilities with adequate detoxification facilities.*

Sec. 7. Section one hundred twenty-five point thirteen (125.13), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The commission shall establish rules pursuant to chapter seventeen A (17A) of the Code requiring facilities to use reasonable accounting and reimbursement systems which recognize relevant cost-related factors for alcoholism patients. No facility shall be approved nor shall any payment be made under this chapter to a facility which fails to comply with those rules or which does not permit inspection by the division, and an examination of all records, including financial records, methods of administration, general

and special dietary programs, the disbursement of drugs and methods of supply, and any other records the division deems relevant to the establishment of such a system. However, rules issued pursuant to this paragraph shall not apply to any facility referred to in sections one hundred twenty-five

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point fourteen (125.14) or one hundred twenty-five point twenty-six (125.26) of the Code.

Sec. 8. Section one hundred twenty-five point seventeen (125.17), subsections one (1), two (2), and six (6), Code 1975, are amended to read as follows:

1. An intoxicated person may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by alcohol in a public place and in need of help may be taken to a facility by a peace officer [or the alcoholism service unit]. If the person refuses the proffered help, he may be arrested and charged with intoxication.

2. If no facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. The peace officer [or the alcoholism service unit], in detaining the person and in taking him to a facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. A taking into protective custody under this section is not an arrest and no entry or other record shall be made to indicate that the person who is taken into protective custody has been arrested or charged with a crime.

6. A peace officer [or member of the alcoholism service unit] who acts in compliance with this section is acting in the course of his official duty and is not criminally or civilly liable therefor, unless such acts constitute willful malice or abuse.

Sec. 9. Section one hundred twenty-five point eighteen (125.18), subsection three (3), Code 1975, is amended to read as follows:

3. Upon approval of the application by the administrator in charge of the facility, the person shall be brought to the facility by a peace officer, health officer, [alcoholism

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service unit,] the applicant for commitment, the patient's spouse, the patient's guardian or any other interested person. The person shall be retained at the facility to which he was admitted, or transferred to another facility, until discharged under subsection 5.

Sec. 10. Section one hundred twenty-five point nineteen (125.19), subsection five (5), Code 1975, is amended to read as follows:

5. A person committed under this section shall remain in the custody of the division for treatment for a period

of thirty days unless sooner discharged. *This section shall not be construed to require the division to pay the cost of any medication or procedure provided the person during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of alcoholism.* At the end of the thirty-day period, he shall be discharged automatically unless the director before expiration of the period petitions the court for an order for his recommitment upon the grounds set forth in subsection 1 for a further period not to exceed ninety days.

Sec. 11. Section one hundred twenty-five point twenty-two (125.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

125.22 COMPOSITION OF FACILITIES' BOARDS—TREATMENT PLANS FURNISHED.

1. In addition to other requirements established by this chapter, no facility shall be approved pursuant to section one hundred twenty-five point thirteen (125.13) of the Code unless it is either a licensed hospital or a community mental health center operating under chapter two hundred thirty A (230A) of the Code, or it is organized under the Iowa nonprofit corporation Act appearing as chapter five hundred four A (504A) of the Code. In the latter case, one-third of the membership of the board of directors shall be representatives of such government units providing funds to the facility for treatment

of alcoholism.

2. A local governmental unit which is providing funds to a facility for treatment of alcoholism may request from the facility a treatment program plan prior to authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program requirements of section one hundred twenty-five point twenty-eight (125.28) of the Code.

Sec. 12. Section one hundred twenty-five point twenty-seven (125.27), unnumbered paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

The director [shall] *may, consistent with the comprehensive alcoholism program,* enter into written agreements with a facility as defined in section 125.2 to pay for seventy-five percent of the cost of the care, maintenance and treatment of an alcoholic. Such contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such agreements and determine whether or not they shall be continued.

The contract may be in such form and contain provisions as agreed upon by the parties. Such contract shall provide that the facility shall admit and treat alcoholics [whose legal settlement is in counties other than the contracting county] *regardless of where they have residence.* If one payment for

care, maintenance, and treatment is not made by the patient or those legally liable therefor within thirty days after disharge the payment shall be made by the division directly to the facility. Payments shall be made each month and shall be based upon the facility's average daily per patient charge. Provisions of this section shall not pertain to patients treated at the mental health institutes.

Sec. 13. Section one hundred twenty-five point twenty-seven (125.27), Code 1975, is amended by adding the follow-

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ing new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Contracting facilities shall deliver to each patient upon discharge a statement of the costs of the care, maintenance and treatment for which that patient is liable, and shall retain a carbon copy or other similar copy of that statement for a period of not less than one year after the date of discharge of the patient to whom the statement refers. Every payment received by a contracting facility from or on behalf of a patient, whether received before or after costs have been billed to the division or to a county, shall be identified by the facility as to patient and invoice or statement, and shall be reported to the division. A contracting facility shall allow as a credit against a future billing to the division or to a county, payments received during each month from or on behalf of a patient whose care, maintenance and treatment theretofore has been billed to and paid by the division or a county. Failure by a contracting facility to comply with this paragraph, or with rules promulgated pursuant to subsection four (4) of section one hundred twenty-five point thirteen (125.13) of the Code shall constitute grounds for nonrenewal of the contract.

Sec. 14. Section one hundred twenty-five point twenty-eight (125.28), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ten (10), section four (4), is amended to read as follows:

125.28 COUNTIES TO SHARE COST. Except as provided in section 125.26, [counties] *each county* shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment *under this chapter* of [an alcoholic] *residents of that county* from the county mental health and institutions fund as provided in section 444.12. The commission shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the

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county of [the alcoholic's legal settlement] *residence* once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of an alcoholic. Such county shall pay the cost so certified to the facility from its county mental health and institutions fund. However, the approval of the board of supervisors shall be required before payment is made by a county for costs incurred which exceed a total

of five hundred dollars for one year for treatment provided to any one alcoholic or intoxicated person, except that such approval is not required for the cost of treatment provided to an alcoholic or intoxicated person who is committed pursuant to sections 125.18 and 125.19. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of alcoholics *who are residents of that county* for each month. The board of supervisors may demand an itemization of such billings at any time or may audit the same.

Sec. 15. Section one hundred twenty-five point twenty-nine (125.29), Code 1975, is amended to read as follows:

125.29 [LEGAL SETTLEMENT] *COUNTY OF RESIDENCE* DETERMINED.

The facility shall, when an alcoholic is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records [whether] the [legal settlement] *Iowa county of residence* of such alcoholic [is in the county where the facility is located, or in some other county, state, or country or is unknown], *or that the person resides in some other state or country, or that the person is unclassified with respect to residence.*

Sec. 16. Section one hundred twenty-five point thirty (125.30), Code 1975, is amended to read as follows:

125.30 [DISPUTED SETTLEMENT] *DISPUTES OVER PAYMENT.* In the event any county to which certification of the cost of care, maintenance, and treatment of an alcoholic is made, disputes that such alcoholic has his [legal settlement] *residence* in that county, it shall immediately notify the facility that

such dispute exists. The director shall immediately investigate the facts and determine in which county the patient has [legal settlement] *residence.* The director shall certify his determination to the county, *if any,* wherein it is found the patient has [legal settlement] *residence* and to the facility. [The] *A county certified by the director to be the* county of [legal settlement] *residence* shall reimburse the facility as provided in this chapter. If the director finds that the [legal settlement] *residence* of an alcoholic at the time of admission was in another state or country or [was unknown] *that the person is unclassified with respect to residence,* then the division shall pay for that portion of his care, maintenance, and treatment that his county of [legal settlement] *residence* would have been liable to pay. For purposes of this section, a "facility" does not include a mental health institute under the control of the department of social services.

Sec. 17. Section one hundred twenty-five point thirty-one (125.31), Code 1975, is amended to read as follows:

125.31 LEGAL LIABILITY FOR CARE. The alcoholic and any person, firm, corporation, or insurance company bound by

contract to provide support, hospitalization, or medical services for the alcoholic shall be legally liable to the county of the alcoholic's [legal settlement] *residence* for twenty-five percent of the total amount and to the division for seventy-five percent of the total amount of the cost of providing care, maintenance, and treatment for the alcoholic while a voluntary or committed patient in a facility, except when the state pays the total cost of care in which case liability of one hundred percent shall be to the state. Nothing in this section shall prohibit any individual from paying any portion of the cost of treatment.

The estate of each nonresident person provided care, maintenance or treatment while a voluntary or committed patient in a facility, and all persons legally bound for the support

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of such a person, shall be legally liable to the state for reasonable costs paid by the division under this chapter for the care, maintenance and treatment of the person in a facility. The certificate of the director of the division showing the amounts paid or due to be paid by the division for such care, maintenance and treatment shall be presumptive evidence of the reasonableness of the costs of the care, maintenance and treatment provided.

Sec. 18. Section one hundred twenty-five point thirty-three (125.33), Code 1975, is amended to read as follows:

125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of each county shall keep an accurate account of the total cost *to the county* of the care, maintenance, and treatment of any alcoholic and *shall* keep an index of the names of the alcoholics [admitted from such county] *for whose benefit county funds are expended pursuant to section one hundred twenty-five point twenty-eight (125.28) of the Code for those services.*

Sec. 19. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1975, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a facility as defined in sections 125.1 to 125.26 *and designated by the division on alcoholism.* The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. A person referred under this section shall be considered a state patient, and charges and costs for treatment shall be paid for in the manner provided for payment for treatment of alcoholics who have no legal residence in this state.

Sec. 20. Section three hundred thirty-two point three (332.3), Code 1975, is amended by adding the following new

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subsection:

NEW SUBSECTION. To require that any person, agency or organization which is not a part of the county government, but which is receiving funds from the county to pay in whole or in part for services furnished to third parties, must submit to audit by auditors assigned or employed for the purpose by the board. Upon request by the board, the person, agency or organization to be audited under this subsection shall make available all pertinent books, records and documents needed for the audit.

Sec. 21. Section one hundred twenty-five point twenty-two (125.22), Code 1975, is repealed."

3. That the title be amended by striking lines 1 through 3 and inserting in lieu thereof the words "An Act relating to the care, maintenance and treatment pursuant to chapter one hundred twenty-five (125) of the Code of persons suffering the effects of alcohol, and providing standards for the approval and funding of programs, the approval and oversight of facilities, the procedures for assisting intoxicated persons, and the assessment, acceptance and payment, by the state and counties, of certain charges imposed by facilities for providing care, maintenance and treatment services."

On the Part of the Senate:	On the Part of the House:
CHARLES P. MILLER, Chair	C. W. HUTCHINS, Chair
CLOYD E. ROBINSON	GREGORY D. CUSACK
KENNETH D. SCOTT	INGWER L. HANSEN
RICHARD R. RAMSEY	JAMES C. WEST
RAY TAYLOR	

Varley of Adair asked for unanimous consent that consideration of the conference committee report on House File 1277 be temporarily deferred.

Objection was raised.

Hutchins of Guthrie moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 55, nays 30.

The motion prevailed and the report was adopted.

Hutchins of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?'" (H.F. 1277)

The ayes were, 81:

Anderson	Bennett	Binneboese	Brandt
Avenson	Bina	Bortell	Branstad

Brockett	Hansen	Lindeen	Perkins
Brunow	Hargrave	Lonergan	Poncy
Byerly	Harper	McElroy	Rinas
Clark	Harvey	Menke	Scheelhaase
Connors	Hennessey	Mennenga	Schroeder
Crawford	Higgins	Middleswart	Small
Cusack	Hines	Middleton	Spear
Daggett	Hinkhouse	Miller, A. V.	Spencer
Danker	Horn	Miller, K. D.	Spradling
Den Herder	Husak	Miller, O. L.	Tauke
Dieleman	Hutchins	Nealson	Tofte
Drake	Jesse	Newhard	Walter
Dunton	Jochum	Nielsen	Wells
Dyrland	Jordan	Norland	West
Fitzgerald	Junker	O'Halloran	Woods
Gentleman	Koogler	Patchett	Wulff
Gilloon	Krause	Pavich	Wyckoff
Griffee	Lageschulte	Pellett	Mr. Speaker
Halvorson			

The nays were, 6:

Crabb	Egenes	Howell	Lipsky
Doyle	Evans		

Absent or not voting, 12:

Baker	Kreamer	Oakley	Svoboda
Bittle	Millen	Readinger	Varley
Hullinger	Monroe	Stromer	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

SENATE FILE 1335 SUBSTITUTED FOR HOUSE FILE 1586

Griffee of Chickasaw asked and received unanimous consent to substitute Senate File 1335 for House File 1586.

Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, with report of committee recommending amendment and passage, was taken up for consideration.

Griffee of Chickasaw offered the following amendment H—6866 filed by the committee on appropriations and moved its adoption;

H—6866

Amend Senate File 1335 as passed by the Senate as follows:

1. Page 2, by striking lines 16 and 17 and inserting in lieu thereof the following:

"(1). For salaries, support, maintenance and miscellaneous

purposes $2,664,173
(2). For preparation, preservation and maintenance of voter registration records as required by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section twenty-two (22) ..... $ 100,000"

2. Page 2, line 27 by striking the figure "$1,258,780" and inserting in lieu thereof the figure "$866,580".

3. Page 2, by striking lines 29 and 30 and inserting in lieu thereof the following:

(1) For salaries, support, maintenance and miscellaneous purposes $1,767,814

(2) From the funds appropriated by subparagraph one (1) of this paragraph thirty thousand (30,000) dollars shall be used for a horticulturist-landscaper, landscaping and beautification, including the planting of flowers, of the capitol complex grounds."

4. Page 3, line 8, by striking the figure "$108,014" and inserting in lieu thereof the figure "$131,801".

Amendment H—6866 was adopted.

With the adoption of amendment H—6866, the following amendments are out of order:

H—6792 (to page 3) filed by Griffee of Chickasaw on May 20, 1976, and found on pages 2982 and 2983 of the House Journal.

H—6793 (to page 2) filed by Griffee of Chickasaw on May 20, 1976, and found on page 2983 of the House Journal.

H—6812 (to page 3) filed by Griffee of Chickasaw on May 21, 1976, and found on page 3058 of the House Journal.

H—6854 (to page 2) filed by Dunton, et al., on May 24, 1976, and found on page 3120 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H—6855 filed by him and Husak of Tama:

H—6855

Amend Senate File 1335 as follows:

1. Page 4, by inserting after line 3 the following new section:

"Sec. ..... *NEW SECTION.* Except for real estate acquired for highway purposes and leased as consid-

eration for such purchase, and such other lands as have been acquired for highway purposes subject to federal laws, rules and regulations, a state agency shall not lease to any person more than ten acres of state-owned agricultural land held under its jurisdiction without advertising for bids by two publications in a newspaper published in the county in which the land is situated. The first publication shall not be less than fifteen days prior to the date set for receiving bids. The agency shall lease the land to the highest responsible bidder submitting a sealed proposal. If in the judgment of the lessor agency the bids received are not acceptable, all bids may be rejected and bids requested. If no bids are received, the agency may negotiate a lease at rates consistent with those for similar lands in the adjacent area of the state. The term of the lease shall not exceed three years. A state agency may lease real estate to any governmental authority for public purposes. Nothing in this section shall apply to real estate acquired by an agency where the leasing of agricultural lands was a part of the consideration for such purchase.

Dyrland of Clayton rose on a point of order that amendment H—6855 was not germane.

The Speaker ruled the point well taken and amendment H—6855 not germane.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1335)

The ayes were, 74:

Anderson	Gentleman	Lindeen	Pavich
Bina	Gilloon	Lipsky	Perkins
Bortell	Griffee	Lonergan	Poncy
Brandt	Hansen	McElroy	Readinger
Brunow	Hargrave	Menke	Rinas
Byerly	Harper	Mennenga	Schroeder
Clark	Hennessey	Middleswart	Spear
Connors	Higgins	Middleton	Spencer
Crabb	Hinkhouse	Millen	Spradling
Crawford	Horn	Miller, A.V.	Svoboda
Cusack	Hullinger	Miller, K. D.	Tofte
Den Herder	Husak	Miller, O. L.	Varley
Dieleman	Hutchins	Monroe	Walter
Doyle	Jesse	Nealson	Wells
Drake	Jochum	Nielsen	Woods
Dunton	Jordan	Norland	Wulff
Dyrland	Junker	O'Halloran	Wyckoff
Egenes	Krause	Patchett	Mr. Speaker
Fitzgerald	Lageschulte		

The nays were, 15:

Bennett	Daggett	Hines	Scheelhaase
Binneboese	Danker	Howell	Tauke
Branstad	Evans	Koogler	West
Brockett	Harvey	Pellett	

Absent or not voting, 10:

Avenson	Halvorson	Oakley	Stromer
Baker	Kreamer	Small	Welden
Bittle	Newhard		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF CONFERENCE COMMITTEE REPORT
(Senate File 1191)

Griffee of Chickasaw called up for consideration the conference committee report on **Senate File 1191**, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, filed on May 24, 1976, and found on pages 3113 and 3114 of the House Journal and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report was adopted.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1191)

The ayes were, 87:

Anderson	Drake	Howell	Middleswart
Bennett	Dunton	Hullinger	Middleton
Bina	Dyrland	Husak	Millen
Binneboese	Egenes	Hutchins	Miller, K. D.
Bortell	Evans	Jesse	Miller, O. L.
Brandt	Fitzgerald	Jochum	Monroe
Branstad	Gentleman	Jordan	Nealson
Brunow	Gilloon	Junker	Newhard
Byerly	Griffee	Koogler	Nielsen
Clark	Hansen	Krause	Norland
Connors	Hargrave	Kreamer	Patchett
Crabb	Harper	Lageschulte	Pavich
Crawford	Harvey	Lindeen	Pellett
Daggett	Hennessey	Lipsky	Perkins
Danker	Higgins	Lonergan	Poncy
Den Herder	Hines	McElroy	Readinger
Dieleman	Hinkhouse	Menke	Rinas
Doyle	Horn	Mennenga	Scheelhaase

Spear	Svoboda	Walter	Wulff
Spencer	Tauke	Wells	Wyckoff
Spradling	Tofte	West	Mr. Speaker
Stromer	Varley	Woods	

The nays were, none.

Absent or not voting, 12:

Avenson	Brockett	Miller, A. V.	Schroeder
Baker	Cusack	Oakley	Small
Bittle	Halvorson	O'Halloran	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the members of the second conference committee on House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, on the part of the Senate, appointed May 25, 1976, are: The Senator from Kossuth, Mr. Priebe, chairperson; the Senator from Scott, Mr. Gluba; the Senator from Polk, Mr. Kinley; the Senator from Jackson, Mr. Lamborn; and the Senator from Jefferson, Mr. Schwengels.

STEVEN C. CROSS, Secretary

Senate File 1343, a bill for an act relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation, and funding the state department of transportation's share for administration of the state merit system, with report of committee recommending passage, was taken up for consideration.

Wyckoff of Benton offered the following amendment H—6865 filed by Wyckoff, Miller of Buchanan and Husak from the floor:

H—6865

Amend Senate File 1343 as follows:

1. Page 5, by inserting after line 18 the following:

"Sec. ..... **Chapter three hundred six (306),** Code 1975, is amended by adding the following new section:

NEW SECTION. **It is declared to be the policy** of the state of Iowa that relocation of primary **highways through cultivated land shall be avoided** to the maximum extent possible. Whenever the **volume of traffic for which the road is designed**

or other conditions require such location or relocation, diagonal routes exceeding five miles in length shall be avoided wherever possible.

It is further declared that improvement of two-lane roads should utilize the existing right-of-way unless alignment or other conditions make changes imperative, and when any two-lane road is **expanded to a four-lane road, the normal procedure** would be that the additional right-of-way would be contiguous to the existing right-of-way unless relocated for compelling reasons."

Drake of Muscatine rose on a point of order that amendment H—6865 was not germane.

The Speaker ruled the point well taken and amendment H—6865 not germane.

Wyckoff of Benton moved that the rules governing germaneness be suspended for the consideration of amendment H—6865.

Roll call was requested by Brandt of Black Hawk and Wulff of Black Hawk.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6865?"

The ayes were, 45:

Bennett	Griffee	Kreamer	Pellett
Bortell	Halvorson	Lageschulte	Schroeder
Branstad	Hansen	Lindeen	Small
Brockett	Harper	Lipsky	Stromer
Clark	Harvey	McElroy	Svoboda
Crabb	Hennessey	Menke	Tofte
Crawford	Hines	Millen	Varley
Daggett	Hinkhouse	Miller, K. D.	Welden
Danker	Husak	Miller, O. L.	West
Dyrland	Jordan	Nealson	Woods
Egenes	Junker	Patchett	Wyckoff
Evans			

The nays were, 43:

Anderson	Fitzgerald	Lonergan	Rinas
Avenson	Gilloon	Mennenga	Scheelhaase
Bina	Hargrave	Middleton	Spear
Binneboese	Higgins	Miller, A. V.	Spencer
Brandt	Horn	Nielsen	Spradling
Brunow	Howell	Norland	Tauke
Byerly	Hullinger	O'Halloran	Walter
Den Herder	Hutchins	Pavich	Wells
Dieleman	Jochum	Perkins	Wulff
Doyle	Koogler	Poncy	Mr. Speaker
Drake	Krause	Readinger	

Absent or not voting, 11:

Baker	Cusack	Jesse	Newhard
Bittle	Dunton	Middleswart	Oakley
Connors	Gentleman	Monroe	

The motion lost.

The following amendment H—6870, to amendment H—6865, filed by Brandt of Black Hawk from the floor was ruled out of order:

H—6870

Amend amendment H—6865, to Senate File 1343, as follows:

1. Page 1, by inserting after line 22 the following:

"This section shall not apply to those highways that are part of the national system of interstate and defense highways and have previously received corridor approval from the United States Department of Transportation."

Small of Johnson offered the following amendment H—6871 filed by him from the floor:

H—6871

Amend Senate File 1343, as passed by the Senate as follows:

1. Page 5, by inserting after line 18 the following sections:

Sec. ..... Section three hundred seven A point two (307A.2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters one hundred sixty-six (166) and one hundred sixty-seven (167), is amended by adding the following new subsection:

NEW SUBSECTION. **Quadrennially beginning July 1,** 1976, prepare, adopt and cause to be published the results of a study of all secondary, farm-to-market and local secondary roads in the state. The study shall be so designed to investigate present deficiencies and future twenty-year maintenance and construction needs of the roads and the ability of **each applicable authority to meet the needs for the** planning, construction, repair and maintenance of roads within their jurisdiction. The department may gather information necessary to complete this study and shall be furnished such assistance from any state agency as necessary to prepare, update and publish prior to December thirty-first in even-numbered years the report to be referred to as the "quadrennial needs study".

Sec. ..... Section three hundred twelve point three (312.3), subsection one (1), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

1. a. Apportion among the counties sixty percent of the allocation from the road use tax funds credited to the secondary road fund of the counties based upon the latest quadrennial update of the twenty-year

highway need study report developed by the state department of transportation referred to as the "quadrennial needs study" provided that a county shall not receive an amount allocated on the basis of needs that is less than that amount received for the fiscal year beginning July 1, 1974.

b. Forty percent of the allocation from the road use tax funds credited to the secondary road fund of counties shall be allocated among the counties in the proportion that the area of such county bears to the total area of the state.

Sec. ..... Section three hundred twelve point five (312.5), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

Need allotment farm-to-market road funds shall be allotted among the counties in the ratio that the

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needs of the farm-to-market roads in each county bear to the total needs of the farm-to-market roads in the state [for the twenty-year program developed by the automotive safety foundation and filed with the Iowa highway study committee created by chapter 426, Acts of the Fifty-eighth General Assembly, and which is on record at the department] *based upon the "quadrennial needs study" provided that a county shall not receive an allotment from the farm-to-market road funds based upon needs in an amount less than that amount received for the fiscal year beginning July 1, 1974.*

Stromer of Hancock rose on a point of order that amendment H—6871 was not germane.

The Speaker ruled the point well taken and amendment H—6871 not germane.

Small of Johnson moved that the rules governing germaneness be suspended for the consideration of amendment H—6871.

Roll call was requested by Small of Johnson and Walter of Pottawattamie.

Rule 69 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6871?"

The ayes were, 31:

Anderson	Hines	Lipsky	Spear
Brockett	Hinkhouse	Millen	Svoboda
Clark	Husak	Miller, K. D.	Tofte
Crawford	Jochum	Patchett	Varley
Dieleman	Jordan	Pavich	Welden
Dyrland	Kreamer	Readinger	West
Griffee	Lageschulte	Rinas	Wyckoff
Hargrave	Lindeen	Small	

The nays were, 54:

Avenson	Drake	Krause	Perkins
Bennett	Egenes	Lonergan	Poncy
Bina	Evans	McElroy	Scheelhaase
Binneboese	Fitzgerald	Menke	Schroeder
Bortell	Gilloon	Mennenga	Spencer
Brandt	Halvorson	Middleswart	Spradling
Branstad	Harper	Middleton	Stromer
Brunow	Harvey	Miller, A. V.	Tauke
Byerly	Hennessey	Miller, O. L.	Walter
Connors	Howell	Nealson	Wells
Crabb	Hullinger	Nielsen	Woods
Daggett	Hutchins	Norland	Wulff
Danker	Junker	Pellett	Mr. Speaker
Doyle	Koogler		

Absent or not voting, 14:

Baker	Dunton	Horn	Newhard
Bittle	Gentleman	Jesse	Oakley
Cusack	Hansen	Monroe	O'Halloran
Den Herder	Higgins		

The motion lost.

Connors of Polk in the chair at 4:16 p.m.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 1343)

The ayes were, 55:

Avenson	Drake	Junker	Poncy
Bennett	Dunton	Krause	Rinas
Binneboese	Fitzgerald	Lonergan	Scheelhaase
Bortell	Gilloon	Menke	Schroeder
Brandt	Griffee	Mennenga	Spear
Branstad	Hansen	Middleswart	Spencer
Brunow	Harper	Middleton	Spradling
Clark	Higgins	Miller, A. V.	Stromer
Cochran	Hinkhouse	Miller, O. L.	Tauke
Cusack	Howell	Nealson	Tofte
Daggett	Hullinger	Newhard	Wells
Danker	Hutchins	Nielsen	Wulff
Den Herder	Jochum	Norland	Mr. Speaker
Doyle	Jordan	Perkins	(Connors)

The nays were, 39:

Anderson	Gentleman	Lageschulte	Readinger
Bina	Halvorson	Lindeen	Small
Brockett	Hargrave	Lipsky	Svoboda
Byerly	Harvey	McElroy	Varley
Crabb	Hennessey	Millen	Walter
Crawford	Hines	Miller, K. D.	Welden
Dieleman	Horn	O'Halloran	West
Dyrland	Husak	Patchett	Woods
Egenes	Jesse	Pavich	Wyckoff
Evans	Koogler	Pellett	

Absent or not voting, 5:

Baker	Kreamer	Monroe	Oakley
Bittle			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the members of the conference committee on Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services, on the part of the Senate, appointed May 25, 1976, are: The Senator from Jasper, Mr. Hill, chairperson; the Senator from Johnson, Mrs. Doderer; the Senator from Boone, Mr. Nystrom; the Senator from Kossuth, Mr. Priebe; and the Senator from Muscatine, Mr. Rabedeaux.

Also: That the members of the conference committee on Senate File 1332, a bill for an act making appropriations to the department of transportation for designated capital transportation projects, on the part of the Senate, appointed May 25, 1976, are: The Senator from Polk, Mr. Palmer, chairperson; the Senator from Osceola, Mr. Bergman; the Senator from Webster, Mr. Coleman; the Senator from Black Hawk, Mr. Hansen; and the Senator from Jackson, Mr. Norpel.

STEVEN C. CROSS, Secretary

HOUSE RESOLUTION 123

By Middleswart, Perkins, Welden and Crabb

Whereas Mr. Clarence Pickard of Indianola Iowa has shown great courage and determination by entering the Bikecentennial; and

Whereas, his ability to persevere has been demonstrated in the past by his completing two years abroad in India on duty with the Peace Corps at age 75, and also his competition in RAGBRAI, a bicycle ride across Iowa in 1978; and

Whereas, Mr. Pickard's determination to prove that senior citizens are not necessarily transportation handicapped; and

Whereas, he has always demonstrated that all citizens have great capacities to persevere in mental and physical activities if they will only try; and

Whereas, his 85 years of youth, to many, would indicate that he should not be participating in such activities, but even so he is in there pedaling; *Now, Therefore,*

Be It Resolved by the House of Representatives, that we extend our very best wishes of encouragement to Mr. Pickard for a safe victorious journey as he rides his ten speed bicycle across the United States; and

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Be It Further Resolved, that a copy of this resolution be sent to Mr. Pickard at his home in Indianola.

Laid over under Rule 25.

CONSIDERATION OF BILLS

Senate File 1333, a bill for an act making appropriations to various state educational agencies to provide for capital improvements, for reimbursement of state educational institutions for deficiencies in operating funds caused by funds pledged to finance academic and administrative buildings and facilities and utility services, for purchasing certain equipment, and providing for the reversion of funds, with report of committee recommending passage, was taken up for consideration.

Wyckoff of Benton offered the following amendment H—6864 filed by him from the floor and moved its adoption:

H—6864

Amend Senate File 1333 as follows:

1. Page 1, line 31, by inserting after the word "jurisdiction" the following: "including main building alterations at the Iowa Braille and Sight-Saving School".

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 40, nays 43.

Amendment H—6864 lost.

Stromer of Hancock offered the following amendment H—6874 filed by Stromer, Varley and Welden from the floor and moved its adoption:

H—6874

Amend Senate File 1333 as follows:

1. Page 1, line 24, by inserting after the word "for" the words "planning and".

2. Page 1, line 31, by striking the figure "10,300,000" and inserting in lieu thereof the figure "10,600,000".

3. Page 2, by striking lines 2 through 9, and inserting in lieu thereof the following:

"d. For detailed architectural plans and construction of the Lindquist Center, phase II, at the state university of Iowa ..... $5,940,000"

Roll call was requested by Stromer of Hancock and Crabb of Crawford.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6874 be adopted?"

The ayes were, 33:

Bennett	Drake	Lipsky	Schroeder
Bortell	Gentleman	Lonergan	Small
Branstad	Halvorson	McElroy	Stromer
Brockett	Hansen	Menke	Tauke
Clark	Harvey	Millen	Tofte
Crabb	Junker	Nealson	Varley
Daggett	Lageschulte	Pellett	Welden
Danker	Lindeen	Readinger	Wulff
Den Herder			

The nays were, 56:

Anderson	Gilloon	Koogler	Poncy
Avenson	Hargrave	Mennenga	Rinas
Bina	Harper	Middleswart	Scheelhaase
Binneboese	Hennessey	Middleton	Spear
Brandt	Higgins	Miller, A. V.	Spencer
Brunow	Hinkhouse	Miller, K. D.	Spradling
Byerly	Horn	Miller, O. L.	Svoboda
Crawford	Howell	Monroe	Walter
Cusack	Hullinger	Newhard	Wells
Dieleman	Husak	Nielsen	West
Doyle	Hutchins	O'Halloran	Woods
Dyrland	Jesse	Patchett	Wyckoff
Egenes	Jochum	Pavich	Mr. Speaker (Connors)
Evans	Jordan	Perkins	
Fitzgerald			

Absent or not voting, 10:

Baker	Dunton	Krause	Norland
Bittle	Griffee	Kreamer	Oakley
Cochran	Hines		

Amendment H—6874 lost.

Patchett of Johnson asked and received unanimous consent to withdraw amendment H—6723 filed by him on May 17, 1976, and found on page 2847 of the House Journal.

Hines of Story offered the following amendment H—6713 filed by him and moved its adoption:

H—6713

Amend Senate File 1333 as follows:

1. Page 2, by striking lines 7 through 9 and inserting in lieu thereof the following:

"technology, for a music building at Iowa state university of science and technology, and for an extension to the horticultural building at Iowa state university of science and technology .....$695,000".

A non-record roll call was requested.

The ayes were 24, nays 46.

Amendment H—6713 lost.

Crawford of Story offered the following amendment H—6810 filed by him and moved its adoption:

H—6810

Amend Senate File 1333 as follows:
1. Page 2, line 7, by inserting after the word "technology," the following: "for the library addition, phase 1 and remodeling at Iowa state university of science and technology,"
2. Page 2, line 9, by striking the figure "600,000" and inserting in lieu thereof the figure "956,400".

A non-record roll call was requested.

The ayes were 23, nays 50.

Amendment H—6810 lost.

Patchett of Johnson asked and received unanimous consent to withdraw amendment H—6724 filed by him on May 17, 1976, and found on page 2848 of the House Journal.

Miller of Buchanan offered the following amendment H—6867 filed by him from the floor and moved its adoption:

H—6867

Amend Senate File 1333 as follows:
Page 2, by inserting after line 9 the following:
"The state board of regents shall consider and develop plans for future capital construction or expansion of institutions under its jurisdiction, the construction of buildings at sites or communities other than the sites or communities where the institutions are presently located."

A non-record roll call was requested.

The ayes were 30, nays 46.

Amendment H—6867 lost.

Speaker Cochran in the chair at 5:51 p.m.

Harvey of Scott offered the following amendment H—6804 filed by him and Stromer of Hancock and moved its adoption:

H—6804

Amend Senate File 1333 as passed by the Senate,
page 2, by inserting after line 25 the following:
"c. For completion of the Iowa history series project .....$90,000".

Roll call was requested by Harvey of Scott and Stromer of Hancock.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6804 be adopted?"

The ayes were, 41:

Bennett	Drake	Lageschulte	Readinger
Binneboese	Egenes	Lindeen	Scheelhaase
Bortell	Evans	Lipsky	Schroeder
Brandt	Gentleman	McElroy	Stromer
Branstad	Halvorson	Menke	Tauke
Brockett	Hansen	Mennenga	Tofte
Clark	Harvey	Millen	Varley
Crawford	Hines	Miller, K. D.	Welden
Daggett	Jesse	Nealson	West
Danker	Junker	Pellett	Wulff
Dieleman			

The nays were, 51:

Anderson	Griffee	Koogler	Perkins
Avenson	Hargrave	Krause	Poncy
Bina	Harper	Lonergan	Rinas
Brunow	Hennessey	Middleswart	Small
Byerly	Higgins	Middleton	Spear
Connors	Hinkhouse	Miller, A. V.	Spradling
Cusack	Horn	Miller, O. L.	Svoboda
Den Herder	Howell	Monroe	Walter
Doyle	Hullinger	Newhard	Wells
Dunton	Husak	Nielsen	Woods
Dyrland	Hutchins	Norland	Wyckoff
Fitzgerald	Jochum	O'Halloran	Mr. Speaker
Gilloon	Jordan	Pavich	

Absent or not voting, 7:

Baker	Crabb	Oakley	Spencer
Bittle	Kreamer	Patchett	

Amendment H—6804 lost.

Norland of Worth offered the following amendment H—6873 filed by Norland, Stromer and Miller of Cerro Gordo from the floor:

H—6873

Amend Senate File 1333, as passed by the Senate, page 2, by inserting after line 25 the following:

"..... For the construction of a transmitter tower in north central Iowa, if Lee Enterprises is denied an application presently filed with the federal communications commission to permit the replacement of the KGLO directional antenna with an all directional antenna which will permit, pursuant to an existing agreement, the placement of an antenna owned by the educational radio and television facility

14 board on the tower owned and operated by
15 Lee Enterprises .....$500,000"

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—6873.

Tauke of Dubuque offered the following amendment H—6875 filed by Tauke, Stromer and Gilloon from the floor and moved its adoption:

H—6875

1 Amend Senate File 1333 as follows:
2 1. Page 2, by inserting after line 33 the
3 following:
4 "For the detailed architectural
5 plans and construction of a
6 campus within Dubuque County
7 of the Area One Vocational-Technical
8 School .....$3,000,000"

Roll call was requested by Tauke of Dubuque and Tofte of Winneshiek.

On the question "Shall amendment H—6875 be adopted?"

The ayes were, 26:

Clark	Halvorson	Millen	Tauke
Crawford	Hennessey	Miller, O. L.	Tofte
Danker	Jochum	Nealson	Varley
Drake	Junker	Pellett	Welden
Dyrland	Lindeen	Readinger	West
Egenes	Lipsky	Stromer	Wulff
Gilloon	McElroy		

The nays were, 60:

Anderson	Doyle	Jesse	O'Halloran
Avenson	Evans	Jordan	Patchett
Bennett	Fitzgerald	Koogler	Pavich
Bina	Gentleman	Krause	Perkins
Binneboese	Hansen	Lageschulte	Poncy
Brandt	Hargrave	Lonergan	Rinas
Brockett	Harper	Menke	Scheelhaase
Brunow	Harvey	Mennenga	Small
Byerly	Higgins	Middleswart	Spear
Connors	Hines	Middleton	Spradling
Crabb	Hinkhouse	Miller, A. V.	Svoboda
Cusack	Horn	Miller, K. D.	Walter
Daggett	Howell	Monroe	Wells
Den Herder	Hullinger	Nielsen	Wyckoff
Dieleman	Husak	Norland	Mr. Speaker

Absent or not voting, 13:

Baker	Dunton	Kreamer	Schroeder
Bittle	Griffee	Newhard	Spencer
Bortell	Hutchins	Oakley	Woods
Branstad			

Amendment H—6875 lost.

Horn of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 1333)

The ayes were, 89:

Anderson	Dyrland	Junker	Pavich
Avenson	Egenes	Koogler	Pellett
Bennett	Evans	Krause	Perkins
Bina	Fitzgerald	Lageschulte	Poncy
Binneboese	Gentleman	Lindeen	Readinger
Bortell	Gilloon	Lipsky	Rinas
Brandt	Griffee	Lonergan	Scheelhaase
Branstad	Hansen	McElroy	Small
Brockett	Hargrave	Menke	Spear
Brunow	Harper	Mennenga	Spencer
Byerly	Harvey	Middleswart	Spradling
Clark	Higgins	Middleton	Stromer
Connors	Hines	Millen	Svoboda
Crabb	Hinkhouse	Miller, A. V.	Tofte
Crawford	Horn	Miller, K. D.	Varley
Cusack	Howell	Miller, O. L.	Walter
Daggett	Hullinger	Monroe	Welden
Danker	Husak	Nealson	Wells
Den Herder	Hutchins	Newhard	West
Dieleman	Jesse	Norland	Wulff
Doyle	Jochum	O'Halloran	Wyckoff
Drake	Jordan	Patchett	Mr. Speaker
Dunton			

The nays were, 3:

Halvorson	Hennessey	Tauke

Absent or not voting, 7:

Baker	Kreamer	Oakley	Woods
Bittle	Nielsen	Schroeder	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1332

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and House of Representatives on Senate File 1332, a bill for an act making appropriations to the department of transportation for capital projects, respectfully make the following report:

1. That the Senate and House of Representatives conferees have failed to reach an agreement.

On the Part of the Senate:	On the Part of the House:
WILLIAM D. PALMER, Chair	JOHN B. BRUNOW, Chair
IRVIN L. BERGMAN	ROBERT A. KRAUSE
C. JOSEPH COLEMAN	KEITH H. DUNTON
WILLARD R. HANSEN	LESTER D. MENKE
RICHARD J. NORPEL, SR.	GLEN E. BORTELL

SECOND CONFERENCE COMMITTEE APPOINTED
(Senate File 1332)

The Speaker announced the appointment of the second conference committee to consider the difference between the House and the Senate concerning **Senate File 1332**: Brunow of Appanoose, chair; Krause of Palo Alto, Dunton of Keokuk, Menke of O'Brien and Bortell of Madison.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 1583

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1583, a bill for an Act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making an appropriation, repectfully submit the following report:

1. That the House and Senate conferees failed to reach an agreement.

On the Part of the Senate	On the Part of the House
EUGENE M. HILL, Chair	JOHN B. BRUNOW, Chair
LEONARD C. ANDERSEN	DONALD D. AVENSON
LOWELL L. JUNKINS	THOMAS J. JOCHUM
ELIZABETH SHAW	LILLIAN McELROY
EARL M. WILLITS	HENRY C. WULFF

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 1583)

The Speaker announced the appointment of the second conference committee to consider the difference between the House

and the Senate concerning **House File 1583**: Brunow of Appanoose, chair; Avenson of Fayette, Jochum of Dubuque, McElroy of Fremont and Wulff of Black Hawk.

HOUSE FILES 203, 247, 329 AND 520 WITHDRAWN

Patchett of Johnson asked and received unanimous consent to withdraw the following from further consideration by the House: **House Files 203, 247, 329 and 520.**

ADOPTION OF HOUSE RESOLUTION 124

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **House Resolution 124** and moved its adoption:

HOUSE RESOLUTION 124

By Cochran, Fitzgerald, Millen, Middleswart, Harvey, Daggett, Krause and Newhard

Whereas, Mrs. Allyene May, wife of the Adjutant General of the State, General Joseph May, passed away on May 24, 1976; and

Whereas, Allyene May, mother of two daughters and a grandmother having four grandchildren, was a devoted wife and extremely active in the auxiliary of the National Guard; and

Whereas, it is fitting that the House of Representatives express its sympathy to General Joseph G. May and members of his family in their time of grief; *Now, Therefore,*

Be It Resolved by the House of Representatives, That the House of Representatives of the State of Iowa extends its sympathy upon the passing of their beloved wife, mother and grandmother, Mrs. Allyene May.

The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following Representatives as the official delegation to the funeral services of Mrs. Allyene May: Middleswart of Warren, Harvey of Scott, Daggett of Adams, Krause of Palo Alto and Newhard of Jones.

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 1539

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1539, a bill for an Act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, respectfully make the following report:

1. That the Senate amendment H—6781 to House File 1539 as amended and passed by the House be amended as follows:

1. Page 1, by striking lines 20 through 25 and inserting in lieu thereof the following:

"4. For use, at the option of the department of social services, to convert the existing minimum security dormitory located outside the walls of the Fort Madison penitentiary to either a minimum or medium security facility .....$250,000"

2. By renumbering the succeeding subsections of section 1 of the Senate amendment in accordance with the foregoing amendment.

3. Page 2, line 15, by inserting after the word "adult" the words "and juvenile".

4. Page 2, line 49, by striking the word "January" and inserting in lieu thereof the word "March".

5. Page 3, line 6, by striking the word "January" and inserting in lieu thereof the word "March".

6. Page 3, line 23, by inserting after the word "facilities" the words ", including those not now used as penal institutions".

7. Page 3, by inserting after line 33 the following new subsection:

Page 2

"4. To help insure that the general assembly is knowledgeable of the commission's work and of the background of the report submitted by it, the joint human resources subcommittees of the senate and house committees on appropriations shall meet periodically with the commission. No more than four such meetings shall be held during the interval between adjournment of the 1976 Session of the Sixty-sixth General Assembly and convening of the 1977 Session of the Sixty-seventh General Assembly. The joint human resources subcommittee shall not have authority to mandate, alter or reject any comment or recommendation in the report required of the commission by subsection three (3) of this section."

8. By renumbering the succeeding subsection of section 6 of the Senate amendment.

9. Strike page 3, line 44 through page 4, line 4, and insert in lieu thereof the following:

"Sec. 7. The department of social services, division of mental health services, shall prepare and submit to the legislative council for transmission to the first session of the Sixty-seventh General Assembly recommendations relative to the future utilization, conversion or discontinuation and disposition of the state mental health institutes at Cherokee, Clarinda, Independence and Mount Pleasant.

Sec. 8. Anything in chapter two hundred forty-two (242) of

the Code to the contrary notwithstanding, the department of social services may at its option initiate and maintain co-educational programs and services at the state training school at Eldora during the fiscal period for which appropriations for operating expenses are made by this Act. The legislative service bureau shall report to the legislative council prior to the convening of the first session of the Sixty-seventh General Assembly such amendments to chapter two hundred forty-two (242) of the Code

Page 3

and other statutes as may be needed to permit continuation of co-educational programs and services at the state training school at Eldora."

On the Part of the Senate:
BERL E. PRIEBE, Chair
WILLIAM E. GLUBA
GEORGE R. KINLEY

On the Part of the House:
GREGORY D. CUSACK, Chair
ELMER H. DEN HERDER
THOMAS J. HIGGINS
EMIL J. HUSAK

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 1558

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1558, a bill for an Act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties, respectfully make the following report:

That the Senate recede from its amendment, H—6729, and that House File 1558 as amended, passed, and reprinted be amended as follows:

Amend House File 1558 as amended, passed and reprinted by the House as follows:

1. Page 1, line 15, by inserting after the word "purposes" the figure " .....$4,000,000".

2. Page 1, by striking lines 16 through 26.

3. Page 2, lines 34 and 35, by striking the words "which shall be filed by the commissioners with the county recorder".

4. Page 3, lines 5 and 6, by striking the words "a pro rata share of".

5. Page 3, line 6, by striking the words, "based upon".

Page 2

6. Page 3, by striking lines 7 through 11.

7. Page 3, line 12, by striking the words "funds allocated to the district".

8. Page 3, by inserting after line 30, the following new section:

"Sec. ..... The state conservation commission shall not construct any new marina or basin providing moorings for boats at Gull Point state park or any other point on or adjacent to West Okoboji Lake within twelve months after the effective date of this Act.

The natural resources visitation subcommittee of the legislative fiscal committee shall confer with the commission before the convening of the Sixty-seventh General Assembly. The commission, after conferring with this committee and with local conservation organizations, shall notify the chairmen of the appropriations committees of their recommendations for location and descriptions of one or more facilities to provide for public boat docking facilities. Unless disapproved by the general assembly by resolution within sixty calendar days after convening the commission may proceed."

9. Page 3, by striking line 31 through page 4, line 1, and inserting in lieu thereof the following:

"Sec. ..... Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand twenty-six (1026), section one (1), subsection three (3), is amended by striking the subsection and inserting in lieu thereof the following:

Page 3

"VOLGA RIVER. For design and construction of three or more lakes on the Frog Hollow watershed of the Volga River. Construction shall begin within the calendar year 1977 .....$1,500,000."

10. By renumbering sections as required by this amendment.

On the Part of the Senate:	On the Part of the House:
LOWELL L. JUNKINS, Chair	DONALD D. AVENSON, Chair
LOUIS P. CULVER	DON W. SPENCER
CLOYD E. ROBINSON	RUSSELL L. WYCKOFF
E. KEVIN KELLY	ROGER A. HALVORSON
CALVIN O. HULTMAN	RICHARD W. WELDEN

EXPLANATIONS OF VOTES

I was necessarily absent when the vote on final passage was taken on House File 1590 at 7:00 p.m. on Monday, May 24, because of a prior commitment I had made to attend a meeting of the Dallas County Women's Political Caucus. The purpose of the meeting was to review candidate's views on various issues.

Had I been present for the vote, I would have voted "aye" although I believe that it is not in the best interests of the state to combine different tax issues into one bill.

VARLEY of Adair

I was necessarily absent from the House chamber on Monday, May 24. Had I been present, I would have voted as follows: "aye" on House Files 1588, 1589, 614, 1569, 1329, 1332 and 1590; Senate Joint Resolution 1009, Senate File 1309, amendment H—6830 to House File 1590 and the motion to reconsider H—6830.

LAGESCHULTE of Bremer

I was necessarily absent at the time when the vote was taken on Senate File 1309. Had I been present, I would have voted "aye."

DIELEMAN of Marion

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 25, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 1520, an act directing the Code Editor and the Superintendent of Printing to prepare and publish a compilation of the Iowa election laws, as amended, and providing for distribution thereof and for payment of the cost of preparing, publishing and distributing the compilation from the appropriation for publication of the Code and portions thereof.

Senate File 244, an act relating to the copying of public records.

Senate File 547, an act relating to the financing of levees and drainage districts.

Senate File 1105, an act relating to the distribution of monthly aid to dependent children payments.

Senate File 1119, an act relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state.

Senate File 1203, an act relating to bids for maintenance or construction of county buildings.

Senate File 1233, an act making a correction to Senate File One Thousand One Hundred Two (1102) enacted by the 1976 session of the Sixty-Sixth General Assembly.

Senate File 1300, an act relating to the availability of mine maps.

Senate File 1303, an act relating to the definition of a nonresident employer.

Senate File 1322, an act making an appropriation to the Iowa Department of Revenue.

AMENDMENTS FILED

H—6868

Amend House File 1332 as follows:

1. Page 1, by inserting before line 1, the following:

"Sec. ..... Section three hundred fourteen point twelve (314.12), Code 1975, is amended to read as follows:

314.12 BORROW PITS—TOPSOIL PRESERVED. In the award of contracts for the construction, reconstruction, improvement, repair or maintenance of any highway, the agency having charge of awarding such contracts shall require that when fill dirt, soil or other materials are to be removed from borrow

pits for use in the project, adequate provision shall be made by agreement with the landowner for the restoration of the borrow pit area[, either] by removal and replacement of a minimum of eight inches of topsoil, [or by] *however, if the land is not primarily used for agricultural purposes the agreement may provide for the* fertilizing, mulching, reseeding or other appropriate measures to provide vegetative cover or prevent erosion *in lieu of topsoil replacement.*"

2. Amend the title by striking lines 1 through 11 and inserting in lieu thereof the words "An Act amending the Iowa Code."

3. Renumber sections and correct internal references in conformance with this amendment.

HOWELL of Floyd

H—6876

Amend amendment H—6018 to Senate File 1014 as follows:

Page 1, line 4, by inserting after the word *"shall"* the words *"beginning January 1, 1977"*.

PONCY of Wapello
HORN of Linn
DRAKE of Muscatine
BRUNOW of Appanoose

H—6869

Amend House amendment H—6677 to Senate File 1280 as follows:

1. Page 1, by striking line 3.
2. Page 1, by striking lines 5 and 6.
3. Page 1, by striking line 7.
4. Page 1, by striking lines 8 and 9.
5. Page 1, by inserting after line 12 the following:

"..... Page 11, by striking line 15 through page 13, line 28."

6. Page 1, by striking lines 13 through 16 and inserting in lieu thereof the following:

"..... Page 16, lines 3 and 4 by striking the words and figures "four hundred fifty point sixteen (450.16), four hundred fifty point thirty-five (450.35)".

..... Page 16, lines 10 and 11 by striking the words and figures "and section six hundred seven point two (607.2), subsections three (3), four (4), five (5) and six (6), Code 1975,".

..... Page 16, line 14, by striking the words and figure "one hundred two (102),".

..... Page 16, lines 15 and 16, by striking the words and figures "one hundred eighty-two (182), one hundred eighty-six A (186A),"."

7. Renumber the remaining sections to conform

27 with this amendment.

SCHROEDER of Pottawattamie
McELROY of Fremont
PERKINS of Greene
WYCKOFF of Benton
MIDDLESWART of Warren
WELDEN of Hardin
ANDERSON of Jasper
HUTCHINS of Guthrie
HULLINGER of Decatur
AVENSON of Fayette
NORLAND of Worth
MILLER of Calhoun
CLARK of Lee
NIELSEN of Polk

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 6:58 p.m. until 9:00 a.m. Wednesday, May 26, 1976.

JOURNAL OF THE HOUSE

One Hundred Thirty-sixth Calendar Day—Ninety-first Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, WEDNESDAY, MAY 26, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend John Maze, pastor of the Malcom-Sheridan Parish, Malcom, Iowa.

The Journal of Tuesday, May 25, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Verne Schlaser, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Buena Vista on request of Perkins of Greene.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Forty-six students from Hills School, Clinton, Iowa, accompanied by Rollin Bannow. By Rinas of Linn.

Eight Girl Scouts from Woodbury County, accompanied by Mrs. Diane Everheart. By Scheelhaase of Woodbury.

PETITIONS FILED

The following petitions were received and placed on file:

By Branstad of Winnebago from twenty-four residents of Sigourney, Iowa, favoring the anti-obscenity amendments to the conference committee report on Senate File 85.

By Branstad of Winnebago from sixty-one residents of Kensett, Iowa, favoring the anti-obscenity amendments to the conference committee report on Senate File 85.

ADOPTION OF COMMITTEE REPORT

The Chief Clerk announced the adoption of report of committee on Senate File 1333, under Rule 36.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1026, a bill for an act relating to the appointment of conservators for veterans.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1442, a bill for an act to legalize and validate the proceedings of the board of directors of the Des Moines Area Community College in connection with an election authorizing the levy of a tax.

Also: That the Senate has on May 25, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1497, a bill for an act making amendments to the probate laws by updating certain provisions.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1547, a bill for an act to legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School in connection with an election authorizing the levy of a tax.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1567, a bill for an act to legalize the proceedings for the sale of land by the North Scott Community School District.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1574, a bill for an act to legalize and validate the proceedings of the board of supervisors of the county of Black Hawk.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1576, a bill for an act relating to the amount of the homestead tax credit allowed for claims filed between January 1, 1976, and July 1, 1976.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1575, a bill for an act to legalize and validate the proceedings of the board of directors of the Underwood Community School District.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1581, a bill for an act relating to educational leaves of absence for school employees.

Also: That the Senate has on May 24, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1582, a bill for an act relating to the issuance, continuance, and termination of contracts of school administrators.

Also: That the members of the second conference committee on House File 1583, a bill for an act relating to compensation benefits for state employees and nonelected state officials, appointed May 26, 1976, on the part of the Senate are: The Senator from Jasper, Mr. Hill, chairperson; the Senator from Woodbury, Mr. Andersen; the Senator from Lee, Mr. Junkins; the Senator from Scott, Mrs. Shaw; and the Senator from Polk, Mr. Willits.

Also: That the Senate has on May 24, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 356, a bill for an act relating to the establishment and funding of self-supported municipal improvement districts.

Also: That the members of the second conference committee on Senate File 1332, a bill for an act providing an appropriation to the department of transportation designated for capital transportation projects, appointed May 26, 1976, on the part of the Senate are: The Senator from Polk, Mr. Palmer, chairperson; the Senator from Osceola, Mr. Bergman; the Senator from Webster, Mr. Coleman; the Senator from Black Hawk, Mr. Hansen; and the Senator from Jackson, Mr. Norpel.

STEVEN C. CROSS, Secretary

SPONSORS WITHDRAWN FROM MOTION
(Senate File 217)

The following members request to be withdrawn as sponsors of the motion to invoke Rule 56 to withdraw **Senate File 217** from the sifting committee, filled on May 20, 1976: Anderson of Jasper, Miller of Cerro Gordo, Koogler of Mahaska, Woods of Polk, Dieleman of Marion, Jordan of Linn and Dyrland of Clayton.

RULE 56 INVOKED
(Senate File 217)

Crawford of Story called up for consideration the motion filed by Crawford, et al., on May 20, 1976, and found on pages 2941 and 2942 of the House Journal to withdraw from the sifting committee **Senate File 217**, a bill for an act relating to agency meetings in closed session.

Crawford of Story invoked Rule 56 and moved to withdraw from the sifting committee for immediate consideration Senate File 217.

Roll call was requested by Harvey of Scott and Lageschulte of Bremer.

Rules 69 and 70 were invoked.

On the question "Shall Senate File 217 be withdrawn from the sifting committee for immediate consideration?"

The ayes were, 41:

Bennett	Drake	Kreamer	Readinger
Bortell	Egenes	Lageschulte	Schroeder
Brandt	Evans	Lindeen	Stromer
Branstad	Gentleman	Lipsky	Tauke
Brockett	Halvorson	McElroy	Tofte
Clark	Hansen	Menke	Varley
Crabb	Harvey	Millen	Walter
Crawford	Hines	Miller, K. D.	Welden
Daggett	Jochum	Nealson	Wulff
Danker	Junker	Pellett	Wyckoff
Den Herder			

The nays were, 41:

Anderson	Fitzgerald	Hutchins	O'Halloran
Avenson	Gilloon	Jesse	Pavich
Bina	Griffee	Jordan	Poncy
Binneboese	Hargrave	Koogler	Scheelhaase
Brunow	Harper	Krause	Spear
Connors	Hinkhouse	Lonergan	Spradling
Cusack	Horn	Middleswart	Svoboda
Dieleman	Howell	Miller, A. V.	Wells
Doyle	Hullinger	Miller, O. L.	Woods
Dunton	Husak	Norland	Mr. Speaker
Dyrland			

Absent or not voting, 17:

Baker	Mennenga	Nielsen	Rinas
Bittle	Middleton	Oakley	Small
Byerly	Monroe	Patchett	Spencer
Hennessey	Newhard	Perkins	West
Higgins			

The motion lost.

RULE 56 INVOKED
(House File 1221)

Welden of Hardin called up for consideration the motion filed by Welden, et al., on May 12, 1976, and found on page 2670 of the House Journal, to withdraw from the sifting committee **House File 1221**, a bill for an act providing for the orderly and timely adjournment of the general assembly by providing a procedure for adjournment and an expense and pay plan for members of the general assembly commensurate with a shortened legislative session.

Welden of Hardin invoked Rule 56 and moved to withdraw from the sifting committee for immediate consideration House File 1221.

CALL OF THE HOUSE

The Speaker announced the following Call of the House had been filed at the desk and directed the Clerk to call the roll:

CALL OF THE HOUSE
(House File 1221)

Pursuant to Rule 73, the following members respectfully request a Call of the House on **House File 1221**: Stromer of Hancock, Millen of Van Buren, Harvey of Scott, Clark of Lee and Tauke of Dubuque.

Roll call was requested by Branstad of Winnebago and Millen of Van Buren:

Present, 93:

Anderson	Egenes	Koogler	Perkins
Avenson	Evans	Krause	Poncy
Bennett	Fitzgerald	Kreamer	Readinger
Bina	Gentleman	Lageschulte	Rinas
Binneboese	Gilloon	Lindeen	Scheelhaase
Bortell	Halvorson	Lipsky	Schroeder
Brandt	Hansen	Lonergan	Small
Branstad	Hargrave	McElroy	Spear
Brockett	Harper	Menke	Spencer
Brunow	Harvey	Middleswart	Spradling
Byerly	Hennessey	Middleton	Stromer
Clark	Higgins	Millen	Svoboda
Connors	Hines	Miller, A. V.	Tauke
Crabb	Hinkhouse	Miller, K. D.	Tofte
Crawford	Horn	Miller, O. L.	Varley
Cusack	Howell	Monroe	Walter
Daggett	Hullinger	Nealson	Welden
Danker	Husak	Newhard	Wells
Den Herder	Hutchins	Norland	West
Dieleman	Jesse	O'Halloran	Woods
Doyle	Jochum	Patchett	Wulff
Drake	Jordan	Pavich	Wyckoff
Dunton	Junker	Pellett	Mr. Speaker
Dyrland			

Absent, 6:

Baker	Griffee	Nielsen	Oakley
Bittle	Mennenga		

Roll call revealed all members present with the exception of those previously excused and Representatives Griffee, Mennenga, Nielsen and Oakley.

The Speaker directed the sergeant-at-arms to locate the absent members.

The Speaker announced all members of the House were now present in the House chamber.

RULES SUSPENDED

Fitzgerald of Webster moved to suspend the rules for the consideration of **House File 1558.**

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 53, nays 37.

The motion prevailed and the rules were suspended to consider House File 1558.

SECOND CONFERENCE COMMITTEE REPORT ADOPTED
(House File 1558)

Avenson of Fayette called up for consideration the report of the second conference committee on **House File 1558,** a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties, filed on May 25, 1976, and found on pages 3158 and 3159 of the House Journal.

Avenson of Fayette moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Avenson of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1558)

The ayes were, 89:

Anderson	Crawford	Gentleman	Howell
Avenson	Cusack	Gilloon	Hullinger
Bennett	Daggett	Griffee	Husak
Bina	Danker	Halvorson	Hutchins
Binneboese	Den Herder	Hansen	Jochum
Bortell	Dieleman	Hargrave	Jordan
Brandt	Doyle	Harper	Junker
Branstad	Drake	Harvey	Koogler
Brunow	Dunton	Hennessey	Krause
Byerly	Dyrland	Higgins	Kreamer
Clark	Egenes	Hines	Lageschulte
Connors	Evans	Hinkhouse	Lindeen
Crabb	Fitzgerald	Horn	Lonergan

Menke	Newhard	Rinas	Tofte
McElroy	Norland	Scheelhaase	Varley
Mennenga	Oakley	Schroeder	Walter
Middleswart	O'Halloran	Small	Welden
Middleton	Pavich	Spear	Wells
Millen	Pellett	Spencer	West
Miller, A. V.	Perkins	Stromer	Wulff
Miller, K. D.	Poncy	Svoboda	Wyckoff
Miller, O. L.	Readinger	Tauke	Mr. Speaker
Nealson			

The nays were, 3:

Lipsky	Spradling	Woods

Absent or not voting, 7:

Baker	Brockett	Monroe	Patchett
Bittle	Jesse	Nielsen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 1558)

Avenson of Fayette asked and received unanimous consent that House File 1558 be immediately messaged to the Senate.

CALL OF THE HOUSE LIFTED

Stromer of Hancock asked for unanimous consent that further proceedings under the Call of the House be dispensed with.

Objection was raised.

Stromer of Hancock moved that further proceedings under the Call of the House be dispensed with, pursuant to Section 197.3 of Mason's Manual of Legislative Procedure.

A non-record roll call was requested.

The ayes were 61, nays 18.

The motion prevailed and the Call of the House was lifted.

(Motion to withdraw House File 1221 from sifting pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 584

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 584, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

On the Part of the Senate:
JAMES M. REDMOND, Chair
ROBERT M. CARR
C. JOSEPH COLEMAN

On the Part of the House:
NORMAN G. JESSE, Chair
SONJA EGENES
W. R. MONROE
ARTHUR A. SMALL, JR.
ANDREW VARLEY

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 584)

The Speaker announced the appointment of the second conference committee to consider the difference between the House and the Senate concerning **House File 584**: Jesse of Polk, chair; Brockett of Marshall, Monroe of Des Moines, Small of Johnson and Varley of Adair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 26, 1976, adopted the second conference committee report and the amendments contained therein and passed House File 1277, a bill for an act relating to the definition of "residency" for the purposes of the funding for care and treatment of persons suffering the effects of alcohol.

Also: That the Senate has on May 26, 1976, refused to concur in the House amendment to the following bill:

Senate File 1261, a bill for an act making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state.

STEVEN C. CROSS, Secretary

RULES SUSPENDED

Fitzgerald of Webster moved to suspend the rules for the consideration of **House File 1539.**

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 51, nays 32.

The motion prevailed and the rules were suspended.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the members of the second conference committee on House File 584, a bill for an act relating to competition between business, commercial or professional entities, and providing criminal and civil penalties, on the part of the Senate, appointed May 26, 1976, are: The Senator from Linn, Mr. Redmond, chairperson; the Senator from Dubuque, Mr. Carr; the Senator from Polk, Mr. Hill; the Senator from Scott, Mrs. Shaw; and the Senator from Polk, Mr. Willits.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 152

By Cusack and Higgins

Whereas, the costs of higher education are escalating at a rapid pace; and

Whereas, Iowa's future will be vitally affected by all segments of higher education, including regent institutions, area community colleges and area vocational schools, and private colleges and universities; and

Whereas, the Iowa legislature has assumed varying degrees of financial responsibility in all of the above named areas at a time of serious cost elevation; and

Whereas, the Iowa Code makes no mention of the relationship between regent institutions and area community colleges and area vocational schools, and is entirely silent on the subject of private colleges and universities; and

Whereas, the consequences of a lack of legislative policy in this area will be financial distress for the taxpayer and, ultimately, a weaker educational program for Iowa's young; and

Whereas, a higher education policy will both set limits on legislative responsibility, and provide security to institutions knowing that they can depend on legislative support and funding; and

Whereas, a policy should be adopted which clearly defines the role of each type of institution receiving legislative financial support, with particular attention to types of

program offered, numbers and cost of students served, and entrance and graduation requirements, as well as speaking to overlapping offerings by two-year, four-year and graduate institutions of all types in Iowa, *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized

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to establish a commission to undertake a comprehensive and detailed study of the roles of the various institutions of higher education in this state, their programs, and overlapping of programs, the escalating costs of higher education in this state, and the financial support level of the state for each of the segments of higher education, and the commission shall develop both short-range and long-range alternatives for program and fiscal planning. Members may be either legislators or lay citizens, or both. The commission may either employ its own staff or hire a consulting firm to assist it with its work; and

Be It Further Resolved, That the commission shall submit to the legislative council and the Sixty-seventh General Assembly, 1978 Session, a report of the study together with legislative bill drafts designed to carry out the recommendations of the commission.

Laid over under Rule 25.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hargrave of Johnson for the remainder of the day on request of Connors of Polk; Egenes of Story for the remainder of the day, May 27 and 28 on request of West of Marshall.

CONFERENCE COMMITTEE REPORT ADOPTED
(House File 1539)

Cusack of Scott called up for consideration the report of the conference committee on **House File 1539**, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, filed on May 25, 1976, and found on pages 3156 through 3158 of the House Journal.

Cusack of Scott moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Varley of Adair and Higgins of Scott.

On the question "Shall the conference committee report be adopted?"

The ayes were, 53:

Anderson	Gilloon	Jochum	O'Halloran
Avenson	Griffee	Jordan	Patchett
Bina	Harper	Junker	Pavich
Binneboese	Hennessey	Koogler	Perkins
Brandt	Higgins	Krause	Rinas
Brunow	Hines	Lonergan	Small
Byerly	Hinkhouse	Mennenga	Spear
Cusack	Horn	Middleswart	Spradling
Daggett	Howell	Miller, A. V.	Svoboda
Den Herder	Hullinger	Miller, O. L.	Walter
Dieleman	Husak	Monroe	Wells
Dunton	Hutchins	Nielsen	Wyckoff
Dyrland	Jesse	Norland	Mr. Speaker
Fitzgerald			

The nays were, 37:

Bennett	Evans	Millen	Spencer
Bortell	Halvorson	Miller, K. D.	Stromer
Branstad	Hansen	Nealson	Tauke
Brockett	Harvey	Newhard	Tofte
Clark	Lageschulte	Oakley	Varley
Crabb	Lipsky	Pellett	Welden
Crawford	McElroy	Poncy	West
Danker	Menke	Readinger	Woods
Doyle	Middleton	Schroeder	Wulff
Drake			

Absent or not voting, 9:

Baker	Egenes	Hargrave	Lindeen
Bittle	Gentleman	Kreamer	Scheelhaase
Connors			

The motion prevailed and the report was adopted.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1539)

The ayes were, 57:

Anderson	Fitzgerald	Jesse	Patchett
Avenson	Gentleman	Jochum	Pavich
Bina	Gilloon	Jordan	Perkins
Binneboese	Griffee	Koogler	Readinger
Brandt	Harper	Krause	Rinas
Brunow	Hennessey	Lonergan	Scheelhaase
Byerly	Higgins	Mennenga	Small
Clark	Hines	Middleswart	Spear
Connors	Hinkhouse	Miller, A. V.	Spradling
Crawford	Horn	Miller, O. L.	Svoboda
Cusack	Howell	Monroe	Walter
Den Herder	Hullinger	Nielsen	Wells
Dieleman	Husak	Norland	Wyckoff
Dunton	Hutchins	O'Halloran	Mr. Speaker
Dyrland			

The nays were, 35:

Bennett	Evans	Millen	Stromer
Bortell	Halvorson	Miller, K. D.	Tauke
Branstad	Hansen	Nealson	Tofte
Brockett	Harvey	Newhard	Varley
Crabb	Junker	Oakley	Welden
Daggett	Lageschulte	Pellett	West
Danker	Lipsky	Poncy	Woods
Doyle	McElroy	Schroeder	Wulff
Drake	Middleton	Spencer	

Absent or not voting, 7:

Baker	Egenes	Kreamer	Menke
Bittle	Hargrave	Lindeen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 1539)

Cusack of Scott asked and received unanimous consent that **House File 1539** be **immediately messaged** to the Senate.

MOTION TO WITHDRAW FROM SIFTING LOST
(House File 1221)

The House resumed consideration of the Welden, et al., motion to withdraw from the sifting committee **House File 1221,** a bill for an act providing for the orderly and timely adjournment of the general assembly by providing a procedure for adjournment and an expense and pay plan for members of the general assembly commensurate with a shortened legislative session, for its immediate consideration.

Roll call was requested by Welden of Hardin and Schroeder of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall House File 1221 be withdrawn from the sifting committee for immediate consideration?"

The ayes were, 34:

Bennett	Drake	McElroy	Stromer
Branstad	Evans	Middleswart	Tauke
Brockett	Gentleman	Millen	Tofte
Clark	Halvorson	Nealson	Varley
Crabb	Hansen	Oakley	Welden
Crawford	Harvey	Pellett	West
Daggett	Junker	Readinger	Wulff
Danker	Lageschulte	Schroeder	Wyckoff
Den Herder	Lipsky		

The nays were, 51:

Anderson	Griffee	Koogler	Poncy
Avenson	Harper	Lonergan	Rinas
Bina	Hennessey	Mennenga	Scheelhaase
Binneboese	Higgins	Middleton	Small
Brandt	Hines	Miller, A. V.	Spear
Byerly	Hinkhouse	Miller, O. L.	Spencer
Connors	Horn	Monroe	Spradling
Cusack	Howell	Nielsen	Svoboda
Dieleman	Hullinger	Norland	Walter
Doyle	Husak	O'Halloran	Wells
Dunton	Jesse	Patchett	Woods
Dyrland	Jochum	Pavich	Mr. Speaker
Fitzgerald	Jordan	Perkins	

Absent or not voting, 14:

Baker	Egenes	Krause	Menke
Bittle	Gilloon	Kreamer	Miller, K. D.
Bortell	Hargrave	Lindeen	Newhard
Brunow	Hutchins		

The motion lost.

HOUSE INSISTS
(Senate File 1261)

Horn of Linn called up for consideration **Senate File 1261**, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, and moved that the House insist on its amendments.

The motion prevailed and the House insists on its amendments.

CONSIDERATION OF BILLS

APPROPRIATIONS CALENDAR

Senate File 1221, a bill for an act relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission, with report of committee recommending amendment and passage, was taken up for consideration.

Griffee of Chickasaw offered the following amendment H—6542 filed by the committee on appropriations:

H—6542

Amend Senate File 1221 as passed by the Senate as follows:

1. Page 1, line 14, by inserting before the word "For" the letter "a.".

2. Page 1, after line 16, by inserting the following:

"b. For salaries, support, maintenance, and miscellaneous purposes of the uniform commercial code division in performing records searches .....$38,700"

3. Page 2, by inserting after line 7 the following:

"Sec. ..... Section five hundred fifty-four point nine thousand four hundred seven (554.9407), Code 1975, is amended to read as follows:

554.9407 INFORMATION FROM FILING OFFICER.

1. If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such **person.**

2. Upon *written* request of any person, the filing officer shall issue his *or her* certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any *financing* statement [of assignment thereof] *changes* and if there is, giving the date and hour of filing of each such [statement] *filing* and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be two dollars if the request for the certificate is on a form conforming to standards prescribed by the secretary of state; otherwise, three dollars. Upon request and the payment of the appropriate fee the filing officer shall furnish a certified copy of any filed financing statement or *financing* statement [of assignment] *changes* for a uniform fee of one dollar per page.

3. Upon telephone request of any person, the filing officer in the office of the secretary of state shall respond by phone stating whether there is on file on the date and hour upon which the request is made any presently effective financing statement naming a particular debtor and any financing statement changes and if there is, stating the date and hour of filing of each such filing and the names and addresses of each secured party therein. The uniform fee for this telephone search service shall be four dollars per each debtor name searched. All fees must

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be prepaid before a person may utilize this telephone search service. A certificate confirming the information given to the person making the request shall be sent to that person by the filing officer upon request and payment of a fee of one dollar per debtor name searched. Upon request and the payment of the appropriate fee, the filing officer shall furnish a certified copy of any filed financing statement or financing statement changes for a uniform

fee of one dollar per page. The method of payment of fees imposed by this subsection shall be established by the secretary of state.

[3] *4.* Charging no more than a reasonable estimate of cost, in his *or her* discretion the secretary of state may adopt one or more of the following methods of providing information concerning public filings in his *or her* office to persons with an interest in this information that is related exclusively to the purposes of this Article:

[a. subscription telephone service;

b. subscription]

a. Subscription, daily, weekly or monthly written summaries; *or*

[c. granting suitable space for the preparation of written summaries and the provision of telephone service by those persons deemed by the secretary of state to have a legitimate interest in regular examination of the secretary of state's public files; and

d. any].

b. Any other appropriate method of disseminating information.

However, the secretary of state shall not make space or services available to any person for examination and preparation of summaries of the secretary of state's public files except the space and services made available under chapter sixty-eight A (68A) of the Code.

5. Charging no more than a reasonable estimate of cost, in his or her discretion a county recorder may adopt one or more of the following methods of providing information concerning public filings in his or her office to persons with an interest in this information that is related exclusively to the purposes of this Article:

a. Subscription telephone service;

b. Subscription daily, weekly or monthly written summaries;

c. Granting suitable space for the preparation of written summaries and the provision of telephone

Page 3

service by those persons deemed by the county recorder to have a legitimate interest in regular examination of the county recorder's public files; or

d. Any other appropriate method of disseminating information.

6. Except with respect to willful misconduct, the state of Iowa, the secretary of state, *a county, a county recorder,* and their employees and agents are immune from liability as a result of errors or omissions in information *or assistance concerning*

the secretary of state's or a county recorder's public files **supplied [pursuant to this subsection]** ***by them to any person.***

7. Fees collected by the secretary of state pursuant to this section shall be remitted by the secretary of state to the treasurer of state for deposit in the general fund of the state."

4. By renumbering the remaining sections accordingly.

Monroe of Des Moines offered the following amendment H—6557, to amendment H—6542, filed by him and moved its adoption:

H—6557

Amend the committee on appropriations amendment H—6542, to Senate File 1221 as passed by the Senate, by striking from page 3 of the amendment lines 1, 2 and 3 and inserting in lieu thereof the word *"service;".*

Amendment H—6557 was adopted.

Griffee of Chickasaw moved the adoption of amendment H—6542, as amended.

Roll call was requested by Welden of Hardin and Perkins of Greene.

On the question, "Shall amendment H—6542, as amended, be adopted?"

The ayes were, 59:

Anderson	Gilloon	Menke	Rinas
Avenson	Griffee	Mennenga	Scheelhaase
Bennett	Harper	Middleswart	Small
Bina	Hennessey	Middleton	Spear
Binneboese	Higgins	Miller, A. V.	Spencer
Brandt	Hines	Miller, K. D.	Spradling
Brunow	Hinkhouse	Miller, O. L.	Stromer
Cusack	Horn	Monroe	Svoboda
Dieleman	Howell	Newhard	Tauke
Doyle	Hullinger	Norland	Walter
Drake	Hutchins	O'Halloran	Wells
Dunton	Jochum	Patchett	Woods
Dyrland	Jordan	Pavich	Wyckoff
Fitzgerald	Koogler	Perkins	Mr. Speaker
Gentleman	Lonergan	Poncy	

The nays were, 27:

Bortell	Danker	Junker	Pellett
Branstad	Den Herder	Lageschulte	Readinger
Brockett	Evans	Lindeen	Tofte
Byerly	Halvorson	Millen	Welden
Clark	Harvey	Nealson	West
Crabb	Husak	Nielsen	Wulff
Crawford	Jesse	Oakley	

Absent or not voting, 13:

Baker	Egenes	Krause	McElroy
Bittle	Hansen	Kreamer	Schroeder
Connors	Hargrave	Lipsky	Varley
Daggett			

Amendment H—6542, as amended, was adopted.

Stromer of Hancock offered the following amendment H—6627 filed by him and Varley of Adair and moved its adoption:

H—6627

Amend Senate File 1221, as passed by the Senate, as follows:

1. Page 1, line 16, by striking the figure "$467,643" and inserting in lieu thereof the following: "$493,960".

Amendment H—6627 was adopted.

Tauke of Dubuque offered the following amendment H—6587 filed by him and moved its adoption:

H—6587

Amend Senate File 1221 as follows:

1. Page 1, by inserting after line 25 the following new section:

"Sec. ..... Section nine point four (9.4), subsection two (2), Code 1975, is amended to read as follows:

2. For a copy of any law or record, upon the request of any private person or corporation, [fifty] *a fee to be determined by the secretary of state not to exceed ten* cents per page."

Amendment H—6587 was adopted.

Hennessey of Delaware offered the following amendment H—6764 filed by Hennessey, et al.:

H—6764

Amend Senate File 1221 as follows:

1. Page 2, by inserting after line 7 the following:

"Sec. ..... Section five hundred thirty-five point two (535.2), subsection two (2), Code 1975, is amended to read as follows:

2. Any domestic or foreign corporation or real estate investment trust as defined in section 856 of the Internal Revenue Code may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof, *and any other person borrowing money in the principal amount of thirty-five thousand dollars or more when the loan is secured by a real estate mortgage on agricultural land may agree in writing for payment of interest not exceeding ten cents on the hundred by the year,* and no such corporation or real estate investment

trust *or other person* so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding.

Sec. ..... Nothing contained in this Act shall be construed to negate the provisions of Act of October 28, 1974, United States Public Law Number 93-501, 88 STATUTES 1557."

2. Renumber the remaining sections as necessary.

Junker of Woodbury rose on a point of order that amendment H—6764 was not germane.

The Speaker ruled the point well taken and amendment H—6764 not germane.

Hennessey of Delaware asked for unanimous consent to consider amendment H—6764.

Objection was raised.

Hennessey of Delaware moved that the rules governing germaneness be suspended for the consideration of amendment H—6764.

Roll call was requested by Pellett of Cass and Varley of Adair.

Rule 70 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6764?"

The ayes were, 45:

Anderson	Evans	Lindeen	Schroeder
Bennett	Griffee	Lonergan	Spencer
Bortell	Halvorson	McElroy	Stromer
Branstad	Hansen	Menke	Svoboda
Brockett	Harper	Middleswart	Tofte
Clark	Hennessey	Millen	Varley
Crabb	Hinkhouse	Miller, K. D.	Welden
Daggett	Horn	Nealson	West
Danker	Jordan	Pellett	Woods
Dieleman	Kreamer	Readinger	Wulff
Doyle	Lageschulte	Scheelhaase	Wyckoff
Drake			

The nays were, 44:

Avenson	Gentleman	Junker	Patchett
Bina	Gilloon	Koogler	Pavich
Binneboese	Harvey	Krause	Perkins
Brandt	Higgins	Lipsky	Poncy
Byerly	Hines	Mennenga	Rinas
Crawford	Howell	Middleton	Spear
Cusack	Hullinger	Miller, A. V.	Spradling
Den Herder	Husak	Monroe	Tauke
Dunton	Hutchins	Newhard	Walter
Dyrland	Jesse	Oakley	Wells
Fitzgerald	Jochum	O'Halloran	Mr. Speaker

Absent or not voting, 10:

Baker	Connors	Miller, O. L.	Norland
Bittle	Egenes	Nielsen	Small
Brunow	Hargrave		

The motion lost and the rules were not suspended, making amendment H—6861, to amendment H—6764, filed by Higgins, et al., on May 24, 1976, out of order.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1221)

The ayes were, 82:

Anderson	Fitzgerald	Lageschulte	Pavich
Avenson	Gentleman	Lindeen	Perkins
Bennett	Gilloon	Lipsky	Readinger
Bina	Griffee	Lonergan	Rinas
Binneboese	Halvorson	McElroy	Scheelhaase
Brandt	Hansen	Menke	Schroeder
Branstad	Harper	Mennenga	Small
Brockett	Higgins	Middleswart	Spear
Byerly	Hines	Middleton	Spencer
Clark	Hinkhouse	Millen	Spradling
Connors	Howell	Miller, A. V.	Stromer
Crabb	Hullinger	Miller, K. D.	Svoboda
Crawford	Husak	Miller, O. L.	Tauke
Cusack	Hutchins	Monroe	Varley
Den Herder	Jesse	Nealson	Walter
Dieleman	Jochum	Newhard	Wells
Doyle	Jordan	Norland	West
Drake	Junker	Oakley	Wulff
Dunton	Koogler	O'Halloran	Wyckoff
Dyrland	Krause	Patchett	Mr. Speaker
Evans	Kreamer		

The nays were, 7:

Bortell	Danker	Nielsen	Welden
Daggett	Harvey	Tofte	

Absent or not voting, 10:

Baker	Egenes	Horn	Poncy
Bittle	Hargrave	Pellett	Woods
Brunow	Hennessey		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(Senate File 1221)

Griffee of Chickasaw asked and received unanimous consent that Senate File 1221 be immediately messaged to the Senate.

HOUSE INSISTS
(Senate File 1280)

Oakley of Clinton called up for consideration **Senate File 1280,** a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor, and moved that the House insist on its amendment to Senate File 1280.

The motion prevailed and the House insists on its amendment to Senate File 1280.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 25, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1465, a bill for an act to establish district court administrators and providing the funds therefor.

Also: That the Senate has on May 25, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1126, a bill for an act appropriating funds to the Iowa state historical department.

Also: That the Senate has on May 26, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1465

H—6883

Amend House File 1465 as amended and passed by the House as follows:

1. Page 1, lines 7 through 11 by striking the words "A person appointed as a district court administrator shall have such qualifications as the chief judge may prescribe, but a person who is licensed to practice law in this state shall not be appointed as a district court administrator."

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1126

H—6882

Amend the House amendment, S—5889, to Senate File 1126 as amended and passed by the Senate as follows:

1. Page 2, lines 9 and 10 by striking the words "or a sentence in a county jail of not more than six months, or by both such fine and imprisonment", and inserting in lieu thereof the words "[or a sentence in a county jail of not more than six months, or by both such fine and imprisonment]".

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1335

H—6881

Amend the House amendment, S—5917, to Senate File 1335 as follows:

1. Page 1, line 7, by striking the figure "$2,664,173" and inserting in lieu thereof the figure "$2,564,173".
2. Page 1, by striking lines 31 through 33.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed seventy-two members present, twenty-seven absent.

SENATE AMENDMENTS CONSIDERED

Nielsen of Polk called up for consideration **House File 1465, a** bill for an act to establish district court administrators and to provide the funds therefor, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6883

Amend House File 1465 as amended and passed by the House as follows:

1. Page 1, lines 7 through 11 by striking the words "A person appointed as a district court administrator shall have such qualifications as the chief judge may prescribe, but a person who is licensed to practice law in this state shall not be appointed as a district court administrator."

The motion prevailed and the House concurred in the Senate amendment H—6883.

Nielsen of Polk moved that the bill, as amended by the Senate

and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1465)

The ayes were, 83:

Anderson	Dyrland	Krause	Pellett
Avenson	Evans	Kreamer	Perkins
Bennett	Fitzgerald	Lageschulte	Poncy
Bina	Gentleman	Lindeen	Readinger
Binneboese	Gilloon	Lipsky	Rinas
Bortell	Griffee	Lonergan	Scheelhaase
Brandt	Halvorson	McElroy	Spear
Branstad	Hansen	Menke	Spradling
Brunow	Harper	Middleswart	Stromer
Byerly	Harvey	Middleton	Svoboda
Clark	Hennessey	Millen	Tauke
Connors	Higgins	Miller, A. V.	Tofte
Crabb	Hinkhouse	Miller, K. D.	Walter
Crawford	Horn	Miller, O. L.	Welden
Cusack	Howell	Newhard	Wells
Daggett	Hullinger	Nielsen	West
Danker	Husak	Norland	Woods
Dieleman	Hutchins	Oakley	Wulff
Doyle	Jochum	O'Halloran	Wyckoff
Drake	Junker	Patchett	Mr. Speaker
Dunton	Koogler	Pavich	

The nays were, 1:

Jordan

Absent or not voting, 15:

Baker	Egenes	Mennenga	Small
Bittle	Hargrave	Monroe	Spencer
Brockett	Hines	Nealson	Varley
Den Herder	Jesse	Schroeder	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Griffee of Chickasaw called up for consideration **Senate File 1126**, a bill for an act relating to and appropriating funds to the Iowa state historical department, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—6882

Amend the House amendment, S—5889, to Senate File 1126 as amended and passed by the Senate as follows:

1. Page 2, lines 9 and 10 by striking the words "or a sentence in a county jail of not more than six months, or by both such fine and imprisonment", and inserting in lieu thereof the words "[or a sentence in a county jail of not more than six months, or by both such fine and imprisonment]".

The motion prevailed and the House concurred in the Senate amendment H—6882 to the House amendment.

Griffee of Chickasaw moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1126)

The ayes were, 82:

Anderson	Dyrland	Koogler	Pellett
Avenson	Evans	Krause	Perkins
Bennett	Fitzgerald	Kreamer	Poncy
Bina	Gentleman	Lageschulte	Readinger
Binneboese	Gilloon	Lindeen	Rinas
Bortell	Griffee	Lipsky	Scheelhaase
Brandt	Halvorson	Lonergan	Schroeder
Branstad	Hansen	McElroy	Spear
Brunow	Harper	Menke	Spradling
Byerly	Harvey	Middleswart	Stromer
Clark	Hennessey	Millen	Tauke
Connors	Higgins	Miller, K. D.	Tofte
Crabb	Hinkhouse	Miller, O. L.	Walter
Crawford	Horn	Newhard	Welden
Cusack	Howell	Nielsen	Wells
Daggett	Hullinger	Norland	West
Danker	Husak	Oakley	Woods
Dieleman	Hutchins	O'Halloran	Wulff
Doyle	Jochum	Patchett	Wyckoff
Drake	Jordan	Pavich	Mr. Speaker
Dunton	Junker		

The nays were, none.

Absent or not voting, 17:

Baker	Hargrave	Middleton	Small
Bittle	Hines	Miller, A. V.	Spencer
Brockett	Jesse	Monroe	Svoboda
Den Herder	Mennenga	Nealson	Varley
Egenes			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE REFUSES TO CONCUR

Griffee of Chickasaw called up for consideration **Senate File 1335**, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—6881

Amend the House amendment, S—5917, to Senate File 1335 as folows:

1. Page 1, line 7, by striking the figure "$2,664,173" and inserting in lieu thereof the figure "$2,564,173".

2. Page 1, by striking lines 31 through 33.

The motion lost and the House refused to concur in the Senate amendment H—6881, to the House amendment.

CONFERENCE COMMITTEE APPOINTED
(Senate File 1280)

The Speaker announced the appointment of the conference committee to consider the difference between the House and the Senate concerning **Senate File 1280**: Monroe of Des Moines, chair; Hutchins of Guthrie, Poncy of Wapello, Schroeder of Pottawattamie and Harvey of Scott.

REPORT OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1336**, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces, begs leave to report it has had the same under considration and has instructed me to report the same back to the House with the recommenation that the same **be amended as follows, and when so amended the bill do pass**:

H—6885

Amend Senate File 1336 as follows:

1. Page 1, by striking line 6 and inserting in lieu thereof the following:

"1. For payment of expenses of the Spanish-speaking peoples commission established by sections three (3) through eight (8) of this Act, including employment of a director and clerical staff and payment of forty dollars per diem and actual expenses of commission members $45,000

2. For the payment of expenses of other ad".

2. Page 1, line 18, by striking the figure "$100,000" and inserting in lieu thereof the figure "$55,000".

3. Page 1, by inserting after line 32 the following new sections:

"Sec. 3. *NEW SECTION.* COMMISSION CREATED—TERMS—

–COMPENSATION. There is created a Spanish-speaking peoples commission which shall consist of nine members, appointed by the governor from a list of nominees submitted by the governor's Spanish-speaking peoples task force. The members of the commission shall be appointed during the month of June and shall serve for terms of two years commencing July first of each odd-numbered year. However members of the initial commission shall be appointed not later than July 31, 1976 and shall serve until July 1, 1979. Members appointed in 1976 or in an odd-numbered year shall continue to serve until their respective successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority and in the manner of the original appointments. Members shall receive forty dollars per diem and actual and necessary expenses incurred while serving in their official capacity.

Sec. 4. *NEW SECTION.* ORGANIZATION. The commission shall select from its membership a chairperson and other officers as it deems necessary and shall meet not less than six times a year. A majority of the members of the commission shall constitute a quorum.

Sec. 5. *NEW SECTION.* COMMISSION EMPLOYEES. The commission may employ a director and clerical staff who shall be qualified by experience to assume the responsibilities of their several offices. The director shall be the administrative officer of the commission and shall serve the commission by gathering and disseminating information, forwarding proposals and evaluations to the governor, the general assembly,

and state agencies, carrying out public education programs, conducting hearings and conferences, and performing other duties necessary for the proper operation of the commission.

Sec. 6. *NEW SECTION.* DUTIES. The commission shall:

1. Coordinate, assist, and cooperate with the efforts of state departments and agencies to serve the needs of Spanish-speaking persons in the fields of education, employment, health, housing, welfare, and recreation.

2. Develop, coordinate, and assist other public and private organizations which serve Spanish-speaking persons.

3. Evaluate existing programs and proposed legislation affecting Spanish-speaking persons, and propose new programs.

4. Stimulate public awareness of the problems of Spanish-speaking persons by conducting a program of public education and encouraging the governor and the general assembly to develop programs to deal with these problems.

5. Conduct training programs for Spanish-speaking persons to enable them to assume leadership positions on the community level.

6. Conduct a survey of the Spanish-speaking people in Iowa in order to ascertain their needs.

7. Work to establish a Chicano information center in the state of Iowa.

Sec. 7. *NEW SECTION.* POWERS. The commission shall have all powers necessary to carry out the functions and duties specified in this Act, including, but not limited to the power to establish advisory committees on special studies, to solicit and accept gifts and grants, promulgate rules according to chapter seventeen A (17A) of the Code, and to contract with public and private groups to conduct its business. All departments, divisions, agencies and offices of the state shall make available upon request of the commission information which is pertinent to the subject matter of the study and which is not by law confidential.

Sec. 8. *NEW SECTION.* REPORT. The commission shall make a detailed report of its activities, studies, findings, conclusions and recommendations to the general assembly not later than February fifteenth of each odd-numbered year."

4. Title, line 2, by striking the word "certain" and inserting in lieu thereof the words "a Spanish-speaking peoples commission, created by this Act,

Page 3

and certain other".

DUNTON of Keokuk, Chair

CONSIDERATION OF BILLS

Griffee of Chickasaw asked and received unanimous consent for the immediate consideration of **Senate File 1336**, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces, with report of committee recommending amendment and passage, was taken up for consideration.

Griffee of Chickasaw offered amendment H—6885 filed by the committee on appropriations and found on pages 3186 to 3188 of the House Journal.

Drake of Muscatine offered amendment H—6886, to the committee amendment H—6885, filed by Drake and Griffee of Chickasaw from the floor. Division was requested as follows:

H—6886

Amend amendment H—6885, to Senate File 1336, as follows:

H—6886A

1. Page 2, line 13, by striking the words **"and private".**

H—6886B

2. Page 2, lines 35 and 36, by striking the words "promulgate rules according to chapter **seventeen A (17A) of the Code,".**

Oakley of Clinton rose on a point of order that amendment H—6885 was not germane.

The Speaker ruled the point not well taken and amendment H—6885 germane.

Drake of Muscatine moved the adoption of amendment H—6886A, to the committee amendment H—6885.

A non-record roll call was requested.

The ayes were 51, nays 26.

Amendment H—6886A was adopted.

Drake of Muscatine moved the adoption of amendment H—6886B, to the committee amendment H—6885.

Amendment H—6886B lost.

Griffee of Chickasaw offered the following amendment H—6887, to the committee amendment H—6885, filed by the committee on appropriations from the floor and moved its adoption:

H—6887

Amend the committee amendment H—6885 to Senate File 1336 as follows:

1. Page 2, by inserting after line 47 the following section:

"Sec. ..... *NEW SECTION.* COMMISSION TERMINATION. Without affirmative action by the general assembly the Spanish-speaking people's commission shall expire on June 30, 1979."

Amendment H—6887 was adopted.

Miller of Buchanan offered the following amendment H—6888, to the committee amendment H—6885, filed by him from the floor:

H—6888

Amend H—6885 to Senate File 1336 as follows:

1. Page 2, by inserting after line 47 the following new sections:

NEW SECTION. All employers of migrant farm labor shall be taxed at the rate of two percent on the gross payroll of those migrant farm laborers.

Such tax shall be collected as provided for employment taxes in chapter ninety-six (96) of the Code.

NEW SECTION. The tax imposed and collected pursuant to the foregoing section shall be paid into the general fund and distributed to the commission created by Section 3 of this Act.

Drake of Muscatine rose on a point of order and invoked Rule 32.

The Speaker ruled the point not well taken and Rule 32 not in order.

Junker of Woodbury rose on a point of order that amendment H—6888 was not germane.

The Speaker ruled the point well taken and amendment H—6888 not germane.

Miller of Buchanan moved that the rules governing germaneness be suspended for the consideration of amendment H—6888.

A non-record roll call was requested.

The ayes were 30, nays 43.

The motion lost.

Dyrland of Clayton offered the following amendment H—6889, to the committee amendment H—6885, filed by him from the floor and moved its adoption:

H—6889

Amend amendment H—6885, to Senate File 1336, as follows:

1. Page 2, by inserting after line 47 the following:

"Sec. ..... In order for the said commission to continue beyond the date certain set for its expiration, a bill must pass both houses of the general assembly and be approved by the governor. Said bill shall reestablish the commission, make any necessary modifications in its structure and operation and provide an operational budget."

Amendment H—6889 was adopted.

By unanimous consent the following corrective amendment

H—6894, to the committee amendment H—6885, filed by Byerly of Polk from the floor was adopted:

H—6894

Amend amendment H—6885, to Senate File 1336, as follows:

1. Page 2, line 28, by striking the word "Chicano" and inserting in lieu thereof the word "Spanish-speaking".

Griffee of Chickasaw moved the adoption of the committee amendment H—6885, as amended.

Roll call was requested by Bina of Scott and Walter of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6885, as amended, be adopted?"

The ayes were, 58:

Anderson	Griffee	Lonergan	Perkins
Avenson	Harper	Mennenga	Poncy
Bina	Harvey	Middleswart	Readinger
Binneboese	Hennessey	Middleton	Rinas
Brandt	Higgins	Miller, A. V.	Small
Brunow	Hines	Miller, K. D.	Spear
Byerly	Horn	Miller, O. L.	Spencer
Clark	Howell	Monroe	Spradling
Connors	Hutchins	Newhard	Svoboda
Crawford	Jesse	Nielsen	Tauke
Cusack	Jochum	Norland	Walter
Doyle	Krause	O'Halloran	Wells
Dyrland	Lageschulte	Patchett	Woods
Fitzgerald	Lindeen	Pavich	Mr. Speaker
Gilloon	Lipsky		

The nays were, 29:

Bennett	Dunton	Koogler	Schroeder
Bortell	Evans	Kreamer	Tofte
Branstad	Gentleman	Menke	Varley
Crabb	Halvorson	Millen	Welden
Daggett	Hansen	Oakley	West
Danker	Husak	Pellett	Wulff
Dieleman	Junker	Scheelhaase	Wyckoff
Drake			

Absent or not voting, 12:

Baker	Den Herder	Hinkhouse	McElroy
Bittle	Egenes	Hullinger	Nealson
Brockett	Hargrave	Jordan	Stromer

Amendment H—6885, as amended, was adopted.

By unanimous consent the following corrective amendment H—6895 filed by Oakley of Clinton from the floor was adopted:

H—6895

Amend Senate File 1336 as follows:
Title page, line 1, by striking the word "defer" and inserting in lieu thereof the word "defray".

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1336)

The ayes were, 67:

Anderson	Gentleman	Lindeen	Perkins
Avenson	Gilloon	Lipsky	Poncy
Bina	Griffee	Lonergan	Readinger
Binneboese	Halvorson	Mennenga	Rinas
Brandt	Harper	Middleswart	Scheelhaase
Brunow	Harvey	Middleton	Small
Byerly	Hennessey	Miller, A. V.	Spear
Clark	Higgins	Miller, K. D.	Spencer
Connors	Hines	Miller, O. L.	Spradling
Crawford	Horn	Monroe	Stromer
Cusack	Howell	Newhard	Svoboda
Dieleman	Hutchins	Nielsen	Tauke
Doyle	Jesse	Norland	Walter
Drake	Jochum	Oakley	Wells
Dunton	Jordan	O'Halloran	Woods
Dyrland	Krause	Patchett	Mr. Speaker
Fitzgerald	Lageschulte	Pavich	

The nays were, 24:

Bennett	Evans	Kreamer	Tofte
Bortell	Hansen	McElroy	Varley
Branstad	Hinkhouse	Menke	Welden
Crabb	Husak	Millen	West
Daggett	Junker	Pellett	Wulff
Danker	Koogler	Schroeder	Wyckoff

Absent or not voting, 8:

Baker	Brockett	Egenes	Hullinger
Bittle	Den Herder	Hargrave	Nealson

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

SUPPLEMENTAL REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Your committee on House administration reports the following longevity step increase from Grade 17—Step 1 to Step 2:

Janet Stevens—Computer Terminal Operator, effective May 14, 1976.

Also:

MR. SPEAKER: Your committee on House administration reports the following employee position status change:

Joseph J. O'Hern—Administrative Assistant to Majority Caucus, from Session-only to Full-time, effective May 28, 1976.

Also:

MR. SPEAKER: Your committee on House administration reports that pursuant to House Concurrent Resolution 104, the following members have been appointed on the part of the House to the Joint Interim Study Committee on Salaries:

O'Halloran of Black Hawk—Chair on the part of the House

Hutchins of Guthrie

Millen of Van Buren

WELLS of Linn, Chair

EXPLANATION OF VOTE

On Tuesday, May 25, while chairing the House-Senate conference committee on differences between the chambers on corrections, votes were taken on Senate File 1191 and on amendments to Senate File 1343. Had I been present and voting I would have voted "aye" on Senate File 1191 and "nay" on the motions to suspend the rules for consideration of amendments H—6865 and H—6871.

CUSACK of Scott

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 26, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1346, a bill for an act relating to disaster services and creating an office of disaster services.

Also: That the Senate has on May 26, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1288, a bill for an act relating to the economic impact of an administrative rule.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1346

H—6892

Amend House File 1346, as amended and passed by the House, as follows:

1. Page 1, line 3, by striking the word and number "twenty-two (22)" and inserting in lieu thereof the word and number "twenty-one (21)".

2. Page 1, line 24, by striking the words "or floods,".

3. Page 3, line 33, by inserting after the word "GOVERNOR." the words "In exercising the governor's powers and duties under this Act and to effect the

policy and purpose, the governor may:".

4. Page 3, line 34, by striking the words "The governor may, after" and inserting in lieu thereof the word "After".

5. Page 5, line 20, by striking the words "the governor may".

6. Page 8, lines 16 and 17, by striking the words "Department of Public Defense" and inserting in lieu thereof the words "department of public defense".

7. Page 8, line 18, by striking the word "general" and inserting in lieu thereof the word "supervisory".

8. Page 8, line 25, by striking the word "STAFF".

9. Page 8, line 27, by striking the word "staff".

10. Page 8, line 28, by striking the word "staff".

11. Page 8, by striking lines 33 and 34 and inserting in lieu thereof the following:

"3. The director, upon the direction of the governor and supervisory control of the executive director of the department of public defense, shall:".

12. Page 9, line 10, by striking the word "staff".

13. Page 9, by striking line 23 and inserting in lieu thereof the following:

"4. The director, with the approval of the governor and upon recommendation of the adjutant".

14. Page 9, line 24, by striking the word "staff".

15. Page 12, by striking lines 13 through 15 and inserting in lieu thereof the words "event of a disaster. The coordinator may, with the approval".

16. Page 13, line 26, by striking the word "joint" and inserting in lieu thereof the word "jointly".

17. Page 13, line 28, by striking the word "staff".

18. Page 16, line 11, by striking the word "staff".

19. Page 16, lines 24 through 27, by striking the words "office, nor shall such employee engage in any political activity that will impair his efficiency during working hours or cause him to be tardy or absent from his work" and inserting in lieu thereof the word "office".

20. Page 16, line 28, by inserting after the words "holding any" the words "nonpartisan elective".

Page 2

21. Striking page 16, line 34 through page 17, line 2.

22. Page 17, by striking lines 7 through 14, and inserting in lieu thereof the words "or emergency resource management shall not become a candidate for any partisan elective office."

23. Page 17, by inserting after line 14 the following:

"Sec. ..... *NEW SECTION.* OATH OF MEMBERS AND EMPLOYEES. Each person who is appointed to serve in an organization for disaster services shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in

this state, which oath shall be substantially as follows:

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the state of Iowa, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

24. Page 23, line 22, by striking the word "emergeny" and inserting in lieu thereof the word "emergency".

25. Renumbering sections and relettering paragraphs to conform to this amendment.

26. Amend the title, line 1, by inserting after the word "services" the words "and public disorders, specifying the powers and duties of the governor".

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1288

H—6893

Amend the House amendment S—5709 to Senate File 1288 as amended, passed and reprinted by the Senate as follows:

1. Page 2, lines 28 and 29, by striking the words *"if a majority of the members of the Administrative Rules Review Committee approve the inapplicability"*.

2. Page 2, by striking lines 44 through page 3, line 27 and inserting in lieu thereof the following:

"Sec. ..... Section seventeen A point four (17A.4), Code 1975, is amended by adding the following new subsection:

5. Upon the vote of two-thirds of its members the administrative rules review committee may delay the effective date of a rule seventy days beyond that permitted in section seventeen A point five (17A.5), unless the rule was promulgated under section seventeen A point five (17A.5), subsection two (2), paragraph "b". This provision shall be utilized by the committee only if further time is necessary to study and examine the rule. Notice of an effective date that was delayed under this provision shall be published in the Iowa Administrative Code."

3. Page 3, by striking lines 35 through 40 and inserting in lieu thereof the words *"Two copies of each rule shall be forwarded to"*.

4. Page 4, lines 8 through 10, by striking the words *"the rule provides by its own terms that it*

is effective for a period not to exceed one hundred eighty days, as specified, and if".

5. By renumbering the sections as necessary.

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 584

To the President of the Senate and Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 584, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, respectfully make the following report:

1. That the Senate recede from its amendment, H—6740, to the House amendment, S—5783, to the Senate amendment, H—5733, to House File 584, as amended, passed, and reprinted.

2. That the House amendment, S—5783, to the Senate amendment, H—5733, to House File 584, as amended, passed, and reprinted, be amended as follows:

1. Page 1, by inserting after line 12 the following:

"..... Page 2, line 42, by inserting after the word "all" the words "criminal and" and by renumbering the amendment sections accordingly."

2. Page 1, line 38, by striking the words "fifty thousand (50,000)" and inserting in lieu thereof the words "twenty-five thousand (25,000)".

3. Page 1, line 39, by striking the words "one year" and inserting in lieu thereof the words "six months".

4. Page 2, by striking line 20.

On the Part of the Senate:	On the Part of the House:
JAMES M. REDMOND, Chair	NORMAN G. JESSE, Chair
ROBERT M. CARR	W. R. MONROE, JR.
EARL M. WILLITS	ARTHUR A. SMALL, JR.

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 1583

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1583, a bill for an Act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards

or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations, respectfully make the following report:

1. That the Senate amendment (H—6851) to House File 1583 be amended as follows:

1. Page 1, line 24, by inserting after the figure "1976," the words "as they exist on April 30, 1976,".

2. Page 1, line 30, by inserting after the word "percent" the words "of salaries as they exist on April 30, 1976".

3. Page 2, line 11, by striking the word "June" and inserting in lieu thereof the word "April".

4. Page 4, line 17, by striking the figure "$21,650" and inserting in lieu thereof the figure "$23,650".

5. Page 4, line 20, by striking the figure "$29,500" and inserting in lieu thereof the figure "$28,700".

6. Page 4, line 22, by striking the figure "$27,600" and inserting in lieu thereof the figure "$27,700".

7. Page 4, line 23, by striking the figure "$18,650" and inserting in lieu thereof the figure "$17,800".

8. Page 4, line 25, by striking the figure "$34,700" and inserting in lieu thereof the figure "$32,900".

9. Page 5, line 1, by striking the figure "$30,400" and inserting in lieu thereof the figure "$29,100".

10. Page 5, line 8, by striking the figure "$25,750" and inserting in lieu thereof the figure "$25,000".

11. Page 5, line 10, by striking the figure "$19,000" and inserting in lieu thereof the figure "$20,000".

12. Page 5, line 12, by striking the figure "$18,050" and inserting in lieu thereof the figure "$20,000".

13. Page 5, line 24, by striking the figure "$27,100" and inserting in lieu thereof the figure "$26,000".

14. Page 5, line 35, by striking the figure "$34,200" and inserting in lieu thereof the figure "$33,500".

15. Page 5, line 42, by striking the figure "$34,700" and inserting in lieu thereof the figure "$32,000".

16. Page 6, line 2, by striking the figure "$40,250" and inserting in lieu thereof the figure "$40,000".

17. Page 6, line 6, by striking the figure "$10,500" and inserting in lieu thereof the figure "$10,100".

18. Page 7, by striking lines 15 through 31 and inserting in lieu thereof the following:

"1. Chief justice of the supreme court $40,000
2. Each justice of the supreme court $39,000
3. Chief justice of the appellate court $37,000
4. Each justice of the appellate court $36,000
5. Each chief judge of a judicial district $34,072

6. Each district court judge except the chief judge of a judicial district $33,072
7. Each district associate judge $25,500
8. Each full-time judicial magistrate $25,500
9. Each part-time judicial magistrate ..... $ 6,750
10. Code editor $20,000
11. Court administrator $24,700
12. Clerk of the supreme court $21,008
13. Each legal assistant to the supreme court $13,130
14. Chairperson of the public employment relations board $28,340
15. Two members of the public employment relations board, each ..... $26,260"

19. Page 9, line 15 by striking the word "January" and inserting in lieu thereof the words "[January] *July*".

20. Page 9, line 17 by striking the word "January" and inserting in lieu thereof the word "July".

21. Page 9, by striking lines 18 through 26 and inserting in lieu thereof the following:

"Sec. 19. Chapter ninety-seven B (97B), Code 1975, is amended by adding the following new sections:

NEW SECTION. After review of the general assembly under the provisions of Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section twenty-four (24), it is the intent of the general assembly that the percent of the final five-year average covered wage used in determining monthly benefits be increased by the Sixty-seventh General Assembly, 1977 Session, in accordance with the increase in employer and employee contribution rates under section seventeen (17) of this Act and maintaining the actuarial soundness of the system.

NEW SECTION. It is the intent of the general assembly that any amounts required to fund employer contributions to the system under section ninety-seven B point eleven (97B.11) of the Code for members who are employees of political subdivisions of the state will not be appropriated by the general assembly, but will be included in the budgets of the political subdivisions and paid from funds available to the political subdivisions.

Sec. 20. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section eighteen (18), subsection six (6), amending section ninety-seven B point forty-nine (97B.49) of the Code, is amended to read as follows:

6. [Beginning] *On* January 1, 1976, for each member who retired before January 1, 1976, the amount of regular monthly retirement allowance attributable to membership service and prior service that was payable to the member for December, 1975 is increased by ten percent for the first calendar year or portion of a calendar year the member was retired, and by an additional five percent for each calendar year after

the first calendar year the member was retired *through the calendar year beginning January 1, 1975.* The total increase shall not exceed one hundred percent. There is appropriated from the general fund of the state to the employment security commission from funds not otherwise appropriated an amount sufficient to fund the provisions of this subsection.

The benefit increases granted to members retired under the system on January 1, 1976 shall be granted only on January 1, 1976 and shall not be further increased for any year in which the member was retired after the calendar year beginning January 1, 1975.

Sec. 21. The provisions of section twenty (20) of this Act shall be retroactive to January 1, 1976."

On the Part of the Senate:	On the Part of the House:
EUGENE M. HILL, Chair	JOHN B. BRUNOW, Chair
LOWELL L. JUNKINS	DONALD D. AVENSON
EARL M. WILLITS	THOMAS J. JOCHUM
ELIZABETH SHAW	HENRY C. WULFF
LEONARD C. ANDERSEN	LILLIAN McELROY

AMENDMENTS FILED

H—6878

Amend House File 1554 as follows:

1. Page 8, by inserting after line 27 the following:

"Sec. ..... Section five hundred thirty-five point two (535.2), subsection two (2), Code 1975, is amended to read as follows:

2. Any domestic or foreign corporation or real estate investment trust as defined in section 856 of the Internal Revenue Code may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof, *and any other person borrowing money in the principal amount of thirty-five thousand dollars or more when the loan is secured by a real estate mortgage on agricultural land may agree in writing for payment of interest not exceeding ten cents on the hundred by the year,* and no such corporation or real estate investment trust *or other person* so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding.

Sec. ..... Nothing contained in this Act shall be construed to negate the provisions of Act of October 28, 1974, United States Public Law Number 93-501, 88 STATUTES 1557."

HENNESSEY of Delaware
HOWELL of Floyd
PELLETT of Cass
SCHROEDER of Pottawattamie
GRIFFEE of Chickasaw

H—6890

Amend the Hennessey, et al., amendment, H—6878, to page 8 of House File 1554 by striking lines 6 through 24 and inserting in lieu thereof the following: "by adding the following new subsection:

3. Notwithstanding the provisions of subsection one (1) of this section, any person borrowing money in the principal amount of thirty-five thousand dollars or more when the loan is secured by a real estate mortgage on agricultural land may agree in writing for payment of interest not exceeding ten cents on the hundred by the year, and no person so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding. This subsection is repealed effective July 1, 1977. However, the repeal of this subsection shall not invalidate or make unlawful any agreement entered into prior to July 1, 1977.

Nothing contained in this subsection shall be construed to negate the provisions of Act of October 28, 1974, United States Public Law Number 93-501, 88 STATUTES 1557. Nothing contained in this subsection shall be construed to limit or modify the provisions of subsection two (2) of this section."

2. Renumber the remaining sections as necessary.

HENNESSEY of Delaware
PELLETT of Cass

H—6879

Amend House File 1591 as follows:

1. Page 1, by inserting after line 28 the following:

"Sec. ..... Section five hundred thirty-five point two (535.2), subsection two (2), Code 1975, is amended to read as follows:

2. Any domestic or foreign corporation or real estate investment trust as defined in section 856 of the Internal Revenue Code may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof, *and any other person borrowing money in the principal amount of thirty-five thousand dollars or more when the loan is secured by a real estate mortgage on agricultural land may agree in writing for payment of interest not exceeding ten cents on the hundred by the year,* and no such corporation or real estate investment trust *or other person* so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding.

Sec. ..... Nothing contained in this Act shall be construed to negate the provisions of Act of October 28, 1974, United States Public Law Number 93-501, 88 STATUTES 1557."

HENNESSEY of Delaware

HOWELL of Floyd
PELLETT of Cass
SCHROEDER of Pottawattamie
GRIFFEE of Chickasaw

H—6891

Amend the Hennessey, et al., amendment H—6879, to page 1 of House File 1591 by striking lines 6 through 24 and inserting in lieu thereof the following: "by adding the following new subsection:

3. Notwithstanding the provisions of subsection one (1) of this section, any person borrowing money in the principal amount of thirty-five thousand dollars or more when the loan is secured by a real estate mortgage on agricultural land may agree in writing for payment of interest not exceeding ten cents on the hundred by the year, and no person so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding. This subsection is repealed effective July 1, 1977. However, the repeal of this subsection shall not invalidate or make unlawful any agreement entered into prior to July 1, 1977.

Nothing contained in this subsection shall be construed to negate the provisions of Act of October 28, 1974, United States Public Law Number 93-501, 88 STATUTES 1557. Nothing contained in this subsection shall be construed to limit or modify the provisions of subsection two (2) of this section."

2. Renumber the remaining sections as necessary.

HENNESSEY of Delaware
PELLETT of Cass

H—6880

Amend Senate File 1310 as amended, passed, and reprinted by the Senate as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred forty-seven point one (147.1), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. "Health care practitioner" means and includes a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, chiropractor, nurse, dentist, optometrist, pharmacist, and physical therapist, licensed pursuant to the provisions of this title.

NEW SUBSECTION. "Hospital" means a hospital licensed pursuant to chapter one hundred thirty-five B (135B) of the Code.

NEW SUBSECTION. "Health care provider" means and includes a health care practitioner and a hospital.

Sec. 2. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), section two (2), subsection five (5), is amended to

read as follows:

5. "Licensed health care provider" [means and includes a physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, podiatrist, optometrist, pharmacist, chiropractor or nurse licensed pursuant to chapter one hundred forty-seven (147) of the Code, and a hospital licensed pursuant to chapter one hundred thirty-five B (135B) of the Code] *and "health care provider" means a "health care provider" as defined in section one hundred forty-seven point one (147.1) of the Code.*

Sec. 3. Section one hundred forty-seven point one (147.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), section fourteen (14), first new subsection, is amended to read as follows:

NEW SUBSECTION. "Peer review" means evaluation of professional services rendered by a [person licensed to practice a profession] *health care practitioner.*

Sec. 4. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), sections sixteen (16), twenty-five (25), twenty-six (26) and twenty-seven (27), are amended by striking the word "nurse" wherever the word appears in those sections and by inserting in lieu thereof the words "nurse or physical therapist".

Sec. 5. Section five hundred nineteen point one (519.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two

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hundred thirty-nine (239), section eighteen (18), is amended to read as follows:

519.1 AUTHORIZATION. Any number of [physicians and surgeons, osteopaths, osteopathic physicians and surgeons, podiatrist, chiropractors, pharmacists, dentists, and graduate nurses, licensed to practice their profession in this state, and hospitals licensed under chapter one hundred thirty-five B (135B) of the Code] *health care providers, as defined in section one hundred forty-seven point one (147.1) of the Code,* may, by complying with the provisions of this chapter and without regard to other statutory provisions, enter into contracts with each other for the purpose of protecting themselves by insurance against loss by reason of actions at law on account of their alleged error, mistake, negligence, or carelessness in the treatment and care of patients, including the performance of surgical operations, or in the prescribing and dispensing of drugs and medicines, or for loss by reason of damages in other respects, and to reimburse any member in case of such loss.

Sec. 6. The general assembly finds that a critical situation continues to exist because of the high cost and impending unavailability of medical malpractice

insurance. The general assembly further finds that to assure the uninterrupted delivery of health care services to the citizens of Iowa it is necessary to curtail excessive verdicts to persons who are damaged by medical accidents in order to keep medical malpractice insurance available in this state. The general assembly further finds that without medical liability insurance, physicians, other health care providers and hospitals cannot provide health care services to the public. It is the intent of section ten (10) of this Act to protect the health and welfare of the people of this state by assuring health care.

Sec. 7. Chapter one hundred forty-seven (147), Code 1975, is amended by adding the following new section:

NEW SECTION. In an action for damages for personal injury against a health care practitioner or hospital, based on the alleged negligence of the health care practitioner in the practice of the profession or occupation, or upon the alleged negligence of the hospital in patient care, in which liability is admitted or established, the damages awarded for noneconomic losses incurred or to be incurred in the future by the claimant by reason of the personal injury, shall not exceed the sum of one hundred thousand dollars.

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Sec. 8. Chapter one hundred forty-seven (147), Code 1975, is amended by adding sections nine (9) through eleven (11) of this Act as a new division entitled "Disciplinary powers of health care boards".

Sec. 9. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Health care board" includes the following boards:

a. The board of medical examiners.
b. The board of podiatry examiners.
c. The board of chiropractic examiners.
d. The board of physical therapy examiners.
e. The board of nursing.
f. The board of dental examiners.
g. The board of optometry examiners.
h. The board of pharmacy examiners.

2. "Licensee discipline" means the sanction a licensing board may impose upon a licensee for conduct which threatens the public health, safety, or well-being. Such sanctions may include:

a. License revocation, suspension for a limited period, limitation, or curtailment.
b. Citation of the conduct and warning.
c. Imposition of a probationary period under specified conditions.
d. Imposition of further educational requirements to culminate in reexamination.

e. Reexamination.
f. Civil fine.
Sec. 10. *NEW SECTION.* LICENSEE DISCIPLINARY PROCEDURE RULE-MAKING DELEGATION.
1. Each health care board is delegated the authority to establish, by rule, licensee disciplinary procedures. Each health care board may impose licensee discipline under these procedures.
2. If rules are promulgated under subsection one (1) of this section, the rules:
a. Shall comply with the provisions of chapter seventeen A (17A) of the Code and otherwise be fundamentally fair.
b. Shall not specify grounds for imposition of licensee discipline other than those grounds for license revocation or suspension specified in sections one hundred forty-seven point fifty-five (147.55), one hundred forty-seven point fifty-six (147.56), one hundred forty-eight point six (148.6), one hundred fifty-three point thirty-four (153.34), one hundred fifty-four point four (154.4), one hundred fifty-four A point twenty-four (154.24), and one hundred fifty-five point thirteen (155.13) of the Code: However,

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a board may impose licensee discipline upon a licensee if that licensee intentionally does not, either from individual observance or from service with a peer review or grievance group, report a health care incident which may affect a licensure to the board as may be required or if the licensee has committed unacceptable acts of malpractice.
c. Shall designate who may or shall initiate a licensee disciplinary action, who shall investigate and prosecute the action under what conditions, and that the majority of the health care board shall hear the action.
d. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections one hundred forty-seven point fifty-eight (147.58) through one hundred forty-seven point seventy-one (147.71), one hundred forty-eight point six (148.6) through one hundred forty-eight point nine (148.9), one hundred fifty-three point three (153.3), one hundred fifty-four A point twenty-three (154A.23), and one hundred fifty-five point fourteen (155.14) through one hundred fifty-five point sixteen (155.16) of the Code.
e. Shall state fully what rights may be maintained by a licensee during the investigation and prosecution of a licensee disciplinary action.
f. May permit a grant of immunity under guidelines specified in the rule from civil suit or criminal prosecution to persons filing a complaint against a licensee.

g. Shall state what subpoena powers the board or its investigators may utilize, although such subpoena shall be enforced only upon application to a district court. A subpoena under this subsection may reach matters otherwise confidential or privileged under law if necessary to conduct a disciplinary proceeding.

h. Shall specify methods by which the decisions of the board shall be published, except as provided in paragraph f of this subsection.

i. Shall specify the methods of reporting complaints to the health care board.

3. In order to implement paragraph i of subsection two (2) of this section, a health care board may, pursuant to a rule, require:

a. The department of health to deny, suspend, or revoke a hospital or health care facility license, pursuant to the procedures of chapter one hundred thirty-five B (135B) or one hundred thirty-five C (135C) of the Code, if that hospital intentionally

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does not report health care incidents which may affect a licensure to the board as may be required; or

b. The commissioner of insurance to suspend or revoke the authority of a company, as defined in section five hundred seven point one (507.1) of the Code, to transact business within this state, pursuant to the procedures established in the applicable insurance laws and rules, if the company intentionally does not report a health care incident which may affect a licensure to the board as may be required; or,

c. Another health care board to impose licensee discipline upon a licensee if that licensee intentionally does not, either from individual observance or from service with a peer review or grievance group, report a health care incident which may affect a licensure to the board as may be required.

Sec. 11. *NEW SECTION.* In order to assure a free flow of information for the purpose of accomplishing the purposes of sections nine (9) through eleven (11) of this Act, all complaint files, investigation files and disciplinary files in the possession of a health care board or its employees or agents shall be kept confidential. However, this section shall not be deemed to prohibit the reporting of decisions of a health care board as required by paragraph h of subsection two (2) of section ten (10) of this Act, nor shall it be deemed to prohibit the disclosure by the health care board to or by its attorneys, employees or agents when necessary for the purpose of complying with duties of the health care board with respect to its licensees.

Sec. 12. Chapter two hundred thirty-nine (239),

Acts of the Sixty-sixth General Assembly, 1975 Session, section twenty-five (25), is amended to read as follows:

SEC. 25. [Chapter one hundred forty-seven (147)] *Chapter six hundred ten (610),* Code 1975, is amended by adding the following new section:

NEW SECTION. CONTINGENCY FEE IN CERTAIN TORT ACTIONS.

1. In any action for personal injury or wrongful death against any [physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, podiatrist, optometrist, pharmacist, chiropractor or nurse licensed under this chapter or against any hospital licensed under chapter one hundred thirty-five B (135B) of the Code] *health care practitioner or hospital, as defined in section one hundred forty-seven point one (147.1) of the Code,* based upon the alleged negligence

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of the [licensee] *health care practitioner* in the practice of that profession or occupation, or upon the alleged negligence of the hospital in patient care, the court [shall determine the reasonableness of], *in the event of a judgment for the plaintiff, shall make specific findings and conclusions of whether or not* any contingent fee arrangement between the plaintiff and the plaintiff's attorney *is equitable.*

2. The Court, in making the findings and conclusions, shall order and be given the necessary evidence, and shall consider the amount of the judgment, the complexity of the legal and factual issues in the case, the extensiveness of required legal research, the length of the trial, and the amount of any expenses involved in the investigation and trial of the case which are to be or have been paid by the plaintiff and which are not recoverable as costs in the action. If the court determines the contingency agreement to be inequitable as to the plaintiff the court shall modify the contingency agreement as necessary to make it equitable. The findings and conclusions and order of the court shall be entered of record in the case.

3. The judgment of the court with respect to the contingency agreement shall be subject to review by the supreme court in the discretion of the supreme court, upon application by the plaintiff or his or her attorney pursuant to supreme court rules. The supreme court shall promulgate rules, which shall not be subject to section six hundred eighty-four point nineteen (684.19) of the Code, for the discretionary review provided for in this Act which shall provide for expeditious and inexpensive review by the supreme court.

4. The findings, conclusions and order of the trial court respecting the contingency agreement shall

be independent of any judgments as between the parties to the action, and shall become final without respect to any motions, retrials, appeals or review proceedings applicable to judgments as between the parties to the action.

Sec. 13. Section twelve (12) of this Act shall take effect on January 1, 1977, and shall apply to every action in which judgment is entered on or after that date.

Sec. 14. Chapter one hundred forty-seven (147), Code 1975, is amended by adding the following new section:

NEW SECTION. ARBITRATION AUTHORIZED.

1. A health care provider and a patient, or persons

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who lawfully might control a civil action on their behalf for the same subject matter, may enter into an agreement to arbitrate disputes. Such agreements shall be subject to the provisions of chapter six hundred seventy-nine (679) of the Code: However, an agreement entered into pursuant to this section may provide for the arbitration of disputes occurring or arising subsequent to the execution of the agreement, anything in chapter six hundred seventy-nine (679) to the contrary notwithstanding.

2. An arbitration agreement entered into pursuant to this section must contain all of the following provisions or it shall be void:

a. The agreement must be executed by the parties themselves, or by those persons who lawfully might control a civil action in their behalf.

b. The agreement must state either in general, or specifically, what issues or demands are to be submitted or subject to arbitration.

c. The agreement must specify the agency which will act as arbitrator.

d. The agreement must specify a period of time not exceeding one year after submission within which an award must be made by the arbitrators.

e. The agreement must specify the county in which an action shall be filed for the purpose of reducing an arbitration award to judgment.

f. The agreement must provide that the patient, or the person executing the agreement on the patient's behalf, has the right to rescind the agreement, with or without reason, within sixty days after executing the agreement; except that if the health care provider is a hospital or other health care facility to which the patient is admitted on an in-patient basis, the right to rescind shall extend until sixty days after the execution of the agreement, or until sixty days after discharge from the hospital or facility, whichever is later.

g. The agreement must specifically state that

the patient, or person exercising the rights of the patient, is not required to execute the arbitration agreement as a condition of receiving health care.

h. The agreement must specifically state that neither party shall have the power to revoke the agreement without the consent of the other.

2. Amend the title by striking lines 1 through 9 and inserting in lieu thereof the words "An Act relating to medical malpractice insurance, and providing measures to reduce the high cost and unavailability thereof, and providing penalties.".

EVANS of Grundy

H—6877

Amend Senate File 1332 as follows:

1. Page 1, by inserting before line 1, the following:

"Sec. ..... Section three hundred fourteen point twelve (314.12), Code 1975, is amended to read as follows:

314.12 BORROW PITS—TOPSOIL PRESERVED. In the award of contracts for the construction, reconstruction, improvement, repair or maintenance of any highway, the agency having charge of awarding such contracts shall require that when fill dirt, soil or other materials are to be removed from borrow pits for use in the project, adequate provision shall be made by agreement with the landowner for the restoration of the borrow pit area[, either] by removal and replacement of a minimum of eight inches of topsoil, [or by] *however, if the land is not primarily used for agricultural purposes the agreement may provide for the* fertilizing, mulching, reseeding or other appropriate measures to provide vegetative cover or prevent erosion *in lieu of topsoil replacement.*"

HOWELL of Floyd

H—6884

Amend the House amendment, H—6880, to Senate File 1310 as amended, passed, and reprinted by the Senate by striking everything after page 1, line 4 and inserting in lieu thereof the following:

"1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred forty-seven point one (147.1), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. "Health care practitioner" means and includes a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, chiropractor, nurse, dentist, dental hygienist, optometrist, pharmacist, psychologist, speech pathologist, audiologist, and physical therapist, licensed pursuant to the provisions of this title.

NEW SUBSECTION. "Hospital" means a hospital licensed pursuant to chapter one hundred thirty-five B (135B) of the Code.

NEW SUBSECTION. "Health care provider" means and includes a health care practitioner and a hospital.

Sec. 2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), section two (2) subsection five (5), is amended to read as follows:

5. "Licensed health care provider" [means and includes a physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, podiatrist, optometrist, pharmacist, chiropractor or nurse licensed pursuant to chapter one hundred forty-seven (147) of the Code, and a hospital licensed pursuant to chapter one hundred thirty-five B (135B) of the Code] *and "health care provider" mean a "health care provider" as defined in section one hundred forty-seven point one (147.1) of the Code.*

Sec. 3. Section one hundred forty-seven point one (147.1) Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), section fourteen (14), first new subsection, is amended to section fourteen (14), first new subsection, is amended to read as follows:

NEW SUBSECTION. "Peer review" means evaluation of professional services rendered by a [person licensed to practice a profession] *health care practitioner.*

Sec. 4. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), sections sixteen (16), twenty-five (25), twenty-six (26) and twenty-seven (27), are amended by striking the word "nurse" wherever the word appears in those

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sections and by inserting in lieu thereof the words "nurse, psychologist, speech pathologist, audiologist, or physical therapist".

Sec. 5. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), sections sixteen (16), twenty-five (25), twenty-six (26) and twenty-seven (27), are amended by striking the word "dentist" wherever the word appears in those sections and inserting in lieu thereof the words "dentist, dental hygienist".

Sec. 6. Section five hundred nineteen point one (519.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), section eighteen (18), is amended to read as follows:

519.1 AUTHORIZATION. Any number of [physicians and surgeons, osteopaths, osteopathic physicians and surgeons, podiatrist, chiropractors, pharmacists, dentists, and graduate nurses, licensed to practice

their profession in this state, and hospitals licensed under chapter one hundred thirty-five B (135B) of the Code] *health care providers, as defined in section one hundred forty-seven point one (147.1) of the Code,* may, by complying with the provisions of this chapter and without regard to other statutory provisions, enter into contracts with each other for the purpose of protecting themselves by insurance against loss by reason of actions at law on account of their alleged error, mistake, negligence, or carelessness in the treatment and care of patients, including the performance of surgical operations, or in the prescribing and dispensing of drugs and medicine, or for loss by reason of damages in other respects, and to reimburse any member in case of such loss.

Sec. 7. Chapter one hundred forty-seven (147), Code 1975, is amended by adding sections eight (8) through twenty (20) of this Act as a new division entitled "Disciplinary powers of health care boards".

Sec. 8. *NEW SECTION.* DEFINITIONS. As used in this division, unless the context otherwise requires:

1. "Health care board" means each of the following boards:

a. The board of medical examiners.
b. The board of podiatry examiners.
c. The board of chiropractic examiners.
d. The board of physical therapy examiners.
e. The board of nursing.
f. The board of dental examiners.
g. The board of optometry examiners.
h. The board of pharmacy examiners.

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i. The board of psychology examiners.
j. The board of speech pathology and audiology examiners.

2. "Licensee discipline" means any sanction a health care board may impose upon its licensees for conduct which threatens the public health, safety, or well-being.

3. "Disciplinary proceeding" means any proceeding under the authority of a health care board pursuant to which licensee discipline may be imposed.

Sec. 9. *NEW SECTION.* AUTHORITY OF HEALTH CARE BOARDS.

1. Nothwithstanding any other provision of this title, each health care board shall have all of the following powers:

a. To administer and enforce the laws and administrative rules relating to the practice of the profession whose members are examined for licensure by the board;

b. To review or to investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts

or omissions which the board reasonably believes to constitute cause under applicable law or administrative rule for licensee discipline;

c. To determine in any case that investigation, or that further investigation, or that a disciplinary proceeding is not warranted;

d. To initiate and prosecute disciplinary proceedings;

e. To impose licensee discipline;

f. To petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering;

g. To register peer review committees; and

h. To refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction.

2. Each health care board shall have the power to impose one or more of the following as licensee discipline:

a. To revoke a license, or to suspend a license either until further order of the board or for a specified period, upon the grounds specified in section

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one hundred forty-seven point fifty-five (147.55) of the Code, or upon any other grounds specifically provided for in this title for revocation of the license of a health care practitioner subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

b. To revoke, or to suspend either until further order of the board or for a specified period, the privilege of a licensee to engage in one or more specified procedures, methods, or acts incident to the practice of the profession, if pursuant to hearing or stipulated or agreed settlement the board finds that because of a lack of education or experience, or because of one or more acts or omissions of negligence, gross negligence, carelessness or recklessness, or because of one or more intentional acts or omissions, the licensee has demonstrated a lack of qualifications which are necessary to assure the public health, safety, or well-being;

c. To impose a period of probation under specified conditions, whether or not in conjunction with other sanctions;

d. To require additional professional education or training, or re-examination, or any combination

thereof, as a condition precedent to the reinstatement of a license or of any privilege incident thereto, or as a condition precedent to the termination of any suspension;

e. To impose a civil penalty for commission of any of the acts or offenses specified in section one hundred forty-seven point fifty-five (147.55) of the Code, or for failure to comply with an order of the board imposing disciplinary sanctions, if the board has provided by rule that civil penalties may be imposed by the board pursuant to this paragraph, and if the rule specifies which offenses or acts are subject to the imposition of the civil penalty. The amount of the civil penalty shall be in the discretion of the board, but shall not exceed one thousand dollars; and

f. To issue a citation and warning respecting licensee behavior which is subject to the imposition of other sanctions by the board.

3. The powers conferred by this section upon a health care board shall be in addition to powers specified elsewhere in the Code. The powers of any other person specified elsewhere in the Code shall not limit the powers of a health care board conferred by this section, nor shall the powers of such other

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person be deemed limited by the provisions of this section.

4. Nothing contained in this section shall be construed to prohibit informal stipulation and settlement by a board and a licensee of any matter involving licensee discipline. However, licensee discipline shall not be agreed to or imposed except pursuant to a written decision which specifies the sanction and which is entered by the board and filed by the board with the department.

Sec. 10. *NEW SECTION.* DUTIES OF BOARD.

1. Each health care board shall have the following duties in addition to other duties specified in this title or elsewhere in the Code:

a. To mandate continuing education requirements as a condition of license renewal for health care providers, except hospitals, and to promulgate rules to create continuing education requirements at a minimum level of fifteen contact hours per year per licensee or its equivalent. These rules shall be promulgated solely for the purposes of assuring a continued maintenance of skills and knowledge by a licensee which is directly related to and commensurate with the current level of competency in the licensee's profession. Profesional education or training ordered pursuant to paragraph d of subsection two (2) of section nine (9) of this Act shall not be subject to the provisions of this paragraph, and shall not be

used for the purpose of satisfying the annual continuing education requirements of this paragraph. A licensee shall report annually that he or she has complied with the requirements of this paragraph. The report shall be on a form provided by the appropriate board.

Paragraph "a" of this subsection shall take effect on the effective date of this Act. However, rules adopted by a health care board relating to continuing education requirements shall be made effective as of January 1, 1977, and the continuing education requirements of a health care practitioner shall be in effect commencing with the calendar year 1977.

b. To establish procedures by which complaints which relate to licensure or to licensee discipline shall be received and reviewed by the board;

c. To establish procedures by which disputes between licensees and patients which result in judgments or settlements in or of malpractice claims or actions shall be investigated by the board;

d. To establish procedures by which any disciplinary action taken by a peer review committee

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shall be reported to and reviewed by the board;

e. To establish procedures for registration with the board of peer review committees;

f. To define by rule those actions of peer review committees which shall constitute disciplinary actions which must be reported by such committees to the board;

g. To define by rule acts or omissions which are grounds for revocation of license under the provisions of section one hundred forty-seven point fifty-five (147.55) of the Code, and to define by rule acts or omissions which constitute gross negligence, carelessness or recklessness within the meaning of paragraph b of subsection two (2) of section nine (9) of this Act, which licenses are required to report to the board pursuant to subsection two (2) of section fifteen (15) of this Act:

h. To establish the procedures by which licensees shall report those acts or omissions specified by the board pursuant to paragraph g of this subsection;

i. To file with the department a copy of each decision of the board imposing licensee discipline; and

j. To give written notice to another health care board or to the hospital licensing agency if evidence received by the board either alleges or constitutes reasonable cause to believe the existence of an act or omission which is subject to discipline by that other board or agency.

2. Each health care board, subject to subsection two (2) of section sixteen (16) of this Act, shall

submit to the senate and house committees on commerce in January of each year, commencing in January of 1977, a summary of the activities of that board since the preceding report respecting the following subjects:

a. The adoption of or failure to adopt rules relating to the duties of the board as required by subsection one (1) of this section;

b. The numbers of complaints, peer review committee disciplinary actions, and judgments and settlements reviewed or investigated by the board, the number of formal disciplinary proceedings commenced before the board or in the courts, the numbers and types of sanctions imposed, and the numbers and status of appeals to the court of board decisions; and

c. The numbers and types of peer review committees registered by the board.

Sec. 11. *NEW SECTION.* LICENSEE DISCIPLINARY PROCEDURE—RULE-MAKING DELEGATION.

1. Each health care board is delegated the

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authority to establish and shall establish, by rule, licensee disciplinary procedures. Each health care board shall follow such disciplinary procedures.

2. Rules promulgated under subsection one (1) of this section:

a. Shall comply with the provisions of chapter seventeen A (17A) of the Code.

b. Shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the health care board of findings of fact if a majority of the health care board does not hear the disciplinary proceeding.

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections one hundred forty-seven point fifty-eight (147.58) through one hundred forty-seven point seventy-one (147.71), one hundred forty-eight point six (148.6) through one hundred forty-eight point nine (148.9), one hundred fifty-four A point twenty-three (154A.23), and one hundred fifty-five point fourteen (155.14) through one hundred fifty-five point sixteen (155.16) of the Code, to the extent any of those provisions are applicable to the board.

d. Shall specify methods by which the final decisions of the board relating to disciplinary proceedings shall be published.

Sec. 12. *NEW SECTION.* HEARINGS—POWER OF SUBPOENA-DECISIONS.

1. Disciplinary hearings held pursuant to this division shall be heard by the board sitting as the

hearing panel, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subsection two (2) of this section. A disciplinary hearing shall not be open to the public. However, a decision of the board shall be a public record as provided in section nineteen (19) of this Act.

2. When, in the opinion of a majority of the board, it is desirable to obtain specialists within an area of practice of a profession to hold disciplinary hearings, a health care board is authorized to appoint licensees not having a conflict of interest to make findings of fact and to report to the board. Such findings shall not include any recommendation for or against licensee discipline.

3. The presiding officer of a hearing panel is

empowered to issue subpoenas pursuant to rules of the board on behalf of the board or on behalf of the licensee. A licensee is entitled to have subpoenas issued in his or her behalf. A subpoena issued under the authority of a health care board pursuant to this division may compel the attendance of witnesses and the production of medical records, books, papers, correspondence and other records, whether or not privileged under law, which are deemed necessary as evidence in connection with a disciplinary proceeding. In the event of a refusal to obey a subpoena, the health care board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court he or she shall be guilty of contempt of court. The presiding officer of a hearing panel also is empowered to administer oaths and affirmations, to take or order that depositions be taken, and pursuant to rules of the board, to grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. Licensee discipline shall not be imposed except upon the affirmative vote of a majority of the health care board.

Sec. 13. *NEW SECTION.* CERTAIN BOARDS—EXECUTIVE SECRETARY AND PERSONNEL.

1. As an alternative to authority contained elsewhere in this title, the board of medical examiners, the board of nursing examiners, and the board of pharmacy examiners, each shall have the authority to employ an executive secretary, one or more inspectors, and such clerical personnel as may be necessary for the administration of the duties

of that board. Employees of the board other than the executive secretary shall be subject to chapter nineteen A (19A) of the Code. The qualifications and compensation of the executive secretary shall be as determined by the board. All compensation shall constitute costs of sustaining the board.

2. All employees of a health care board referred to in subsection one (1) of this section shall be reimbursed for actual expenses reasonably incurred in the performance of official duties. All reimbursements shall constitute costs of sustaining the board by whom employed.

3. Licensees appointed by any board referred to in section eight (8) of this Act to serve on a hearing

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panel pursuant to subsection two (2) of section twelve (12) of this Act shall be compensated at the rate of forty dollars for each day of actual duty, and shall be reimbursed for actual expenses reasonably incurred in the performance of duties. The compensation and expenses shall constitute costs of sustaining the board by whom appointed.

Sec. 14. *NEW SECTION.* IMMUNITIES.

1. A person shall not be civilly liable as a result of his or her acts, omissions or decisions in good faith as a member of a health care board or as an employee or agent thereof, in connection with the person's duties.

2. A person shall not be civilly liable as a result of filing a report or complaint with a health care board or peer review committee, or for the disclosure to a health care provider, or to a health care board or its agents or employees, or to a peer review committee, whether or not pursuant to a subpoena, of records, documents, testimony or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

3. A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a health care board or peer review committee, or because the person participated as a member, agent or employee of a health care board or peer review committee, or presented testimony or other evidence to a health care board or peer review committee. Any health care provider who violates the terms of this subsection shall be liable to any person aggrieved thereby for actual and punitive damages plus reasonable attorney fees.

Sec. 15. *NEW SECTION.* DUTIES OF LICENSEES—SANCTIONS.

1. Each licensee of a health care board, as a condition of licensure, is under a duty to submit to a physical or mental examination when directed in writing by the board for cause. All objections shall be waived as to the admissibility of the examining physician's testimony or reports on the grounds of privileged communications. The medical testimony or report shall not be used against the licensee in any proceeding other than one relating

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to licensee discipline by the board, or one commenced in district court for revocation of the licensee's privileges. The examining board, upon probable cause, shall have the authority to order physical or mental examination, and failure of the licensee to submit to the examination shall constitute admission of the allegations made against the licensee and the board may make findings of fact and enter a decision imposing licensee discipline without the taking of testimony or the presentation of evidence.

2. A licensee shall have a continuing duty to report to the health care board by whom he or she is licensed those acts or omissions specified by rule of the board pursuant to paragraph g of subsection one (1) of section ten (10) of this Act when committed by another person licensed by the same health care board.

3. A licensee shall have a continuing duty to report to the health care board by whom he or she is licensed every adverse judgment in a health care malpractice action to which he or she is a party, and every settlement of a claim against him or her alleging malpractice.

4. A licensee who willfully fails to comply with subsection two (2) or three (3) of this section commits a violation of this title for which licensee discipline may be imposed.

Sec. 16. *NEW SECTION.* DUTIES OF DEPARTMENT.

1. The department shall cooperate with each health care board in the administration of this division, and shall make available personnel of the department who are employed for purposes relating to enforcement of the provisions of this chapter relating to health care providers.

2. The department shall assist each health care board in preparing the annual reports required by this division, and may consolidate the reports for purposes of printing and distribution.

3. The department shall maintain on file for public inspection a copy of each decision of a health care board imposing licensee discipline, and shall annotate the licensee registry book to reflect any

revocation or suspension, in whole or in part, of the privileges of a licensee.

4. The department shall employ such inspectors and clerical personnel as may be necessary to enable the board of podiatry examiners, the board of chiropractic examiners, the board of physical therapy examiners, the board of dental examiners, the board of optometry examiners, the board of psychology

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examiners and the board of speech pathology and audiology examiners to comply with the duties prescribed in this division. Such employees shall be reimbursed for actual expenses reasonably incurred in the performance of official duties. The department shall certify annually to each such board a pro rata portion of the expenses of the department for salaries and reimbursements to those employees and the expenses so certified shall constitute costs of sustaining the board.

The department shall certify costs to each board based upon the portion of time the employees serve each respective board. The department may require that any inspector or other employee serve more than one health care board.

Department employees shall be employees of the respective boards for the purposes of this division.

Sec. 17. *NEW SECTION.* JUDICIAL REVIEW. A final action of a health care board imposing licensee discipline shall be reviewable by the district court as provided in chapter seventeen A (17A) of the Code. However, licensee discipline pursuant to informal stipulation or agreed settlement shall not be subject to review by the court. The taking of an appeal by a licensee shall not stay the effect of the disciplinary order issued by the board, anything in chapter seventeen A (17A) of the Code to the contrary notwithstanding. For purposes of this section, disciplinary action is final upon delivery to the licensee of a copy of the decision of the board imposing licensee discipline. Delivery to the licensee shall be effective upon delivery in the manner provided for personal service of an original notice, or upon delivery to an attorney appearing of record with the licensee at the disciplinary hearing.

Sec. 18. *NEW SECTION.* REPORTS BY OTHER AGENCIES. A health care board shall provide by rule for the reporting by hospitals, health care facilities licensed pursuant to chapter one hundred thirty-five C (135C) of the Code, and insurance carriers insuring health care practitioners, of health care incidents as defined in such rule which may affect a licensure. The department of health, and the commissioner of insurance shall provide by rule for the filing by persons subject to their jurisdictions of reports identifying those

health care incidents, and shall forward those reports to the appropriate health care board. Said rule shall provide:

1. Any insurer or self-insurance association approved by the commissioner that issues or underwrites

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professional liability insurance in this state to any health care provider as defined in this Act shall report any claim against the insured for alleged professional negligence to the commisioner of insurance within thirty days after receiving notice of the claim from the insured or any other person.

2. Such report shall include the name of the insured, the name of the person making the claim and the reason or reasons for which the claim is made.

3. Any insurer or approved self-insurance association required to report to the commissioner under this section shall also be required to advise the commissioner of any settlements, awards or judgments against a health care provider.

4. The reports received by the commissioner pursuant to subsections one (1) through three (3) of this section shall be confidential and shall not be disclosed except to a health care board pursuant to this section. However, the commissioner may disclose aggregate information compiled from such reports if the aggregate information is not identified as to the individual health care providers or claimants to whom it relates.

Sec. 19. *NEW SECTION.* RECORDS OF BOARDS CONFIDENTIAL. In order to assure a free flow of information for accomplishing the purposes of this division, and other provisions of the Code to the contrary notwithstanding, all complaint files, and investigation files, and all other investigative reports and other investigative information in the possession of a health care board or its employees or agents and relating to licensee discipline shall be privileged and shall be kept confidential. However, a final decision of a board in a disciplinary proceeding, including a decision referred to in subsection four (4) of section nine (9) of this Act, and all evidence considered in reaching that decision, shall be public records and shall be subject to examination by any person. Nothing contained in this section shall be deemed to prohibit the disclosure by a health care board to or by its attorneys, employees or agents, of otherwise privileged and confidential information when necessary for the purpose of complying with duties prescribed by law.

Sec. 20. *NEW SECTION.* Failure by any person to comply with the provisions of this division or any rule promulgated under this division shall not constitute a violation of this title within the meaning

of section one hundred forty-seven point eighty-six (147.86), Code 1975, nor shall such failure be subject

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to the penalties prescribed by that section.

Sec. 21. Chapter six hundred twenty-four (624), Code 1975, is amended by adding the following new section:

NEW SECTION. JUDGMENTS IN MEDICAL MALPRACTICE ACTIONS.

1. As used in this section, the following definitions shall apply unless the context otherwise requires:

a. "Health care provider" means as provided in section one (1) of this Act.

b. "Health care practitioner" means as provided in section one (1) of this Act.

c. "Hospital" means as provided in section one (1) of this Act.

d. "Medical malpractice action" means every action for damages for personal injury against a health care provider based upon alleged acts or omissions of a health care practitioner in the practice of his or her profession or occupation, or based upon alleged acts or omissions of a hospital in patient treatment or care.

e. "Future injuries" means and includes all legal harm which the trier of fact determines will be incurred by the injured party subsequent to the entry of judgment.

f. "Injured party" means a party plaintiff to a medical malpractice action who is determined to have suffered legal harm.

g. "Injury" means and includes every legal harm for which damages are recoverable.

2. The trier of fact in every medical malpractice action shall find as separate facts with respect to each injured party the total amount to be awarded as damages for past injuries, if any, and the specific amounts to be awarded as damages for future injuries, if any. The award for future injuries shall be expressed in three elements, to the extent that each of the elements is found to be present: Loss of future income, future expenses for care and treatment, and future noneconomic harm to be endured by the party.

3. The court, in a medical malpractice action in which the award for future injuries to a party exceeds fifty thousand dollars, may enter, upon establishing that security for payment exists as provided in subsection five (5) of this section, a judgment ordering that those damages, in whole or in part, shall be payable to that party in installments. Interest at the legal rate shall accrue on and be added to the unpaid balances of amounts

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awarded for future injuries. The court shall make a specific finding as to the dollar amount of regular installments which will be required to compensate the party for loss of future income, future expenses for care and treatment, and future noneconomic harm. The judgment shall specify the recipient of periodic payments, the dollar amount of each regular payment, the portion of each payment attributable to each element of damages awarded, the interval between payments, the number of payments required to be made, and the amount of the judgment awarded for future expenses for care and treatment. A judgment ordering installment payments shall constitute a final judgment for purposes of appeal.

4. Attorney fees of the party receiving an award, if payable out of the judgment, shall be assessed by the court and applied pro rata against amounts awarded for past injuries and for future injuries. The amount thus determined by the court to be payable out of damages for future injuries shall be deducted by the court from the amount to be ordered paid in installments as provided in this section, and shall be deducted pro rata from those amounts awarded, if any, for loss of future income, future care and treatment, and future noneconomic harm. The amount of attorney fees attributable to the award for future injuries shall be payable by the judgment debtor in full upon entry of judgment.

5. The court shall not enter a judgment for installment payments unless the judgment debtor establishes security for payment. Security for payment may be established by filing with the court a surety bond in the amount of the total damages which are payable in installments and conditioned on the timely payment of all damages payable pursuant to this section, or by filing of record in the action an admission of liability for payment of the judgment by one or more liability insurance carriers by whom the judgment debtor was insured, or by filing both a surety bond and admissions of liability in amounts sufficient to secure the payment of the total amount payable in installments.

A surety bond may be reduced in amount from time to time as permitted by the court, and may be terminated and the surety exonerated in the event of satisfaction of the judgment, or in the event admissions of liability are filed by one or more liability insurance carriers subsequent to the filing of the surety bond which establish security for the then outstanding balance of the judgment.

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The judgment debtor or any other person on behalf of the judgment debtor may purchase from any life

insurance company which holds a certificate of authority under the laws of the state an annuity to satisfy the obligations of the judgment. Upon approval by the court, such an annuity shall constitute security for payment within the meaning of this subsection. Upon filing of a copy of that annuity with the court, any other security for payment previously filed shall be exonerated.

Nothing contained in this subsection shall require any liability insurance carrier to admit liability in excess of its policy limits, nor shall anything contained in this section impose liability upon an insurance carrier in excess of the amount specified in its admission of liability.

6. In the event that the court finds upon notice and hearing that the judgment debtor, or a person making payments on behalf of the judgment debtor, has exhibited a repeated failure to make timely payments, the court shall set aside the judgment for installment payments and shall enter judgment for payment in full of the balance owing including any accrued interest.

7. The district court shall retain jurisdiction of any judgment in a medical malpractice action which orders installment payments. The designated recipient of installment payments or a representative may petition the court for an increase in the amount of each installment payment. Upon establishing a substantial change in needs or circumstances, including but not limited to a substantial increase in the cost of living, the court may modify the judgment. However, nothing contained in this subsection shall be deemed to authorize the court to increase the total amount of the original judgment. Upon the death of the recipient of installment payments, the dependents of the decedent or any other interested party to the action or a representative may petition the court for a redesignation of the recipient of payments. Unless otherwise ordered, the redesignated recipients of an award shall be paid in those amounts and at those intervals specified in the original judgment. Payments shall continue until the judgment has been satisfied. In the event of the death prior to satisfaction of the judgment of the last surviving person to whom the injured party owed a duty of support, the outstanding portions of the judgment shall be payable to the estate of that person.

8. It is the intent of the general assembly in

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enacting this section to authorize the entry of judgments in malpractice actions against health care providers which provide for the payment of future damages through periodic payments rather than lump-sum payments. By authorizing periodic payment

judgments, it is the further intent of the general assembly that the courts shall utilize such judgments when determined to be appropriate to provide compensation sufficient to meet the needs of an injured plaintiff and those persons who are dependent on the plaintiff. It is also the intent of the general assembly that all elements of the periodic payment program be specified with certainty in the judgment ordering such payments and that the judgment not be subject to modification at some future time which might alter the provisions of the original judgment other than as expressly permitted by this section.

This section shall apply to a judgment entered in a medical malpractice action on or after September 1, 1976, regardless of when the action was commenced.

Sec. 22. Code 1975 is amended by adding sections twenty-three (23) through forty-six (46) of this Act as a new chapter.

Sec. 23. *NEW SECTION.* APPLICABILITY. The provisions of this chapter shall be applicable to and shall govern the arbitration pursuant to written agreement of a dispute, which arises out of or results from injury to, or the death of, a person caused by an error, omission, or negligence in the performance of professional services by a health care practitioner or hospital, or by an agent of either, or which is based on a performance of such services claimed to be without consent, or in breach of warranty, or in violation of contract.

Sec. 24. *NEW SECTION.* DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Association" means any entity which engages in the administration of arbitration and which has been issued a certificate of authority by the commissioner of insurance pursuant to section forty (40) of this Act.

2. "Health care practitioner" means as provided in section one (1) of this Act.

3. "Hospital" means a person lawfully engaged in the operation of a hospital, clinic, health maintenance organization, or sanatorium, and includes a hospital as defined in section one (1) of this Act.

4. "Panel" and "arbitration panel" mean and include a single arbitrator when a single arbitrator is permitted by rules adopted by the commissioner

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to conduct arbitration proceedings.

Sec. 25. *NEW SECTION.* PRACTITIONER—PATIENT ARBITRATION.

1. A person who receives health care from a health care practitioner may, if offered, execute an agreement to arbitrate all disputes arising out of health care or treatment by or under the supervision of a health care practitioner. The agreement may provide

for arbitration of existing disputes and may provide for abitration of disputes arising subsequent to the execution of the agreement. An agreement executed pursuant to this section may limit the types of issues or controversies which will be subject to arbitration.

2. The agreement to arbitrate shall not be a prerequisite to health care or treatment.

3. The agreement shall provide that the person receiving health care or treatment or his or her legal representative may revoke the agreement within ninety days after execution by notifying the health care practitioner in writing. A health care practitioner may not revoke the agreement after its execution.

4. An agreement under this section shall expire one year after its execution and may be renewed only by execution of a new agreement. Subject to its terms, an arbitration agreement shall be applicable to any dispute which arises from health care or treatment rendered, or a specific or continuing program of health care or treatment commenced, during the term of the arbitration agreement, regardless of when a claim is made.

5. The form of the agreement shall be accompanied by an informational brochure which clearly details the agreement and the revocation provision. The brochure shall be furnished the person receiving health care or treatment at the time of execution of the agreement. The person receiving health care and executing an arbitration agreement shall be furnished with either an original or a duplicate original of the agreement.

6. The agreement shall contain the following statement immediately above the space for signature of the parties: "This agreement to arbitrate is not a prerequisite to health care or treatment and may be revoked by the patient within ninety days after execution by notification to the health care practitioner in writing."

7. An agreement executed under this section shall not be applicable to disputes arising from health care or treatment rendered at a hospital.

8. An agreement to arbitrate which satisfies the

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provisions of this section shall be presumed valid.

Sec. 26 *NEW SECTION.* ARBITRATION FOR HOSPITALIZATION.

1. A person who receives health care or treatment at a hospital may, if offered, execute an agreement to arbitrate all disputes arising out of health care or treatment rendered at the hospital. A person receiving emergency health care or treatment may be offered the option to arbitrate but shall not be offered the option before the emergency care or treatment is completed. The agreement may provide for arbitration of existing disputes and may provide

for arbitration of disputes arising subsequent to the execution of the agreement. An agreement executed pursuant to this section may limit the types of issues or controversies which will be subject to arbitration.

2. The agreement to arbitrate shall not be a prerequisite to health care or treatment.

3. The agreement to aribtrate shall provide that the person receiving health care or treatment or his or her legal representative may revoke the agreement within ninety days after discharge from the hospital by notifying the hospital in writing. Other parties to the agreement shall not have the power to revoke the agreement. In the event a health care practitioner and his or her patient are the only parties to an arbitration agreement covering health care or treatment at a hospital, the agreement shall specify that notification of revocation by the patient shall be given to the health care practitioner.

4. The agreement shall contain the following statement immediately above the space for signature of the parties: "This agreement to arbitrate is not a prerequisite to health care or treatment and may be revoked by the patient within ninety days after discharge by notification in writing."

5. Notwithstanding the existence of a health care practitioner-patient arbitration agreement executed pursuant to section twenty-five (25) of this Act, health care or treatment rendered by a participating health care practitioner at a hospital shall be covered by the terms and conditions applicable between the patient and the hospital.

6. Each admission to a hospital shall be treated as separate and distinct for the purposes of an agreement to arbitrate, but a person receiving outpatient care may execute an agreement with the hospital which provides for continuation of the agreement for a specific or continuing program of health care or treatment.

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7. The form of the agreement shall be accompanied by an informational brochure which clearly details the agreement and the revocation provision. The brochure shall be furnished the person receiving health care or treatment at the time of execution of the agreement. The person receiving health care or treatment and executing an arbitration agreement shall be furnished with either an original or a duplicate original of the agreement.

8. An agreement to arbitrate which satisfies the requirements of this section shall be presumed valid.

Sec. 27. *NEW SECTION.* GENERAL ARBITRATION REQUIREMENTS. The following provisions shall apply to an arbitration proceeding instituted pursuant to an

agreement governed by this chapter:

1. The parties may be represented by counsel, and shall have the right to be heard, to present evidence material to the controversy, and to cross-examine any witness.

2. The prevailing standard of duty, practice, or care applicable in a civil action commenced in this state shall be the standard applied in the arbitration.

3. Damages or remedial care shall be without limitation as to nature and amount unless specifically limited by law.

4. A party may appear without counsel, but shall be advised of the right to retain counsel in a manner calculated to inform the person of the nature and complexity of a proceeding by a simple concise form distributed by the association administering the arbitration.

5. The panel shall conclude the entire proceeding as expeditiously as possible, and the association shall maintain supervision to encourage compliance with this subsection.

6. A minor child shall be bound by a written agreement to arbitrate disputes upon the execution of an agreement on his or her behalf by a parent or legal guardian. The minor child may not subsequently disaffirm the agreement.

7. Each of the health care boards, as defined in section eight (8) of this Act, shall keep on file the names of at least five health care practitioners considered to be experts and having expertise in each area of specialization recognized in the profession or occupation over which the health care board has authority together with a list of at least five practitioners considered by the board to be experts and having general expertise in the profession or

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occupation of care over which the board has authority. In the event a claim for abitration is filed by a party, on application of the patient, such board shall make available to the patient the list of names of such experts, and such experts shall then make themselves available to be consulted with by such patient and shall further be available for and provide testimony at the request of such patient in any arbitration matter. The compensation of any such expert shall be in a sum not to exceed one hundred dollars per hour for consultation, and not to exceed five hundred dollars for appearance and testimony before the arbitrator in any arbitration proceeding. In the event of the unavailability to the patient of expert consultation or testimony as provided in this subsection, then the patient may elect to withdraw from the arbitration proceedings and may elect to

bring an action at law.

Sec. 28. *NEW SECTION.* COMMENCEMENT OF PROCEEDING—PARTIES.

1. A party to the arbitration agreement may demand arbitration of a claim, and the proceeding shall be instituted as provided by rule of the association.

2. In cases involving a common question of law or fact, the disputes, controversies, and issues shall be consolidated into a single arbitration proceeding, whether or not separate arbitration agreements exist between a plaintiff and a number of defendants or between defendants.

3. A person in interest who is not a party to the arbitration agreement may join in the arbitration at the request of any party with all the rights and obligations of the original parties. Each party to an arbitration under this chapter is deemed to be bound by the joinder of a new party.

Sec. 29. *NEW SECTION.* OFFERS OF SETTLEMENT.

1. Prior to the institution of an arbitration proceeding by a patient, any offer of reparations and all communications incidental thereto made in writing to a patient by a health care practitioner or hospital is privileged and may not be used by any party to establish the liability or measure of damages.

2. Such offers shall provide that a patient has thirty days to accept or reject the offer, or such lesser specified period of time as may be necessitated by the condition of health of the patient.

3. After any rejection or the lapse of the applicable time, any party may demand arbitration.

4. Any such offer to a patient shall include a statement that the patient may consult legal counsel

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before rejecting or accepting the offer.

5. In a case where a potential claim is identified by a health care practitioner or hospital and where reparations, in its judgment, are not appropriate, the practitioner or hospital may, at its option, file a demand for arbitration which demand shall identify the potential claim and deny liability.

Sec. 30. *NEW SECTION.* SELECTION OF ARBITRATORS.

1. The number of arbitrators to be used in an arbitration proceeding, and the qualifications of persons who may be selected to serve as arbitrators, and the methods to be used in selecting and disqualifying arbitrator candidates, shall be as provided by rules promulgated by the commissioner of insurance pursuant to chapter seventeen A (17A) of the Code. The rules may provide for different numbers of arbitrators in different types of cases, and may provide for one arbitrator in appropriate cases.

2. The commissioner of insurance shall promulgate the rules specified in subsection one (1) of this

section. Such rules may recognize differences in cases based upon material factors, including but not limited to, the amount demanded, the complexity of the issues, and the number of parties involved.

Sec. 31. *NEW SECTION.* DISCOVERY.

1. Parties to the arbitration may take depositions and obtain discovery regarding the subject matter of the arbitration, and, to that end, may use and exercise the same rights, remedies, and procedures, and shall be subject to the same duties, liabilities, and obligations in the arbitration with respect to the subject matter thereof, as if the subject matter of the arbitration where pending in a civil action before the district court.

2. Discovery shall commence not later than twenty days after all parties have received a copy of the demand for arbitration and shall be completed within six months. A party may be granted an extension of time to complete discovery only upon a showing that the extension is not the result of neglect and that the extension is necessary in order to avoid substantial prejudice to the rights of the party.

3. A party is entitled to disclosure of the name of any expert witness who is expected to be called at the arbitration, and may depose that witness.

4. A party may provide discovery of an expert witness expected to be called by that party by the written interrogatory procedure provided in rule 26 (b) (4) (a) of the federal rules of civil procedure.

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5. A party may disclose without request and shall disclose, upon request, the name of each expert the party expects to call at the hearing, the subject matter on which the expert will testify, the substance of facts and opinions to which the expert will testify, and a summary of the grounds for each opinion.

6. If a party is provided discovery under subsections four (4) or five (5) of this section and the completion of discovery occurs prior to the date on which an expert is noticed for deposition or prior to the date other discovery is commenced under prevailing civil practice in this state, any further discovery of the expert by any other party by deposition or otherwise shall obligate that other party to compensate the expert for his time and expenses in a reasonable amount as may be determined by the panel.

7. On application of a party to the arbitration, the panel or its chairperson may order the deposition of a witness to be taken for use as evidence and not for discovery if the witness cannot be compelled to attend the hearing or if exceptional circumstances exist making it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally at the hearing,

to allow the deposition to be taken. The depositions shall be taken in the manner prescribed by law or court rule for the taking of depositions for such use in civil actions.

8. The panel may enforce the rights, remedies, procedures, duties, liabilities, and obligations of discovery by the imposition of the same terms, conditions, consequences, liabilities sanctions, and penalties as may be imposed in like circumstances in a civil action by the Iowa district court, except the power to order the arrest or imprisonment of a person.

9. For the purpose of enforcing the duty to make discovery, to produce evidence or information, including books and records, and to produce persons to testify at a deposition or at a hearing, and to impose terms, conditions, consequences, liabilities, sanctions, and penalties upon a party for violation of a duty, a party shall be deemed to include every affiliate of the party as defined in this section. For that purpose the personnel of an affiliate shall be deemed to be the officers, directors, managing agents, agents, and employees of that party to the same degree as each of them, respectively, bears that status to the affiliate; and the files, books, and

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records of an affiliate shall be deemed to be in the possession and control of, and capable of production by, the party.

As used in this subsection, "affiliate" of the party to the arbitration means and includes a party or person for whose immediate benefit the action or proceeding is prosecuted or defended or an officer, director, superintendent, member, agent, employee, or managing agent of that party or person.

Sec. 32. *NEW SECTION.* POWER OF SUBPOENA. The panel or its chairperson in the arbitration proceeding, upon application by a party to the proceeding, and may upon its own determination, issue a subpoena requiring a person to appear and be examined with reference to a matter within the scope of the proceeding, and to produce books, records, or papers pertinent to the proceeding. In case of disobedience to the subpoena, the chairperson or a majority of the arbitration panel in the arbitration proceeding may petition the district court of the county in which the witness resides or the county in which the inquiry is being held to require the attendance and testimony of the witness and the production of books, papers, and documents. The district court, in case of contumacy or refusal to obey a subpoena, may issue an order requiring the person to appear and to produce books, records, and papers and give evidence touching the matter in question. Failure to obey the order

of the court may be punished by the court as contempt.

Sec. 33. *NEW SECTION.* HEARINGS.

1. An arbitration hearing shall be informal and the rules of evidence shall be as provided under the rules of the association. The panel shall adhere to civil rules of evidence where the failure to do so would result in substantial prejudice to the rights of a party.

2. Testimony shall be taken under oath and a record of the proceedings shall be made by a tape recording. Any party, at that party's expense, may have transcriptions or copies of the recording made or may provide for a written transcript of the proceedings. The cost of any transcription ordered by the panel for its own use shall be deemed part of the cost of the proceedings.

3. Expert testimony shall not be required, but where expert testimony is used it shall be admitted under the same circumstances as in a civil action and shall be subject to cross-examination.

4. The party with the burden of establishing a standard of care and breach thereof shall establish

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such standards whether by the introduction of expert testimony, or by other competent proof of the standard and the breach thereof, which may include the use of works as provided in subsection five (5) of this subsection.

5. Authoritative, published works on the general and specific subjects in issue may be admitted and argued from, upon prior notice to all other parties.

6. The panel shall accord such weight and probative worth to expert evidence as it deems appropriate. The panel may call a neutral expert on its own motion, which expert witness shall be subject to cross-examination by the parties. The cost of the expert will be deemed a cost of the proceeding.

7. The panel may order submission of written briefs within thirty days after the close of hearings. In written briefs each party may summarize the evidence in testimony and may propose a comprehensive award of remedial or compensatory elements.

8. The panel shall render its award and opinion within thirty days after the close of the hearing, or after the receipt of briefs if ordered.

Sec. 34. *NEW SECTION.* DECISION OF PANEL.

1. The award in the arbitration proceeding shall be in writing and shall be signed by the chairperson or by a majority of the panel of arbitrators. The award shall include a determination of all the questions submitted to arbitration by each party, the resolution of which is necessary to determine the dispute.

2. In addition to the award the panel shall render

a written opinion which states its reasoning for the finding of liability or nonliability, and the reasoning for the amount and kind of award if any. A panel member who disagrees with the majority may write a dissenting opinion.

3. The panel shall determine the degree to which each respondent party was at fault for the total damages accruing to any other party to the arbitration, considering all sources of damage involving parties to the arbitration, but excluding the damages attributable to persons not parties to the arbitration.

4. The panel shall prepare a schedule of contributions according to the relative fault of each party which schedule shall be binding as between those parties, but such determination shall not effect a claimant's right to recover jointly and severally from all parties where such right otherwise exists in the law.

Sec. 35. *NEW SECTION.* PROVISIONS OF AN AWARD.

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1. In the case of an award, any element of which includes remedial services, contracts, annuities, or other noncash award element, the panel shall determine the current cash value of each element of the award and also shall determine a total current cash value of the entire award.

2. An award of remedial medical treatment or care shall not require that the patient undergo such treatment or care by the health care provider whose conduct resulted in the award.

3. A claimant need not accept the benefits of an award for remedial medical treatment or care or of other noncash award elements and such refusal shall not affect the claimant's right to receive any other part of the award.

4. The arbitration panel shall have the discretion to award remedial medical treatment or care or the current cash value of that element of the award, or the panel may offer the injured person the option. In determining whether remedial medical treatment or care is an appropriate award, the panel shall consider all relevant factors, including the extent of the probable benefit, the attendant risks, the extent to which the procedure, treatment or training is or is not recognized as standard and customary, and whether the imposition of any order based on the injured person's refusal to accept remedial medical treatment or care would abridge the injured person's right to free exercise of religion. A person who unreasonably refuses to accept remedial medical treatment or care which the panel determines to be appropriate shall not be entitled to the current cash value of that remedial treatment or care.

Sec. 36. *NEW SECTION.* JUDGMENT. An arbitration

decision shall be docketed with the district court as provided in section six hundred seventy-nine point eleven (679.11) of the Code, and when so docketed, the decision shall be subject to the provisions of chapter six hundred seventy-nine (679) of the Code.

Sec. 37. *NEW SECTION.* WITNESS FEES AND MILEAGE. Except for the parties to the arbitration and their agents, officers, and employees, all witnesses appearing pursuant to subpoena are entitled to receive fees and mileage in the same amount and under the same circumstances as is prescribed by law for witnesses in civil actions. The fee and mileage of a witness subpoenaed upon the request of a party to the arbitration shall be paid by that party. The fee and mileage of a witness subpoenaed at the request of one or more arbitrators shall be assessed and paid

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in the manner provided in section thirty-eight (38) of this Act for the payment of the arbitrator's expenses.

Sec. 38. *NEW SECTION.* ARBITRATOR FEES AND MILEAGE. The cost of each arbitrator's fee and expenses shall be assessed among the parties in such proportions as may be determined in the arbitration award. The amounts paid an arbitrator for mileage and as compensation for serving as an arbitrator shall be the amounts provided in the schedule of arbitrator fees and expenses approved by the commissioner of insurance.

Sec. 39. *NEW SECTION.* CERTIFICATION OF ASSOCIATION. A person shall not engage in the administration of arbitration proceedings governed by this chapter unless that person has submitted an application and has been granted a certificate of authority by the commissioner of insurance. A person convicted of violating this section shall be subject to a fine not to exceed ten thousand dollars.

Sec. 40. *NEW SECTION.* APPLICATION—APPROVAL.

1. An application for a certificate of authority to engage in the administration of arbitration under this chapter shall be filed with the commissioner of insurance in a form prescribed by the commissioner, and shall contain all of the following:

a. The name of the applicant;

b. The address of the principal place of business of the applicant, and the address of any other offices to be maintained by the applicant in this state;

c. Any other information which the commissioner of insurance deems necessary to enable him or her to carry out the provisions of this chapter;

d. A copy of all rules which will materially effect arbitration proceedings or the rights of any party to arbitration;

e. A copy of all standard form agreements between

health care practitioners and hospitals and their patients to be used for the purpose of effecting arbitration;

f. A copy of every brochure and other written statement to be used by the association or by health care practitioners or hospitals to describe, explain, or promote arbitration; and

g. A schedule of fees and of all reimbursable expenses which will be paid to arbitrators for their services. A schedule of fees may provide for variable fees depending upon the professional or occupational qualifications of a prospective arbitrator as specified in the schedule.

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2. The commissioner of insurance may approve the application and issue a certificate of authority if the applicant establishes the ability to administer arbitration services in the manner provided in this Act. The commissioner shall approve or disapprove an application within one hundred twenty days of receipt. If the commissioner determines the application to be deficient, the commissioner shall give the applicant a reasonable period of time in which to perfect the application before disapproving it.

3. The issuance of a certificate of authority shall not divest the commissioner of any authority with respect to the fees, charges, rules, and other matters which the commissioner has a duty to approve or disapprove under this chapter.

Sec. 41. *NEW SECTION.* ADMINISTRATION CHARGE.

1. An association may assess a charge against each party to arbitration proceedings. The charge shall be the same for each party to a proceeding and shall be the same for all proceedings. The administration charge shall not be imposed by an association unless that charge has been filed with and approved by the commissioner of insurance. An administrative charge may be adjusted upon filing and approval as in the case of the initial filing.

2. The commissioner of insurance shall not approve an administration charge unless that charge is reasonable. An administration charge is not reasonable if that charge is in excess of an amount constituting the reasonable costs of engaging in the administration of arbitration under the chapter plus a reasonable profit.

Sec. 42. *NEW SECTION.* PROCEEDINGS REPORTED TO HEALTH CARE LICENSING BOARDS. The association shall transmit to the applicable health care licensing board of any respondent party a copy of the demand for arbitration within ten days of filing, and shall transmit to that board a copy of the decision of the panel within ten days of transmission of that decision

to the parties.

Sec. 43. *NEW SECTION.* AUTHORITY OF COMMISSIONER. The commissioner of insurance is empowered to promulgate rules to administer the provisions of this chapter. The commissioner of insurance is empowered to disapprove the use of any agreement, rule, brochure, circular or other written information if in the opinion of the commissioner such document fails to meet the requirements of this chapter.

Sec. 44. *NEW SECTION.* VIOLATIONS.

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1. Any association which charges an administrative charge which has not been approved, or which distributes any agreement, brochure, circular or other written information which has been disapproved, or which uses any rule which has been disapproved by the commissioner of insurance commits a violation of this chapter. The commissioner of insurance, upon notice and hearing, may assess an administrative penalty not in excess of one thousand dollars for each such violation.

2. If the commissioner of insurance, upon notice and hearing, determines that an association has committed repeated violations of this Act, the commissioner of insurance may suspend or revoke the certificate of authority of that person.

Sec. 45. *NEW SECTION.* DUTIES OF COMMISSIONER.

1. The commissioner of insurance shall maintain for public inspection a copy of each existing rule submitted by an association.

2. The commissioner of insurance shall compile, and shall report annually to the general assembly, the following information respecting arbitration under this chapter:

a. The number of claims filed.

b. The numbers of arbitration proceedings held.

c. The number of decisions for and against claimants.

d. Such other information not identified as to parties which the commissioner deems appropriate.

Sec. 46. *NEW SECTION.* EXCLUSIVENESS OF CHAPTER. This chapter shall govern arbitration by agreement between a health care practitioner or a hospital and a person receiving health care or treatment in this state. The provisions of chapter six hundred seventy-nine (679) of the Code shall be given effect to the extent provided in section thirty-six (36) of this Act.

Sec. 47. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-nine (239), section two (2), is amended by adding the following new subsection:

NEW SUBSECTION. "Specific type of licensed health care provider" means and includes either the licensed

members of any one of the professions whose members are designated by subsection five (5) of this section to be health care providers, or any subgroup of the licensed members of any one such profession who primarily engage in a professionally recognized specialty.

Sec. 48. The general assembly finds that a critical

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situation continues to exist because of the high cost and impending unavailability of medical malpractice insurance. The general assembly further finds that to assure the uninterrupted delivery of health care services to the citizens of Iowa it is necessary to keep medical malpractice insurance available in this state. The general assembly further finds that without medical liability insurance, physicians, other health care providers and hospitals cannot provide health care services to the public. It is the intent of this Act to protect the health and welfare of the people of this state by assuring health care."

2. Amend the title, by striking lines 6 through 8 and inserting in lieu thereof the words "arising from the delivery of health care services and for the practices and procedures to be used therein, for the entering of judgments for installment payments rather than lump sum awards at the discretion of the court in certain malpractice actions, for correlating and corrective amendments to the Code, and providing".

SMALL of Johnson
TAUKE of Dubuque
NEWHARD of Jones
WALTER of Pottawattamie
BINA of SCOTT
EVANS of Grundy
KRAUSE of Palo Alto
CONNORS of Polk
HIGGINS of Scott
MONROE of Des Moines
PAVICH of Pottawattamie
WOODS of Polk
HINKHOUSE of Cedar
BENNETT of Ida
MENKE of O'Brien
TOFTE of Winneshiek
READINGER of Polk
DEN HERDER of Sioux
DAGGETT of Adams
PELLETT of Cass
DANKER of Pottawattamie
LINDEEN of Henry
BRANDT of Black Hawk
DRAKE of Muscatine
LAGESCHULTE of Bremer
CLARK of Lee

CUSACK of Scott
LIPSKY of Linn
DIELEMAN of Marion
SPEAR of Lee
MILLER of Cerro Gordo
O'HALLORAN of Black Hawk
ANDERSON of Jasper
NEALSON of Muscatine
SPENCER of Clay
KREAMER of Polk
PERKINS of Greene
HENNESSEY of Delaware
AVENSON of Fayette
WYCKOFF of Benton
SCHROEDER of Pottawattamie
STROMER of Hancock
EGENES of Story
HOWELL of Floyd
JUNKER of Woodbury
HORN of Linn
HULLINGER of Decatur
DUNTON of Keokuk
HALVORSON of Clayton
BROCKETT of Marshall
KOOGLER of Mahaska
WEST of Marshall
WELLS of Linn
BINNEBOESE of Plymouth
RINAS of Linn
JORDAN of Linn
MILLER of Buchanan
MENNENGA of Clinton
SPRADLING of Sioux
HUTCHINS of Guthrie
HARPER of Davis
MIDDLESWART of Warren
CRABB of Crawford

Note: For explanation of brackets and italics see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 9:35 p.m. until 9:00 a.m., Thursday, May 27, 1976.

JOURNAL OF THE HOUSE

One Hundred Thirty-seventh Calendar Day—Ninety-second Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, THURSDAY, MAY 27, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend David Schutt, pastor of the First Reformed Church, Otley, Iowa.

The Journal of Wednesday, May 26, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hennessey, Manilla, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Buena Vista on request of Perkins of Greene.

PRESENTATION OF VISITORS

Middleswart of Warren presented to the House the Honorable Carl Hirsch, former member of the House during the Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth and Sixtieth-Extra General Assemblies, representing Warren County.

The Speaker announced the following visitors were present in the House chamber:

Thirty-two members of the Future Homemakers of America from Sumner, Iowa. By Avenson of Fayette.

INTRODUCTION OF BILL

House File 1592, by Bina, Mennenga, Jochum, Svoboda, Brandt, Walter, Pavich, Dieleman, Howell, Hennessey and O'Halloran, a bill for an act to provide property tax relief by providing a reimbursement for property taxes paid and rent constituting property taxes paid for certain property owners, providing a penalty, and making an appropriation.

Read first time and referred to committee on **ways and means.**

HOUSE CONCURRENT RESOLUTION 153

By Norland, O'Halloran, Howell, Drake, Svoboda, Hutchins, Doyle, Bina, Dieleman, Pavich, Poncy, Spear, Jochum, Husak, Miller of Buchanan, West, Gentleman, Schroeder, Miller of Calhoun, Lageschulte, Millen, Hansen, Daggett, Halvorson, Clark, Branstad, Walter, Anderson, Wyckoff and McElroy

Whereas, the inheritance and estate laws of this state have not been subject to a complete review for some time; and

Whereas, inflation has eroded the exemptions granted under the inheritance tax laws; and

Whereas, the federal government is reviewing the status of the federal estate tax laws; and

Whereas, the state inheritance and estate tax law may need review in light of the present economic conditions; and

Whereas, the use of an inheritance tax credit rather than an inheritance tax exemption may offer a more equitable way of transferring property upon death; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a study committee as provided by law, composed of members of the Senate and the House of Representatives representing both political parties, to conduct a study during the 1976 interim relating to the state inheritance and estate tax laws; and

Be It Further Resolved, That the study committee shall prepare a report of its findings and recommendations and submit it to the legislative council and the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 154

By Mennenga, Byerly and Dieleman

Whereas, the state of Iowa presently has a number of fragmented student financial aid programs with no centralized mechanism to determine student need; and

Whereas, the state of Iowa currently provides appropriations annually for the Iowa tuition grant, the vocational tuition grant program, and appropriations to the State Board of Regents institutions for student financial assistance; and

Whereas, all of these programs, while valid, serve a

separate needy clientele; and
Whereas, some states have ruled private tuition grants unconstitutional; and
Whereas, inclusion of all needy post-secondary students would assist in insuring the constitutionality of such a program; and
Whereas, a pooled student financial aid program encompassing all students from Board of Regents institutions, area community colleges and all two and four year private institutions would provide a centralized, efficient system whereby residents of Iowa would require only one "need analysis" to make application for financial aid to attend any of Iowa's educational institutions; and

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Whereas, a pooled concept could provide the state of Iowa additional federal monies; *Now, Therefore,*
Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is authorized to appoint a bipartisan interim study committee composed of both houses of the General Assembly to study the feasibility of implementing a single pooled student financial aid program that provides financial assistance to needy students regardless of which post-secondary institution the individual chooses to attend. This program will be administered through the Higher Educational Facilities Commission; and
Be It Further Resolved, That the funding of this proposed pool grant program exceed the current amount expended for all state financial aid programs; and
Be It Further Resolved, That this committee report its findings together with proposed legislation to the 1977 session of the 67th General Assembly.

Laid over under Rule 25.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 25, 1976, concurred in the House amendment to and passed the following joint resolution in which the concurrence of the Senate was asked:

Senate Joint Resolution 1009, providing for an interim study of the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and liability risks, and to provide for an appropriation.

STEVEN C. CROSS, Secretary

COMMUNICATION FROM THE SECRETARY OF STATE

May 27, 1976

Mr. David L. Wray
Chief Clerk of the House

State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1055 was published in The Newton Daily News, Newton, Iowa, on May 18, 1976, and in the Waterloo Daily Courier, Waterloo, Iowa, on May 18, 1976.

I further certify that Senate File 1275 was published in the Grinnell Herald-Register, Grinnell, Iowa, on May 17, 1976, and in The Independent, Hawarden, Iowa, on May 20, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

SENATE AMENDMENT CONSIDERED

Monroe of Des Moines called up for consideration **House File 1346,** a bill for an act relating to disaster services, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6892

Amend House File 1346, as amended and passed by the House, as follows:

1. Page 1, line 3, by striking the word and number "twenty-two (22)" and inserting in lieu thereof the word and number "twenty-one (21)".

2. Page 1, line 24, by striking the words "or floods,".

3. Page 3, line 33, by inserting after the word "GOVERNOR." the words "In exercising the governor's powers and duties under this Act and to effect the policy and purpose, the governor may:".

4. Page 3, line 34, by striking the words "The governor may, after" and inserting in lieu thereof the word "After".

5. Page 5, line 20, by striking the words "the governor may".

6. Page 8, lines 16 and 17, by striking the words "Department of Public Defense" and inserting in lieu thereof the words "department of public defense".

7. Page 8, line 18, by striking the word "general" and inserting in lieu thereof the word "supervisory".

8. Page 8, line 25, by striking the word "STAFF".

9. Page 8, line 27, by striking the word "staff".

10. Page 8, line 28, by striking the word "staff".

11. Page 8, by striking lines 33 and 34 and inserting in lieu thereof the following:

"3. The director, upon the direction of the governor and supervisory control of the executive director of the department of public defense, shall:".

12. Page 9, line 10, by striking the word "staff".
13. Page 9, by striking line 23 and inserting in lieu thereof the following:
"4. The director, with the approval of the governor and upon recommendation of the adjutant".
14. Page 9, line 24, by striking the word "staff".
15. Page 12, by striking lines 13 through 15 and inserting in lieu thereof the words "event of a disaster. The coordinator may, with the approval".
16. Page 13, line 26, by striking the word "joint" and inserting in lieu thereof the word "jointly".
17. Page 13, line 28, by striking the word "staff".
18. Page 16, line 11, by striking the word "staff".
19. Page 16, lines 24 through 27, by striking the words "office, nor shall such employee engage in any political activity that will impair his efficiency during working hours or cause him to be tardy or absent from his work" and inserting in lieu thereof the word "office".
20. Page 16, line 28, by inserting after the words "holding any" the words "nonpartisan elective".

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21. Striking page 16, line 34 through page 17, line 2.
22. Page 17, by striking lines 7 through 14, and inserting in lieu thereof the words "or emergency resource management shall not become a candidate for any partisan elective office."
23. Page 17, by inserting after line 14 the following:
"Sec. ..... *NEW SECTION.* OATH OF MEMBERS AND EMPLOYEES. Each person who is appointed to serve in an organization for disaster services shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:
I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the state of Iowa, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."
24. Page 23, line 22, by striking the word "emergeny" and inserting in lieu thereof the word "emergency".
25. Renumbering sections and relettering paragraphs to conform to this amendment.
26. Amend the title, line 1, by inserting after the word "services" the words "and public disorders, specifying the powers and duties of the governor".

The motion prevailed and the House concurred in the Senate amendment H—6892.

Monroe of Des Moines moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1346).

The ayes were, 87:

Anderson	Dyrland	Kreamer	Pellett
Avenson	Evans	Lageschulte	Perkins
Bennett	Fitzgerald	Lindeen	Poncy
Bina	Gentleman	Lipsky	Scheelhaase
Binneboese	Halvorson	Lonergan	Schroeder
Bortell	Hansen	McElroy	Small
Brandt	Hargrave	Menke	Spear
Branstad	Harper	Mennenga	Spencer
Brockett	Hennessey	Middleswart	Spradling
Byerly	Higgins	Middleton	Stromer
Clark	Hines	Millen	Svoboda
Connors	Hinkhouse	Miller, A. V.	Tauke
Crabb	Horn	Miller, K. D.	Tofte
Crawford	Hullinger	Miller, O. L.	Varley
Cusack	Husak	Monroe	Walter
Daggett	Hutchins	Nealson	Wells
Danker	Jesse	Newhard	West
Den Herder	Jochum	Nielsen	Woods
Dieleman	Jordan	Oakley	Wulff
Doyle	Junker	O'Halloran	Wyckoff
Drake	Koogler	Patchett	Mr. Speaker
Dunton	Krause	Pavich	

The nays were, 1:

Howell

Absent or not voting, 11:

Baker	Egenes	Harvey	Rinas
Bittle	Gilloon	Norland	Welden
Brunow	Griffee	Readinger	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT
(House File 584)

Monroe of Des Moines called up for consideration the report of the second conference committee on **House File 584**, a bill for for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, filed on May 26, 1976, and found on page 3196 of the House Journal.

Monroe of Des Moines moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Varley of Adair and Crabb of Crawford.

On the question "Shall the conference committee report be adopted?"

The ayes were, 61:

Anderson	Hargrave	Lonergan	Perkins
Avenson	Harper	Mennenga	Poncy
Bina	Harvey	Middleswart	Readinger
Binneboese	Hennessey	Middleton	Scheelhaase
Brandt	Hines	Miller, A. V.	Small
Connors	Horn	Miller, K. D.	Spear
Crawford	Howell	Miller, O. L.	Spencer
Cusack	Hullinger	Monroe	Spradling
Dieleman	Husak	Newhard	Svoboda
Doyle	Hutchins	Nielsen	Tauke
Dunton	Jesse	Norland	Walter
Dyrland	Jochum	Oakley	Wells
Fitzgerald	Jordan	O'Halloran	Woods
Gentleman	Koogler	Patchett	Wyckoff
Gilloon	Krause	Pavich	Mr. Speaker
Griffee			

The nays were, 29:

Bennett	Danker	Kreamer	Nealson
Bortell	Drake	Lageschulte	Pellett
Branstad	Evans	Lindeen	Stromer
Brockett	Halvorson	Lipsky	Tofte
Byerly	Hansen	McElroy	Varley
Clark	Hinkhouse	Menke	West
Crabb	Junker	Millen	Wulff
Daggett			

Absent or not voting, 9:

Baker	Den Herder	Higgins	Schroeder
Bittle	Egenes	Rinas	Welden
Brunow			

The motion prevailed and the conference committee report was adopted.

Jesse of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 584)

The ayes were, 71:

Anderson	Byerly	Doyle	Gilloon
Avenson	Connors	Dunton	Griffee
Bina	Crawford	Dyrland	Hargrave
Binneboese	Cusack	Evans	Harper
Brandt	Danker	Fitzgerald	Harvey
Brunow	Dieleman	Gentleman	Hennessey

Higgins	Krause	Oakley	Spradling
Hines	Lonergan	O'Halloran	Stromer
Hinkhouse	Mennenga	Patchett	Svoboda
Horn	Middleswart	Pavich	Tauke
Howell	Middleton	Perkins	Tofte
Hullinger	Miller, A. V.	Poncy	Varley
Husak	Miller, K. D.	Readinger	Walter
Hutchins	Miller, O. L.	Rinas	Wells
Jesse	Monroe	Scheelhaase	Woods
Jochum	Newhard	Small	Wyckoff
Jordan	Nielsen	Spear	Mr. Speaker
Koogler	Norland	Spencer	

The nays were, 23:

Bennett	Daggett	Kreamer	Millen
Bortell	Den Herder	Lageschulte	Nealson
Branstad	Drake	Lindeen	Pellett
Brockett	Halvorson	Lipsky	West
Clark	Hansen	McElroy	Wulff
Crabb	Junker	Menke	

Absent or not voting, 5:

Baker	Egenes	Schroeder	Welden
Bittle			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONFERENCE COMMITTEE APPOINTED
(Senate File 1261)

The Speaker announced the appointment of the conference committee to consider the difference between the House and the Senate concerning **Senate File 1261**: Horn of Linn, chair; O'Halloran of Black Hawk, Patchett of Johnson, Stromer of Hancock and Daggett of Adams.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the members of the conference committee on Senate File 1261, a bill for an act relating to appropriations to agencies, institutions, commissions, departments and boards responsible for education programs in this state on the part of the Senate, appointed May 27, 1976, are: The Senator from Mahaska, Mr. Van Gilst, chair; the Senator from Sioux, Mr. DeKoster; the Senator from Johnson, Mrs. Doderer; the Senator from Marshall, Mrs. Miller; and the Senator from Polk, Mr. Palmer.

STEVEN C. CROSS, Secretary

On motion by Fitzgerald of Webster, The House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT
(House File 1583)

Brunow of Appanoose called up for consideration the report of the second conference committee on **House File 1583,** a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees. by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations, filed on May 26, 1976, and found on pages 3196 through 3199 of the House Journal.

Brunow of Appanoose moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1583)

The ayes were, 70:

Anderson	Dunton	Hullinger	Middleswart
Avenson	Dyrland	Husak	Middleton
Bina	Evans	Jesse	Miller, A. V.
Binneboese	Fitzgerald	Jochum	Monroe
Brandt	Gilloon	Jordan	Newhard
Brockett	Griffee	Koogler	Nielsen
Brunow	Hansen	Krause	Norland
Byerly	Hargrave	Kreamer	O'Halloran
Connors	Harper	Lindeen	Patchett
Crawford	Higgins	Lipsky	Pavich
Cusack	Hines	Lonergan	Perkins
Den Herder	Hinkhouse	McElroy	Poncy
Dieleman	Horn	Menke	Readinger
Drake	Howell	Mennenga	Rinas

Small	Svoboda	Wells	Wulff
Spear	Tauke	West	Wyckoff
Spencer	Varley	Woods	Mr. Speaker
Stromer	Walter		

The nays were, 25:

Bennett	Doyle	Lageschulte	Pellett
Bortell	Gentleman	Millen	Scheelhaase
Branstad	Halvorson	Miller, K. D.	Schroeder
Clark	Harvey	Miller, O. L.	Spradling
Crabb	Hennessey	Nealson	Tofte
Daggett	Junker	Oakley	Welden
Danker			

Absent or not voting, 4:

Baker	Bittle	Egenes	Hutchins

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 85

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, respectfully make the following report:

1. That the Senate recede from items 1 and 7 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

2. That the House concur in item 2 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

3. That the House concur in item 3 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

4. That the Senate recede from item 4 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

5. That the House recede from item 26 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

6. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 7, lines 16 through

18 by striking the words "did not expressly or tacitly acquiesce in and was not one which he could" and inserting in lieu thereof the words "could not".

7. That the Senate recede from items 5 and 6 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

8. That the House recede from items 41 and 42 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

9. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 10, lines 20 and 21, by striking the words "he reasonably believes to be" and inserting in lieu thereof the word "is".

10. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 10, line 29, by inserting after the word "knows" the words "or should know".

11. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 10, by inserting after line 29 the following section:

"Sec. ..... *NEW SECTION.* DEATH. A physician or a person acting on the direct orders of a physician who ceases to provide medical attention to a person who is dead, as death is defined in division two (II) of this chapter, shall not be criminally liable for such cessation of medical attention."

12. That the House concur in item 8 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

13. That the House concur in item 9 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

14. That the House concur in item 10 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

15. That the Senate recede from item 11 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

16. That the House recede from items 79 and 80 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

17. That the House concur in item 12 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

18. That the House concur in item 13 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

19. That the Senate recede from item 14 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

20. That the House concur in items 15 and 18 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

21. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, line 3, by inserting after the word "force" the word "or".

22. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, line 6, by striking the words "person so consenting" and inserting in lieu thereof the word "other."

23. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, by striking lines 7, 8, and 9.

24. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, by striking line 11 and inserting in lieu thereof the following: "defect or incapacity which precludes giving consent, or lacks the".

25. That the House concur in item 17 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

26. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, line 30, by striking the word "and" and inserting in lieu thereof the the word "or".

27. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, by striking lines 34 and 35 and inserting in lieu thereof the following:

"Any sex act between persons who are not at the time cohabiting as husband and wife is sexual abuse in the third degree by either of the participants when the act is performed with the other participant in any of the following".

28. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19B, line 37, by striking the word "and" and inserting in lieu thereof the word "or".

29. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19B, by striking lines 39 and 40 and inserting in lieu thereof the following:

"2. The other participant is suffering from a mental defect or incapacity which precludes giving consent, or lacks".

30. That the House concur in item 19 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

31. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 20A, by inserting after line 2 the following new subsection:

"4. The other person is fourteen years of age but less than sixteen years of age and the defendant is a member of the same household as the victim, the defendant is related to the victim by blood or affinity to the fourth degree, or the defendant is in a position of authority over the victim and used this authority to coerce the victim to submit."

32. That the Senate recede from items 20 and 21 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

33. That the House recede from items 102 and 103 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

34. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 20A, by striking lines 4 through 7.

35. That item 22 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate, is amended by striking the item and inserting in lieu thereof the following:

"22. Page 9, by inserting after line 43 the following:

"..... Page 20A, by inserting after line 8 the following:

"Sec. ..... *NEW SECTION.* RESISTANCE TO SEXUAL ABUSE. Under the provisions of this division it shall not be necessary to establish physical resistance by a participant in order to establish that an act of sexual abuse was committed by force or against the will of the participant. However, the circumstances surrounding the commission of the act may be considered in determining whether or not the act was done by force or against the will of the other."

36. That the House concur in items 23 and 24 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

37. That the House concur in item 25 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

38. That the House concur in item 26 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

39. That the Senate recede from item 27 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

40. That the House recede from items 116 and 117 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

41. That the House concur in item 28 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

42. That the House concur in item 29 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

43. That the House concur in item 30 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

44. That the Senate recede from item 31 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

45. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 27A, line 18, by inserting after the word "deception." the words "Where compensation for goods and services is ordinarily paid immediately upon the obtaining of such goods or the rendering

of such services, the refusal to pay or leaving the premises without payment or offer to pay or without having obtained from the owner or operator the right to pay subsequent to leaving the premises gives rise to an inference that the goods or services were obtained by deception."

46. That the House concur in item 32 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

47. That the House concur in item 33 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

48. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 31A, by striking line 28 through page 31B, line 46.

49. That the House concur in item 34 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

50. That the Senate recede from item 35 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

51. That the Senate recede from items 36 and 37 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

52. That the House amendment, S—5603 to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 14, by striking lines 10 through 17 and inserting in lieu thereof the following:

"2. If the prisoner is in custody by reason of a conviction or charge of any public offense other than a class A felony, the defendant commits a class D felony."

53. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 14, by striking lines 34 through 39 and inserting in lieu thereof the following:

"2. If the prisoner was confined by reason of a conviction of any public offense other than a class A felony, the defendant commits a class D felony."

54. That the Senate recede from items 38 and 39 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

55. That the Senate recede from item 40 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

56. That the House recede from item 180 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

57. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 47, line 11, by striking the words "or personal insults".

58. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended, page 47, line 12, by striking the words "or obscene".

59. That the House concur in item 41 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

60. That the House concur in item 42 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

61. That the Senate recede from items 43 and 44 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

62. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 53, line 14, by inserting after the word "misdemeanor." the words: "Any person who transfers the ownership of a revolver or pistol to a person related to him or her within the second degree of consanguinity or affinity shall be exempt from the reporting requirements of this section."

63. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 54, by inserting after line 16 the following sections:

"Sec. ..... *NEW SECTION.* PERMIT TO PURCHASE REQUIRED. Any person who purchases a pistol or revolver without a valid permit to purchase pistols or revolvers or any person who sells a pistol or revolver to a person who does not have in his or her possession a valid permit to purchase pistols or revolvers is guilty of a simple misdemeanor.

Sec. ..... *NEW SECTION.* APPLICATION. The application for a permit to purchase pistols or revolvers may be made to the sheriff of any county and shall be on a form prescribed and published by the commissioner of public safety. The application shall state the full name of the applicant, the social security number of the applicant, the residence of the applicant, and the age of the applicant.

Sec. ..... *NEW SECTION.* ISSUANCE. The permit to purchase pistols or revolvers shall be issued to the applicant immediately upon completion of the application and shall be on a form prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee, the social security number of the permittee, the residence of the permittee, and the effective date of the permit.

Sec. ..... *NEW SECTION.* VALIDITY. The permit shall be valid throughout the state and shall be valid three days after the date of application and shall be invalid one year after the date of application.

Sec. ..... *NEW SECTION.* MAILING OF APPLICATIONS. A person may by mail or personally request the sheriff to mail an application for a permit to purchase pistols or revolvers and the sheriff shall immediately forward to such person an application for a permit to purchase pistols or revolvers. A person may upon completion of the application mail such application to the sheriff who shall note the period of validity on the application and shall immediately forward the permit to purchase pistols or revolvers to the applicant. For the purposes of this section the date of application shall

be the date on which the sheriff received the completed application."

64. That the House concur in item 45 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

65. That the House concur in item 46 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

66. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 18, by striking lines 22 through 27 and inserting in lieu thereof the words "firearm or offensive weapon is guilty of an aggravated misdemeanor."

67. That the House concur in items 47 and 83 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

68. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 21, by striking lines 10 through 41 and inserting in lieu thereof the following section:

"Sec. ..... *NEW SECTION.* PUBLIC INDECENT EXPOSURE. A holder of a liquor license or beer permit or any owner, manager, or person who exercises direct control over any licensed premises defined in section one hundred twenty-three point three (123.3), subsection thirty-one (31)) of the Code shall be guilty of a serious misdemeanor under any of the following circumstances:

1. If such person allow or permit the actual or simulated public performance of any sex act upon or in such licensed premises.

2. If such person allow or permit the exposure of the genitals or buttocks or female breast of any person who acts as a waiter or waitress.

3. If such person allow or permit the exposure of the genitals or female breast nipple of any person who acts as an entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

4. If such person allow or permit any person to remain in or upon the licensed premises who exposes to public view his or her genitals, pubic hair, or anus.

5. If such person allow or permit the displaying of moving pictures, films, or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

Provided that the provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances."

69. That the House concur in item 49 of the Senate

amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

70. That the Senate recede from item 50 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

71. That item 221 of the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate, is amended on page 22 by striking lines 35 through 38 and inserting in lieu thereof the following:

"WITHOUT A LICENSE. Unless another penalty is specifically provided, any person who without a license carries on or transacts any business or occupation for which a license is required by any law of this state, commits a simple misdemeanor."

72. That the Senate recede from item 51 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

73. That the House recede from item 227 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

74. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 62, by inserting after line 5 the following section:

"Sec. ..... *NEW SECTION.* Any person who knowingly sells or offers for sale material depicting a sex act involving sado-masochistic abuse, excretory functions, a child, or bestiality which the average adult taking the material as a whole in applying contemporary community standards would find that it appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political, or artistic value shall, upon conviction be guilty of a simple misdemeanor. Charges under this section may only be brought by a county attorney, the attorney general, or a grand jury."

75. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 63, line 35, by inserting after the word "Act." the words "Nothing in this section shall restrict the zoning authority of cities and counties."

76. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 71, by inserting after line 30 the following:

"At the time of the arrest, the law enforcement officer shall inform the person of:

1. His or her identity as a law enforcement officer; and

2. The reason for the arrest which is that the person is believed to be a material witness to an identified felony and that the person might be unavailable for service of a subpoena."

77. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 71, by inserting after line 30 the following section:

"Sec. ..... INITIAL APPEARANCE BEFORE MAGISTRATE—ARREST OF MATERIAL WITNESS. The officer shall, without unnecessary delay, take the person arrested before the nearest and most accessible magistrate to the place where the arrest occurred.

At the appearance before the magistrate, the law enforcement officer shall make a showing to the magistrate, by sworn affidavit, that probable cause exists to believe that a person is a necessary and material witness to a felony and that such person might be unavailable for service of a subpoena. The magistrate may order the person released pursuant to sections one thousand one hundred two (1102) and one thousand one hundred three (1103) of this Act."

78. That the Senate recede from item 52 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

79. That the House recede from items 247 and 248 of its amendment, S—5603, to Senate File 85, as amended, passed and reprinted by the Senate.

80. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended, page 72, by striking lines 12 through 18 and inserting in lieu thereof the words "has committed a felony."

81. That the Senate recede from item 53 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

82. That the Senate recede from items 54 and 55 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

83. That the Senate recede from item 56 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

84. That the Senate recede from item 57 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

85. That the House recede from item 246 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

86. That the Senate concur in item 286 of the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

87. That the Senate recede from item 58 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

88. That the Senate recede from item 59 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

89. That the House amendment, S—5603, to Senate File 85 as amended, passed, and reprinted by the Senate, is amended by striking item 307 and inserting in lieu thereof the following:

"307. Page 117, by striking line 4, and inserting in lieu thereof the words "event disclosure shall be made, unless the court in an in camera hearing orders that it be kept confidential."

90. That the Senate recede from items 60 and 61 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

91. That the House recede from items 322, 323, and 324 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

92. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 130A, by striking lines 16 through 35.

93. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended by striking pages 130B through page 133, line 2, and inserting in lieu thereof the following:

"Rule 12. DEPOSITIONS.

1. By defendant. A defendant in a criminal case, either after preliminary information, indictment, or information, may examine all witnesses listed by the state on the indictment or information or notice of additional witnesses, conditionally or on notice or commission, in the same manner and with like effect as in civil actions.

When the state receives notice that a deposition will be taken of a witness listed on the indictment, information or notice of additional witnesses, the state may object that the witness is (a) a foundation witness or (b) has been adequately examined on preliminary hearing. The court shall immediately determine whether discovery of said witness or witnesses is necessary in the interest of justice and shall allow or disallow said deposition.

2. Special circumstances. Whenever due to special circumstances of the case it is in the interest of justice that the testimony of a prospective witness not included in subsections one (1) or three (3) of this rule be taken and preserved for use at trial, the court may upon motion of a party and notice to the parties order that testimony of such witness be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged, be produced at the same time and place.

For purposes of this subsection, special circumstances shall be deemed to exist, and the court shall order that depositions be taken, only upon the showing of necessity arising from either the following circumstances:

a. The information sought by way of deposition cannot adequately be disclosed by a bill of particulars, or by voluntary statements.

b. Other just cause necessitating discovery by deposition.

3. By state. At the taking of a deposition by a defendant under subsection one (1) or two (2) of this rule, the defen-

dant shall list all witnesses expected to be called for the defense. There shall be a continuing duty throughout trial to disclose additional defense witnesses, and such witnesses shall be subject to being deposed by the state.

4. Perpetuating testimony. A person apprehensive of a criminal prosecution may perpetuate testimony in his or her favor in the same manner and with like effect, as may be done in apprehension of any civil action."

94. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 144, line 34, by striking the word "four" and inserting in lieu thereof the word "seven".

95. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 145, line 2, by striking the word "four" and inserting in lieu thereof the word "seven".

96. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 145, line 13, by striking the word "four" and inserting in lieu thereof the word "seven".

97. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 189, by inserting after line 23 the following section:

"Sec. ..... The supreme court is authorized to propose changes in the rules of criminal procedure for consideration by the First Session of the Sixty-seventh Session of the General Assembly. This section shall be effective July 1, 1976. Any rules promulgated under the authority of this section shall become effective January 1, 1978."

98. That the Senate recede from item 62 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

99. That the House concur in item 63 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

100. That the House concur in item 64 of the Senate amendment, H—6805, to the House amendment, S—5603 to Senate File 85, as amended, passed, and reprinted by the Senate.

101. That the Senate recede from items 65 through 67 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

102. That the House recede from items 357 through 359 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

103. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A, line 15, by inserting after the words "is a" the words "simple or serious".

104. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A, line

16, by inserting after the word "felony" the words "or an aggravated misdemeanor".

105. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A, by inserting after line 19 the words "Applications for dismissals under this subsection may be made by the county attorney or the defendant or by the court on its own motion."

106. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A by striking lines 20 through 30 and inserting in lieu thereof the following:

"1. When a person is arrested for the commission of a public offense and an indictment is not found against him within forty-five days, the court must order the prosecution to be dismissed, unless good cause to the contrary is shown or the defendant waives his right thereto."

107. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A, by striking lines 31 through 35 and inserting in lieu thereof the following:

"2. If a defendant indicted for a public offense has not waived his right to a speedy trial he must be brought to trial within ninety days after indictment is found or the court".

108. That the Senate recede from items 68 and 75 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

109. That the House concur in item 69 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

110. That the Senate recede from item 70 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

111. That the House recede from item 385 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

112. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 216A, by striking lines 13 through 15 and inserting in lieu thereof the following:

"Sec. ..... *NEW SECTION.* RECORD REVIEWED. The board shall interview a class A felon within five years of his or her confinement and regularly thereafter."

113. That the House concur in item 71 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

114. That the Senate recede from item 72 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

115. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 37, by striking lines 22 through 30.

116. That Senate File 85, as amended, passed, and re-

printed by the Senate is further amended on page 217A, by striking line 35 through page 218, line 2.

117. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 218, lines 3 and 4, by striking the words "INCORRIGIBLE OFFENDERS. An incorrigible" and inserting in lieu thereof the words "HABITUAL OFFENDERS. An habitual".

118. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 37, by striking lines 31 through 40 and inserting in lieu thereof the following:

"..... Page 218, line 9, by inserting after the word "conviction." the words "A person sentenced as an habitual offender shall not be eligible for parole until he or she has served the minimum sentence of confinement of three years."

119. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 218, by striking lines 15 through 26 and inserting in lieu thereof the following:

"1. An habitual offender shall be confined for no more than fifteen years.

2. A class C felon, not an habitual offender, shall be confined for no more than ten years, and in addition, may be sentenced to a fine of not more than five thousand dollars.

3. A class D felon, not an habitual offender, shall be confined for no more than five years, and in addition, may be sentenced to a fine of not more than one thousand dollars."

120. That the House concur in items 73 and 76 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

121. That the House concur in item 74 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

122. That the Senate recede from item 77 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

123. That the Senate recede from item 78 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

124. That the Senate recede from items 79 through 81 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

125. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 41, lines 30 through 32, by striking the words "magistrate appointed pursuant to section six hundred two point fifty-one (602.51) of the Code" and inserting in lieu thereof the word "magistrate".

126. That the Senate recede from item 82 of its amendment,

H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

127. That the Senate recede from item 84 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

128. That the House recede from item 469 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

129. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 317, by inserting after line 16 the following new section:

"Sec. ..... Chapter two hundred four (204), Code 1975, is amended by adding the following new section: -

"NEW SECTION. MANDATORY MINIMUM SENTENCE. A person sentenced pursuant to section two hundred four point four hundred one (204.401), subsection one (1), paragraph a or b of the Code, shall not be eligible for parole until he or she has served a minimum period of confinement of one-third of the maximum indeterminant sentence prescribed by law.

This section shall not apply if:

1. The offense is found to be an accommodation pursuant to section two hundred four point four hundred ten (204.410) of the Code; or

2. The controlled substance is marijuana."

130. That the Senate recede from item 85 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

131. That the House recede from item 470 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

132. That the Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 320, by inserting after line 4 the following new section:

"Sec. ..... Section two hundred four point four hundred ten (204.410), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

204.410 ACCOMMODATION OFFENSE. In a prosecution for unlawful delivery or possession with intent to deliver a controlled substance, if the prosecution proves that the defendant violated the provisions of section two hundred four point four hundred one (204.401), subsection one (1), of the Code, but fails to prove that the defendant delivered or possessed with intent to deliver the controlled substance for the purpose of making a profit, the defendant shall be guilty of an accommodation offense and shall be sentenced as if he had been convicted of a violation of section two hundred four point four hundred one (204.401), subsection three (3) of the Code. An accommodation offense may be proved as an included offense under a charge of delivering or possessing with the intent to deliver a controlled substance in violation of section two hundred four point four hundred one (204.401), subsection one (1), of the Code.

The effective date of this section shall be July 1, 1976."

133. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 320 by striking lines 9 through 26 and inserting in lieu thereof the following subsection:

"..... The disposition of property, other than conveyances subject to forfeiture, which has been taken or detained under this chapter shall be made in accordance with division nine (IX) of chapter two (2) of this Act."

134. That the Senate recede from items 86, 87, and 89 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85 as amended, passed, and reprinted by the Senate.

135. That the House recede from item 478 of its amendment, S—5603, to Senate File 85 as amended, passed, and reprinted by the Senate.

136. That Senate File 85, as amended, passed, and reprinted be further amended as follows:

"..... Page 337, line 15, by inserting after the word "offense" the words *"and shall be imprisoned in the county jail not less than two days"*.

137. Page 337, line 19, by inserting after the word "offense" the words *"and shall be imprisoned in the county jail not less than seven days"*."

138. That Senate File 85, as amended, passed, and reprinted by the Senate be further amended as follows:

"..... Page 337, by inserting after line 28 the following:

"Sec. ..... Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph five (5), Code 1975, is amended to read as follows:

This section shall not apply to a person operating a motor vehicle while under the influence of a narcotic, hypnotic or other drug if such substances were prescribed for such person and have been taken under such prescription and in accordance with the directions of a [reputable doctor of medicine] *medical practitioner as defined in section one hundred fifty-five point three (155.3), subsection eleven (11), of the Code,* provided however there is no evidence of the consumption of alcohol and further provided said [doctor of medicine] *medical practitioner* has not directed such person to refrain from operating a motor vehicle."

139. That the House concur in items 88 and 90 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

140. That the House concur in items 91 and 93 through 118 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

141. That the Senate recede from item 92 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

142. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 421, line 32, by inserting after the words and figure "three point three (223.3)," the words and figure "two hundred forty-five point fourteen (245.14),".

143. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 421, line 34, by inserting after the words and figure "twenty-three (246.23)," the words and figure "two hundred forty-six point forty-four (246.44),".

144. That the Senate recede from items 119 and 120 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

145. That the House recede from items 525 and 526 of its amendment, S—5603, to Senate 85, as amended, passed, and reprinted by the Senate.

146. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 425, by inserting after line 30 the following section:

"Sec. ..... Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-three (183), is repealed. The provisions of this section shall take effect July 1, 1976."

147. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 426, by inserting after line 29 the following section:

"Sec. ..... Notwithstanding any other provisions of the Code of Iowa, this Act shall, insofar as possible, be included in the Code of Iowa with the chapters, divisions and sections of this Act as the chapters, divisions and sections of the Code and with the descriptive word titles of the Act retained. No editorial modification of this Act shall be incorporated into the Code without prior approval of the director of the legislative service bureau."

148. That when amendments which have as their purpose the elimination of masculine or feminine forms of words or terms and the substitution of neuter words or terms which conflict with the substantive amendments adopted by the House or the Senate, the secretary of the senate is directed when preparing Senate File 85 for enrollment to disregard amendments which have as their purpose the elimination of masculine or feminine forms and the substitution of neuter words or terms.

On the Part of the Senate:	On the Part of the House:
GENE W. GLENN, Chair	NORMAN G. JESSE, Chair
E. KEVIN KELLY	JULIA GENTLEMAN
NORMAN RODGERS	CARL V. NIELSEN
EARL M. WILLITS	BRICE C. OAKLEY

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 27, 1976, failed to adopt the second conference committee report and the amendents contained therein to House File 1539, a bill for an act providing for an appropriation for the purpose of providing a program to alleviate overcrowded conditions existing in state correctional facilities, and the members of the third conference committee, on the part of the Senate are: The Senator from Kossuth, Mr. Priebe, chairperson; the Senator from Scott, Mr. Gluba; the Senator from Polk, Mr. Kinley; the Senator from Jackson, Mr. Lamborn; and the Senator from Jefferson, Mr. Schwengels.

Also: That the members of the conference committee on Senate File 1280, a bill for an act correcting erroneous, inconsistent and obsolete sections of the Code, on the part of the Senate, appointed May 27, 1976, are: The Senator from Linn, Mr. Redmond, chair; the Senator from Sioux, Mr. DeKoster; the Senator from Black Hawk, Mr. Gallagher; the Senator from Woodbury, Mr. Kelly; and the Senator from Des Moines, Mr. Miller.

Also: That the Senate has, on May 27, 1976, adopted the second conference committee report and the amendments contained therein, and passed Senate File 1332, a bill for an act making appropriations to the department of transportation for designated capital transportation projects.

Also: That the Senate has, on May 27, 1976, insisted on its amendment to the House amendment to Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, and that the members of the conference committee on the part of the Senate are: The Senator from Polk, Mr. Willits, chair; the Senator from Woodbury, Mr. Andersen; the Senator from Poweshiek, Mrs. Orr; the Senator from Scott, Mrs. Shaw; and the Senator from Linn, Mr. Sovern.

STEVEN C. CROSS, Secretary

THIRD CONFERENCE COMMITTEE APPOINTED
(House File 1539)

The Speaker announced the appointment of the third conference committee to consider the difference between the House and the Senate concerning **House File 1539**: Cusack of Scott, chair; Higgins of Scott, Husak of Tama, Newhard of Jones and Den Herder of Sioux.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed eighty-one members present, eighteen absent.

SECOND CONFERENCE COMMITTEE REPORT ADOPTED
(Senate File 1332)

Brunow of Appanoose called up for consideration the report of the second conference committee on **Senate File 1332**, a bill for an act making appropriations to the department of transportation for designated capital transportation projects, as follows:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 1332

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and House of Representatives on Senate File 1332, a bill for an act making appropriations to the department of transportation for designated capital transportation projects, respectfully make the following reports:

1. That the House recede from its amendment, S-5908, to Senate File 1332, as amended, passed, and reprinted by the Senate.

2. That Senate File 1332, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, line 6, by striking the figure "1,500,000" and inserting in lieu thereof the figure "2,000,000".

2. Page 1, line 16, by striking the words and figure "twenty million (20,000,000)" and inserting in lieu thereof the words and figure "twelve million (12,000,000)".

3. Page 1, line 20, by inserting after the word "length" the words "unless the state department of transportation is advised in writing by the federal highway administration that this policy will result in the loss of federal funds for any particular present or future highway construction project".

4. Page 1, line 23, by striking the words and figure "five million (5,000,000)" and inserting in lieu thereof the words and figure "four million (4,000,000)".

5. Page 1, by striking lines 34 and 35.

6. Page 2, by striking lines 1 through 6.

7. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

On the Part of the Senate:	On the Part of the House:
WILLIAM D. PALMER, Chair	JOHN B. BRUNOW, Chair
IRVIN L. BERGMAN	ROBERT A. KRAUSE
RICHARD J. NORPEL, SR.	KEITH H. DUNTON
	LESTER D. MENKE
	GLEN E. BORTELL

Brunow of Appanoose moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Perkins of Greene and Harvey of Scott.

On the question "Shall the second conference committee report be adopted?"

The ayes were, 62:

Avenson	Dunton	Lageschulte	O'Halloran
Bennett	Dyrland	Lindeen	Pavich
Bina	Fitzgerald	Lipsky	Poncy
Binneboese	Gentleman	Lonergan	Readinger
Bortell	Gilloon	McElroy	Scheelhaase
Branstad	Halvorson	Menke	Schroeder
Brockett	Hansen	Mennenga	Spear
Brunow	Harper	Middleswart	Spencer
Byerly	Harvey	Middleton	Spradling
Clark	Higgins	Miller, A. V.	Stromer
Connors	Horn	Miller, O. L.	Tauke
Cusack	Howell	Monroe	Tofte
Daggett	Hullinger	Nielsen	Wells
Danker	Jochum	Norland	Woods
Dieleman	Jordan	Oakley	Mr. Speaker
Doyle	Koogler		

The nays were, 30:

Anderson	Hines	Nealson	Svoboda
Brandt	Hinkhouse	Newhard	Varley
Crawford	Husak	Patchett	Walter
Drake	Hutchins	Pellett	Welden
Evans	Jesse	Perkins	West
Griffee	Krause	Rinas	Wulff
Hargrave	Kreamer	Small	Wyckoff
Hennessey	Millen		

Absent or not voting, 7:

Baker	Crabb	Egenes	Miller, K. D.
Bittle	Den Herder	Junker	

The motion prevailed and the report was adopted.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1332)

The ayes were, 85:

Anderson	Clark	Dyrland	Higgins
Avenson	Connors	Evans	Hines
Bennett	Crabb	Gentleman	Hinkhouse
Bina	Crawford	Gilloon	Horn
Binneboese	Cusack	Griffee	Howell
Bortell	Daggett	Halvorson	Hullinger
Brandt	Danker	Hansen	Hutchins
Branstad	Dieleman	Hargrave	Jochum
Brockett	Doyle	Harper	Jordan
Brunow	Drake	Harvey	Koogler
Byerly	Dunton	Hennessey	Krause

Lageschulte	Miller, O. L.	Perkins	Stromer
Lindeen	Monroe	Poncy	Tauke
Lipsky	Newhard	Readinger	Tofte
Lonergan	Nielsen	Rinas	Varley
McElroy	Norland	Scheelhaase	Walter
Menke	Oakley	Schroeder	Wells
Mennenga	O'Halloran	Small	West
Middleswart	Patchett	Spear	Woods
Middleton	Pavich	Spencer	Wyckoff
Millen	Pellett	Spradling	Mr. Speaker
Miller, A. V.			

The nays were, 6:

Jesse	Nealson	Welden	Wulff
Kreamer	Svoboda		

Absent or not voting, 8:

Baker	Den Herder	Fitzgerald	Junker
Bittle	Egenes	Husak	Miller, K. D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONFERENCE COMMITTEE APPOINTED
(Senate File 1335)

The Speaker announced the appointment of the conference committee to consider the difference between the House and Senate concerning **Senate File 1335**: Griffee of Chickasaw, chair; Bina of Scott, Readinger of Polk, Crabb of Crawford and Hennessey of Delaware.

SENATE AMENDMENT CONSIDERED

Harvey of Scott called up for consideration **Senate File 1288**, a bill for an act relating to the economic impact of an administrative rule, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—6893

Amend the House amendment S-5709 to Senate File 1288 as amended, passed and reprinted by the Senate as follows:

1. Page 2, lines 28 and 29, by striking the words *"if a majority of the members of the Administrative Rules Review Committee approve the inapplicability"*.

2. Page 2, by striking lines 44 through page 3, line 27 and inserting in lieu thereof the following:

"Sec. ..... Section seventeen A point four (17A.4), Code 1975, is amended by adding the following new subsection:

5. Upon the vote of two-thirds of its members the administrative rules review committee may delay the effective date of a rule seventy days beyond that permitted in section seventeen A point five (17A.5), unless the rule was promulgated under section seventeen A point five (17A.5), subsection two (2), paragraph "b". This provision shall be utilized by the committee only if further time is necessary to study and examine the rule. Notice of an effective date that was delayed under this provision shall be published in the Iowa Administrative Code."

3. Page 3, by striking lines 35 through 40 and inserting in lieu thereof the words *"Two copies of each rule shall be forwarded to"*.

4. Page 4, lines 8 through 10, by striking the words *"the rule provides by its own terms that it is effective for a period not to exceed one hundred eighty days, as specified, and if"*.

5. By renumbering the sections as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6893 to the House amendment.

Harvey of Scott moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1288)

The ayes were, 93:

Anderson	Evans	Krause	Pellett
Avenson	Fitzgerald	Kreamer	Perkins
Bennett	Gentleman	Lageschulte	Poncy
Bina	Gilloon	Lindeen	Readinger
Binneboese	Griffee	Lipsky	Rinas
Bortell	Halvorson	Lonergan	Scheelhaase
Brandt	Hansen	McElroy	Schroeder
Branstad	Hargrave	Menke	Small
Brockett	Harper	Mennenga	Spear
Brunow	Harvey	Middleswart	Spencer
Byerly	Hennessey	Middleton	Spradling
Clark	Higgins	Millen	Stromer
Connors	Hines	Miller, A. V.	Svoboda
Crabb	Hinkhouse	Miller, O. L.	Tauke
Crawford	Horn	Monroe	Varley
Cusack	Howell	Nealson	Walter
Daggett	Hullinger	Newhard	Welden
Danker	Husak	Nielsen	Wells
Den Herder	Hutchins	Norland	West
Dieleman	Jesse	Oakley	Woods
Doyle	Jochum	O'Halloran	Wulff
Drake	Jordan	Patchett	Wyckoff
Dunton	Koogler	Pavich	Mr. Speaker
Dyrland			

The nays were, none.

Absent or not voting, 6:

Baker	Egenes	Miller, K. D.	Tofte
Bittle	Junker		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF HOUSE RESOLUTION 123

Middleswart of Warren called up for consideration **House Resolution 123**, filed on May 25, 1976, and found on pages 3148 and 3149 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 69 was invoked.

The vote revealed eighty-one members present, eighteen absent.

INTRODUCTION OF BILL

RULES SUSPENDED

Fitzgerald of Webster asked for unanimous consent to suspend the rules to introduce as a sifting committee bill and take up for immediate consideration the employment insurance bill, **House File 1593.**

Objection was raised.

Fitzgerald of Webster moved to suspend the rules to introduce as a sifting committee bill and take up for immediate consideration, House File 1593, a bill for an act relating to the department of job service, including unemployment compensation, providing for a delay until 1978 of an emergency tax of two and seven-tenths percent, extending the six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the require-

ments for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities.

Roll call was requested by Branstad of Winnebago and Wulff of Black Hawk.

On the question "Shall the rules be suspended?"

The ayes were, 51:

Anderson	Gilloon	Jordan	Perkins
Avenson	Griffee	Koogler	Poncy
Bina	Hargrave	Krause	Scheelhaase
Binneboese	Harper	Lonergan	Small
Brandt	Hennessey	Middleswart	Spear
Brunow	Higgins	Middleton	Spencer
Connors	Hinkhouse	Miller, A. V.	Spradling
Cusack	Howell	Miller, K. D.	Svoboda
Dieleman	Hullinger	Miller, O. L.	Walter
Doyle	Husak	Newhard	Wells
Dunton	Hutchins	Norland	Wyckoff
Evans	Jesse	O'Halloran	Mr. Speaker
Fitzgerald	Jochum	Pavich	

The nays were, 33:

Bennett	Halvorson	McElroy	Schroeder
Branstad	Hansen	Menke	Stromer
Brockett	Harvey	Millen	Tauke
Clark	Horn	Nealson	Tofte
Crabb	Kreamer	Oakley	Varley
Daggett	Lageschulte	Patchett	Welden
Danker	Lindeen	Pellett	West
Drake	Lipsky	Readinger	Wulff
Gentleman			

Absent or not voting, 15:

Baker	Crawford	Hines	Nielsen
Bittle	Den Herder	Junker	Rinas
Bortell	Dyrland	Mennenga	Woods
Byerly	Egenes	Monroe	

The motion prevailed and the rules were suspended.

(House File 1593 temporarily deferred.)

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

ADOPTION OF THE THIRD CONFERENCE COMMITTEE REPORT
(House File 1539)

Cusack of Scott offered for consideration the third conference committee report on **House File 1539**, as follows:

REPORT OF THE THIRD CONFERENCE COMMITTEE ON HOUSE FILE 1539

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the third conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1539, a bill for an Act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, respectfully make the following report:

1. That the Senate amendment H—6781 to House File 1539 as amended and passed by the House be amended as follows:

1. Page 1, by striking line 14 and inserting in lieu thereof the words "facilities, provided that if the department deems it appropriate up to one hundred thousand (100,000) dollars of the amount appropriated by this subsection may be used for such programs within state mental health institutes .....$2,850,000".

2. Page 1, by striking lines 20 through 25 and inserting in lieu thereof the following:

"4. For use, at the option of the department of social services, to convert the existing minimum security dormitory located outside the walls of the Fort Madison penitentiary to either a minimum or medium security facility....$ 250,000

5. The sum of one million three hundred fifty thousand (1,350,000) dollars to be used for any one—but only one—of the three following options which the governor, in consultation with the commissioner of social services, may direct the department to implement:

a. Conversion of the physical plant now occupied by the state training school for girls at Mitchellville to a medium security correctional facility, transfer of the persons under care and custody of that training school to the state juvenile home at Toledo or to an appropriate community facility pursuant to suitable arrangements to permit the transfer to be made as expeditiously as possible, and operation of the medium security correctional facility at the Mitchellville site; or

b. Modification of building 20 at the mental health institute at Mount Pleasant for use as a medium security correctional facility, and operation of the facility, without discontinuing any of the mental health programs now offered at that institute and without intent on the part of the general assembly to influence or to restrict the scope of the recommendations relative to future utilization, conversion

or discontinuation of the state mental health institutes which the department is required by this Act to prepare; or

c. Conversion of the physical plant formerly occupied by Midwestern college at Denison to a medium security correctional facility, and operation of the facility.

If the governor elects to direct the department to implement one of the foregoing options, the facility so converted or modified shall under no circumstances have a capacity in excess of one hundred fifty prisoners, and shall not be operated for more than two years after the effective date of this Act without specific extension by the general assembly of authority to operate the facility. Notwithstanding the provisions of section four (4) of this Act relative to reversion of capital funds, any unencumbered balance of the money appropriated by this subsection shall revert to the general fund on June 30, 1977."

3. Page 2, line 15, by inserting after the word "adult" the words "and juvenile".

4. Page 2, line 49, by striking the word "January" and inserting in lieu thereof the word "March".

5. Page 3, line 6, by striking the word "January" and inserting in lieu thereof the word "March".

6. Page 3, line 23, by inserting after the word "facilities" the words ", including those not now used as penal institutions".

7. Page 3, by inserting after line 33 the following new subsection:

"4. To help insure that the general assembly is knowledgeable of the commission's work and of the background of the report submitted by it, the joint human resources subcommittees of the senate and house committees on appropriations shall meet periodically with the commission. No more than four such meetings shall be held during the interval between adjournment of the 1976 Session of the Sixty-sixth General Assembly and convening of the 1977 Session of the Sixty-seventh General Assembly. The joint human resources subcommittee shall not have authority to mandate, alter or reject any comment or recommendation in the report required of the commission by subsection three (3) of this section."

8. By renumbering the succeeding subsection of section 6 of the Senate amendment.

9. Strike page 3, line 44 through page 4, line 4, and insert in lieu thereof the following:

"Sec. 7. The department of social services, division of mental health services, shall prepare and submit to the legislative council for transmission to the first session of the Sixty-seventh General Assembly recommendations relative to the future utilization, conversion or discontinuation and disposition of the state mental health institutes at Cherokee, Clarinda, Independence and Mount Pleasant.

Sec. 8. Anything in chapter two hundred forty-two (242) of the Code to the contrary notwithstanding, the department

of social services may at its option initiate and maintain co-educational programs and services at the state training school at Eldora during the fiscal period for which appropriations for operating expenses are made by this Act. The legislative service bureau shall report to the legislative council prior to the convening of the first session of the Sixty-seventh General Assembly such amendments to chapter two hundred forty-two (242) of the Code and other statutes as may be needed to permit continuation of co-educational programs and services at the state training school at Eldora."

On the Part of the Senate:	On the Part of the House:
BERL E. PRIEBE, Chair	GREGORY D. CUSACK, Chair
WILLIAM E. GLUBA	ELMER H. DEN HERDER
GEORGE R. KINLEY	THOMAS J. HIGGINS
CLIFTON C. LAMBORN	EMIL J. HUSAK
FORREST V. SCHWENGELS	SCOTT D. NEWHARD

Brunow of Appanoose in the chair at 9:40 p.m.

Fitzgerald of Webster asked for unanimous consent to suspend Rule 2 to continue session beyond the 10:00 p.m. time limit.

Objection was raised.

Fitzgerald of Webster moved to suspend Rule 2 to continue session beyond the 10:00 p.m. time limit.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 51, nays 33.

The motion prevailed and Rule 2 was suspended.

Cusack of Scott moved the adoption of the third conference committee report and the amendments contained therein.

The motion prevailed and the third conference committee report was adopted.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass ?" (H.F. 1539)

The ayes were, 81:

Anderson	Bina	Brandt	Cochran
Avenson	Binneboese	Branstad	Connors
Bennett	Bortell	Brockett	Crabb

Crawford	Hennessey	Menke	Rinas
Cusack	Higgins	Mennenga	Scheelhaase
Daggett	Hines	Middleswart	Small
Danker	Hinkhouse	Middleton	Spencer
Den Herder	Horn	Miller, A. V.	Stromer
Dieleman	Howell	Miller, K. D.	Svoboda
Drake	Hullinger	Miller, O. L.	Tauke
Dyrland	Husak	Monroe	Tofte
Evans	Hutchins	Newhard	Varley
Fitzgerald	Jochum	Norland	Walter
Gentleman	Jordan	Oakley	Wells
Gilloon	Junker	O'Halloran	West
Griffee	Krause	Patchett	Woods
Halvorson	Kreamer	Pavich	Wulff
Hansen	Lageschulte	Pellett	Wyckoff
Hargrave	Lipsky	Perkins	Mr. Speaker
Harper	Lonergan	Readinger	(Brunow)
Harvey	McElroy		

The nays were, 11:

Clark	Jesse	Nealson	Spradling
Doyle	Lindeen	Poncy	Welden
Dunton	Millen	Spear	

Absent or not voting, 7:

Baker	Byerly	Koogler	Schroeder
Bittle	Egenes	Nielsen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

The House resumed consideration of **House File 1593,** a bill for an act relating to the department of job service, including unemployment compensation, providing for a delay until 1978 of an emergency tax of two and seven-tenths percent, extending the six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the requirements for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities.

Stromer of Hancock offered the following amendment H—6904 filed by him from the floor:

H—6904

Amend House File 1593 as follows:

1. Page 2, by adding after line 32 the following:

"Sec. ..... Section ninety-six point three (96.3), subsection four (4), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, Chapter ninety-two (92), section two (2), is amended to read as follows:

4. Determination of benefits. With respect to benefit years beginning on or after July 1, 1975, an eligible individual's weekly benefit amount for a week of total unemployment shall be an amount equal to one-twentieth of his total wages in insured work paid during that quarter of his base period in which such total wages were highest, subject to the following limitation: The commission shall determine annually a maximum weekly benefit amount by computing sixty-six and two-thirds percent of the statewide average weekly wage paid to employees in insured work which shall be effective the first day of the first full week in July; *provided, however, that the maximum weekly benefit amount shall not exceed one hundred seven (107) dollars or sixty percent of the average weekly wage, whichever is the greater.* Such maximum weekly benefit amount, if not a multiple of one dollar shall be rounded to the higher multiple of one dollar."

Byerly of Polk rose on a point of order that amendment H—6904 was not germane.

The Speaker ruled the point not well taken and amendment H—6904 germane.

Connors of Polk asked and received unanimous consent to suspend Rule 20 and that Paul Moran of the Employment Security Commission be permitted in the House chamber during consideration of House File 1593.

Stromer of Hancock moved the adoption of amendment H—6904.

Roll call was requested by Stromer of Hancock and Branstad of Winnebago.

On the question "Shall amendment H—6904 be adopted?"

The ayes were, 24;

Bennett	Den Herder	Junker	Pellett
Bortell	Evans	Kreamer	Schroeder
Branstad	Gentleman	Lageschulte	Tofte
Brockett	Halvorson	McElroy	Varley
Crabb	Hansen	Menke	Welden
Daggett	Harvey	Millen	West

The nays were, 63:

Anderson	Gilloon	Lipsky	Poncy
Avenson	Griffee	Lonergan	Readinger
Bina	Hargrave	Mennenga	Rinas
Binneboese	Harper	Middleswart	Scheelhaase
Brandt	Hennessey	Middleton	Spear
Byerly	Higgins	Miller, A. V.	Spencer
Clark	Hines	Miller, K. D.	Spradling
Cochran	Hinkhouse	Miller, O. L.	Svoboda
Connors	Horn	Monroe	Tauke
Crawford	Howell	Newhard	Walter
Cusack	Hullinger	Nielsen	Wells
Dieleman	Husak	Norland	Woods
Doyle	Hutchins	Oakley	Wulff
Drake	Jochum	O'Halloran	Wyckoff
Dyrland	Jordan	Patchett	Mr. Speaker
Fitzgerald	Krause	Pavich	(Brunow)

Absent or not voting, 12:

Baker	Dunton	Koogler	Perkins
Bittle	Egenes	Lindeen	Small
Danker	Jesse	Nealson	Stromer

Amendment H—6904 lost.

Welden of Hardin offered amendment H—6900 filed by him from the floor and requested division as follows:

H—6900

Amend House File 1593 as follows:

H—6900A

1. Page 2, by striking lines 33 through 35.
2. Page 3, by striking line 1.

H—6900B

3. Page 4, by striking lines 20 through 35.
4. Page 5, by striking lines 1 through 3.

Welden of Hardin moved the adoption of amendment H—6900A.

Roll call was requested by Welden of Hardin and Schroeder of Pottawattamie.

On the question "Shall amendment H—6900A be adopted?"

The ayes were, 23:

Bennett	Evans	Lageschulte	Schroeder
Bortell	Gentleman	Lindeen	Stromer
Branstad	Halvorson	Lipsky	Welden
Crabb	Hansen	Menke	West
Daggett	Harvey	Millen	Wulff
Den Herder	Kreamer	Pellett	

The nays were, 58:

Anderson	Gilloon	Krause	Readinger
Avenson	Griffee	Lonergan	Rinas
Bina	Hargrave	Mennenga	Scheelhaase
Binneboese	Harper	Middleswart	Spear
Brandt	Hennessey	Middleton	Spencer
Byerly	Higgins	Miller, A. V.	Spradling
Clark	Hines	Miller, K. D.	Svoboda
Cochran	Hinkhouse	Miller, O. L.	Tauke
Crawford	Horn	Newhard	Walter
Cusack	Howell	Nielsen	Wells
Dieleman	Hullinger	Norland	Woods
Doyle	Husak	O'Halloran	Wyckoff
Drake	Hutchins	Patchett	Mr. Speaker (Brunow)
Dyrland	Jochum	Pavich	
Fitzgerald	Junker	Poncy	

Absent or not voting, 18:

Baker	Dunton	McElroy	Perkins
Bittle	Egenes	Monroe	Small
Brockett	Jesse	Nealson	Tofte
Connors	Jordan	Oakley	Varley
Danker	Koogler		

Amendment H—6900A lost.

Welden of Hardin moved the adoption of amendment H—6900B.

Roll call was requested by Welden of Hardin and Crabb of Crawford.

Rule 69 was invoked.

On the question "Shall amendment H—6900B be adopted?"

The ayes were, 23:

Bennett	Evans	Lageschulte	Stromer
Bortell	Halvorson	Lindeen	Welden
Branstad	Hansen	McElroy	West
Clark	Harper	Millen	Wulff
Crabb	Harvey	Pellett	Wyckoff
Daggett	Kreamer	Schroeder	

The nays were, 62:

Anderson	Crawford	Gilloon	Howell
Avenson	Cusack	Griffee	Hullinger
Bina	Dieleman	Hargrave	Husak
Binneboese	Doyle	Hennessey	Hutchins
Brandt	Drake	Higgins	Jesse
Byerly	Dyrland	Hines	Jochum
Cochran	Fitzgerald	Hinkhouse	Jordan
Connors	Gentleman	Horn	Krause

Lipsky	Miller, O. L.	Pavich	Svoboda
Lonergan	Monroe	Perkins	Tauke
Menke	Newhard	Poncy	Walter
Mennenga	Nielsen	Readinger	Wells
Middleswart	Norland	Rinas	Woods
Middleton	Oakley	Scheelhaase	Mr. Speaker (Brunow)
Miller, A. V.	O'Halloran	Spear	
Miller, K. D.	Patchett	Spradling	

Absent or not voting, 14:

Baker	Den Herder	Koogler	Spencer
Bittle	Dunton	Nealson	Tofte
Brockett	Egenes	Small	Varley
Danker	Junker		

Amendment H—6900B lost.

Monroe of Des Moines offered amendment H—6906 filed by Monroe, Patchett, Jochum, Hines, Middleton and Horn from the floor and requested division as follows:

H—6906

Amend House File 1593 as follows:

H—6906A

1. Page 3, by striking lines 2 through 13.

H—6906B

2. Page 3, line 35, by striking the letter "h".
3. Page 4, by striking lines 13 through 17.

H—6906C

4. Page 20, by striking lines 24 through 35.
5. Page 21, by striking lines 1 through 13.

Monroe of Des Moines moved the adoption of amendment H—6906A.

Roll call was requested by Tauke of Dubuque and Lipsky of Linn.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6906A be adopted?"

The ayes were, 38:

Bennett	Dyrland	Lindeen	Poncy
Bina	Harvey	Lipsky	Rinas
Bortell	Higgins	Middleton	Small
Brandt	Hines	Millen	Stromer
Branstad	Horn	Miller, K. D.	Tauke
Clark	Husak	Monroe	Walter
Crabb	Jochum	O'Halloran	Wells
Crawford	Jordan	Patchett	West
Cusack	Junker	Pavich	Wulff
Doyle	Kreamer		

The nays were, 51:

Anderson	Gentleman	Koogler	Pellett
Avenson	Gilloon	Lageschulte	Perkins
Binneboese	Griffee	Lonergan	Readinger
Byerly	Halvorson	McElroy	Scheelhaase
Cochran	Hansen	Menke	Schroeder
Connors	Hargrave	Mennenga	Spencer
Daggett	Harper	Middleswart	Spradling
Den Herder	Hennessey	Miller, A. V.	Svoboda
Dieleman	Hinkhouse	Miller, O. L.	Welden
Drake	Howell	Newhard	Woods
Dunton	Hullinger	Nielsen	Wyckoff
Evans	Hutchins	Norland	Mr. Speaker (Brunow)
Fitzgerald	Jesse	Oakley	

Absent or not voting, 10:

Baker	Danker	Nealson	Tofte
Bittle	Egenes	Spear	Varley
Brockett	Krause		

Amendment H—6906A lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the evening on request of Rinas of Linn.

Monroe of Des Moines moved the adoption of amendment H—6906B.

Roll call was requested by Monroe of Des Moines and Middleton of Black Hawk.

Rule 69 was invoked.

On the question "Shall amendment H—6906B be adopted?"

The ayes were, 19:

Byerly	Jochum	Monroe	Small
Doyle	Jordan	Patchett	Walter
Higgins	Lipsky	Pavich	Wells
Hines	Middleton	Poncy	Woods
Horn	Miller, K. D.	Rinas	

The nays were, 63:

Anderson	Crawford	Halvorson	Kreamer
Avenson	Cusack	Hansen	Lageschulte
Bennett	Daggett	Harper	Lindeen
Bina	Den Herder	Harvey	Lonergan
Binneboese	Dieleman	Hennessey	McElroy
Bortell	Drake	Hinkhouse	Menke
Brandt	Dunton	Howell	Mennenga
Brandstad	Evans	Hullinger	Middleswart
Clark	Fitzgerald	Husak	Millen
Cochran	Gentleman	Hutchins	Miller, A. V.
Connors	Gilloon	Jesse	Miller, O. L.
Crabb	Griffee	Koogler	Newhard

Norland	Readinger	Svoboda	Wulff
O'Halloran	Scheelhaase	Tauke	Wyckoff
Pellett	Schroeder	Welden	Mr. Speaker
Perkins	Spencer	West	(Brunow)

Absent or not voting, 17:

Baker	Egenes	Nealson	Spradling
Bittle	Hargrave	Nielsen	Stromer
Brockett	Junker	Oakley	Tofte
Danker	Krause	Spear	Varley
Dyrland			

Amendment H—6906B lost.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H—6906C.

Branstad of Winnebago offered amendment H—6903 filed by him from the floor and requested division as follows:

H—6903

Amend House File 1593 as follows:

H—6903A

1. Page 3, line 5, by striking the number "*four*" and inserting the number "*six*".
2. Page 3, line 8, by striking the number "*two*" and inserting the number "*three*".
3. Page 3, line 12, by striking the number "*two*" and inserting the number "*three*".

H—6903B

4. Page 11, line 2, by striking the number "nine" and inserting the number "seven".

H—6903C

5. Page 21, by striking lines 14 through 28.

Fitzgerald of Webster moved the previous question on House File 1593 and all motions and amendments filed thereto:

A non-record roll call was requested.

The ayes were 51, nays 22.

The motion prevailed.

Branstad of Winnebago moved the adoption of amendment H—6903A.

Roll call was requested by Monroe of Des Moines and Higgins of Scott.

Rule 69 was invoked.

On the question "Shall amendment H—6903A be adopted?"

The ayes were, 14:

Bennett	Evans	Lageschulte	Pellett
Bortell	Halvorson	McElroy	Welden
Branstad	Harvey	Millen	Wyckoff
Crabb	Kreamer		

The nays were, 61:

Anderson	Fitzgerald	Koogler	Pavich
Avenson	Gentleman	Lindeen	Perkins
Bina	Gilloon	Lipsky	Poncy
Binneboese	Hargrave	Lonergan	Readinger
Brandt	Harper	Mennenga	Rinas
Byerly	Hennessey	Middleswart	Scheelhaase
Clark	Higgins	Middleton	Small
Cochran	Hinkhouse	Miller, A. V.	Spencer
Connors	Horn	Miller, K. D.	Spradling
Crawford	Howell	Miller, O. L.	Svoboda
Cusack	Hullinger	Monroe	Tauke
Den Herder	Husak	Newhard	Wells
Dieleman	Hutchins	Norland	Woods
Doyle	Jesse	O'Halloran	Mr. Speaker
Drake	Jochum	Patchett	(Brunow)
Dyrland	Jordan		

Absent or not voting, 24:

Baker	Egenes	Menke	Stromer
Bittle	Griffee	Nealson	Tofte
Brockett	Hansen	Nielsen	Varley
Daggett	Hines	Oakley	Walter
Danker	Junker	Schroeder	West
Dunton	Krause	Spear	Wulff

Amendment H—6903A lost.

Branstad of Winnebago moved the adoption of amendment H—6903B.

Roll call was requested by Branstad of Winnebago and Kreamer of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—6903B be adopted?"

The ayes were, 20:

Bennett	Evans	Kreamer	Millen
Bortell	Gentleman	Lageschulte	Pellett
Branstad	Halvorson	Lindeen	Stromer
Crabb	Hansen	McElroy	Welden
Daggett	Harvey	Menke	Wulff

The nays were, 60:

Anderson	Cochran	Dyrland	Higgins
Avenson	Connors	Fitzgerald	Hinkhouse
Bina	Crawford	Gilloon	Horn
Binneboese	Cusack	Griffee	Howell
Brandt	Dieleman	Hargrave	Hullinger
Byerly	Doyle	Harper	Husak
Clark	Drake	Hennessey	Hutchins

Jesse	Miller, O. L.	Readinger	Tauke
Jochum	Newhard	Rinas	Varley
Jordan	Norland	Scheelhaase	Walter
Koogler	O'Halloran	Schroeder	Wells
Lonergan	Patchett	Small	Woods
Mennenga	Pavich	Spencer	Wyckoff
Middleton	Perkins	Spradling	Mr. Speaker
Miller, A. V.	Poncy	Svoboda	(Brunow)
Miller, K. D.			

Absent or not voting, 19:

Baker	Dunton	Lipsky	Oakley
Bittle	Egenes	Middleswart	Spear
Brockett	Hines	Monroe	Tofte
Danker	Junker	Nealson	West
Den Herder	Krause	Nielsen	

Amendment H—6903B lost.

(House File 1593 and amendment H—6903C pending at adjournment and placed under unfinished business.)

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1261

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1261, a bill for an Act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

On the Part of the Senate:	On the Part of the House:
BASS VAN GILST, Chair	WALLY E. HORN, Chair
LUCAS J. DeKOSTER	HORACE DAGGETT
MINNETTE F. DODERER	MARY O'HALLORAN
ELIZABETH R. MILLER	JOHN E. PATCHETT
WILLIAM D. PALMER	DELWYN STROMER

Speaker Cochran in the chair at 11:48 p.m.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE
(Senate File 1261)

The Speaker announced the appointment of the second conference committee to consider the difference between the House and Senate concerning **Senate File 1261**: Horn of Linn, chair; Daggett of Adams, O'Halloran of Black Hawk, Patchett of Johnson, Stromer of Hancock, Avenson of Fayette, Menke of O'Brien and Byerly of Polk.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the members of the second conference committee on Senate File 1261, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, on the part of the Senate, appointed May 27, 1976, are: The Senator from Mahaska, Mr. Van Gilst, chair; the Senator from Sioux, Mr. DeKoster; the Senator from Johnson, Mrs. Doderer; the Senator from Marshall, Mrs. Miller; and the Senator from Polk, Mr. Palmer.

STEVEN C. CROSS, Secretary

MOTIONS TO RECONSIDER

(House File 1539)

I move to reconsider the vote by which House File 1539 passed the House on May 27, 1976.

CUSACK of Scott

(House File 1583)

I move to reconsider the vote by which House File 1583 passed the House on May 27, 1976.

BRUNOW of Appanoose

EXPLANATIONS OF VOTES

I was necessarily absent from the House chamber when the vote was taken on House Files 1346 and 584. Had I been present, I would have voted "aye" on all these.

MIDDLETON of Black Hawk

AMENDMENTS FILED

H—6896

Amend House File 1448 as follows:

1. Page 1, line 7, by striking all after the period.
2. Title page, line 1, by striking the words "and salary".

PONCY of Wapello

H—6901

Amend House File 1593 as follows:

1. Page 4, by inserting after line 19 the following:

"Sec. ..... Section ninety-six point five (96.5), subsection three (3), paragraph a, Code 1975, is amended to read as follows:

a. In determining whether or not any work is suitable for an individual, the [commission] *department* shall consider the degree of risk involved to his *or her* health, safety, and morals, his *or her* physical fitness and prior training, his *or her* experience and prior earnings, his *or her* length of unemployment and prospects for securing local work in his *or her*

customary occupation, and the distance of the available work from his *or her* residence, and any other factor which it finds bears a reasonable relation to the purposes of this subsection. *However, any work shall be deemed suitable if the spendable weekly earnings available in such work are at least equal to the individual's weekly benefit amount and such work does not involve an unreasonable degree of risk to the health, safety or morals of the individual.*"

2. Page 22, by inserting after line 15 the following:

"Sec. ..... Section ninety-six point nineteen (96.19), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters ninety-two (92) and ninety-three (93), is amended by adding the following new subsection:

NEW SUBSECTION. "Spendable weekly earnings" of an individual means the amount remaining after payroll taxes, as defined in section eighty-five point sixty-one (85.61), subsection ten (10), of the Code, are subtracted from gross earnings, as defined in section eighty-five point sixty-one (85.61), subsection twelve (12), of the Code."

3. Page 28, by striking lines 30 and 31 and inserting in lieu thereof the following: "five (5); ninety-six point five (96.5), subsection four".

4. Amend the title page, line 17 by inserting after the word "cause" the following: "defining suitable work and spendable weekly earnings,".

5. Renumber sections as necessary.

HANSEN of O'Brien
HARPER of Davis
PELLETT of Cass
WELDEN of Hardin
KREAMER of Polk
BROCKETT of Marshall
EVANS of Grundy
DUNTON of Keokuk
TOFTE of Winneshiek
BRANSTAD of Winnebago
DANKER of Pottawattamie
LINDEEN of Henry
DEN HERDER of Sioux
NEALSON of Muscatine
BENNETT of Ida
CLARK of Lee
HALVORSON of Clayton
LAGESCHULTE of Bremer
WEST of Marshall
MILLER of Calhoun
WYCKOFF of Benton
JORDAN of Linn
MILLER of Buchanan
MILLEN of Van Buren
MENKE of O'Brien

H—6902

Amend House File 1593 as follows:

1. Page 21, by inserting after line 13 the following:

"Sec. ..... Section ninety-six point nineteen (96.19), subsection seven (7), paragraph g, subparagraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-two (92), section thirty (30), is amended to read as follows:

(1) Service performed in the employ of this state by an elected official, *or service performed by state employees of the state of Iowa whose employment is contingent upon the legislature being in session, notwithstanding the provisions of subsection seven (7), paragraph a, subparagraph four (4), of this section.*"

2. Renumber sections and correct internal references as necessary in conformance with this amendment.

LAGESCHULTE of Bremer
BENNETT of Ida

H—6907

Amend House File 1593 as follows:

1. Page 9, by inserting after line 23 the following:

"Provided, however, for the first calendar quarter of the year 1977 notwithstanding any other provision of this chapter or of the rules or regulations of the commission, contributions shall become due and be paid to the commission on the following basis:

(1) One-third (1/3) of the Employer's contribution as determined and paid for the first quarter of calendar year 1976 shall be due and payable on or before the last day of each of the months of January, February and March, 1977.

(2) On April 30, 1977, any additional amounts determined to be due with respect to the Employer's first quarter of calendar year 1977 shall be due and paid; any overpayments made by the Employer in the first quarter of 1977 shall be credited against that Employer's required contribution for the second quarter of 1977."

2. Page 10, by striking lines 10 through 30 and inserting in lieu thereof the following:

"Sec. ..... Section ninety-six point seven (96.7), subsection three (3), Code 1975, as amended by the Sixty-sixth General Assembly, is amended by striking paragraph e and inserting in lieu thereof the following:

e. Notwithstanding any other provisions of this Act, on and after January 1, 1978, no employer's rate shall be less than two point seven percent with respect to any calendar quarter unless the total assets of

the fund, excluding contributions not yet paid, as of the first day of such calendar quarter exceed the total benefits paid from the fund within the first four of the last five complete calendar quarters immediately preceding the first day of such calendar quarter; and no employer's rate shall be less than one point eight percent with respect to any calendar quarter unless the total assets of the fund, excluding contributions not yet paid, as of the first day of such calendar quarter exceeds an amount equal to twice the amount of total benefits paid from the fund within the first four of the last five complete calendar quarters immediately preceding the first day of such calendar quarter."

3. Page 10, by striking lines 34 and 35.

4. Page 11, by striking lines 1 through 20 and inserting in lieu thereof the following:

"Sec. ..... Section ninety-six point seven (96.7), Code 1975, is amended by adding the following new subsection:

Page 2

NEW SUBSECTION. The commission shall with respect to the calendar year 1977, levy a temporary emergency tax on all contributing employers by increasing the contribution rate provided by this section as follows:

If the Fund balances (in millions of dollars) as of September 30, 1976, is	the increase % contribution rate shall be
60 or more	.7
56 but less than 60	.8
52 but less than 56	.9
48 but less than 52	1.0
44 but less than 48	1.1"

5. Page 21, by striking lines 33 through 35.

6. Page 22, by striking lines 1 through 15 and inserting in lieu the following:

"21. "TAXABLE WAGES". For the purposes of section 96.7, subsections 1 and 2 and subsequent to December 31, 1971, taxable wages shall not include that part of remuneration which, after remuneration equal to four thousand two hundred dollars has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, *expect that for the calendar years 1976 and 1977 the remuneration figure shall be six thousand dollars.*

For the purposes of this subsection, the term "employment" includes service constituting employment

under any unemployment compensation law of another state provided such other state will consider service **performed in Iowa in determining the contribution base.**

MONROE of Des Moines

H—6908

Amend House File 1593, as follows:

1. Page 2, by inserting after line 32 the following:

"Sec. ..... Section ninety-six point four (96.4), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, chapter ninety-two (92), section four (4), as amended by chapter sixty-seven (67), section ten (10), is amended to read as follows:

1. [He] ***The applicant*** **has registered for work at** and thereafter [has continued] ***continues*** **to report at an employment office in** [accordance with such regulations as the commission may prescribe] ***person, at least once weekly on the day prescribed by the employment office, to complete the weekly claim form.*** The provisions of this subsection shall be waived if the individual is deemed temporarily unemployed as defined in section thirty-three (33) of this Act."

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

KOOGLER of Mahaska

H—6899

Amend Senate File 93 as amended and passed by the Senate, page 2, by inserting after line 35 the following:

"Sec. ..... Section four hundred sixty-one point twenty-six (461.26), Code 1975, is repealed."

MONROE of Des Moines

H—6905

Amend Senate File 1230 as amended and passed by the Senate as follows:

1. Page 1, line 7, by striking the words *"six hundred one A point nine (601A.9)"*.
2. Page 1, by striking lines 29 through 35.
3. Page 2, by striking lines 1 through 22.
4. By renumbering the sections.

HIGGINS of Scott
WEST of Marshall
SCHROEDER of Pottawattamie

H—6897

Amend the Small, et al, amendment, H—6884, to Senate File 1310 as amended, passed, and reprinted by the Senate as follows:

1. Page 4, line 40, by striking the word "one"

and inserting in lieu thereof the word "ten".

2. Page 28, line 9, by striking the word "one" and inserting in lieu thereof the word "ten".

DOYLE of Woodbury

H—6898

Amend the Small, et al, amendment, H—6884, to Senate File 1310 as amended, passed, and reprinted by the Senate as follows:

1. Page 15, line 24, by inserting after the word "interest." the following:

"In entering judgment for payment of the balance, the court shall assess a penalty for repeated failure to make timely payments in an amount deemed reasonable by the court together with costs and reasonable attorney fees in the collection of the judgment. A delinquency of two or more installments shall constitute repeated failure for the purposes of this paragraph."

HUSAK of Tama

Note: For explanation of brackets and italics, see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House adjourned at 11:50 p.m. until 9:00 a.m., Friday, May 28, 1976.

JOURNAL OF THE HOUSE

One Hundred Thirty-eighth Calendar Day—Ninety-third Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, FRIDAY, MAY 28, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Honorable Kenneth Miller, State Representative from Buchanan County.

The Journal of Thursday, May 27, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Smith, Resident, Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Buena Vista on request of Perkins of Greene.

PRESENTATION OF VISITORS

The Speaker announced the following visitors were present in the House chamber:

Forty-six sixth grade students from the elementary school, Charles City, Iowa, accompanied by Linda Hughes, Miss Groneveld and Betty Held. By Howell of Floyd and Griffee of Chickasaw.

Fifteen members of the 4-H Club from Lucas County, Iowa, accompanied by Mrs. Bill Edwards. By Middleswart of Warren.

PETITION FILED

The following petition was received and placed on file:

By Miller of Calhoun from eight constituents favoring House File 1069 (Senate File 1008) relating to the source of long-term farm loans.

INTRODUCTION OF BILL

House Joint Resolution 1004, by Drake, a joint resolution to approve and resolve rules of the state department of transportation pertaining to section three hundred seven point ten (307.10), subsection five (5), Code 1975.

Read first time and referred to **sifting committee.**

HOUSE CONCURRENT RESOLUTION 155
By Fitzgerald

Whereas, the method of taxing corporate income on the basis of the single-factor formula in this state is presently subject to constitutional challenge in the courts; and

Whereas, the present single-factor formula used for determining that portion of a corporation's income which is subject to Iowa's corporate income may authorize a corporation to escape taxation on a portion of its sales in this state or any other state; and

Whereas, the method of allocating a corporation's income for corporate income tax purposes has not been reviewed for several years; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a study committee as provided by law, composed of members of the Senate and the House of Representatives representing both political parties, to conduct a study during the 1976 interim relating to the state's corporate income tax law; and

Be It Further Resolved, That the study committee shall prepare a report of its findings and recommendations and submit it to the legislative council and the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 26, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1407, a bill for an act relating to a vehicle anti-theft law and providing penalties.

Also: That pursuant to House Concurrent Resolution 104, adopted by the Senate and House of Representatives on February 25, 1976, the following

members have been appointed on the part of the Senate to the Joint Interim Study Committee on Salaries: The Senator from Lee, Mr. Junkins, chair; the Senator from Polk, Mr. Palmer; and the Senator from Wilton, Mr. Rabedeaux.

Also: That the Senate has on May 26, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1477, a bill for an act relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems.

Also: That the Senate has on May 27, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1590, a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled and exempting low-rent housing developments.

Also: That the Senate has on May 26, 1976, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 367, a bill for an act relating to the location and operation of livestock feed lots.

Also: That the Senate has on May 28, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1345, a bill for an act relating to identification of certain diseased or exposed cattle.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1590

H—6909

Amend House File 1590 as amended, passed and reprinted by the House as follows:

1. Page 3, line 11, by striking the word "qualifies" and inserting in lieu thereof the word "qualifies".

2. Page 3, line 32, by striking the word "paragraph" and inserting in lieu thereof the word "paragraphs".

3. Page 4, by inserting after line 21 the following:

"*NEW UNNUMBERED PARAGRAPH.* In computing the tax imposed by this section, a resident of Iowa may exclude any amount received from the United States Government in the form of retirement pay or disability benefits for former service as a member of any of the armed forces of the United States."

4. Page 4, lines 31 and 32 by striking the following words: "subsection twenty-three (23) of this section." and inserting in lieu thereof the following: "subsections twenty-three (23) and twenty-four (24) of this section.".

5. Page 4, by inserting after line 32 the following:

"Sec. ..... Section four hundred twenty-seven point three (427.3), numbered paragraphs one (1), two (2), and three (3), Code 1975, are amended to read as follows:

427.3 MILITARY SERVICE—EXEMPTIONS. The following exemptions from taxation shall be allowed:

1. The property, not to exceed [eleven] *twelve* thousand one hundred eleven dollars in taxable value[, and poll tax] of any honorably discharged union soldier, sailor, or marine of the Mexican war or the war of the rebellion.

2. The property, not to exceed [six] *seven* thousand six hundred sixty-seven dollars in taxable value[, and poll tax] of any honorably discharged soldier, sailor, marine or nurse of the war with Spain, Tyler Rangers, Colorado volunteers in the war of the rebellion, 1861 to 1865, Indian wars, Chinese relief expedition or the Phillipine insurrection.

3. The property, not to exceed [two] *three* thousand seven hundred seventy-eight dollars in taxable value of any honorably discharged soldier, sailor, marine, or nurse of the first World War."

6. Striking from page 4, line 33 through page 5, line 28.

7. Page 7, by striking lines 6 and 7 and inserting in lieu thereof the following:

"Sec. 14. The provisions of section six (6) of

Page 2

this Act shall become effective January 1, 1977."

8. Page 7, by adding after line 10 the following:

"Sec. ..... The provisions of sections one (1), two (2), and three (3) of this Act shall become effective January 1, 1977."

9. Renumber the remaining sections accordingly.

10. Amend the title, line 7, by inserting after the word "annuities" the words "and any amount received as retirement pay or disability benefits received for former service as a member of any of the armed forces of the United States".

SENATE MESSAGES CONSIDERED

Senate File 1345, a bill for an act relating to the identification of certain diseased or exposed cattle.

Read first time and referred to the **sifting committee.**

UNFINISHED BUSINESS

The House resumed consideration of **House File 1593**, a bill for an act relating to the department of job service, including unemployment compensation, providing for a delay until 1978 of an emergency tax of two and seven-tenths percent, extending the

six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the requirements for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities, and amendment H—6903 filed by Branstad of Winnebago as follows:

H—6903C

5. Page 21, by striking lines 14 through 28.

Action on amendment H—6903C was temporarily deferred.

Koogler of Mahaska offered the following amendment H—6908 filed by him and moved its adoption:

H—6908

Amend House File 1593, as follows:

1. Page 2, by inserting after line 32 the following:

"Sec. ..... Section ninety-six point four (96.4), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, chapter ninety-two (92), section four (4), as amended by chapter sixty-seven (67), section ten (10), is amended to read as follows:

1. [He] *The applicant* has registered for work at and thereafter [has continued] *continues* to report at an employment office in [accordance with such regulations as the commission may prescribe] *person, at least once weekly on the day prescribed by the employment office, to complete the weekly claim form.* The provisions of this subsection shall be waived if the individual is deemed temporarily unemployed as defined in section thirty-three (33) of this Act."

2. Renumber the sections and correct internal references as necessary in conformance with this amendment.

Koogler of Mahaska asked and received unanimous consent to withdraw amendment H—6908.

Hansen of O'Brien offered the following amendment H—6901 filed by Hansen, et al.:

H—6901

Amend House File 1593 as follows:

1. Page 4, by inserting after line 19 the following:

"Sec. ..... Section ninety-six point five (96.5), subsection three (3), paragraph a, Code 1975, is amended to read as follows:

a. In determining whether or not any work is suitable for an individual, the [commission] *department* shall consider the degree of risk involved to his *or her* health, safety, and morals, his *or her* physical fitness and prior training, his *or her* experience and prior earnings, his *or her* length of unemployment and prospects for securing local work in his *or her* customary occupation, and the distance of the available work from his *or her* residence, and any other factor which it finds bears a reasonable relation to the purposes of this subsection. *However, any work shall be deemed suitable if the spendable weekly earnings available in such work are at least equal to the individual's weekly benefit amount and such work does not involve an unreasonable degree of risk to the health, safety or morals of the individual.*"

2. Page 22, by inserting after line 15 the following:

"Sec. ..... Section ninety-six point nineteen (96.19), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters ninety-two (92) and ninety-three (93), is amended by adding the following new subsection:

NEW SUBSECTION. "Spendable weekly earnings" of an individual means the amount remaining after payroll taxes, as defined in section eighty-five point sixty-one (85.61), subsection ten (10), of the Code, are subtracted from gross earnings, as defined in section eighty-five point sixty-one (85.61), subsection twelve (12), of the Code."

3. Page 28, by striking lines 30 and 31 and inserting in lieu thereof the following: "five (5); ninety-six point five (96.5), subsection four".

4. Amend the title page, line 17 by inserting after the word "cause" the following: "defining suitable work and spendable weekly earnings,".

5. Renumber sections as necessary.

Drake of Muscatine rose on a point of order that amendment H—6901 was not germane.

The Speaker ruled the point well taken and amendment H—6901 not germane.

Hansen of O'Brien moved that the rules governing germaneness be suspended for the consideration of amendment H—6901.

Roll call was requested by Hansen of O'Brien and Bennett of Ida.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended to consider amendment H—6901?"

The ayes, 33:

Bennett	Hansen	Millen	Spencer
Brockett	Harvey	Miller, K. D.	Stromer
Clark	Junker	Miller, O. L.	Tofte
Crabb	Kreamer	Nealson	Varley
Daggett	Lageschulte	Oakley	Welden
Danker	Lindeen	Pellett	West
Den Herder	McElroy	Readinger	Wulff
Evans	Menke	Schroeder	Wyckoff
Gentleman			

The nays were, 47:

Anderson	Drake	Hullinger	Pavich
Avenson	Dunton	Husak	Perkins
Bina	Dyrland	Hutchins	Poncy
Binneboese	Fitzgerald	Jochum	Rinas
Brandt	Halvorson	Jordan	Scheelhaase
Brunow	Hargrave	Koogler	Spear
Byerly	Harper	Middleswart	Spradling
Connors	Hennessey	Middleton	Svoboda
Crawford	Higgins	Miller, A. V.	Tauke
Cusack	Hinkhouse	Norland	Wells
Dieleman	Horn	O'Halloran	Mr. Speaker
Doyle	Howell	Patchett	

Absent or not voting, 19:

Baker	Gilloon	Lipsky	Nielsen
Bittle	Griffee	Lonergan	Small
Bortell	Hines	Mennenga	Walter
Branstad	Jesse	Monroe	Woods
Egenes	Krause	Newhard	

The motion lost.

Byerly of Polk asked and received unanimous consent to withdraw amendment H—6907 (to page 9) filed by Monroe of Des Moines on May 27, 1976, and found on pages 3283 through 3285 of the House Journal.

Lageschulte of Bremer offered the following amendment H—6902 filed by him and Bennett of Ida and moved its adoption:

H—6902

Amend House File 1593 as follows:

1. Page 21, by inserting after line 13 the following:

"Sec. ..... Section ninety-six point nineteen (96.19), subsection seven (7), paragraph g, subparagraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-two (92), section thirty (30), is amended to read as follows:

(1) Service performed in the employ of this state by an elected official, *or service performed by state employees of the state of Iowa whose employment is contingent upon the legislature being in session, notwithstanding the provisions of subsection seven (7), paragraph a, subparagraph four (4), of this section.*"

2. Renumber sections and correct internal references as necessary in conformance with this amendment.

Roll call was requested by Lageschulte of Bremer and Danker of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6902 be adopted?"

The ayes were, 39:

Bennett	Evans	McElroy	Schroeder
Bortell	Gentleman	Menke	Stromer
Branstad	Halvorson	Millen	Tauke
Brockett	Hansen	Miller, K. D.	Tofte
Clark	Harvey	Miller, O. L.	Varley
Crabb	Junker	Nealson	Welden
Crawford	Kreamer	Oakley	West
Daggett	Lageschulte	Pellett	Wulff
Danker	Lindeen	Perkins	Wyckoff
Den Herder	Lipsky	Readinger	

The nays were, 44:

Anderson	Dunton	Hullinger	Patchett
Avenson	Dyrland	Husak	Pavich
Bina	Fitzgerald	Hutchins	Poncy
Binneboese	Griffee	Jochum	Rinas
Brandt	Hargrave	Jordan	Scheelhaase
Brunow	Harper	Koogler	Spear
Byerly	Hennessey	Middleswart	Spradling
Connors	Higgins	Middleton	Svoboda
Cusack	Hinkhouse	Miller, A. V.	Wells
Dieleman	Horn	Newhard	Woods
Drake	Howell	O'Halloran	Mr. Speaker

Absent or not voting, 16:

Baker	Gilloon	Lonergan	Norland
Bittle	Hines	Mennenga	Small
Doyle	Jesse	Monroe	Spencer
Egenes	Krause	Nielsen	Walter

Amendment H—6902 lost.

The House resumed consideration of amendment H—6903C.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—6903C.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 1593)

The ayes were, 58:

Anderson	Gentleman	Lipsky	Readinger
Avenson	Gilloon	McElroy	Rinas
Binneboese	Griffee	Menke	Schroeder
Brandt	Hargrave	Mennenga	Spear
Brockett	Harper	Middleswart	Spencer
Brunow	Hennessey	Miller, A. V.	Spradling
Byerly	Hines	Miller, K. D.	Svoboda
Clark	Hinkhouse	Miller, O. L.	Tauke
Connors	Howell	Newhard	Tofte
Crawford	Hullinger	Nielsen	Varley
Den Herder	Hutchins	Norland	Woods
Dieleman	Jordan	Oakley	Wulff
Drake	Junker	O'Halloran	Wyckoff
Dunton	Koogler	Perkins	Mr. Speaker
Fitzgerald	Lindeen		

The nays were, 32:

Bennett	Doyle	Krause	Pavich
Bina	Dyrland	Kreamer	Pellett
Bortell	Evans	Lageschulte	Poncy
Branstad	Halvorson	Middleton	Stromer
Crabb	Harvey	Millen	Walter
Cusack	Higgins	Monroe	Welden
Daggett	Horn	Nealson	Wells
Danker	Jochum	Patchett	West

Absent or not voting, 9:

Baker	Hansen	Jesse	Scheelhaase
Bittle	Husak	Lonergan	Small
Egenes			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Norland of Worth called up for consideration **House File 1590,** a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities

from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendents of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations, amended by the Senate as follows:

H—6909

Amend House File 1590 as amended, passed and reprinted by the House as follows:

1. Page 3, line 11, by striking the word "qualifies" and inserting in lieu thereof the word "qualifies".

2. Page 3, line 32, by striking the word "paragraph" and inserting in lieu thereof the word "paragraphs".

3. Page 4, by inserting after line 21 the following:

"*NEW UNNUMBERED PARAGRAPH.* In computing the tax imposed by this section, a resident of Iowa may exclude any amount received from the United States Government in the form of retirement pay or disability benefits for former service as a member of any of the armed forces of the United States."

4. Page 4, lines 31 and 32 by striking the following words: "subsection twenty-three (23) of this section." and inserting in lieu thereof the following: "subsections twenty-three (23) and twenty-four (24) of this section.".

5. Page 4, by inserting after line 32 the following:

"Sec. ..... Section four hundred twenty-seven point three (427.3), numbered paragraphs one (1), two (2), and three (3), Code 1975, are amended to read as follows:

427.3 MILITARY SERVICE—EXEMPTIONS. The following exemptions from taxation shall be allowed:

1. The property, not to exceed [eleven] *twelve* thousand one hundred eleven dollars in taxable value[, and poll tax] of any honorably discharged union soldier, sailor, or marine of the Mexican war or the war of the rebellion.

2. The property, not to exceed [six] *seven* thousand six hundred sixty-seven dollars in taxable value[, and poll tax] of any honorably discharged soldier, sailor, marine or nurse of the war with Spain, Tyler Rangers, Colorado volunteers in the war of the re-

bellion, 1861 to 1865, Indian wars, Chinese relief expedition or the Phillipine insurrection.

3. The property, not to exceed [two] *three* thousand seven hundred seventy-eight dollars in taxable value of any honorably discharged soldier, sailor, marine, or nurse of the first World War."

6. Striking from page 4, line 33 through page 5, line 28.

7. Page 7, by striking lines 6 and 7 and inserting in lieu thereof the following:

"Sec. 14. The provisions of section six (6) of

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this Act shall become effective January 1, 1977."

8. Page 7, by adding after line 10 the following:

"Sec. ..... The provisions of sections one (1), two (2), and three (3) of this Act shall become effective January 1, 1977."

9. Renumber the remaining sections accordingly.

10. Amend the title, line 7, by inserting after the word "annuities" the words "and any amount received as retirement pay or disability benefits received for former service as a member of any of the armed forces of the United States".

Norland of Worth offered the following amendment H—6910, to the Senate amendment H—6909, filed by him from the floor. Division was requested as follows:

H—6910

Amend the Senate amendment, H—6909, to House File 1590, as amended, passed, and reprinted by the House, as follows:

H—6910A

1. Page 1, by striking lines 6 through 16.

H—6910B

2. Page 1, by striking lines 22 through 45.

H—6910A

3. Page 2, by striking lines 7 through 11.

Norland of Worth moved the adoption of amendment H—6910A, to the Senate amendment H—6909.

Amendment H—6910A was adopted.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H—6911 filed by him from the floor as follows:

H—6911

Amend the Senate amendment H—6909, to House File 1590, as follows:

1. Page 1, by inserting after line 23 the following:
"Sec. ..... Section four hundred twenty-seven point three (427.3), Code 1975, is amended by striking subsections one (1) and two (2)."
2. Page 1, by striking lines 25 through 41 and inserting in lieu thereof the following:
"three (427.3), subsection three (3), Code 1975 is amended to read as follows:"

Norland of Worth moved the adoption of amendment H—6910B, to the Senate amendment H—6909.

A non-record roll call was requested.

The ayes were 49, nays 17.

Amendment H—6910B was adopted.

Norland of Worth offered the following amendment H—6913, to the Senate amendment H—6909, filed by him from the floor and moved its adoption:

H—6913

Amend the Senate amendment H—6909, to House File 1590, as follows:
1. Page 1, by inserting after line 8 the following:
"..... Page 4, line 15, by striking the word "annuity" and inserting in lieu thereof the word "benefits".

Amendment H—6913 was adopted.

Higgins of Scott offered the following amendment H—6912 to the Senate amendment H—6909, filed by him from the floor and moved its adoption:

H—6912

Amend the Senate amendment H—6909, to House File 1590, as follows:
1. Page 1, by striking lines 46 and 47.

Roll call was requested by Higgins of Scott and Hines of Story.

Rule 70 was invoked.

On the question "Shall amendment H—6912, to the Senate amendment H—6909, be adopted?"

The ayes were, 40:

Anderson	Byerly	Fitzgerald	**Higgins**
Avenson	**Connors**	Gilloon	**Hines**
Bina	Cusack	Griffee	**Horn**
Brandt	Doyle	Hargrave	**Howell**
Brunow	Dyrland	Hennessey	**Hullinger**

Jesse	Middleton	Patchett	Spradling
Jochum	Miller, A. V.	Pavich	Svoboda
Jordan	Nielsen	Poncy	Wells
Krause	Norland	Rinas	Woods
Mennenga	O'Halloran	Spear	Mr. Speaker

The nays were, 46:

Bennett	Drake	Lindeen	Readinger
Binneboese	Dunton	Lipsky	Schroeder
Bortell	Evans	Menke	Spencer
Branstad	Gentleman	Middleswart	Stromer
Brockett	Halvorson	Millen	Tauke
Clark	Harvey	Miller, K. D.	Tofte
Crabb	Hinkhouse	Miller, O. L.	Varley
Crawford	Hutchins	Nealson	Walter
Daggett	Junker	Newhard	Welden
Danker	Koogler	Pellett	Wulff
Den Herder	Kreamer	Perkins	Wyckoff
Dieleman	Lageschulte		

Absent or not voting, 13:

Baker	Harper	McElroy	Scheelhaase
Bittle	Husak	Monroe	Small
Egenes	Lonergan	Oakley	West
Hansen			

Amendment H—6912 lost.

Norland of Worth moved that the House concur in the Senate amendment H—6909, as amended.

The motion prevailed and the House concurred in the Senate amendment H—6909, as amended.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harper of Davis, Perkins of Greene, McElroy of Fremont, Husak of Tama, West of Marshall, Hansen of O'Brien and Scheelhaase of Woodbury on request of Speaker Cochran.

These members were excused to attend the unveiling of the Iowa Monument at Valley Forge, Pennsylvania, Freedom Foundation, honoring Iowa medal of honor winners.

(House File 1590 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koogler of Mahaska for the remainder of the day on request of Dieleman of Marion.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

REPORTS OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following reports:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1284**, a bill for an act relating to administration of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program and appropriating funds from the motor vehicle fuel tax fund to the department of revenue for such purposes, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **do pass.**

DUNTON of Keokuk, Chair

Also:

MR. SPEAKER: Your committee on appropriations to whom was referred **Senate File 1337**, a bill for an act making an appropriation for funding of staff for the utilities division of the Iowa state commerce commission, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass:**

H—6914
1 Amend Senate File 1337 as follows:
2 1. Page 1, line 4, by striking the words
3 "one hundred fifty thousand" and inserting in
4 lieu thereof the word "seventy-five thousand".
5 2. Page 1, line 5, by striking the figure
6 "(150,000)" and inserting in lieu thereof the
7 figure "(75,000)".

DUNTON of Keokuk, Chair

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **Senate Files 1284** and **1337.**

CONSIDERATION OF BILLS

Senate File 1284, a bill for an act relating to administration of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program and appropriating funds from the motor vehicle fuel tax fund to the department of revenue for such purposes, with report of committee recommending passage, was taken up for consideration.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1284)

The ayes were, 78:

Anderson	Dunton	Lageschulte	Readinger
Avenson	Dyrland	Lindeen	Rinas
Bennett	Evans	Lipsky	Schroeder
Bina	Fitzgerald	Lonergan	Small
Binneboese	Gentleman	Mennenga	Spear
Bortell	Gilloon	Middleswart	Spencer
Brandt	Halvorson	Middleton	Spradling
Branstad	Hargrave	Millen	Stromer
Brockett	Hennessey	Miller, A. V.	Svoboda
Brunow	Higgins	Miller, K. D.	Tauke
Byerly	Hines	Nealson	Tofte
Clark	Hinkhouse	Nielsen	Varley
Crabb	Horn	Norland	Walter
Crawford	Howell	Oakley	Welden
Cusack	Hutchins	O'Halloran	Wells
Danker	Jesse	Patchett	Woods
Den Herder	Jochum	Pavich	Wulff
Dieleman	Jordan	Pellett	Wyckoff
Doyle	Junker	Poncy	Mr. Speaker
Drake	Krause		

The nays were, 3:

Harvey	Hullinger	Miller, O. L.

Absent or not voting, 18:

Baker	Griffee	Kreamer	Newhard
Bittle	Hansen	McElroy	Perkins
Connors	Harper	Menke	Scheelhaase
Daggett	Husak	Monroe	West
Egenes	Koogler		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1337, a bill for an act making an appropriation for funding of staff for the utilities division of the Iowa state commerce commission, with report of committee recommending amendment and passage, was taken up for consideration.

Brunow of Appanoose asked and received unanimous consent to withdraw amendment H—6914 filed by the committee on appropriations.

Hargrave of Johnson offered the following amendment H—6915 filed by him from the floor:

H—6915

Amend Senate File 1337 as follows:

1. Page 1, line 7, by inserting after the word "division." the following: "The funds appropriated

by this Act are to be used in part for the reduction and prevention of backlog."

Hargrave of Johnson asked and received unanimous consent to withdraw amendment H—6915.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1337)

The ayes were, 76:

Anderson	Drake	Junker	Pavich
Avenson	Dunton	Krause	Pellett
Bennett	Dyrland	Kreamer	Poncy
Bina	Evans	Lageschulte	Readinger
Binneboese	Fitzgerald	Lindeen	Rinas
Bortell	Gentleman	Lipsky	Schroeder
Brandt	Gilloon	Lonergan	Spear
Branstad	Griffee	Mennenga	Spencer
Brockett	Halvorson	Middleswart	Spradling
Brunow	Hargrave	Middleton	Stromer
Byerly	Higgins	Miller, A. V.	Svoboda
Clark	Hines	Miller, K. D.	Tauke
Crabb	Hinkhouse	Miller, O. L.	Tofte
Crawford	Horn	Nealson	Varley
Cusack	Howell	Nielsen	Wells
Danker	Hullinger	Norland	Woods
Den Herder	Hutchins	Oakley	Wulff
Dieleman	Jochum	O'Halloran	Wyckoff
Doyle	Jordan	Patchett	Mr. Speaker

The nays were, 3:

Harvey	Walter	Welden

Absent or not voting, 20:

Baker	Hansen	Koogler	Newhard
Bittle	Harper	McElroy	Perkins
Connors	Hennessey	Menke	Scheelhaase
Daggett	Husak	Millen	Small
Egenes	Jesse	Monroe	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Cusack of Scott in the chair.

ADOPTION OF THE SECOND CONFERENCE COMMITTEE REPORT
(Senate File 85)

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the consideration of the report of the second conference committee on Senate File 85, filed on May 27,

1976, and found on pages 3246 through 3261 of the House Journal.

Nielsen of Polk asked and received unanimous consent to take up for consideration the following supplemental report of the second conference committee on Senate File 85 and moved its adoption:

SUPPLEMENTAL REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 85

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, respectfully make the following supplemental report:

1. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate be amended on page 37, line 44, by striking the figure "16" and inserting in lieu thereof the figure "14".

On the Part of the Senate:	On the Part of the House:
GENE W. GLENN, Chair	NORMAN G. JESSE, Chair
E. KEVIN KELLY	TERRY E. BRANSTAD
RICHARD R. RAMSEY	JULIA GENTLEMAN
NORMAN RODGERS	CARL V. NIELSEN
EARL M. WILLITS	BRICE C. OAKLEY

The motion prevailed and the supplemental report of the second conference committee on Senate File 85 was adopted.

(The report of the second conference committee on Senate File 85 temporarily deferred.)

MOTIONS TO RECONSIDER WITHDRAWN

(House File 1539)

Fitzgerald of Webster asked and received unanimous consent to withdraw the motion to reconsider **House File 1539** filed by Cusack of Scott on May 27, 1976.

(House File 1583)

Fitzgerald of Webster asked and received unanimous consent to withdraw the motion to reconsider **House File 1583** filed by Brunow of Appanoose on May 27, 1976.

Speaker Cochran in the chair at 5:30 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion for the remainder of the day on request of Anderson of Jasper.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 507

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 507, a bill for an Act relating to the funding, compensation, expenses and membership of legislative members of committees and certain statutory or appointive boards, commissions, and councils, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

On the Part of the Senate:	On the Part of the House:
EUGENE M. HILL, Chair	GREGORY D. CUSACK, Chair
C. JOSEPH COLEMAN,	NORMAN G. JESSE
GENE W. GLENN	JACK E. WOODS
WARREN E. CURTIS	BRICE C. OAKLEY
FORREST V. SCHWENGELS	GLENN F. BROCKETT

APPOINTMENT OF SECOND CONFERENCE COMMITTEE
(Senate File 507)

The Speaker announced the appointment of the second conference committee on Senate File 507: Cusack of Scott, chair; Jesse of Polk, Woods of Polk, Oakley of Clinton and Brockett of Marshall.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 28, 1976, amended the House amendment to the Senate amendment, concurred in the House amendment to the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

House File 914, a bill for an act relating to retirement benefits for certain public employees engaged in public safety occupations.

Also: That the Senate has on May 28, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1371, a bill for an act relating to the status, membership, and

duties of the energy policy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council effective June 30, 1979.

Also: That the Senate has on May 27, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1451, a bill for an act relating to court reporters.

Also: That the Senate has on May 28, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1564, a bill for an act relating to equalization and assessment procedures by providing for the assessment of property every two years and the use of other appraisal methods.

Also: That the Senate has, on May 27, 1976, adopted the second conference committee report and the amendments contained therein and passed House File 1558, a bill for an act providing for an appropriation for public projects under the jurisdiction of the conservation commission.

Also: That the Senate has on May 28, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1588, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds.

Also: That the members of the Second Conference Committee on Senate File 507, a bill for an act relating to the funding, compensation and membership of legislative members of committees and boards, on the part of the Senate, appointed May 28, 1976, are: The Senator from Jasper, Mr. Hill, chair; the Senator from Webster, Mr. Coleman; the Senator from Cherokee, Mr. Curtis; the Senator from Wapello, Mr. Glenn; and the Senator from Jefferson, Mr. Schwengels.

Also: That the Senate has on May 28, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1336, a bill for an act providing for an appropriation to defer the expenses of certain ad hoc committees, councils and task forces.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 914

H—6919

Amend S—5888, the House amendment, to H—4350, the Senate amendment, to House File 914, as amended, passed and reprinted by the House as follows:

1. Page 1, line 6, by inserting after the figure "(8)" the word "and".

2. Page 1, line 7, by inserting after the figure "(12)" the words and figures "and sixteen (16)".

3. Page 1, by inserting after line 25 the following:

"16. "Pensions" shall mean annual payments for

life derived from the appropriations provided by the state of Iowa *and from contributions of the members which are deposited in the pension accumulation fund.* All pensions shall be paid in equal monthly installments."

4. Page 1, by inserting after line 34 the following amendment:

"..... Page 1, by inserting after line 31 the following section:

"Sec. ..... Section ninety-seven A point five (97A.5), subsections ten (10), eleven (11), and twelve (12), Code 1975, are amended to read as follows:

10. TABLES—RATES. Immediately after the establishment of this system, the state commissioner of insurance shall make such investigation of *anticipated interest earnings and of* the mortality, service and compensation experience of the members of the system as [he] *the actuary* shall recommend and the board of trustees shall authorize, and on the basis of such investigation [he] *the actuary* shall recommend for adoption by the board of trustees such tables and such rates as are required in subsection 11 of this section. The board of trustees shall adopt *the rate of interest and* tables, and certify rates of contributions to be used by the system.

11. ACTUARIAL INVESTIGATION. In the year 1952, and at least once in each two-year period thereafter, the state commissioner of insurance shall make an actuarial investigation in the mortality, service and compensation experience of the members and beneficiaries of the system, *and the interest and other earnings on the moneys and other assets of the system,* and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the results of such investigation and valuation, the board of trustees shall:

a. Adopt for the system such *interest rate,* mortality, and other tables as shall be deemed necessary;

b. Certify the rates of contribution payable by

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the state of Iowa in accordance with section 97A.8.

12. VALUATION. On the basis of *such rate of interest and* such tables as the board of trustees shall adopt, the state commissioner of insurance shall make an annual valuation of the assets and liabilities of the funds of the system created by this chapter."

5. Page 3, by inserting after line 20 the following amendment:

"..... Page 4, by striking lines 31 and 32 and inserting in lieu thereof the words "[including all amendments to the formula which may be adopted subsequent to the member's retirement or death,] shall be used"."

6. Page 3, by striking lines 21 through 29.

7. Page 3, by inserting after line 29 the following amendment:

"..... Page 5, by inserting after line 7 the following section:

"Sec. ..... Section ninety-seven A point six (97A.6), subsection fifteen (15), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. A retired member who became eligible for benefits under the provisions of subsection one (1) of this section but who did not serve twenty-two years and did not attain the age of fifty-five years prior to the member's termination of employment shall not be eligible for the annual readjustment of pensions provided for by this subsection."

8. Page 3, by inserting after line 29 the following:

"..... Page 5, by inserting after line 7 the following section:

"Sec. ..... Section ninety-seven A point seven (97A.7), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The board of trustees may invest funds of fire and police retirement systems created under the provisions of chapter four hundred eleven (411) of the Code in the manner prescribed in this section."

9. Page 3, inserting after line 29 the following amendment:

"..... Page 5, by inserting after line 7 the following section:

"Sec. ..... Section ninety-seven A point seven (97A.7), subsection three (3), Code 1975, is amended to read as follows:

3. The board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the

pension accumulation fund and the expense fund. The amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the board of trustees from interest and other earnings on the moneys and other assets of the system. Any additional amount required to meet the interest on the funds of the system shall be paid by the state of Iowa and any excess of earnings over such amount required shall be deductible from the amounts to be contributed by the state of Iowa."

10. Page 3, by inserting after line 37 the following:

"The provisions of section ninety-seven A point eight (97A.8), subsection one (1), paragraphs b and c, of the Code relating to the contributions of members shall be applicable to this paragraph."

11. Page 3, line 43, by striking the words "[interest and of]" and inserting in lieu thereof the words *"the rate of* interest and of".

12. Page 4, line 12, by inserting after the word "of" the words *"the rate of interest and of"*.

13. Page 4, line 25, by striking the word "and".

14. Page 4, line 26, by inserting after the figure "(14)," the words and figure "and eighteen (18),".

15. Page 4, by inserting after line 46 the following:

"18. "Pensions" shall mean annual payments for life derived from appropriations provided by the said cities *and from contributions of the members which are deposited in the pension accumulation fund.* All pensions shall be paid in equal monthly installments."

16. Page 5, line 14, by striking the word "section" and inserting in lieu thereof the word "sections".

17. Page 5, lines 24 through 26, by striking the words *"the board of fire trustees and the board of police trustees jointly shall designate"*.

18. Page 5, by inserting after line 32 the following:

"Sec. ..... Section four hundred eleven point five (411.5), subsections eleven (11), twelve (12), and thirteen (13), Code 1975, are amended to read as follows:

11. TABLES—RATES. Immediately after the establishment of each retirement system, the actuary shall make such investigation of *anticipated interest earnings and of* the mortality, service and compensation experience of the members of the system as [he] *the actuary* shall recommend and the board of trustees shall authorize, and on the basis of such investigation [he] *the actuary* shall recommend for adoption by the

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board of trustees such tables and such rates as are required in subsection 12 of this section. The board of trustees shall adopt *the rate of interest and* tables, and certify rates of contribution to be used by the system.

12. ACTUARIAL INVESTIGATION. In the year 1988, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, *and the interest and other earnings on the moneys and other assets of the retirement system,* and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the results of such investigation and valuation, the board of trustees shall:

a. Adopt for the retirement system such *interest rate,* mortality, and other tables as shall be deemed necessary;

b. Certify the rates of contribution payable by the said cities in accordance with section 411.8 of this chapter.

13. VALUATION. On the basis of such *rate of interest and such* tables as the boards of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the retirement systems created by this chapter."

19. Page 7, line 19, by striking the word "section" and inserting in lieu thereof the word "sections".

20. Page 7, line 29, by striking the word ", including" and inserting in lieu thereof the word "[, including]".

21. Page 7, by striking lines 30 and 31 and inserting in lieu thereof the words "[all amendments to the formula which may be adopted subsequent to the member's retirement or death,] shall".

22. Page 7, by striking lines 36 through 43 and inserting in lieu thereof the words "death. The adjusted monthly".

23. Page 7, by inserting after line 50 the following:

"Sec. ..... Section four hundred eleven point seven (411.7), subsection three (3), Code 1975, is amended to read as follows:

3. Each board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the *pension accumulation fund and the* expense fund. The amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the

respective board of trustees from interest and other earnings on the moneys and other assets of the retirement systems. Any additional amount required to meet the interest on the funds of the retirement system shall be paid by the cities and any excess of earnings over such amount required shall be deductible from the amounts to be contributed by the said cities."

24. Page 8, by inserting after line 8 the following:

"The provisions of section four hundred eleven point eight (411.8), subsection one (1), paragraphs b and c, of the Code relating to the contributions of members shall be applicable to this paragraph."

25. Page 8, line 10, by striking the word "section" and inserting in lieu thereof the word "sections".

26. Page 8, lines 11 and 12, by striking the words and figures "ninety-seven A point eight (97A.8)" and inserting in lieu thereof the words and figures "four hundred eleven point eight (411.8)".

27. Page 8, line 14, by striking the words "[interest and of]" and inserting in lieu thereof the words

"*the rate of* interest and of".

28. Page 8, line 33, by inserting after the word "basis" the words "*of the rate of interest and*".

29. Page 8, line 34, by striking the words "and regular interest" and inserting in lieu thereof the words "[and regular interest]".

30. Page 8, by inserting after line 36 the following:

"Sec. ..... Chapter four hundred eleven (411), Code 1975, is amended by adding the following new section:

NEW SECTION. Each board of trustees may, in lieu of investing funds as provided in section four hundred eleven point seven (411.7) of the Code, transfer authority to invest funds to the board of trustees of the peace officers' retirement, accident, and disability system under chapter ninety-seven A (97A) of the Code. Assets held by the system electing to transfer investment authority shall either be transferred in cash or market value plus accrued interest. The assets of the system may be commingled with assets of the peace officers' retirement, accident and disability system for purposes of investment, and no system shall have any right to any specific asset deposited in any of the peace officers' retirement, accident and disability funds other than its undivided interest in all assets. The board of trustees of chapter ninety-seven A (97A) of the Code

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shall maintain the necessary records to determine the interest of any system in the funds. All income or gain realized from investments of moneys in the funds and all investment expense or loss shall be allocated to the funds of each system in the same ratio that the average quarterly balances based on market values of the funds of each system bear to the total average quarterly balance of the funds in chapter ninety-seven A (97A) of the Code.

The board of trustees electing to transfer investment authority may withdraw in total or in part its assets from the funds established under chapter ninety-seven A (97A) of the Code. Withdrawal shall be by written notice and the amount payable shall be the balance as of the end of the quarter next following receipt of the notice."

31. Page 8, by inserting after line 36 the following amendment:

"..... Page 10, by inserting after line 19 the following section:

"Sec. ..... Chapter four hundred eleven (411), Code 1975, is amended by adding the following new section:

NEW SECTION. A member of a retirement system

established in this chapter who terminates employment with a city and is subsequently employed by another city and is eligible for coverage under this chapter may transfer membership service earned under the first system to the system under which the member is employed. Upon the written request of the member with verification by the board of trustees of the system under which the member is employed, the board of trustees of the first system shall transmit to the board of trustees of the system under which the member is employed, within thirty days of the receipt of the request, the member's accumulated contributions to be deposited in the annuity savings fund of the system under which the member is employed and the actuarial equivalent of the amount in the pension accumulation fund which would be necessary to fund a pension equal to one twenty-second times the number of years of membership service completed, under the first system, to be deposited in the pension accumulation fund of the system under which the member is employed."

32. Page 8, by striking lines 37 through 40 and inserting in lieu thereof the following amendments:

"..... Page 10, by striking line 19a and inserting in lieu thereof the following:

"Sec. ..... Chapter four hundred eleven (411),

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Code 1975, is amended by adding the following new section:

NEW SECTION. There is appropriated from the general fund of the state to the municipal".

..... Page 10, line 19c, by striking the words "the fiscal year beginning" and inserting in lieu thereof the words "each fiscal year"."

33. Page 8, by striking lines 41 through 44 and inserting in lieu thereof the following:

"..... Page 10, by striking lines 19d, 19e, and 19f and inserting in lieu thereof the words "an amount necessary to be distributed"."

SENATE AMENDMENT TO HOUSE FILE 1564

H—6917

Amend House File 1564, as amended and passed by the House, as follows:

1. Page 13, by inserting after line 11 the following new section:

"Sec. ..... Notwithstanding the provisions of section four hundred forty-five point thirty-seven (445.37) of the Code, if one-half of the property taxes due have not been paid for October 1, 1976 or thirty days from the date of the certification of the tax list to the county treasurer, whichever date

occurs later, the amount due shall become delinquent and subject to the penalties provided in section four hundred forty-five point thirty-nine (445.39) and four hundred forty-five point forty (445.40) of the Code. The provisions of this section shall only be applicable to property taxes levied in 1976 and payable during the fiscal year beginning July 1, 1976 and ending June 30, 1977."

2. Amend the title, line 8, by inserting after the word "orders," the words "relating to the date of delinquency for nonpayment of first-half property taxes due and payable in the fiscal year beginning July 1, 1976,".

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1336

H—6918

Amend House amendment S—5952 to Senate File 1336 as follows:

1. Page 1, line 11, by striking the figure "$45,000" and inserting in lieu thereof the figure "$35,000".

2. Page 1, by striking lines 14 through 16.

CONSIDERATION OF BILLS

The House resumed consideration of the second conference committee report on Senate File 85.

Cusack of Scott in the chair at 7:30 p.m.

Jesse of Polk moved the adoption of the second conference committee report and the amendments contained therein.

Roll call was requested by Kreamer of Polk and Nealson of Muscatine.

On the question "Shall the conference committee report be adopted?"

The ayes were, 56:

Anderson	Connors	Griffee	Hullinger
Avenson	Crawford	Hargrave	Jesse
Bina	Den Herder	Hennessey	Jochum
Binneboese	Doyle	Higgins	Krause
Brandt	Dunton	Hines	Lipsky
Brunow	Fitzgerald	Hinkhouse	Lonergan
Byerly	Gentleman	Horn	Mennenga
Cochran	Gilloon	Howell	Middleswart

Middleton	Norland	Readinger	Svoboda
Miller, A. V.	Oakley	Rinas	Varley
Miller, K. D.	O'Halloran	Schroeder	Walter
Miller. O. L.	Patchett	Small	Wells
Monroe	Pavich	Spear	Mr. Speaker
Newhard	Poncy	Spradling	(Cusack)
Nielsen			

The nays were, 29:

Bennett	Drake	Lageschulte	Stromer
Bortell	Dyrland	Lindeen	Tauke
Branstad	Evans	Menke	Tofte
Brockett	Halvorson	Millen	Welden
Clark	Harvey	Nealson	Woods
Crabb	Hutchins	Pellett	Wulff
Daggett	Kreamer	Spencer	Wyckoff
Danker			

Absent or not voting, 14:

Baker	Hansen	Junker	Perkins
Bittle	Harper	Koogler	Scheelhaase
Dieleman	Husak	McElroy	West
Egenes	Jordan		

The motion prevailed and the second conference committee report was adopted.

(Senate File 85 pending.)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the session on request of Wyckoff of Benton.

SENATE AMENDMENTS CONSIDERED

Norland of Worth called up for consideration **House File 1564**, a bill for an act relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of assessments, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—6917

Amend House File 1564, as amended and passed by the House, as follows:

1. Page 13, by inserting after line 11 the following new section:

"Sec. ..... Notwithstanding the provisions of section four hundred forty-five point thirty-seven (445.37) of the Code, if one-half of the property taxes due have not been paid for October 1, 1976 or thirty days from the date of the certification of the tax list to the county treasurer, whichever date occurs later, the amount due shall become delinquent and subject to the penalties provided in section four hundred forty-five point thirty-nine (445.39) and four hundred forty-five point forty (445.40) of the Code. The provisions of this section shall only be applicable to property taxes levied in 1976 and payable during the fiscal year beginning July 1, 1976 and ending June 30, 1977."

2. Amend the title, line 8, by inserting after the word "orders," the words "relating to the date of delinquency for nonpayment of first-half property taxes due and payable in the fiscal year beginning July 1, 1976,".

The motion prevailed and the House concurred in the Senate amendment H—6917.

Norland of Worth moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 1564)

The ayes were, 76:

Anderson	Dunton	Kreamer	Pellett
Avenson	Dyrland	Lageschulte	Poncy
Bennett	Evans	Lipsky	Readinger
Bina	Fitzgerald	Lonergan	Rinas
Binneboese	Gentleman	Menke	Small
Bortell	Gilloon	Mennenga	Spear
Brandt	Griffee	Middleswart	Spencer
Branstad	Halvorson	Middleton	Spradling
Brockett	Hargrave	Millen	Stromer
Byerly	Harvey	Miller, A. V.	Svoboda
Clark	Hennessey	Miller, O. L.	Tauke
Cochran	Higgins	Monroe	Tofte
Connors	Hines	Newhard	Walter
Crabb	Hinkhouse	Nielsen	Wells
Crawford	Howell	Norland	Woods
Daggett	Hullinger	Oakley	Wulff
Danker	Hutchins	O'Halloran	Wyckoff
Den Herder	Jochum	Patchett	Mr. Speaker
Doyle	Krause	Pavich	(Cusack)
Drake			

The nays were, none.

Absent or not voting, 23:

Baker	Harper	Koogler	Scheelhaase
Bittle	Horn	Lindeen	Schroeder
Brunow	Husak	McElroy	Varley
Dieleman	Jesse	Miller, K. D.	Welden
Egenes	Jordan	Nealson	West
Hansen	Junker	Perkins	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

HOUSE REFUSES TO CONCUR

Griffee of Chickasaw called up for consideration **Senate File 1336,** a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—6918

Amend House amendment S—5952 to Senate File 1336 as follows:

1. Page 1, line 11, by striking the figure "$45,000" and inserting in lieu thereof the figure "$35,000".

2. Page 1, by striking lines 14 through 16.

A non-record roll call was requested.

The ayes were 16, nays 46.

The motion lost and the House refused to concur in the Senate amendment to the House amendment.

SENATE AMENDMENT CONSIDERED

Byerly of Polk called up for consideration **House File 914,** a bill for an act relating to retirement benefits for certain public employees engaged in public safety occupations, amended by the Senate, and moved that the House concur in the following Senate amendment to the House amendment to the Senate amendment:

H—6919

Amend S—5888, the House amendment, to H—4350, the Senate amendment, to House File 914, as amended, passed and reprinted by the House as follows:

1. Page 1, line 6, by inserting after the figure "(8)" the word "and".

2. Page 1, line 7, by inserting after the figure "(12)" the words and figures "and sixteen (16)".

3. Page 1, by inserting after line 25 the following:

"16. "Pensions" shall mean annual payments for life derived from the appropriations provided by the state of Iowa *and from contributions of the members which are deposited in the pension accumulation fund.* All pensions shall be paid in equal monthly installments."

4. Page 1, by inserting after line 34 the following amendment:

"..... Page 1, by inserting after line 31 the following section:

"Sec. ..... Section ninety-seven A point five (97A.5), subsections ten (10), eleven (11), and twelve (12), Code 1975, are amended to read as follows:

10. TABLES—RATES. Immediately after the establishment of this system, the state commissioner of insurance shall make such investigation of *anticipated interest earnings and of* the mortality, service and compensation experience of the members of the system as [he] *the actuary* shall recommend and the board of trustees shall authorize, and on the basis of such investigation [he] *the actuary* shall recommend for adoption by the board of trustees such tables and such rates as are required in subsection 11 of this section. The board of trustees shall adopt *the rate of interest and* tables, and certify rates of contributions to be used by the system.

11. ACTUARIAL INVESTIGATION. In the year 1952, and at least once in each two-year period thereafter, the state commissioner of insurance shall make an actuarial investigation in the mortality, service and compensation experience of the members and beneficiaries of the system, *and the interest and other earnings on the moneys and other assets of the system,* and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the results of such investigation and valuation, the board of trustees shall:

a. Adopt for the system such *interest rate,* mortality, and other tables as shall be deemed necessary;

b. Certify the rates of contribution payable by

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the state of Iowa in accordance with section 97A.8.

12. VALUATION. On the basis of *such rate of interest and* such tables as the board of trustees shall adopt, the state commissioner of insurance shall make an annual valuation of the assets and liabilities of the funds of the system created by this chapter."

5. Page 3, by inserting after line 20 the following amendment:

"..... Page 4, by striking lines 31 and 32 and inserting in lieu thereof the words "[including all amendments to the formula which may be adopted subsequent to the member's retirement or death,] shall be

used"."

6. Page 3, by striking lines 21 through 29.

7. Page 3, by inserting after line 29 the following amendment:

"..... Page 5, by inserting after line 7 the following section:

"Sec. ..... Section ninety-seven A point six (97A.6), subsection fifteen (15), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. A retired member who became eligible for benefits under the provisions of subsection one (1) of this section but who did not serve twenty-two years and did not attain the age of fifty-five years prior to the member's termination of employment shall not be eligible for the annual readjustment of pensions provided for him by this subsection."

8. Page 3, by inserting after line 29 the following:

"..... Page 5, by inserting after line 7 the following section:

"Sec. ..... Section ninety-seven A point seven (97A.7), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The board of trustees may invest funds of fire and police retirement systems created under the provisions of chapter four hundred eleven (411) of the Code in the manner prescribed in this section."

9. Page 3, by inserting after line 29 the following amendment:

"..... Page 5, by inserting after line 7 the following section:

"Sec. ..... Section ninety-seven A point seven (97A.7), subsection three (3), Code 1975, is amended to read as follows:

3. The board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the

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pension accumulation fund and the expense fund. The amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the board of trustees from interest and other earnings on the moneys and other assets of the system. Any additional amount required to meet the interest on the funds of the system shall be paid by the state of Iowa and any excess of earnings over such amount required shall be deductible from the amounts to be contributed by the state of Iowa."

10. Page 3, by inserting after line 37 the following:

"The provisions of section ninety-seven A point eight (97A.8), subsection one (1), paragraphs b and c, of the Code relating to the contributions of members

shall be applicable to this paragraph."

11. Page 3, line 43, by striking the words "[interest and of]" and inserting in lieu thereof the words "*the rate of* interest and of".

12. Page 4, line 12, by inserting after the word "of" the words "*the rate of interest and of*".

13. Page 4, line 25, by striking the word "and".

14. Page 4, line 26, by inserting after the figure "(14)," the words and figure "and eighteen (18),".

15. Page 4, by inserting after line 46 the following:

"18. "Pensions" shall mean annual payments for life derived from appropriations provided by the said cities *and from contributions of the members which are deposited in the pension accumulation fund.* All pensions shall be paid in equal monthly installments."

16. Page 5, line 14, by striking the word "section" and inserting in lieu thereof the word "sections".

17. Page 5, lines 24 through 26, by striking the words "*the board of fire trustees and the board of police trustees jointly shall designate*".

18. Page 5, by inserting after line 32 the following:

"Sec. ..... Section four hundred eleven point five (411.5), subsections eleven (11), twelve (12), and thirteen (13), Code 1975, are amended to read as follows.

11. TABLES—RATES. Immediately after the establishment of each retirement system, the actuary shall make such investigation of *anticipated interest earnings and of* the mortality, service and compensation experience of the members of the system as [he] *the actuary* shall recommend and the board of trustees shall authorize, and on the basis of such investigation [he] *the actuary* shall recommend for adoption by the

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board of trustees such tables and such rates as are required in subsection 12 of this section. The board of trustees shall adopt *the rate of interest and* tables, and certify rates of contribution to be used by the system.

12. ACTUARIAL INVESTIGATION. In the year 1938, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, *and the interest and other earnings on the moneys and other assets of the retirement system,* and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the results of such investigation and valuation, the board of trustees shall:

a. Adopt for the retirement system such *interest rate,* mortality, and other tables as shall be deemed

necessary;
b. Certify the rates of contribution payable by the said cities in accordance with section 411.8 of this chapter.
13. VALUATION. On the basis of such *rate of interest and such* tables as the boards of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the retirement systems created by this chapter."
19. Page 7, line 19, by striking the word "section" and inserting in lieu thereof the word "sections".
20. Page 7, line 29, by striking the word ", including" and inserting in lieu thereof the word "[, including]".
21. Page 7, by striking lines 30 and 31 and inserting in lieu thereof the words "[all amendments to the formula which may be adopted subsequent to the member's retirement or death,] shall".
22. Page 7, by striking lines 36 through 43 and inserting in lieu thereof the words "death. The adjusted monthly".
23. Page 7, by inserting after line 50 the following:
"Sec. ..... Section four hundred eleven point seven (411.7), subsection three (3), Code 1975, is amended to read as follows:
3. Each board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the *pension accumulation fund and the* expense fund. The amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the

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respective board of trustees from interest and other earnings on the moneys and other assets of the retirement systems. Any additional amount required to meet the interest on the funds of the retirement system shall be paid by the cities and any excess of earnings over such amount required shall be deductible from the amounts to be contributed by the said cities."
24. Page 8, by inserting after line 8 the following:
"The provisions of section four hundred eleven point eight (411.8), subsection one (1), paragraphs b and c, of the Code relating to the contributions of members shall be applicable to this paragraph."
25. Page 8, line 10, by striking the word "section" and inserting in lieu thereof the word "sections".
26. Page 8, lines 11 and 12, by striking the words and figures "ninety-seven A point eight (97A.8)" and inserting in lieu thereof the words and figures "four hundred eleven point eight (411.8)".
27. Page 8, line 14, by striking the words "[in-

terest and of]" and inserting in lieu thereof the words *"the rate of* interest and of".

28. Page 8, line 33, by inserting after the word "basis" the words *"of the rate of interest and"*.

29. Page 8, line 34, by striking the words "and regular interest" and inserting in lieu thereof the words "[and regular interest]".

30. Page 8, by inserting after line 36 the following:

"Sec. ..... Chapter four hundred eleven (411), Code 1975, is amended by adding the following new section:

NEW SECTION. Each board of trustees may, in lieu of investing funds as provided in section four hundred eleven point seven (411.7) of the Code, transfer authority to invest funds to the board of trustees of the peace officers' retirement, accident, and disability system under chapter ninety-seven A (97A) of the Code. Assets held by the system electing to transfer investment authority shall either be transferred in cash or market value plus accrued interest. The assets of the system may be commingled with assets of the peace officers' retirement, accident and disability system for purposes of investment, and no system shall have any right to any specific asset deposited in any of the peace officers' retirement, accident and disability funds other than its undivided interest in all assets. The board of trustees of chapter ninety-seven A (97A) of the Code

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shall maintain the necessary records to determine the interest of any system in the funds. All income or gain realized from investments of moneys in the funds and all investment expense or loss shall be allocated to the funds of each system in the same ratio that the average quarterly balances based on market values of the funds of each system bear to the total average quarterly balance of the funds in chapter ninety-seven A (97A) of the Code.

The board of trustees electing to transfer investment authority may withdraw in total or in part its assets from the funds established under chapter ninety-seven A (97A) of the Code. Withdrawal shall be by written notice and the amount payable shall be the balance as of the end of the quarter next following receipt of the notice."

31. Page 8, by inserting after line 36 the following amendment:

"..... Page 10, by inserting after line 19 the following section:

"Sec. ..... Chapter four hundred eleven (411), Code 1975, is amended by adding the following new section:

NEW SECTION. A member of a retirement system

established in this chapter who terminates employment with a city and is subsequently employed by another city and is eligible for coverage under this chapter may transfer membership service earned under the first system to the system under which the member is employed. Upon the written request of the member with verification by the board of trustees of the system under which the member is employed, the board of trustees of the first system shall transmit to the board of trustees of the system under which the member is employed, within thirty days of the receipt of the request, the member's accumulated contributions to be deposited in the annuity savings funds of the system under which the member is employed and the actuarial equivalent of the amount in the pension accumulation fund which would be necessary to fund a pension equal to one twenty-second times the number of years of membership service completed, under the first system, to be deposited in the pension accumulation fund of the system under which the member is employed."

32. Page 8, by striking lines 37 through 40 and inserting in lieu thereof the following amendments:

"..... Page 10, by striking line 19a and inserting in lieu thereof the following:

"Sec. ..... Chapter four hundred eleven (411),

Page 7

Code 1975, is amended by adding the following new section:

NEW SECTION. There is appropriated from the general fund of the state to the municipal".

..... Page 10, line 19c, by striking the words "the fiscal year beginning" and inserting in lieu thereof the words "each fiscal year"."

33. Page 8, by striking lines 41 through 44 and inserting in lieu thereof the following:

"..... Page 10, by striking lines 19d, 19e, and 19f and inserting in lieu thereof the words "an amount necessary to be distributed"."

The motion prevailed and the House concurred in the Senate amendment H—6919 to the House amendment to the Senate amendment.

Byerly of Polk moved that the bill, as amended by the Senate, further amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Connors of Polk refrained from voting.

On the question "Shall the bill pass?" (H.F. 914)

The ayes were, 74;

Anderson	Dyrland	Lindeen	Readinger
Avenson	Evans	Lipsky	Rinas
Bina	Fitzgerald	Lonergan	Schroeder
Binneboese	Gentleman	Mennenga	Small
Bortell	Gilloon	Middleton	Spear
Brandt	Halvorson	Millen	Spradling
Brockett	Hargrave	Miller, A. V.	Stromer
Brunow	Harvey	Miller, K. D.	Svoboda
Byerly	Hennessey	Miller, O. L.	Tauke
Clark	Higgins	Nealson	Tofte
Cochran	Hines	Newhard	Varley
Crabb	Hinkhouse	Nielsen	Walter
Crawford	Horn	Norland	Wells
Daggett	Howell	Oakley	Woods
Danker	Hutchins	O'Halloran	Wulff
Den Herder	Jesse	Patchett	Wyckoff
Doyle	Jochum	Pavich	Mr. Speaker (Cusack)
Drake	Krause	Pellett	
Dunton	Lageschulte	Poncy	

The nays were, 4:

Bennett	Branstad	Kreamer	Menke

Absent or not voting. 21:

Baker	Hansen	Junker	Perkins
Bittle	Harper	Koogler	Scheelhaase
Connors	Hullinger	McElroy	Spencer
Dieleman	Husak	Middleswart	Welden
Egenes	Jordan	Monroe	West
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek for the remainder of the session on request of Millen of Van Buren.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 28, 1976, adopted the second conference committee report and the supplemental second conference committee report and the amendments contained therein, and passed Senate File 85, a bill for an Act providing for a complete revision of the criminal laws of the State of Iowa.

Also: That the Senate has, on May 28, 1976, adopted the conference com-

mittee report and the amendments contained therein and passed Senate File 1251, a bill for an Act providing for an appropriation to the legislative fiscal bureau for payment of actuarial services.

Also: That the Senate has, on May 28, 1976, adopted the conference committee report and the amendments contained therein and passed Senate File 1335, a bill for an Act providing for an appropriation to the office for planning and programming, the state comptroller and department of general services.

STEVEN C. CROSS, Secretary

UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for immediate consideration, under sifting committee noncontroversial rules, 5-minute limit, the following bills: Senate Files 1230, 1338, 1272, 1306, 1341, 1321, 1086 and 1014.

CONSIDERATION OF BILLS

Senate File 1230, a bill for an act relating to the Iowa Civil Rights Act of 1965, was taken up for consideration.

Higgins of Scott offered the following amendment H—6905 filed by Higgins, West and Schroeder from the floor and moved its adoption:

H—6905

Amend Senate File 1230 as amended and passed by the Senate as follows:

1. Page 1, line 7, by striking the words *"six hundred one A point nine (601A.9)"*.
2. Page 1, by striking lines 29 through 35.
3. Page 2, by striking lines 1 through 22.
4. By renumbering the sections.

Amendment H—6905 was adopted.

Higgins of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1230)

The ayes were, 76:

Anderson	Clark	Drake	Harvey
Avenson	Connors	Dunton	Hennessey
Bennett	Crabb	Dyrland	Higgins
Bina	Crawford	Evans	Hines
Binneboese	Cusack	Fitzgerald	Hinkhouse
Bortell	Daggett	Gentleman	Horn
Brandt	Danker	Gilloon	Howell
Branstad	Den Herder	Griffee	Hutchins
Brockett	Doyle	Halvorson	Jesse

Jochum	Miller, A. V.	Pavich	Stromer
Jordan	Miller, K. D.	Pellett	Tauke
Kreamer	Miller, O. L.	Poncy	Varley
Lageschulte	Nealson	Readinger	Walter
Lindeen	Newhard	Rinas	Welden
Lonergan	Nielsen	Schroeder	Wells
Menke	Norland	Small	Woods
Mennenga	Oakley	Spear	Wulff
Middleton	O'Halloran	Spencer	Wyckoff
Millen	Patchett	Spradling	Mr. Speaker

The nays were, 1:

Hargrave

Absent or not voting, 22:

Baker	Hansen	Krause	Perkins
Bittle	Harper	Lipsky	Scheelhaase
Brunow	Hullinger	McElroy	Svoboda
Byerly	Husak	Middleswart	Tofte
Dieleman	Junker	Monroe	West
Egenes	Koogler		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1338, a bill for an act providing that for the purposes of chapter three hundred ninety (390) of the Code, ownership of certain transmission facilities may include the right to the use of an amount of the capacity thereof, was taken up for consideration.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1338)

The ayes were, 80:

Anderson	Drake	Jordan	Pellett
Avenson	Dunton	Kreamer	Poncy
Bennett	Dyrland	Lageschulte	Readinger
Bina	Evans	Lindeen	Rinas
Binneboese	Fitzgerald	Lonergan	Schroeder
Bortell	Gentleman	Menke	Small
Brandt	Gilloon	Mennenga	Spear
Branstad	Griffee	Middleton	Spencer
Brockett	Halvorson	Millen	Spradling
Brunow	Hargrave	Miller, A. V.	Stromer
Byerly	Harvey	Miller, K. D.	Svoboda
Clark	Hennessey	Miller, O. L.	Tauke
Connors	Higgins	Nealson	Varley
Crabb	Hines	Newhard	Walter
Crawford	Hinkhouse	Nielsen	Welden
Cusack	Horn	Norland	Wells
Daggett	Howell	Oakley	Woods
Danker	Hutchins	O'Halloran	Wulff
Den Herder	Jesse	Patchett	Wyckoff
Doyle	Jochum	Pavich	Mr. Speaker

The nays were, none.

Absent or not voting, 19:

Baker	Harper	Krause	Perkins
Bittle	Hullinger	Lipsky	Scheelhaase
Dieleman	Husak	McElroy	Tofte
Egenes	Junker	Middleswart	West
Hansen	Koogler	Monroe	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1272, a bill for an act relating to security interests regulated by the Uniform Commercial Code, was taken up for consideration.

Oakley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1272)

The ayes were, 78:

Anderson	Dunton	Lageschulte	Pellett
Avenson	Evans	Lindeen	Poncy
Bennett	Fitzgerald	Lipsky	Readinger
Bina	Gentleman	Lonergan	Rinas
Binneboese	Gilloon	Menke	Small
Brandt	Griffee	Mennenga	Spear
Branstad	Halvorson	Middleton	Spencer
Brockett	Hargrave	Millen	Spradling
Brunow	Harvey	Miller, A. V.	Stromer
Byerly	Hennessey	Miller, K. D.	Svoboda
Clark	Higgins	Miller, O. L.	Tauke
Connors	Hines	Nealson	Varley
Crabb	Hinkhouse	Newhard	Walter
Crawford	Horn	Nielsen	Welden
Cusack	Howell	Norland	Wells
Daggett	Hutchins	Oakley	Woods
Danker	Jesse	O'Halloran	Wulff
Den Herder	Jochum	Patchett	Wyckoff
Doyle	Jordan	Pavich	Mr. Speaker
Drake	Kreamer		

The nays were, 2:

Bortell	Dyrland

Absent or not voting, 19:

Baker	Harper	Krause	Scheelhaase
Bittle	Hullinger	McElroy	Schroeder
Dieleman	Husak	Middleswart	Tofte
Egenes	Junker	Monroe	West
Hansen	Koogler	Perkins	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

PRESENTATION OF GIFTS

O'Halloran of Black Hawk was invited to the rostrum where she presented a gift on behalf of the House to the House staff in appreciation for their dedication and service.

The following Representatives were escorted to the rostrum where they were presented with gifts on behalf of the House in appreciation of their service during the Sixty-sixth General Assembly:

Representative Millen, Minority Floor Leader, escorted by Daggett of Adams.

Representive Fitzgerald, Majority Floor Leader, escorted by Hutchins of Guthrie.

Representative Jesse, Speaker pro tempore, escorted by Newhard of Jones.

Speaker Cochran was escorted by Wells of Linn and presented a gift, on behalf of the House, as an expression of appreciation for his leadership as Speaker of the House.

ADOPTION OF THE CONFERENCE COMMITTEE REPORT
(Senate File 1335)

Griffee of Chickasaw offered the following report of the conference committee on Senate File 1335 and moved the adoption of the report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1335

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, respectfully make the following report:

1. That the Senate recedes from its amendment (H—6881) to the House amendment (S—5917) to Senate File 1335.

On the Part of the Senate:	On the Part of the House:
EARL M. WILLITS, Chair	WILLIAM B. GRIFFEE, Chair
STEVE SOVERN	ROBERT F. BINA
JOAN ORR	MAURICE HENNESSEY
LEONARD C. ANDERSEN	DAVID M. READINGER
ELIZABETH SHAW	FRANK CRABB

The motion prevailed and the conference committee report was adopted.

Griffee of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F.1335)

The ayes were, 81:

Anderson	Fitzgerald	Lageschulte	Pavich
Avenson	Gentleman	Lindeen	Pellett
Bennett	Gilloon	Lipsky	Poncy
Bina	Griffee	Lonergan	Readinger
Binneboese	Halvorson	Menke	Rinas
Bortell	Hargrave	Mennenga	Schroeder
Brandt	Harvey	Middleswart	Small
Branstad	Hennessey	Middleton	Spear
Brockett	Higgins	Millen	Spencer
Clark	Hines	Miller, A. V.	Spradling
Connors	Hinkhouse	Miller, K. D.	Stromer
Crabb	Horn	Miller, O. L.	Svoboda
Crawford	Howell	Monroe	Tauke
Cusack	Hullinger	Nealson	Varley
Den Herder	Hutchins	Newhard	Walter
Doyle	Jesse	Nielsen	Welden
Drake	Jochum	Norland	Woods
Dunton	Jordan	Oakley	Wulff
Dyrland	Krause	O'Halloran	Wyckoff
Egenes	Kreamer	Patchett	Mr. Speaker
Evans			

The nays were, 3:

Byerly	Daggett	Danker

Absent or not voting, 15:

Baker	Hansen	Koogler	Tofte
Bittle	Harper	McElroy	Wells
Brunow	Husak	Perkins	West
Dieleman	Junker	Scheelhaase	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF CONFERENCE COMMITTEE REPORT
(Senate File 1251)

Byerly of Polk offered the following report of the conference committee on Senate File 1251 and moved the adoption of the report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1251

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services, respectfully make the following report:

1. That the House amendment to Senate File 1251 (S—5871) be amended as follows:

1. Page 1, by inserting after line 1 the following amendments:

"..... Page 1, line 2, by striking the word "nine" and inserting in lieu thereof the word "ten".

..... Page 1, by striking line 3 and inserting in lieu thereof the words "thousand five hundred four dollars and eight cents".

..... Page 1, line 4, by striking the figure "($9,254.08)" and inserting in lieu thereof the figure "($10,504.08)"."

2. Page 1, by inserting after line 5 the following amendment:

"..... Page 1, by inserting after line 9 the following section:

"Sec. ..... *NEW SECTION.* ACTUARIAL SERVICES. Any actuarial services and costs to be incurred on behalf of the general assembly for development of legislation relating to retirement systems shall not be incurred until after public bidding for such services has been completed. However, it shall not be required that the lowest bid be accepted."

3. By renumbering amendments as necessary.

On the Part of the Senate:	On the Part of the House:
EUGENE M. HILL, Chair	RICHARD L. BYERLY, Chair
MINNETTE F. DODERER	WILLIAM B. GRIFFEE
BERL E. PRIEBE	W. R. MONROE, JR.
W. R. RABEDEAUX	ANDREW VARLEY
JOHN N. NYSTROM	

A non-record roll call was requested.

The ayes were 65, nays 16.

The motion prevailed and the conference committee report was adopted.

Byerly of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1251)

The ayes were, 68:

Avenson	Brunow	Doyle	Gentleman
Bennett	Byerly	Drake	Gilloon
Bina	Connors	Dunton	Griffee
Binneboese	Crabb	Dyrland	Halvorson
Brandt	Crawford	Evans	Hargrave
Brockett	Den Herder	Fitzgerald	Higgins

Hines	Lindeen	Newhard	Small
Hinkhouse	Lonergan	Nielsen	Spear
Horn	Menke	Norland	Spencer
Howell	Mennenga	Oakley	Spradling
Hullinger	Middleswart	O'Halloran	Svoboda
Hutchins	Millen	Patchett	Varley
Jesse	Miller, A. V.	Pavich	Walter
Jochum	Miller, K. D.	Pellett	Wells
Jordan	Miller, O. L.	Poncy	Woods
Krause	Monroe	Rinas	Wyckoff
Lageschulte	Nealson	Schroeder	Mr. Speaker

The nays were, 15:

Bortell	Danker	Lipsky	Tauke
Branstad	Egenes	Middleton	Welden
Clark	Harvey	Readinger	Wulff
Daggett	Kreamer	Stromer	

Absent or not voting, 16:

Anderson	Dieleman	Husak	Perkins
Baker	Hansen	Junker	Scheelhaase
Bittle	Harper	Koogler	Tofte
Cusack	Hennessey	McElroy	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has on May 18, 1976, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1276, a bill for an act providing for an appropriation to certain funds for providing assistance to local governing bodies.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1276

H—6920

Amend the House amendment, S—5796, to Senate File 1276 as follows:

1. Page 1, by striking lines 8 through 28.

SENATE AMENDMENT CONSIDERED

Brunow of Appanoose called up for consideration Senate File 1276, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act, amended by the House and further amended by the Senate as follows:

H—6920

Amend the House amendment, S-5796, to Senate File 1276 as follows:

1. Page 1, by striking lines 8 through 28.

Svoboda of Iowa offered the following amendment H—6921, to the Senate amendment H—6920, filed by Svoboda, Anderson, Krause, Hutchins, Middleton, Scheelhaase, Small, Drake, Norland, Hennessey, Spradling, Daggett, Miller of Buchanan, Evans, Jordan, Middleswart, Higgins, Lonergan, Gilloon, Rinas, Wyckoff, Spencer, O'Halloran, Cusack, Patchett, Wells, Dieleman, Stromer, Hargrave, Lindeen, Binneboese, Harvey and Hansen from the floor:

H—6921

Amend Senate amendment H-6920, to House amendment S—5796, to Senate File 1276, as follows:

1. Page 1, by inserting after line 2 the following:

"..... Page 1, by striking lines 2 through 7 and inserting in lieu thereof the following:

"1. Page 1, line 21, by striking the words "five million (5,000,000)" and inserting in lieu thereof the words "three million eight hundred seventy-five thousand (3,875,000)".

2. Page 1, line 29, by striking the words "fifteen million (15,000,000)" and inserting in lieu thereof the words "eleven million eight hundred seventy-five thousand (11,875,000)"."

2. Page 1, by inserting after line 3 the following:

"..... Page 1, by inserting after line 28 the following:

"3. Page 1, by inserting after line 32 the following:

"Sec. 5. Chapter twenty-eight H (28H), Code 1975, is amended by adding sections six (6) through eight (8) of this Act.

Sec. 6. *NEW SECTION.* The purpose of this Act is to encourage self-help development in local communities, to encourage local decisions on the development needs of the community and to encourage local citizens to participate in decisions on development needs and their implementation. This Act may be cited as the "Iowa Rural Community Development Act".

Sec. 7. *NEW SECTION.*

1. A city of less than twenty-five hundred population by the last available federal census may apply to the commission for a grant for a community development project. The project must be a nonreoccurring expense. The application shall be sponsored by the city government or by an organization approved by the city government representing a broad cross-section of the community.

2. The sponsor shall design and implement a survey to discover community needs and resources. The sponsor shall then hold a public hearing to discuss and determine the priority of needs, the available resources, and the most appropriate project for the grant application.

3. The commission shall provide simple and direct forms for applications for the grants. The applications shall include the following:

a. A description of the process followed in accordance with subsection two (2) of this section.

b. A description of the project and the plans

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for the completion of the project.

c. A statement as to why the particular project was selected from among the other community needs.

d. A statement as to the effect of the project upon the community.

e. A statement of the other resources available for the project.

f. The approval of the project by the city government.

Sec. 8. *NEW SECTION.* The commission shall allocate the funds to the applicants based on the extent to which the community is involved in the project, whether the project will affect a significant number of people in the community, and whether the project is likely to encourage further community development activities. The commission shall attempt, after consideration of the prior criteria, to achieve a fair geographic distribution of the grants.

A grant shall not exceed five thousand dollars nor shall it exceed forty percent of the total cost of the project. A grant shall not be approved by the commission unless the grant and the other available resources equal the total cost of the project. The other available resources may include private donations of money, goods or services which shall be included in the computation of the cost of the project, but shall not include any funds received from the federal government.

Sec. 9. Section twenty-eight H point one (28H.1), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

28H.1 There is established an Iowa rural community development commission composed of the following:

1. Seven citizens of the state appointed by the governor with the approval of two-thirds of the members of the senate for terms of six years.

2. The director **of the division of municipal** affairs of the office for planning and programming.

3. The director of the community betterment division of the Iowa development commission.

4. The superintendent of grants-in-aid of the

Iowa state conservation commission.

5. The dean and director of the Iowa state university cooperative extension service.

Not more than six members of the commission shall be of the same political party. Vacancies shall be filled in the same manner in which the original appointments are made.

Sec. 10. In making the initial appointments of the members of the commission listed in section twenty-

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eight H point one (28H.1), subsection one (1) of the Code, the governor shall appoint two members to terms of two years, two members to terms of four years, and three members to terms of six years.

Sec. 11. Section twenty-eight H point two (28H.2) and section twenty-eight H point three (28H.3), subsections two (2) and three (3), Code 1975, are repealed.

Sec. 12. Sections nine (9), ten (10), and eleven (11) of this Act shall be effective on July 1, 1977.

Sec. 13. There is appropriated from the general fund of the state to the Iowa American revolution bicentennial commission for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of two hundred fifty thousand (250,000) dollars or so much thereof as may be necessary to be used for community development projects approved by the Iowa American revolution bicentennial commission in accordance with sections six (6), seven (7) and eight (8) of this Act. The commission may use not more than ten percent of the funds appropriated by this section for the costs of administering the grants for the community development projects."

3. Amend the title, line 1, by inserting after the word "to" the words "the Iowa American revolution bicentennial commission and"."

Tauke of Dubuque rose on a point of order that amendment H—6921 was not germane.

The Speaker ruled the point not well taken and amendment H—6921 germane.

Fitzgerald of Webster asked for unanimous consent to suspend Rule 2.

Objection was raised.

Fitzgerald of Webster moved to suspend Rule 2 to continue session beyond the 10:00 p.m. time limit.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 52, nays 30.

The motion prevailed and Rule 2 was suspended.

Dyrland of Clayton offered the following amendment H—6922, to amendment H—6921, to the Senate amendment H—6920, filed by him from the floor and moved its adoption:

H—6922

Amend amendment H—6921, to Senate amendment H—6920 to House amendment S—5796, to Senate File 1276, as follows:

1. Page 3, by inserting after line 4 the following:

"Sec. ..... *NEW SECTION.* COMMISSION TERMINATION. The commission is abolished effective June 30, 1979. The second session of the Sixty-seventh General Assembly meeting in the year 1978 shall review the activities and performance of the commission and shall not later than July 1, 1978 make a determination concerning the status and duties of the commission."

A non-record roll call was requested.

The ayes were 59, nays 11.

Amendment H—6922 was adopted.

Svoboda of Iowa moved the adoption of amendment H—6921, as amended, to the Senate amendment H—6920.

Roll call was requested by Bina of Scott and Anderson of Jasper.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6921, as amended, to the Senate amendment H—6920, be adopted?"

The ayes were, 43:

Anderson	Griffee	Koogler	Rinas
Avenson	Halvorson	Krause	Schroeder
Binneboese	Harvey	Mennenga	Spear
Connors	Hennessey	Middleswart	Spencer
Cusack	Higgins	Miller, A. V.	Stromer
Drake	Hines	Miller, K. D.	Svoboda
Dunton	Hinkhouse	Nealson	Varley
Dyrland	Horn	Norland	Wells
Evans	Hutchins	Oakley	Wyckoff
Fitzgerald	Jesse	O'Halloran	Mr. Speaker
Gilloon	Jordan	Patchett	

The nays were, 41:

Bennett	Brockett	Daggett	Hargrave
Bina	Brunow	Danker	Howell
Bittle	Byerly	Den Herder	Hullinger
Bortell	Clark	Doyle	Jochum
Brandt	Crabb	Egenes	Kreamer
Branstad	Crawford	Gentleman	Lageschulte

Lindeen	Millen	Pavich	Walter
Lipsky	Miller, O. L.	Pellett	Welden
Lonergan	Monroe	Readinger	Woods
Menke	Nielsen	Tauke	Wulff
Middleton			

Absent or not voting, 15:

Baker	Husak	Perkins	Spradling
Dieleman	Junker	Poncy	Tofte
Hansen	McElroy	Scheelhaase	West
Harper	Newhard	Small	

Amendment H—6921, as amended, was adopted.

Brounow of Appanoose moved that the House concur in the Senate amendment H—6920, as amended, to the House amendment.

A non-record roll call was requested.

The ayes were 48, nays 34.

The motion prevailed and the House concurred in the Senate amendment H—6920, to the House amendment, as amended.

Brunow of Appanoose moved that the bill, as amended by the House, further amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1276)

The ayes were, 72:

Anderson	Evans	Koogler	Patchett
Avenson	Fitzgerald	Krause	Pavich
Bennett	Gentleman	Lageschulte	Pellett
Bina	Gilloon	Lindeen	Poncy
Binneboese	Griffee	Lonergan	Rinas
Brandt	Halvorson	Menke	Schroeder
Brockett	Hargrave	Mennenga	Small
Brunow	Harvey	Middleswart	Spear
Byerly	Hennessey	Millen	Spencer
Clark	Higgins	Miller, A. V.	Spradling
Connors	Hines	Miller, K. D.	Stromer
Cusack	Hinkhouse	Miller, O. L.	Svoboda
Danker	Horn	Monroe	Varley
Den Herder	Howell	Nealson	Walter
Doyle	Hutchins	Newhard	Wells
Drake	Jesse	Norland	Woods
Dunton	Jochum	Oakley	Wyckoff
Dyrland	Jordan	O'Halloran	Mr. Speaker

The nays were, 16:

Bittle	Crawford	Kreamer	Readinger
Bortell	Daggett	Lipsky	Tauke
Branstad	Egenes	Middleton	Welden
Crabb	Hullinger	Nielsen	Wulff

Absent or not voting, 11:

Baker	Harper	McElroy	Tofte
Dieleman	Husak	Perkins	West
Hansen	Junker	Scheelhaase	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

BUSINESS PENDING

The House resumed consideration of **Senate File 85**, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

Jesse of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 85)

The ayes were, 60:

Anderson	Gilloon	Krause	Pavich
Avenson	Griffee	Lipsky	Poncy
Bina	Hargrave	Lonergan	Readinger
Binneboese	Hennessey	Mennenga	Rinas
Brandt	Higgins	Middleswart	Schroeder
Brunow	Hines	Middleton	Small
Byerly	Hinkhouse	Miller, A. V.	Spear
Connors	Horn	Miller, K. D.	Spradling
Crawford	Howell	Monroe	Svoboda
Cusack	Hullinger	Newhard	Tauke
Doyle	Hutchins	Nielsen	Varley
Dunton	Jesse	Norland	Walter
Egenes	Jochum	Oakley	Wells
Fitzgerald	Jordan	O'Halloran	Woods
Gentleman	Koogler	Patchett	Mr. Speaker

The nays were, 28:

Bennett	Daggett	Harvey	Nealson
Bittle	Danker	Kreamer	Pellett
Bortell	Den Herder	Lageschulte	Spencer
Branstad	Drake	Lindeen	Stromer
Brockett	Dyrland	Menke	Welden
Clark	Evans	Millen	Wulff
Crabb	Halvorson	Miller, O. L.	Wyckoff

Absent or not voting, 11:

Baker	Harper	McElroy	Tofte
Dieleman	Husak	Perkins	West
Hansen	Junker	Scheelhaase	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules and take up for immediate consideration **Senate File 1329**, a bill for an act making an appropriation to the state comptroller to provide for federal fund loss.

Horn of Linn offered the following amendment H—6925 filed by him and moved its adoption:

H—6925

Amend Senate File 1329 as follows:

1. Page 1, line 9, by striking the words and numerals "three million (3,000,000)" and inserting in lieu thereof the words and numerals "two million nine hundred thousand (2,900,000)".

Cusack of Scott in the chair at 11:45 p.m.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 51, nays 28.

Amendment H—6925 was adopted.

Dunton of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1329)

The ayes were, 85:

Anderson	Dyrland	Krause	Pellett
Avenson	Egenes	Kreamer	Poncy
Bennett	Evans	Lageschulte	Readinger
Bina	Fitzgerald	Lindeen	Rinas
Binneboese	Gentleman	Lipsky	Schroeder
Bittle	Gilloon	Lonergan	Small
Bortell	Griffee	Menke	Spear
Brandt	Halvorson	Middleswart	Spencer
Branstad	Hargrave	Middleton	Spradling
Brockett	Harvey	Millen	Stromer
Byerly	Hennessey	Miller, A. V.	Svoboda
Clark	Higgins	Miller, K. D.	Tauke
Cochran	Hines	Miller, O. L.	Varley
Connors	Hinkhouse	Nealson	Walter
Crabb	Horn	Newhard	Welden
Crawford	Howell	Nielsen	Wells
Daggett	Hullinger	Norland	Woods
Den Herder	Hutchins	Oakley	Wulff
Dieleman	Jesse	O'Halloran	Wyckoff
Doyle	Jochum	Patchett	Mr. Speaker (Cusack)
Drake	Jordan	Pavich	
Dunton	Koogler		

The nays were, 28:

Brunow	Danker

Absent or not voting, 12:

Baker	Husak	Mennenga	Scheelhaase
Hansen	Junker	Monroe	Tofte
Harper	McElroy	Perkins	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 28, 1976, adopted the second conference committee report and the amendments contained therein, and passed House File 584, a bill for an Act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement and providing criminal and civil penalties.

Also: That the Senate has on May 28, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 807, a bill for an act relating to bonded agricultural warehouses.

Also: That the Senate has on May 28, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1519, a bill for an act to legalize the proceedings of the board of supervisors of Allamakee County in connection with contracts made for improvements to the Allamakee County Home and Allamakee County Court House.

Also: That the Senate has, on May 28, 1976, adopted the third conference committee report and the amendments contained therein, and passed House File 1539, a bill for an act to provide an appropriation for the purpose of providing a program to alleviate overcrowded conditions existing in state correctional facilities.

Also: That the Senate has on May 28, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1573, a bill for an act relating to performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee, providing for their respective powers and duties, and making an appropriation.

Also: That the Senate has on May 28, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1593, a bill for an act relating to the department of job service, including unemployment compensation.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1573

H—6926

Amend House File 1573, as amended, passed and reprinted by the House, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* PERFORMANCE AUDIT DIVISION OF THE LEGISLATIVE FISCAL BUREAU—APPOINTMENT AND REMOVAL OF PERFORMANCE AUDITOR.

1. There is established a performance audit division of the legislative fiscal bureau which shall operate under the direction and control of the legislative fiscal committee and which shall be placed under the administrative supervision of the director of the legislative fiscal bureau.

2. The administrative head of the performance audit division shall be the performance auditor. The performance auditor shall be a certified public accountant licensed under the provisions of chapter one hundred sixteen (116) of the Code and shall be appointed as provided in section two point fifty (2.50) of the Code.

3. The employment of the performance auditor may be terminated upon recommendation of the legislative fiscal director and by a majority vote of the members of the legislative fiscal committee. An appeal of the termination decision may be taken to the legislative council which shall affirm or reject the termination action by a majority vote of its members.

Sec. 2. *NEW SECTION.* DUTIES RELATING TO THE PERFORMANCE AUDIT DIVISION.

1. The legislative fiscal committee shall prepare and recommend a list of state agencies for performance audit and evaluation to the legislative council. The legislative council shall establish a priority ranking for the list and return the approved list to the committee. A state agency may be removed from the list by the legislative council by a two-thirds vote of its members.

2. Subject to subsection one (1) of this section, the legislative fiscal committee, with the approval of the legislative council, may make performance audits and reviews of operations of state agencies to ascertain that sums appropriated have been, or are being expended for the purposes for which such appropriations were made and to evaluate the effectiveness of programs in accomplishing legislative intent. The committee, with the approval of the legislative council, may direct the performance audit and evaluation of a state agency out of the order of its priority on the list as staff, time, and budgetary limitations may require. Audits may be

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made by teams consisting of staff members of both the fiscal division and the performance audit division.

3. The legislative fiscal committee, with the approval of the legislative council, may study on a continuing basis the operations, practices and duties of state agencies, as they relate to efficiency

in the utilization of space, personnel, equipment and facilities.

4. The legislative fiscal committee, with the approval of the legislative council, may make such special studies and reports of the operations, costs, and functions of state agencies as it deems appropriate and as may be requested by the general assembly.

5. The legislative fiscal committee, with the approval of the legislative council, may make such reports on its findings and recommendations at such time and in such manner as the committee deems proper submitting such reports to the state agencies concerned, to the governor and to the general assembly. Such reports as are submitted shall relate to the following matters:

a. Ways in which the state agencies may operate more economically and efficiently;

b. Ways in which state agencies can provide better services to the state and the public; and

c. Areas in which functions of state agencies are duplicative, overlapping, or failing to accomplish legislative objectives or for any other reason should be redefined or redistributed.

d. Before such reports are issued, the state agency affected shall be given an opportunity to review it and submit written comments or rebuttal to the report. The comments or rebuttal shall be included in the final report.

e. A report shall not be issued until the legislative fiscal committee and the legislative council have approved the report.

6. As used in this section, "state agency" means any state office, department, board, bureau, commission or other public or private agency supported in whole or in part by state appropriations.

Sec. 3. *NEW SECTION.* DUTIES OF THE PERFORMANCE AUDITOR. Under the administrative supervision of the legislative fiscal director, the performance auditor shall:

1. Recommend for employment and supervise employees of the performance audit division in such positions and at such salaries as shall be authorized by the legislative council.

2. Supervise expenditures of the performance audit

division under the direction of the legislative fiscal committee and subject to the approval of the legislative council.

3. Carry out the duties prescribed in section two (2) of this Act pursuant to the directions of the legislative fiscal committee and the legislative council.

Sec. 4. *NEW SECTION.* ACCESS TO STATE OFFICES

AND DEPARTMENTS—COOPERATION WITH STATE AGENCIES—SUBPOENA POWER.

1. The performance auditor and employees of the performance audit division shall at all times have access to any state agency as defined in section two (2), subsection six (6) of this Act, and to all books, records, and other instrumentalities and properties used in the performance of statutory duties. However, the legislative fiscal committee and employees of the division shall not have access to confidential records unless they are data or records from which individual identities are not ascertainable or data or records which has been masked so that individual identities are not ascertainable. Such state agency shall cooperate with the performance auditor in the performance of the auditor's duties and shall make available to the performance auditor such books, records, instrumentalities, and property that may be requested by the performance auditor.

2. The performance auditor shall cooperate with the auditor of state and may request information from the auditor of state who shall provide such information as provided in subsection one (1) of this section.

3. The performance auditor, with the approval of the legislative fiscal committee, may request that the attorney general, upon a reasonable showing of necessity by the performance auditor, issue and enforce subpoenas.

The performance auditor may administer oaths and examine witnesses, either orally or in writing.

Expenses incurred in carrying out the powers of this subsection shall be paid as in the case of other expenses of the legislative fiscal bureau.

Sec. 5. Section two point forty-one (2.41), Code 1975, is amended to read as follows:

2.41 LEGISLATIVE COUNCIL CREATED. There is hereby created a continuing legislative council of twenty members which shall be entitled the legislative council. The council shall be composed of the president pro tempore of the senate, the speaker of the house of representatives, the majority and minority floor leaders of the senate, the [chairman] *chairperson*

of the senate committee on appropriations, the minority party ranking member of the senate committee on appropriations, *the chairperson of the senate committee on ways and means, the minority party ranking member of the senate committee on ways and means,* [five] *three* members of the senate appointed by the president of the senate, the majority and minority floor leaders of the house of representatives, the [chairman] *chairperson* of the house committee on appropriations, the minority party ranking member of the house

committee on appropriations, *the chairperson of the house committee on ways and means, the minority party ranking member of the house committee on ways and means,* and [five] *three* members of the house of representatives appointed by the speaker of the house of representatives. The lieutenant governor shall be an ex officio nonvoting member of the council. Of the [five] *three* members appointed by the president of the senate and speaker of the house, [three] *two* from each house shall be appointed from the majority party and [two] *one* from each house shall be appointed from the minority party. Members shall be appointed prior to the adjournment of the first regular session of each general assembly and shall serve for two-year terms ending upon the convening of the following general assembly or when their successors are appointed. Vacancies on the council, including vacancies which occur when a member of the council ceases to be a member of the general assembly, shall be filled by the president of the senate and the speaker of the house respectively. Insofar as possible, upon appointment of members of the council during each regular session of the general assembly, at least two members of the council from each house shall be reappointed. The council shall hold regular meetings at a time and place fixed by the council and shall meet at any other time and place as the council may deem necessary.

Sec. 6. Section two point forty-two (2.42), Code 1975, is amended by striking subsection twelve (12).

Sec. 7. Section two point forty-four (2.44), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Members of special interim study committees which may from time to time be created and members of the legislative fiscal committee who are not members of the legislative council shall be entitled to receive the same expenses and compensation provided for the members of the legislative council. Such expenses shall be paid in the manner provided for in section

2.66 [within the limit of available funds]. Upon motion approved by the legislative council, members of such special interim study committees *and members of the legislative fiscal committee* may be paid for their expenses and per diem pursuant to the provisions of section 2.12.

Sec. 8. Section two point forty-five (2.45), Code 1975, is amended by striking subsection two (2) and inserting in lieu thereof the following:

2. The legislative fiscal committee shall be composed of the ten members consisting of the chairpersons and the ranking minority party members of the committees on appropriations of the house and senate, the chairpersons and the ranking minority

party members of the committees on ways and means of the house and senate, and two other members of the legislative council, one appointed according to the senate rules and one appointed by the speaker of the house of representatives. Each member of the committee shall serve a two-year term of office commencing with the fourth Monday of January in each odd-numbered year and ending December thirty-first of each even-numbered year. Vacancies in membership shall be filled by the speaker of the house in the case of house members, and according to the rules of the senate in the case of senate members, for the remainder of the unexpired term. To the extent possible, upon appointment of the members of the legislative fiscal committee during the first regular session of the general assembly, at least two members of the committee from each house shall be reappointed.

The legislative fiscal committee shall determine policies for the legislative fiscal bureau and its divisions and shall direct the administration of performance audits in accordance with rules adopted by the committee and approved by the legislative council. A performance audit shall not be commenced until the rules have been approved by the legislative council and disseminated to affected state agencies. Rules and actions of the committee shall be exempt from chapter seventeen A (17A) of the Code. The legislative fiscal committee may coordinate the work of the staff of the legislative fiscal bureau and its divisions. When authorized by the committee, the legislative fiscal director may transfer the staff of the fiscal division to the performance audit division of the legislative fiscal bureau on a temporary basis to assist in conducting performance audits.

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Sec. 9. Section two point forty-six (2.46), subsection one (1), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The committee shall implement procedures for budgets for the fiscal year beginning July 1, 1977 and thereafter which will direct state agencies to submit budgets to the general assembly developed on a performance basis specifying the purposes and objectives for which funds are requested, the costs of the programs proposed for achieving these objectives and quantitative data measuring the accomplishments and work performed under each program.

Sec. 10. Section two point forty-six (2.46), Code 1975, is amended by striking subsection four (4).

Sec. 11. Section two point forty-eight (2.48), Code 1975, is amended to read as follows:

2.48 LEGISLATIVE FISCAL BUREAU ESTABLISHED. There is established a legislative fiscal bureau which shall operate under the direction and control of the legislative fiscal committee, subject to the approval of the legislative council. *The legislative fiscal bureau shall be administratively divided into two divisions; the performance audit division and the fiscal division.* The administrative head of the legislative fiscal bureau shall be the legislative fiscal director. *The administrator of the performance audit division shall be the performance auditor appointed as provided in section one (1) of this Act and subject to the administrative supervision of the legislative fiscal director.* The legislative fiscal bureau shall co-operate with and serve all members of the general assembly, the legislative fiscal committee, and committees of the general assembly.

The legislative fiscal director shall be appointed by the legislative council, upon recommendation of the legislative fiscal committee. [His] *The* compensation, and the compensation of employees of the legislative fiscal bureau, shall be fixed by the legislative council.

Sec. 12. Section two point forty-nine (2.49), subsection one (1), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Recommend to the legislative fiscal committee no later than August 1, 1976 procedures for the implementation of performance budgeting as defined in section two point forty-six (2.46), subsection one (1), of the Code.

Sec. 13. Section two point fifty-one (2.51), Code 1975, is amended to read as follows:

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2.51 VISITATIONS. The legislative fiscal committee, with the approval of the legislative council, may direct a subcommittee, which shall be composed of the [chairmen] *chairpersons* and minority party ranking members of the appropriate subcommittees of the committees on appropriations of the senate and the house of representatives and the [chairmen] *chairpersons* of the appropriate standing committees of the general assembly, to visit the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs. [When the legislative fiscal committee visits the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs, there shall be included the chairmen and minority party ranking members of the appropriate subcommittees of the committees on appropriations of the senate and the house of

representatives.] *A visitation subcommittee shall be informed of the progress of any performance audit being conducted on state agencies or programs which are the responsibility of the subcommittee and shall be invited to participate in the deliberations of the legislative fiscal committee regarding such agency or program.* The *visitation* subcommittee [and the legislative fiscal committee] shall be provided with information by the *appropriate division of the* legislative fiscal bureau concerning budgets, programs, and legislation authorizing programs prior to any visitation. *The legislative fiscal committee shall be informed of the dates and locations of visitations, and any member of the legislative fiscal committee may accompany a visitation subcommittee.* **Members of a** [committee] *subcommittee and the legislative fiscal committee* shall be compensated pursuant to section 2.10, subsection 6. The subcommittee shall make reports and recommendations as required by the legislative fiscal committee.

Sec. ..... *NEW SECTION.* The general assembly shall examine the need for the continued existence of state agencies as defined in section two (2), subsection six (6), of this Act at least every six years in accord with the schedule provided in this Act. The appropriation subcommittees in each house responsible for the appropriation of the state agency shall jointly hold a public hearing on the existence of the state agency in the year the state agency is scheduled for examination. The performance audit and evaluation division shall submit a report on that state agency

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to the appropriation subcommittee prior to the public hearing. The appropriation subcommittee shall make a recommendation to the general assembly regarding the continued existence of the state agency.

1. a. The general assembly shall in 1977 and every six years thereafter examine the following state agencies: the legislative fiscal bureau, the department of public defense, the campaign finance disclosure commission, the occupational safety and health review commission, the board of physical therapy examiners, the board of nursing examiners, the board of psychology examiners, the Iowa mental health authority, the commission on aging, the board of regents, the Iowa state historical department, the Iowa natural resources council, and the department of environmental quality.

b. Sections two point forty-eight (2.48) through two point fifty-two (2.52), and chapters twenty-nine (29), fifty-six (56), eighty-eight (88), one hundred forty-eight A (148A), one hundred fifty-two (152), one hundred fifty-four B (154B), two hundred twenty-five B (225B), two hundred forty-nine B (249B), two hundred sixty-two (262), three hundred three (303),

four hundred fifty-five A (455A), and four hundred fifty-five B (455B), Code 1975, are repealed. This paragraph shall be effective July 1, 1978.

2. a. The general assembly shall in 1978 and every six years thereafter examine the following state agencies: the office for planning and programming, the capital planning commission, the public employment relations board, the department of public safety, the board of engineering examiners, the board of examiners of shorthand reporters, the board of chiropractic examiners, the state fair board, the board of parole, the Iowa library department, the department of soil conservation, the Iowa civil rights commission, and the Iowa housing finance authority.

b. Chapters seven A (7A), eighteen A (18A), twenty (20), eighty (80), one hundred fourteen (114), one hundred fifteen (115), one hundred fifty-one (151), one hundred seventy-three (173), two hundred forty-seven (247), three hundred three A (303A), four hundred sixty-seven A (467A), and six hundred one A (601A), Code 1975, and Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-eight (138), are repealed. This paragraph shall be effective on July 1, 1979.

3. a. The general assembly shall in 1979 and every six years thereafter examine the following state agencies: the code editor, the executive council, the board of accountancy, the board of optometry

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examiners, the board of pharmacy examiners, the Iowa department of agriculture, the Iowa drug abuse authority, the state geological board, the Iowa state commerce commission, the Iowa commission for the blind, and the board of bar examiners.

b. Chapters fourteen (14), nineteen (19), one hundred sixteen (116), one hundred fifty-four (154), one hundred fifty-five (155), one hundred fifty-nine (159), two hundred twenty-four B (224B), three hundred five (305), four hundred seventy-four (474), six hundred one B (601B), and six hundred ten (610), Code 1975, are repealed. This paragraph shall be effective on July 1, 1980.

4. a. The general assembly shall in 1980 and every six years thereafter examine the following state agencies: the Iowa state board of examiners for nursing home administrators, the supreme court clerk, the state comptroller, the department of general services, the Iowa development commission, the bonus board, the Iowa real estate commission, the board of architectural examiners, the board of podiatry examiners, the board of funeral directors and embalmer examiners, the department of social services, the state department of transportation, the governor's committee on employment of the handicapped, and the

citizens' aide.

b. Sections one hundred forty-seven point one hundred eighteen (147.118) through one hundred forty-seven point one hundred thirty-four (147.134), sections six hundred eighty-five point one (685.1) through six hundred eighty-five point five (685.5), and chapters eight (8), eighteen (18), twenty-eight (28), thirty-five (35), one hundred seventeen (117), one hundred eighteen (118), one hundred forty-nine (149), one hundred fifty-six (156), two hundred seventeen (217), three hundred seven (307), six hundred one F (601F), and six hundred one G (601G), Code 1975, are repealed. This paragraph shall be effective July 1, 1981.

5. a. The general assembly shall in 1981 and every six years thereafter examine the following state agencies: the department of banking, the court administrator of the judicial department, the commission on uniform state laws, the midwest nuclear compact, the Iowa crime commission, the industrial commissioner, the state conservation commission, the board of watchmaking examiners, the state department of health, the state board of dentistry, the commission of veteran affairs, the higher education facilities commission, and the department of revenue.

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b. Sections five hundred twenty-four point two hundred one (524.201) through five hundred twenty-four point two hundred twenty-seven (524.227), sections six hundred eighty-five point six (685.6) through six hundred eighty-five point ten (685.10), and chapters five (5), eight B, (8B), eighty C (80C), eighty-six (86), one hundred seven (107), one hundred twenty (120), one hundred thirty-five (135), one hundred fifty-three (153), two hundred fifty (250), two hundred sixty-one (261), and four hundred twenty-one (421), Code 1975, are repealed. This paragraph shall be effective July 1, 1982.

6. a. The general assembly shall in 1982 and every six years thereafter examine the following state agencies: the legislative service bureau, the upper Mississippi riverway compact, the Iowa law enforcement academy council, the bureau of labor, the energy policy council, the Iowa board of landscape architectural examiners, the Iowa beer and liquor control department, the state board of medical examiners, the board of examiners for the licensing and regulation of hearing aid dealers, the department of public instruction, the Iowa state arts council, and the commission on the status of women.

b. Sections two point fifty-eight (2.58) through two point sixty-six (2.66), and chapters twenty-seven A (27A), eighty B (80B), ninety-one (91), ninety-three (93), one hundred eighteen A (118A), one hundred

twenty-three (123), one hundred forty-eight (148), one hundred forty-eight B (148B), one hundred fifty (150), one hundred fifty A (150A), one hundred fifty-four A (154A), two hundred fifty-seven (257), three hundred four A (304A), and six hundred one (601), Code 1975, are repealed. This paragraph shall be effective July 1, 1983.

Sec. 14. There is appropriated from the general fund of the state to the legislative fiscal bureau for the fiscal year beginning July 1, 1976 and ending June 30, 1977 the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary to carry out the purposes of this Act and for salaries, support, maintenance, and miscellaneous purposes.

Sec. 15. The provisions of this Act shall take effect on January 1, 1977, except as otherwise provided in this Act, and except that sections nine (9) and twelve (12) of this Act shall take effect on July 1, 1976."

2. Amend the title, by striking lines 1 through 4 and inserting in lieu thereof the words "An Act relating to the membership, powers and duties of the

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legislative council and the legislative fiscal committee, creating a performance audit division and a fiscal division within the legislative fiscal bureau and specifying their powers and duties, and providing for legislative review of state agencies, and making an appropriation."

BUSINESS PENDING

The House resumed consideration of **House File 1590,** a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendents of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations.

Norland of Worth moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1590)

The ayes were, 84:

Anderson	Drake	Jordan	Pellett
Avenson	Dunton	Koogler	Poncy
Bennett	Dyrland	Krause	Readinger
Bina	Egenes	Kreamer	Rinas
Binneboese	Evans	Lageschulte	Schroeder
Bittle	Fitzgerald	Lindeen	Small
Bortell	Gentleman	Lipsky	Spear
Brandt	Gilloon	Lonergan	Spencer
Branstad	Griffee	Middleswart	Spradling
Brockett	Halvorson	Middleton	Stromer
Brunow	Hargrave	Millen	Svoboda
Byerly	Harvey	Miller, A. V.	Tauke
Clark	Hennessey	Miller, K. D.	Varley
Cochran	Higgins	Miller, O. L.	Walter
Connors	Hines	Nealson	Welden
Crabb	Hinkhouse	Newhard	Wells
Crawford	Horn	Norland	Woods
Daggett	Howell	Oakley	Wulff
Danker	Hullinger	O'Halloran	Wyckoff
Den Herder	Hutchins	Patchett	Mr. Speaker (Cusack)
Dieleman	Jochum	Pavich	
Doyle			

The nays were, 1:

Jesse

Absent or not voting, 14:

Baker	Junker	Monroe	Scheelhaase
Hansen	McElroy	Nielsen	Tofte
Harper	Menke	Perkins	West
Husak	Mennenga		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Avenson of Fayette called up for consideration **House File 1038**, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission, amended by the Senate as follows:

H—6427

1 Amend House File 1038 as amended and passed by

the House as follows:
Page 2, by inserting after line 21 the following:
"c. For the establishment
and operation of a foreign
trade office .....$150,000".

Avenson of Fayette offered the following amendment H—6923, to the Senate amendment H—6427, filed by him and Halvorson of Clayton from the floor and moved its adoption:

H—6923
Amend the Senate amendment H—6427, to House
File 1038, as follows:
1. Page 1, by striking all of lines 2 through
6 and inserting in lieu thereof the following:
"the House as follows:
Page 2, by inserting after line 21 the
following:
c. For the establishment and
operation of a foreign trade and development office
.....$ 50,000".

Speaker Cochran in the chair at 12:29 a.m.

(House File 1038 and amendment H—6923 to the Senate amendment H—6427 pending at adjournment and placed under unfinished business.)

INTRODUCTION OF BILL

Fitzgerald of Webster asked and received unanimous consent that the following **House File 1594**, by the committee on appropriations, a bill for an act to revise the campaign disclosure-income tax checkoff Act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the Act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, prescribing penalties, and to appropriate funds to the office of the campaign finance disclosure commission, be introduced and rereferred to the committee on appropriations.

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 507

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 507, a bill for an Act relating to the fund-

ing, compensation, expenses and membership of legislative members of committees and certain statutory or appointive boards, commissions, and councils, respectfully make the following report:

1. That the House recede from its amendment, S—3764, to Senate File 507, as amended and passed by the Senate.

2. That Senate File 507, as amended and passed by the Senate, be amended as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two point ten (2.10), subsection six (6), Code 1975, is amended to read as follows:

6. In addition to the salaries and expenses [herein] authorized *by this section,* members of the general assembly shall be paid forty dollars per day, except the speaker of the house who shall be paid sixty dollars per day, and necessary travel and actual expenses incurred in attending *meetings for which per diem or expenses are authorized by law for members of the general assembly who serve on statutory boards, commissions, or councils, and for* standing or interim committee *or subcommittee* meetings subject to the provisions of section 2.14, or when on [official state] *authorized legislative* business[,] when the general assembly is not in session. *However, if a member of the general assembly or the lieutenant governor is engaged in authorized legislative business at a location other than at the seat of government during the time the general assembly is in session, payment may be made for the actual transportation and lodging costs incurred because of the business.* Such [salaries] *per diem* or expenses shall be paid promptly from funds appropriated pursuant to section 2.12[, unless otherwise provided by law].

Sec. 2. Section two point twelve (2.12), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary, for each house of the general assembly for the payment of any unpaid expense [filed after adjournment of each annual session] of the general assembly [or] incurred *during or* in the interim between sessions of the general assembly, including but not limited to salaries *and necessary travel and actual expenses* of members and expenses of standing and interim committees *or subcommittees and per diem or expenses for members of the general assembly who serve on statutory boards, commissions, or councils for which per diem or expenses are authorized by law.* The state comptroller is hereby authorized and directed to issue warrants for such items of expense upon requisition of the president and secretary of the senate for senate expense or the speaker and chief clerk of the house for house expense.

Sec. 3. Section two point forty-four (2.44), Code 1975, is amended to read as follows:

2.44 EXPENSE OF COUNCIL AND SPECIAL INTERIM COMMITTEES.

Members of the legislative council shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, and shall receive a per diem of forty dollars for each day in which engaged in the performance of such duties. However, such per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Such expenses and per diem shall be paid in the manner provided for in section [2.66] *two point twelve (2.12) of the Code.*

Members of special interim study committees which may from time to time be created and members of the legislative fiscal committee who are not members of the legislative council shall be entitled to receive the same expenses and compensation provided for the members of the legislative council. [Such expenses shall be paid in the manner provided for in section 2.66 within the limit of available funds. Upon motion approved by the legislative council, members of such special interim study committees may be paid for their expenses and per diem pursuant to the provisions of section 2.12.]

Sec. 4. Section eighteen A point one (18A.1), Code 1975, is amended to read as follows:

18A.1 COMMISSION CREATED. There is hereby created the capitol planning commission composed of nine members: (1) four members of the general assembly *serving as ex officio nonvoting members,* two thereof to be appointed by the speaker of the house from the membership thereof, two to be appointed by the lieutenant governor from the membership of the senate, and (2) three residents of the state of Iowa to be appointed by the governor, and (3) the director of the department of general services or his designee and the state architect provided by section 218.58.

Sec. 5. Section eighteen A point five (18A.5), Code 1975, is amended to read as follows:

18A.5 COMPENSATION AND EXPENSES. The members of the commission shall be reimbursed for their actual and necessary expenses and shall be paid a forty-dollar per diem while in attendance at any meeting of the commission held at the seat of government and shall be reimbursed for their expenses for going to and from the seat of government to attend a meeting. All per diem and expense moneys paid to the *nonlegislative* commissioners shall be paid from funds appropriated to the commission. Service of the director of the department of general services and the state architect upon this commission shall be an additional duty conferred by statute. *Legislative members of the commission shall receive payment pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

Sec. 6. Section eighty B point six (80B.6), subsections two (2) and three (3), Code 1975, are amended to read as follows:

2. Two members of the senate *serving as ex officio nonvoting members,* not more than one of whom will be from the same political party, appointed by the lieutenant governor for a term of four years commencing on August 15, 1974.

3. Two members of the house of representatives *serving as ex officio nonvoting members,* not more than one of whom will be from the same political party, appointed by the speaker of the house for a term of two years commencing on August 15, 1974.

Sec. 7. Section eighty B point eight (80B.8), Code 1975, is amended to read as follows:

80B.8 COMPENSATION AND EXPENSES. The members of the council, who are not employees of the state or a political subdivision, shall be paid a forty-dollar per diem. All members of the council shall be reimbursed for necessary and actual expenses incurred in attending meetings and in the performance of their duties. All per diem and expense moneys paid to *nonlegislative* members shall be paid from funds appropriated to the Iowa law enforcement academy. *Legislative members of the council shall receive payment pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

Sec. 8. Section ninety-three point five (93.5), Code 1975, is amended to read as follows:

93.5 COMPENSATION AND EXPENSES. Council members who are not employees of the state shall receive a per diem at the rate of forty dollars for each day devoted to council business and all *nonlegislative* members shall be reimbursed for actual expenses incurred in carrying out their duties as members of the council. *Legislative members shall receive payment pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

Sec. 9. Section two hundred thirty-five A point twenty-four (235A.24), subsection two (2), Code 1975, is amended to read as follows:

2. The council shall meet at least annually and at any other time upon the call of the chairman of the council, or any three of its members. Each *nonlegislative* council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of social services. *Each legislative member shall receive expenses pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

Sec. 10. Section two hundred forty-nine B point one (249B.1), Code 1975, is amended to read as follows:

249B.1 COMMISSION CREATED. There is hereby created the commssion on the aging of the state of Iowa which shall consist of [nine] *eleven* members. Two members shall be appointed by the president of the senate from the members of the senate *to serve as ex officio nonvoting members* with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house *to serve as ex officio nonvoting members* with no more than one member being appointed from the same political party. [Five] *Seven* members shall be appointed by the governor.

Sec. 11. Section two hundred forty-nine B point six (249B.6), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

249B.6 EXPENSES. Members of the commission while engaged in their official duties shall be reimbursed for their actual and necessary expenses and be paid a forty-dollar per diem. Legislative members of the commission shall receive payment pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.

Sec. 12. Section two hundred sixty-one point one (261.1), subsections four (4) and five (5), Code 1975, are amended to read as follows:

4. A member of the senate to be appointed by the president of the senate *to serve as an ex officio nonvoting member* for a term of four years beginning on July [1] *first* of the year of appointment.

5. A member of the house of representatives to be appointed by the speaker of the house *to serve as an ex officio nonvoting member* for a term of four years beginning on July [1] *first* of the year of appointment.

Sec. 13. Section two hundred sixty-one point four (261.4), Code 1975, is amended to read as follows:

261.4 FUNDS—COMPTROLLER—COMPENSATION AND EXPENSES OF COMMISSION. The state comptroller shall keep an accounting of all funds received and expended by the commission. The members of the commission, except those members who are employees of the state, shall be paid a forty-dollar per diem and shall be reimbursed for actual and necessary expenses. All per diem and expense moneys paid to *nonlegislative* members shall be paid from funds appropriated to the commission. *Legislative members of the commission shall receive payment pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

Sec. 14. Section two hundred seventy-two B point two (272B.2), Code 1975, is amended to read as follows:

272B.2 EDUCATION COMMISSION OF THE STATES. The provisions of article III, paragraph 1, of the compact notwithstanding, the members of the education commission of the states representing this state shall consist of the governor, two *nonlegislative* members appointed by the governor, two members of the senate appointed by the president of the senate, and two members of the house of representatives appointed by the speaker of the house of representatives. The members shall serve four-year terms and for the initial appointments, half of the membership shall be appointed to two-year terms and half shall be appointed to four-year terms. [Members] *Nonlegislative members* shall serve on the education commission of the states without compensation, but shall receive their actual and necessary expenses and travel. *Legislative members shall receive actual and necessary expenses and travel pursuant to section two point ten (2.10) and two point twelve (2.12)*

of the Code. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment. If a member ceases to be a member of the general assembly, he shall no longer serve as a member of the education commission of the states.

Sec. 15. Section three hundred four point three (304.3), subsection six (6), Code 1975, is amended to read as follows:

6. A member of the general assembly *serving as an ex officio nonvoting member* appointed by the legislative council.

Sec. 16. Section three hundred four point four (304.4), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

The nonlegislative members of the commission shall serve without compensation but may receive their actual expenses incurred in the performance of their duties. Legislative members shall receive per diem and expenses pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.

Sec. 17. Section seven hundred forty-nine B point nineteen (749B.19), unnumbered paragraph one (1) and two (2), Code 1975, are amended to read as follows:

There is hereby created a confidential records council consisting of nine regular members. Two members shall be appointed from the house of representatives *to serve as ex officio nonvoting members* by the speaker of the house, no more than one of whom shall be from the same party. Two members shall be appointed from the senate *to serve as ex officio nonvoting members* by the lieutenant governor, no more than one of whom shall be from the same party. The other members of the council shall be: A judge of the district court appointed by the chief justice of the supreme court, one local law enforcement official, appointed by the governor; the commissioner of public safety or his designee; and two private citizens not connected with law enforcement, appointed by the governor. The council shall select its own chairman. The members shall serve at the pleasure of those by whom their appointments are made.

The council shall meet at least annually and at any other time upon the call of the governor, the chairman of the council, or any three of its members. Each *nonlegislative* council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of public safety. *Each legislative member shall receive expenses pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*"

On the Part of the Senate:

EUGENE M. HILL, Chair
GENE W. GLENN
WARREN E. CURTIS
FORREST V. SCHWENGELS

On the Part of the House:

GREGORY D. CUSACK, Chair
NORMAN G. JESSE
JACK E. WOODS
BRICE C. OAKLEY
GLENN F. BROCKETT

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 1261

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1261, a bill for an Act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, respectfully make the following report:

1. Amend the House amendment (S—5911) to Senate File 1261, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 44, by inserting after the figure "(5)," the words and figure "unnumbered paragraph one (1),".

2. Page 2, line 1, by striking the letter "c" and inserting in lieu thereof the letter "d".

3. Page 2, by striking lines 2 through 25 and inserting in lieu thereof the following:

"Sec. ..... Section two hundred sixty-one point nine (261.9), subsection five (5), Code 1975, is amended by adding the following new paragraph:

d. Which is a school of nursing accredited by the national league for nursing and approved by the board of nurse examiners, including such a school operated, controlled, and administered by a county public hospital."

4. Page 4, line 21, by striking the figure and word "33 and" and inserting in lieu thereof the figure "33."

5. Page 4, by striking lines 22 through 28 and inserting in lieu thereof the following:

"..... Page 4, by inserting after line 33 the following section:

'Sec. ..... It shall be a condition of receipt of funds appropriated in sections four (4) or five (5) of this Act that any college or school receiving funds submit one copy of its most recent annual audit conducted by an independent third party when the audit becomes available to the legislative fiscal committee and the legislative council and submit to a review by the visitation committee on education established in section two point fifty-one (2.51) of the Code augmented by the selection of two members to the visitation committee for each discipline for the purposes of review of the audits. The four additional members shall consist of two doctors selected from a list of ten doctors of osteopathic medicine and surgery not on the faculty, staff, or board of the college or its clinics and submitted by the Iowa society of osteopathic physicians and surgeons, and two doctors selected from a list of ten doctors of optometry not on the faculty, staff, or board of any school or college of optometry and submitted by the Iowa optometric association, appointed by the legislative fiscal committee with the approval of the legislative council. If the members of the expanded visitation

committee deem it necessary to review the audit, the affected school or college is subject to review by the expanded visitation committee.' "

6. Page 4, by striking lines 29 through 34.

7. Page 5, line 26, by inserting after the word "allocation" the words "on a pro rata basis".

8. Page 5, line 30, by striking the figure "900,000" and inserting in lieu thereof the figure "787,500".

9. Page 5, by striking lines 31 through 40 and inserting in lieu thereof the following:

"e. For levies collectible in the fiscal year beginning July 1, 1976 and ending June 30, 1977, a board of directors of a merged area is prohibited from levying a tax under the provisions of section ninety-seven B point nine (97B.9), subsection three (3), of the Code to pay employer contributions to the Iowa public employees' retirement system. The state comptroller is directed to delete any such tax levy from the certified tax askings of a merged area."

10. Page 5, by striking line 42 and inserting in lieu thereof the following amendment:

"..... Page 11, by striking lines 1 through 18."

11. Page 5, by inserting after line 42 the following amendment:

"..... Page 11, by striking lines 22, 23, and 24 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* Review programs and make recommendations, and approve or disapprove requests of merged area schools to expand their programs."

12. Page 5, line 44, by striking the word "section" and inserting in lieu thereof the word "sections".

13. Page 5, by inserting after line 44 the following sections:

"Sec. ..... Section two hundred fifty-seven point nine (257.9), subsection five (5), Code 1975, is amended to read as follows:

5. Authorize, approve, and require to be used such forms as are needed to promote uniformity, accuracy, and completeness in executing contracts, keeping records, and in pupil and cost accounting, making reports, and to require such reports to be made in such manner as may be recommended by the state superintendent of public instruction. *Prior to January 1, 1978, approve a uniform system of program accounting to be implemented by all school districts pursuant to plans submitted by the state superintendent.*

Sec. ..... Section two hundred fifty-seven point eleven (257.11), Code 1975, is amended to read as follows:

257.11 SUPERINTENDENT APPOINTED. The state board shall appoint, effective [January 1, 1955] *July 1, 1979,* and each four years thereafter, with the approval of two-thirds of the members of the senate, a superintendent of public instruction.

Sec. ..... Section two hundred eighty A point twenty-three (280A.23), subsection four (4), Code 1975, is amended to read as follows:

4. Have the powers and duties with respect to such schools and colleges, not otherwise provided in this chapter, which are prescribed for boards of directors of local school districts by chapter 279 *except that the board of directors is not required to prohibit the use of tobacco and the use or possession of alcoholic liquor or beer by any student under the provisions of section two hundred seventy-nine point nine (279.9) of the Code."*

14. Page 6, line 3, by striking the word "eight-tenths" and inserting in lieu thereof the word "seven-tenths".

15. Page 6, line 4, by inserting after the word "percent" the words "for school districts in which all employees are members of the Iowa public employees' retirement system".

16. Page 6, by inserting after line 6 the following:

"For the school year beginning July 1, 1976, the school budget review committee may approve an increase in the state percent of growth otherwise computed by the state comptroller under this section by an amount not to exceed thirty-five hundredths of one percent for school districts for which contributions are made both to a retirement system established by the school district under section two hundred ninety-four point eight (294.8) of the Code and to the Iowa public employees' retirement system. In order to receive the additional allowable growth, such school districts shall show that there is a need for additional funds in order to compensate for the cost of increased employer contributions to retirement systems."

17. Page 6, line 24, by striking the words "in an amount of".

18. Page 6, by striking lines 25 and 26.

19. Page 6, by inserting after line 26 the following amendments:

"..... Page 12, line 10, by striking the figure '58,950,900' and inserting in lieu thereof the figure '58,985,900'.

..... Page 12, line 34, by striking the words 'State sanatorium—Oakdale' and inserting in lieu thereof the words 'Oakdale campus'.

..... Page 14, by inserting after line 7 the following sections:

'Sec. ..... *NEW SECTION.* DESIGNATION. The state hospital located at Oakdale shall be known as the Oakdale campus.

Sec. ..... *NEW SECTION.* PURPOSES. The Oakdale campus shall be primarily devoted to health related research,

education, and service programs, including experimental health care delivery models. To the extent that Oakdale campus resources are not required to meet the primary purposes, its resources shall be devoted to meeting other related needs of the state university of Iowa.

Sec. ..... *NEW SECTION.* GOVERNANCE. The state board of regents shall have full power to manage, control, and govern the Oakdale campus in the same manner as other institutions under its control.

Sec. ..... *NEW SECTION.* PATIENT TREATMENT. Oakdale campus authorities may provide for treatment of such patients as they deem advisable and for which facilities and services are available. Except for patients admitted who are patients referred from the university hospitals, the Oakdale campus shall collect from the patients or a person liable for such support, such reasonable charges for care, service, and treatment as may be fixed by the state board of regents. Earnings shall be deposited with the treasurer of the state university of Iowa for the use and benefit of the Oakdale campus and to supplement any other sources of income. Patient treatment and care on the Oakdale campus shall be provided by the faculty of the health science colleges of the state university of Iowa, staff of the university hospital, and professional and other staff as may be employed by the Oakdale campus.

Sec. ..... *NEW SECTION.* CARE OF PATIENTS—PROFESSIONAL SERVICES. Physicians and dentists who care for patients on the Oakdale campus may charge for their professional services under such rules and plans as may be approved by the state board of regents.

Sec. ..... *NEW SECTION.* INTEGRATED TREATMENT OF UNIVERSITY HOSPITAL PATIENTS. The authorities of the Oakdale campus may authorize patients for admission to the hospital on the Oakdale campus who are referred from the university hospitals and who shall retain the same status, classification, and authorization for care which they had at the university hospitals. Patients referred from the university hospitals to the Oakdale campus shall be deemed to be patients of the university hospitals. The provisions of chapter two hundred fifty-five (255) of the Code and operating policies of the university hospitals shall apply to the patients and to the payment for their care the same as the provisions apply to patients who are treated on the premises of the university hospitals.

Sec. ..... Section two hundred sixty-two point seven (262.7), subsection six (6), Code 1975, is amended to read as follows:

6. The [state sanatorium] *Oakdale campus.*'

..... Page 14, by inserting after line 27 the following section:

"Sec. ..... Chapter two hundred seventy-one (271), Code 1975, is repealed."

20. Page 6, by striking lines 27 and 28 and inserting in lieu thereof the following amendment:

"..... Page 15, line 4, by striking the words 'state sanatorium—Oakdale' and inserting in lieu thereof the words 'Oakdale Campus'."

On the Part of the Senate:
BASS VAN GILST, Chair
LUCAS J. DeKOSTER
MINNETTE F. DODERER
ELIZABETH R. MILLER
WILLIAM D. PALMER

On the Part of the House:
WALLY E. HORN, Chair
DONALD D. AVENSON
RICHARD L. BYERLY
HORACE DAGGETT
LESTER D. MENKE
MARY O'HALLORAN
JOHN E. PATCHETT
DELWYN STROMER

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1280

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, respectfully make the following report:

1. That the House recedes from its amendment, S—5813, to Senate File 1280 as amended and passed by the Senate.

2. That Senate File 1280, as amended and passed by the Senate, is amended as follows:

1. Page 1A, by inserting after line 26 the following:

"Sec. ..... Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1975, as amended by Senate File one thousand ninety-two (1092) as enacted by the Sixty-sixth General Assembly, 1976 Session, and signed by the governor and Senate File one thousand two hundred eighty-eight (1288) as enacted by the Sixty-sixth General Assembly, 1976 Session, is amended by striking the paragraph and inserting in lieu thereof the following:

'The superintendent of printing shall make free distribution of the Code, rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code as follows:' "

2. Page 2, by striking lines 12 through 31.

3. Page 4, line 13, by striking the words *"the department of"*.

4. Page 6, line 17, by striking the words *"the department of"*.

5. Page 6, by inserting after line 31E the following section:

"Sec. ..... Section three hundred twenty-one point two

hundred eighty-one (321.281), Code 1975, is amended by striking unnumbered paragraph four (4)."

6. Page 11, by striking lines 11 through 14 and inserting in lieu thereof the following:

"Sec. ..... Section six hundred seven point two (607.2), subsection two (2), Code 1975, is amended to read as follows:

'2. Practicing attorneys, physicians, [licensed embalmers, registered nurses,] chiropractors, osteopaths, veterinarians, [registered pharmacists,] dentists, and clergymen[, including Christian Science practitioners and readers].' "

7. Page 15, by striking lines 15 through 32 and inserting in lieu thereof the following:

"Sec. ..... Section forty-seven point three (47.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section eighteen (18), is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

The costs of conducting a special election called by the governor, general election, and the primary election held prior to the general election shall be paid by the county.

Sec. ..... Section forty-nine point seventy-three (49.73), subsection two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section forty (40), is amended to read as follows:

2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than seven o'clock a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter two hundred eighty A (280A) of the Code. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at nine o'clock p.m. for state primary and general elections and other partisan elections, *and for any other election held concurrently therewith*, and at eight o'clock p.m. for all other elections."

8. Page 15, line 34, by striking the words "twenty-nine A point thirty (29A.30)".

9. Page 16, line 11, by striking the words "five (5) and six (6)" and inserting in lieu thereof the words "and five (5)".

10. Page 16, line 14, by striking the words "one hundred two (102)".

11. Page 16, lines 15 through 16, by striking the words "one hundred eighty-two (182), one hundred eighty-six A (186A)".

12. Renumber the sections to conform with this amendment.

On the Part of the Senate:	On the Part of the House:
JAMES M. REDMOND, Chair	W. R. MONROE, JR., Chair
LUCAS J. DeKOSTER	C. W. HUTCHINS
JAMES V. GALLAGHER	LAVERN R. HARVEY
E. KEVIN KELLY	CHARLES N. PONCY
CHARLES P. MILLER	LAVERNE W. SCHROEDER

HOUSE CONCURRENT RESOLUTION 156

By Bortell, Daggett, Horn, Wyckoff, Jordan, Miller of Buchanan, Bennett, Tofte, Menke, Pellett, Dieleman, Varley, Kreamer, Wells, Welden, Branstad, Hutchins, Lageschulte, Schroeder, Wulff, Millen, Brandt and Den Herder

Whereas, radio station WOI has provided continual radio coverage of the Iowa General Assembly during the last four months of this 1976 legislative session; and

Whereas, many persons listen to the radio coverage provided by station WOI and have expressed a genuine approval of such coverage and as a result have developed a much greater awareness of the problems, issues, and procedures faced by the General Assembly; and

Whereas, in order for the General Assembly to properly represent the people of Iowa it is necessary that such public awareness of the problems, issues, and procedures facing the General Assembly be present; and

Whereas, Nancy Fushan has displayed excellence as a commentator during the 1976 Session of the Sixty-sixth General Assembly, and has shown an acute awareness and knowledge of the issues facing the General Assembly and as a result the listening public of Iowa has gained much greater understanding of the Iowa General Assembly; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That Radio Statio WOI be extended the appreciation of the General Assembly for its excellent coverage of the General Assembly and that Nancy Fushan specifically, and the support staff of WOI, be recognized for the outstanding job which they have accomplished.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 157

By Committee on Energy

Whereas, the United States has six percent of the world's population and consumes thirty percent of the world's energy; and

Whereas, as our demand for energy increases and the

supply of nonrenewable fuel decreases, the costs and risks of an energy enriched diet will become more apparent and more burdensome; and

Whereas, the agricultural, commercial, industrial and public sectors are already experiencing the problems created by increases in the demand for natural gas and a cutback in the availability of this important energy source; and

Whereas, energy conservation efforts including the development and use of alternative fuel sources such as solar power, wind power and organic waste conversion provide one solution to the problem of meeting increasing demand coupled with a diminishing supply of certain fuels; and

Whereas, energy conservation can be achieved equitably and without a drastic alteration in present lifestyle; and

Whereas, voluntary conservation efforts have not produced the desired results; and

Whereas, an amendment to House File 1482 proposed by members of the House Energy Committee contained numerous proposals for conserving energy including property tax incentives for solar, wind, and organic waste powered systems designed to generate electricity; energy efficiency standards for certain appliances; mandatory energy efficiency studies for proposed state buildings; a prohibition on the sale of "instant on" television receivers in Iowa; and required

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consideration of fuel economy in the purchase of most state vehicles; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council authorize the appointment of an interim study committee composed of members of the House and the Senate Standing Committees on Energy to examine possible incentives, proposals, including those in House File 1482 and amendments filed thereto and statutes in force in other states which are designed to conserve energy; and

Be It Further Resolved, That the study committee shall submit a report of its findings and recommendations along with any legislative bill drafts necessary to implement its recommendations to the Legislative Council and the Sixty-seventh General Assembly meeting in the year 1977.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 158

By Husak and Pellett

Whereas, diseases affecting livestock have a great impact upon the livestock industry in Iowa, which industry provides a large part of the economic base for Iowa; and

Whereas, certain livestock diseases previously not

of paramount concern to Iowans are now becoming evident in substantial numbers and it is vital that such diseases be studied in-depth to determine their severity and the ultimate impacts that such diseases may have; and

Whereas, without information in regard to these diseases the General Assembly will not have the proper knowledge to adequately initiate programs to combat such diseases; *Now Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is requested to create a study committee consisting of members of both houses of the General Assembly representing both political parties primarily representing members of the standing committees on agriculture to study and determine the severity of animal diseases including, but not limited to Aujeszky's disease, fibrosis, and brucellosis, and to make periodical reports to the legislative council and a final report to the General Assembly meeting in the year 1977; and

Be It Further Resolved, That such report shall contain such recommendations as the study committee may develop and that the report shall be accompanied by bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 159

By Krause, Drake and Brunow

Whereas, a sound transportation system is vital to the economy of Iowa;

Whereas, constant review of the broad field of law relative to that transportation system is vital to the health of that system;

Whereas, coordination between the two houses and two standing committees on transportation is essential in the passage of interim recommendations.

Whereas, with the broad range of issues facing transportation, prioritizations must be made, *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council authorize the appointment of an interim study committee composed of members of the House and Senate Transportation Committees.

Be It Further Resolved, that the interim study committee prioritize its areas of investigation, not exceeding four in number from the following list.

1. Trucking regulation in Iowa, including a review of the liquid carrier statutes.

2. Defining the role that the state needs to play, if any, in port development and intermodal coordination at those ports.

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3. A review of the airport authority law.
4. A review of the most recent federal rail laws, their impact on Iowa, and possible mechanisms to maximize benefit to Iowa.
5. A review of the effectiveness of Iowa's public transit laws.
6. A study of secondary road problems, including but not limited to design problems, and bridge problems.

Be It Further Resolved, that the study committee shall submit a report of its findings and recommendations along with any legislative bill drafts necessary to implement its recommendations to the Legislative Council and the Sixty-seventh General Assembly meeting in the year 1977.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 160

By Fitzgerald and Millen

Be It Resolved by the House of Representatives, the Senate Concurring, That the Sixty-sixth General Assembly adjourn sine die at 12:01 a.m., Saturday, May 29, 1976.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 161

By Hargrave

Whereas, there appears to be a need for a more sophisticated computer system for members of the general assembly and the executive branch of government in order that revenues may more accurately, quickly, and efficiently be judged, determined, monitored; and

Whereas, the establishment and determination of the requirements and implementation of such system requires thorough and deliberate study and consideration; and

Whereas, it is not possible during the lateness of the present legislative session to provide such thorough and deliberate consideration of the merits of purchasing such a computer program as well as considering the expenditure of supporting costs; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is requested to study the need for the development of a computer system which would provide timely and sophisticated budget information and the ability to monitor budgets, and if it determines that such need exists the general assembly encourages the Legislative Council to expend such funds as may be necessary for the purchase

and implementation of the system from funds available pursuant to section two point twelve (2.12) of the Code; and

Be It Further Resolved, That appropriate executive agencies and personnel shall cooperate and participate with the Legislative Council in making the study requested by this resolution.

Laid over under Rule 25.

HOUSE RESOLUTION 125

By Howell, Den Herder, Gentleman and Welden

Whereas, the consumption of energy in the United States has doubled since 1920; and

Whereas, it is projected to double again by the year 2000; and

Whereas, such projected demand presents an ever increasing concern as to how these needs will be met; and

Whereas, there exists substantial potential for reduced energy consumption by conservation without a significant reduction in our standard of living; and

Whereas, the energy consumption of nonrenewable energy resources could be reduced by minimum efficiency standards for certain appliances, revised rate schedules for transportation and utilities, property tax exemptions to encourage the development of solar, wind and organic waste energy systems, mandatory energy efficiency standards for proposed government buildings, minimum insulation standards for construction of buildings for human occupancy, the development of more efficient transportation modes, recycling and utilization of waste resources, improved industrial techniques, and public informational and educational programs; *Now, Therefore,*

Be It Resolved by the House of Representatives, That the House deems it imperative that the Sixty-seventh General Assembly develop and implement a comprehensive energy conservation and alternative energy development plan for Iowa.

Laid over under Rule 25.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 28, 1976, adopted the conference committee report and the amendments contained therein and passed Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code.

STEVEN C. CROSS, Secretary

EXPLANATION OF VOTE

While there are segments of the present Iowa Criminal Code that are in need of revision, there has been absolutely no showing by the proponents of Senate File 85 that the entire Criminal Code is in need of revision. Wholesale, legislative repealing of satisfactory and workable criminal laws, and the attendant judicial interpretations thereof that have been carefully rendered through the years, borders on the irresponsible. By any standard, an analysis of Senate File 85 will reveal that the scales of criminal justice have been dramatically tilted in favor of the accused and that the criminal court dockets will become seriously congested, all to the detriment of the general public. It is for the above reasons that I could not in good conscience vote for Senate File 85.

KREAMER of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 27, 1976, he approved and transmitted to the Secretary of State the following bills:

House File 1059, an act relating to property tax levies and budget limitations for the County Agricultural Extension Education Fund.

House File 1460, an act striking references to the Annie Wittenmyer Home.

House File 1498, an act relating to establishment of historical preservation districts.

House File 1534, an act relating to the establishment of area vocational centers in counties with cities of over fifty thousand population.

House File 1546, an act relating to certain authority of the Industrial Commissioner.

House File 1556, an act relating to the inspection of weights and measures and making an appropriation.

House File 1557, an act appropriating funds for programs under the administration of the Department of Agriculture and divisions of the Department of Agriculture.

House File 1577, an act appropriating funds to the Legislative Council and the Legislative Fiscal Committee.

A communication was received from the Governor announcing that on May 28, 1976, he approved and transmitted to the Secretary of State the following bills:

Senate File 253, an act relating to exchange of inmates with Federal Bureau of Prisons.

Senate File 273, an act relating to the issuance and service of a summons and notice by the juvenile court.

Senate File 345, an act relating to the method used to select and certify potential jurors.

Senate File 449, an act relating to the establishment of a corn promotion fund to receive assessments made on the sale of corn.

Senate File 1067, an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons.

Senate File 1111, an act relating to who may form a professional corporation.

Senate File 1145, an act relating to the issuance of cards and licenses by the State Department of Transportation and providing penalties.

Senate File 1192, an act relating to and making an appropriation for the administration of the Iowa Law Enforcement Academy.

Senate File 1244, an act authorizing the Board of Supervisors to establish and govern certain service districts.

Senate File 1252, an act making appropriations to the Bureau of Labor and the Iowa Merit Employment Department.

Senate File 1267, an act to establish a Census Liaison Commission, prescribing its duties, and authorizing certain cities to draw proposed precinct boundaries for submission to the Commission.

Senate File 1269, an act to legalize and validate an election upon the proposition to authorize the Board of Directors of the Saydel Consolidated School District to sell and convey, or lease, or otherwise dispose of certain real estate.

Senate File 1278, an act relating to airports and aeronautics and providing for a fee.

Senate File 1304, an act relating to the administration of workmen's compensation claims of state employees.

Senate File 1325, an act relating to bonds and pledge orders issued by cities.

Senate File 1331, an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the State of Iowa.

Senate Joint Resolution 1008, a joint resolution to establish an interim study committee to study the feasibility of establishing a separate retirement system for peace officers and correction officers and to make an appropriation.

AMENDMENTS FILED

H—6916

Amend Senate File 1014 as amended and passed by the Senate as follows:

1. Page 2, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one point thirty-five (321.35), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the numerical designation of the county, as determined by its alphabetical ranking among the counties of the state[, in which the vehicle is registered,] *or the name of the county, which may be abbreviated, of the county of issue, and* the name of this state, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof."

2. Amend the title, line 1, by striking the words "to require" and inserting in lieu thereof the words "relating to registration plates providing that the county name shall appear on the registration plate and".

3. Renumber sections and correct internal references as necessary in conformance with this amendment.

SCHROEDER of Pottawattamie
CUSACK of Scott
DOYLE of Woodbury
READINGER of Polk
McELROY of Fremont
DRAKE of Muscatine
HALVORSON of Clayton
JUNKER of Woodbury
DEN HERDER of Sioux
WEST of Marshall
CLARK of Lee
MILLER of Buchanan
TOFTE of Winneshiek
TAUKE of Dubuque
HANSEN of O'Brien
NEWHARD of Jones
NEALSON of Muscatine
WULFF of Black Hawk
BORTELL of Madison
PAVICH of Pottawattamie
LAGESCHULTE of Bremer
ANDERSON of Jasper
WOODS of Polk
NIELSEN of Polk
RINAS of Linn
HUSAK of Tama
STROMER of Hancock
SMALL of Johnson
MILLEN of Van Buren
WALTER of Pottawattamie
JOCHUM of Dubuque
DYRLAND of Clayton
KOOGLER of Mahaska
SVOBODA of Iowa
HENNESSEY of Delaware
HUTCHINS of Guthrie
SCHEELHAASE of Woodbury
LINDEEN of Henry
SPRADLING of Sioux
WYCKOFF of Benton
MIDDLETON of Black Hawk
CRABB of Crawford
MIDDLESWART of Warren
WELLS of Linn
BROCKETT of Marshall

Note: For explanation of brackets and italics, see page 91 of the House Journal.

On motion by Fitzgerald of Webster, the House **adjourned at** 12.37 a.m. until 9:00 a.m., Saturday, May 29, **1976.**

JOURNAL OF THE HOUSE

One Hundred Thirty-ninth Calendar Day—Ninety-fourth Session Day

HALL OF THE HOUSE OF REPRESENTATIVES
DES MOINES, IOWA, SATURDAY, MAY 29, 1976

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Honorable William W. Dieleman, State Representative from Marion County.

The Journal of Friday, May 28, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Griffee of Chickasaw on request of Anderson of Jasper; Evans of Grundy for a portion of the day on request of Brockett of Marshall.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has an May 28, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1571, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation.

Also: That the Senate has on May 28, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1584, a bill for an act creating a state aircraft pool and a state aircraft revolving fund.

Also: That the Senate has on May 28, 1976, insisted on its amendment to the House amendment to Senate File 1336, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces.

Also: That the Senate has on May 28, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1347, a bill for an act creating an appropriation to executive council general contingent fund.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1571

H—6927

Amend House File 1571 as passed by the House as follows:

1. Page 1, by striking lines 10 through 17 and inserting in lieu thereof the following:

"a. For repair, replacement, alteration, equipment, and rehabilitation of national guard armory facilities throughout the state, including the maintenance and repair of equipment required for use of such facilities, and for the rehabilitation and control of flags, commemorating wars in which Iowans participated .....$ 130,000"

2. Page 1, line 31, by striking the word "sights" and inserting in lieu thereof the word "sites".

SENATE MESSAGE CONSIDERED

Senate File 1347, a bill for an act creating and making an appropriation to the executive council general contingent fund.

Read first time and referred to committee on **appropriations.**

UNFINISHED BUSINESS

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 1038**, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission, and amendment H—6923, to the Senate amendment H—6427, filed by Avenson of Fayette as follows:

H—6923

Amend the Senate amendment H—6427, to House File 1038, as follows:

1. Page 1, by striking all of lines 2 through 6 and inserting in lieu thereof the following:

"the House as follows:

Page 2, by inserting after line 21 the following:

c. For the establishment and operation of a foreign trade and development office .....$ 50,000".

Avenson of Fayette moved the adoption of amendment H—6923, to the Senate amendment.

Amendment H—6923 was adopted.

Schroeder of Pottawattamie offered the following amendment H—6469, to the Senate amendment H—6427, filed by him and Harper of Davis and moved its adoption:

H—6469

Amend the Senate amendment, H—6427, to House File 1038, as amended and passed by the House by inserting after line 6 the following:

"..... Page 2, by inserting after line 21 the following new section:

Sec. ..... Section one hundred seventy-three point twelve (173.12), Code 1975, is amended to read as follows:

173.12 SALARY OF TREASURER. The treasurer shall receive such compensation for his services as the board may fix, not to exceed five hundred dollars a year, and [necessary traveling and hotel expenses] *shall be paid a forty dollar per diem and shall be reimbursed for actual and necessary expenses incurred while engaged in official duties.*"

Amendment H—6469 was adopted.

Avenson of Fayette moved that the House concur in the Senate amendment H—6427, as amended.

A non-record roll call was requested.

The ayes were 56, nays 21.

The motion prevailed and the House concurred in the Senate amendment H—6427, as amended.

Fitzgerald of Webster moved the previous question on House File 1038.

A non-record roll call was requested.

The ayes were 52, nays, 20.

The motion prevailed.

Avenson of Fayette moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1038)

The ayes were, 72:

Anderson	Bittle	Brunow	Crawford
Avenson	Bortell	Byerly	Cusack
Bennett	Brandt	Clark	Daggett
Bina	Branstad	Connors	Danker
Binneboese	Brockett	Crabb	Den Herder

Dieleman	Howell	Millen	Rinas
Drake	Hullinger	Miller, A. V.	Schroeder
Dunton	Hutchins	Monroe	Spencer
Dyrland	Jesse	Newhard	Stromer
Egenes	Jordan	Nielsen	Svoboda
Fitzgerald	Lageschulte	Norland	Tauke
Gentleman	Lindeen	Oakley	Varley
Halvorson	Lipsky	O'Halloran	Welden
Hargrave	Lonergan	Patchett	Wells
Harvey	Menke	Pavich	Woods
Hennessey	Mennenga	Pellett	Wulff
Hinkhouse	Middleswart	Poncy	Wyckoff
Horn	Middleton	Readinger	Mr. Speaker

The nays were, 12:

Doyle	Hines	Miller, K. D.	Spear
Gilloon	Jochum	Miller, O. L.	Spradling
Higgins	Koogler	Small	Walter

Absent or not voting, 15:

Baker	Harper	Kreamer	Scheelhaase
Evans	Husak	McElroy	Tofte
Griffee	Junker	Nealson	West
Hansen	Krause	Perkins	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 28, 1976, adopted the second conference committee report and the amendments contained therein and passed Senate File 507, a bill for an act relating to the funding, compensation and membership of legislative members of committees and boards.

Also: That the Senate has, on May 29, 1976, adopted the conference committee report and the amendments contained therein and passed Senate File 1261, a bill for an act providing appropriations to agencies, institutions, and commissions and boards responsible for education programs.

STEVEN C. CROSS, Secretary

Jesse of Polk in the chair at 11:28 a.m.

ADOPTION OF THE SECOND CONFERENCE COMMITTEE REPORT
(Senate File 1261)

Horn of Linn called up for consideration the report of the second conference committee on **Senate File 1261**, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in the state, filed on May 28, 1976, and found on pages 3355 through 3359 of the House Journal.

Horn of Linn moved the adoption of the second conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Horn of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 1261)

The ayes were, 77:

Anderson	Doyle	Krause	Pavich
Avenson	Drake	Lageschulte	Pellett
Bennett	Dunton	Lindeen	Poncy
Bina	Dyrland	Lipsky	Readinger
Binneboese	Egenes	Lonergan	Rinas
Bortell	Fitzgerald	Menke	Schroeder
Brandt	Gentleman	Mennenga	Small
Branstad	Gilloon	Middleswart	Spear
Brockett	Halvorson	Middleton	Spencer
Brunow	Hargrave	Millen	Spradling
Byerly	Hennessey	Miller, A. V.	Stromer
Cochran	Higgins	Miller, K. D.	Tauke
Connors	Hines	Miller, O. L.	Varley
Crabb	Hinkhouse	Monroe	Walter
Crawford	Horn	Newhard	Wells
Cusack	Howell	Nielsen	Woods
Daggett	Hutchins	Norland	Wulff
Danker	Jochum	O'Halloran	Mr. Speaker
Den Herder	Jordan	Patchett	(Jesse)
Dieleman	Koogler		

The nays were, 6:

Bittle	Hullinger	Welden	Wyckoff
Harvey	Oakley		

Absent or not voting, 16:

Baker	Hansen	Kreamer	Scheelhaase
Clark	Harper	McElroy	Svoboda
Evans	Husak	Nealson	Tofte
Griffee	Junker	Perkins	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

HOUSE REFUSES TO CONCUR

Byerly of Polk called up for consideration **House File 1573,** a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee, providing for their respective

powers and duties, and making an appropriation, amended by the Senate and received from the Senate on May 28, 1976, and found on pages 3337 through 3347 of the House Journal.

Byerly of Polk moved that the House concur in the Senate amendment H—6926.

The motion lost and the House refused to concur in the Senate amendment H—6926.

On motion by Fitzgerald of Webster, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted for the remainder of the session as follows:

Byerly of Polk on request of Nielsen of Polk; Koogler of Mahaska on request of Dieleman of Marion; Den Herder of Sioux on request of Bortell of Madison.

ADOPTION OF THE SECOND CONFERENCE COMMITTEE REPORT
(Senate File 507)

Cusack of Scott called up for consideration the report of the second conference committee on **Senate File 507**, a bill for an act relating to the funding, compensation, expenses, and membership of legislative members of committees and certain statutory or appointive boards, commissions, and councils, filed on May 28, 1976, and found on pages 3349 through 3354 of the House Journal.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed sixty-three members present, thirty-six absent.

Cusack of Scott moved the adoption of the second conference committee report and the amendments contained therein.

Nielsen of Polk in the chair at 1:47 p.m.

The motion prevailed and the conference committee report was adopted.

Cusack of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 507)

The ayes were, 76:

Anderson	Drake	Lageschulte	Readinger
Avenson	Dunton	Lindeen	Rinas
Bennett	Dyrland	Lipsky	Schroeder
Bina	Fitzgerald	Lonergan	Small
Binneboese	Gentleman	Menke	Spear
Bittle	Gilloon	Middleswart	Spencer
Bortell	Halvorson	Millen	Spradling
Brandt	Hargrave	Miller, A. V.	Stromer
Branstad	Harvey	Miller, K. D.	Svoboda
Brockett	Hennessey	Miller. O. L.	Tauke
Brunow	Higgins	Monroe	Varley
Clark	Hines	Newhard	Walter
Cochran	Horn	Norland	Welden
Crabb	Howell	Oakley	Wells
Crawford	Hutchins	O'Halloran	Woods
Cusack	Jesse	Patchett	Wulff
Daggett	Jochum	Pavich	Wyckoff
Danker	Jordan	Pellett	Mr. Speaker
Dieleman	Krause	Poncy	(Nielsen)
Doyle			

The nays were, none.

Absent or not voting, 23:

Baker	Griffee	Junker	Nealson
Byerly	Hansen	Koogler	Perkins
Connors	Harper	Kreamer	Scheelhaase
Den Herder	Hinkhouse	McElroy	Tofte
Egenes	Hullinger	Mennenga	West
Evans	Husak	Middleton	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF THE CONFERENCE COMMITTEE REPORT
(Senate File 1280)

Monroe of Des Moines called up for consideration the report of the conference committee on **Senate File 1280**, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor, filed on May 28, 1976, and found on pages 3359 through 3361 of the House Journal.

Monroe of Des Moines moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1280)

The ayes were, 73:

Anderson	Drake	Krause	Readinger
Avenson	Dunton	Lageschulte	Rinas
Bennett	Dyrland	Lindeen	Schroeder
Bina	Fitzgerald	Lipsky	Small
Binneboese	Gentleman	Lonergan	Spear
Bittle	Gilloon	Menke	Spencer
Bortell	Halvorson	Middleswart	Spradling
Brandt	Harvey	Millen	Stromer
Branstad	Hennessey	Miller, A. V.	Svoboda
Brockett	Higgins	Miller, K. D.	Tauke
Clark	Hines	Miller, O. L.	Varley
Cochran	Hinkhouse	Newhard	Walter
Crabb	Horn	Norland	Welden
Crawford	Howell	O'Halloran	Woods
Cusack	Hullinger	Patchett	Wulff
Daggett	Hutchins	Pavich	Wyckoff
Danker	Jesse	Pellett	Mr. Speaker (Nielsen)
Dieleman	Jochum	Poncy	
Doyle	Jordan		

The nays were, 1:

Oakley

Absent or not voting, 25:

Baker	Griffee	Koogler	Nealson
Brunow	Hansen	Kreamer	Perkins
Byerly	Hargrave	McElroy	Scheelhaase
Connors	Harper	Mennenga	Tofte
Den Herder	Husak	Middleton	Wells
Egenes	Junker	Monroe	West
Evans			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Brunow of Appanoose called up for consideration **House File 1571**, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation, amended by the Senate as follows:

H—6927

1 **Amend House File 1571 as passed by the House**
2 **as follows:**

1. Page 1, by striking lines 10 through 17 and inserting in lieu thereof the following:
"a. For repair, replacement, alteration, equipment, and rehabilitation of national guard armory facilities through out the state, including the maintenance and repair of equipment required for use of such facilities, and for the rehabilitation and control of flags, commemorating wars in which Iowans participated .....$130,000".
2. Page 1, line 31, by striking the word "sights" and inserting in lieu thereof the word "sites".

Schroeder of Pottawattamie in the chair at 2:06 p.m.

Nielsen of Polk in the chair at 2:08 p.m.

Tauke of Dubuque offered the following amendment H—6929, to the Senate amendment H—6927, filed by him from the floor and moved its adoption:

H—6929

Amend the Senate amendment, H—6927, to House File 1571 as follows:
1. Page 1, line 5, by inserting after the word "for" the word "construction,".
2. Page 1, line 11, by striking the figure "130,000" and inserting in lieu thereof the figure "376,000".

A non-record roll call was requested.

The ayes were 25, nays, 37.

Amendment H—6929 lost.

Welden of Hardin offered the following amendment H—6936, to the Senate amendment H—6927, filed by him from the floor and moved its adoption:

H—6936

Amend Senate amendment H—6927 to House File 1571 as follows:
1. By striking lines 9 through 11 and inserting in lieu thereof the following:
"for use of such facilities.....$ 130,000".

Amendment H—6936 was adopted.

Brunow of Appanoose moved that the House concur in the Senate amendment H—6927, as amended.

The motion prevailed and the House concurred in the Senate amendment H—6927, as amended.

Brunow of Appanoose moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1571)

The ayes were, 75:

Anderson	Dieleman	Jesse	Pellett
Avenson	Doyle	Jochum	Poncy
Bennett	Drake	Jordan	Readinger
Bina	Dunton	Krause	Rinas
Binneboese	Dyrland	Lageschulte	Spear
Bittle	Fitzgerald	Lindeen	Spencer
Bortell	Gentleman	Lipsky	Spradling
Brandt	Gilloon	Lonergan	Stromer
Branstad	Halvorson	Menke	Svoboda
Brockett	Hargrave	Millen	Tauke
Brunow	Harvey	Miller, A. V.	Varley
Clark	Hennessey	Miller, K. D.	Walter
Cochran	Higgins	Miller, O. L.	Welden
Connors	Hines	Newhard	Wells
Crabb	Hinkhouse	Norland	Woods
Crawford	Horn	Oakley	Wulff
Cusack	Howell	O'Halloran	Wyckoff
Daggett	Hullinger	Patchett	Mr. Speaker
Danker	Hutchins	Pavich	(Nielsen)

The nays were, none.

Absent or not voting, 24:

Baker	Hansen	McElroy	Perkins
Byerly	Harper	Mennenga	Scheelhaase
Den Herder	Husak	Middleswart	Schroeder
Egenes	Junker	Middleton	Small
Evans	Koogler	Monroe	Tofte
Griffee	Kreamer	Nealson	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

Senate File 1321, a bill for an act relating to the status and power of an entity created under chapter twenty-eight F (28F) of the Code to accomplish joint financing of public works and facilities, was taken up for consideration.

Rinas of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1321)

The ayes were, 74:

Anderson	Dieleman	Jesse	Pellett
Avenson	Doyle	Jochum	Poncy
Bennett	Drake	Jordan	Readinger
Bina	Dunton	Krause	Rinas
Binneboese	Dyrland	Lageschulte	Schroeder
Bittle	Fitzgerald	Lindeen	Spear
Bortell	Gentleman	Lipsky	Spencer
Brandt	Gilloon	Lonergan	Stromer
Branstad	Halvorson	Menke	Tauke
Brockett	Hargrave	Middleswart	Varley
Brunow	Harvey	Middleton	Walter
Clark	Hennessey	Miller, A. V.	Welden
Cochran	Higgins	Miller, K. D.	Wells
Connors	Hines	Miller, O. L.	Woods
Crabb	Hinkhouse	Newhard	Wulff
Crawford	Horn	Oakley	Wyckoff
Cusack	Howell	O'Halloran	Mr. Speaker (Nielsen)
Daggett	Hullinger	Patchett	
Danker	Hutchins	Pavich	

The nays were, none.

Absent or not voting, 25:

Baker	Harper	Mennenga	Scheelhaase
Byerly	Husak	Millen	Small
Den Herder	Junker	Monroe	Spradling
Egenes	Koogler	Nealson	Svoboda
Evans	Kreamer	Norland	Tofte
Griffee	McElroy	Perkins	West
Hansen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1086, a bill for an act relating to the local civil service commissions providing for changes in qualification requirements and requiring that the commission determine the physical requirements for police and fire personnel, with report of committee recommending amendment and passage, was taken up for consideration.

Connors of Polk offered the following amendment H—5567 filed by the committee on cities and towns and moved its adoption:

H—5567

Amend Senate File 1086, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 27 through 33 and inserting in lieu thereof the following: "appointment. Provided, however, that such physical examination of applicants for appointment to the positions of policeman, policewoman, police matron or [fireman] *firefighter* shall be held under the direction of and as specified by the boards of trustees of the fire or police retirement

systems established by section 411.5. *An applicant shall not be discriminated against on the basis of height, weight, sex, or race in determining physical or mental ability of the applicant. Reasonable rules relating to strength, agility, and general health of applicants shall be prescribed.*

The costs of the physical examination required under this subsection shall be paid from the trust and agency fund of the city."

2. Title page, by striking from lines, 2, 3 and 4 the words "and requiring that the commission determine the physical requirements for police and fire personnel".

Amendment H—5567 was adopted.

Connors of Polk offered the following amendment H—6801 filed by Byerly of Polk and moved its adoption:

H—6801

Amend Senate File 1086, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 33 the following section:

"Sec. ..... Section four hundred point thirteen (400.13), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The chief of the fire department and the chief of the police department shall be appointed from the chiefs' civil service eligible lists. Such lists shall be determined by original examination open to all persons applying, whether or not members of the employing city. The chief of a fire department shall have had a minimum of five years' experience in a fire department, *or three years experience in a fire department and two years of comparable experience or educational training.* The chief of a police department shall have had a minimum of five years experience in a public law enforcement agency, *or three years experience in a public law enforcement agency and two years of comparable experience or educational training.* A chief of a police department or fire department shall maintain his civil service rights as determined by section 400.12."

2. By renumbering sections as necessary.

Amendment H—6801 was adopted.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1086)

The ayes were, 69:

Anderson	Drake	Lageschulte	Poncy
Avenson	Dunton	Lindeen	Readinger
Bennett	Dyrland	Lipsky	Rinas
Bina	Gentleman	Lonergan	Schroeder
Binneboese	Gilloon	Menke	Spear
Bittle	Halvorson	Mennenga	Spencer
Brandt	Harvey	Middleswart	Spradling
Branstad	Hennessey	Middleton	Stromer
Brockett	Higgins	Millen	Tauke
Brunow	Hines	Miller, A. V.	Varley
Clark	Hinkhouse	Miller, O. L.	Walter
Cochran	Horn	Monroe	Wells
Connors	Howell	Newhard	Woods
Crawford	Hullinger	Oakley	Wulff
Cusack	Hutchins	O'Halloran	Wyckoff
Daggett	Jochum	Patchett	Mr. Speaker (Nielsen)
Dieleman	Jordan	Pavich	
Doyle	Krause		

The nays were, 3:

Bortell	Crabb	Danker

Absent or not voting, 27:

Baker	Hansen	Kreamer	Scheelhaase
Byerly	Hargrave	McElroy	Small
Den Herder	Harper	Miller, K. D.	Svoboda
Egenes	Husak	Nealson	Tofte
Evans	Jesse	Norland	Welden
Fitzgerald	Junker	Pellett	West
Griffee	Koogler	Perkins	

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

Senate File 1340, a bill for an act to amend the rules of civil procedure proposed by the Supreme Court, was taken up for consideration.

Bittle of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1340)

The ayes were, 76:

Anderson	Cochran	Fitzgerald	Hutchins
Avenson	Connors	Gentleman	Jesse
Bennett	Crabb	Gilloon	Jochum
Bina	Crawford	Halvorson	Jordan
Binneboese	Cusack	Harvey	Krause
Bittle	Daggett	Hennessey	Lageschulte
Bortell	Danker	Higgins	Lindeen
Brandt	Dieleman	Hines	Lipsky
Branstad	Doyle	Hinkhouse	Lonergan
Brockett	Drake	Horn	Menke
Brunow	Dunton	Howell	Mennenga
Clark	Dyrland	Hullinger	Middleswart

Middleton	O'Halloran	Spear	Walter
Millen	Patchett	Spencer	Welden
Miller, A. V.	Pavich	Spradling	Woods
Miller, K. D.	Poncy	Stromer	Wulff
Miller, O. L.	Readinger	Svoboda	Wyckoff
Newhard	Rinas	Tauke	Mr. Speaker
Norland	Schroeder	Varley	(Nielsen)
Oakley			

The nays were, none.

Absent or not voting, 23:

Baker	Hansen	Kreamer	Scheelhaase
Byerly	Hargrave	McElroy	Small
Den Herder	Harper	Monroe	Tofte
Egenes	Husak	Nealson	Wells
Evans	Junker	Pellett	West
Griffee	Koogler	Perkins	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 1341, a bill for an act to define certain additional substances as controlled substances, was taken up for consideration.

Newhard of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1341)

The ayes were, 75:

Anderson	Doyle	Krause	Pavich
Avenson	Drake	Lageschulte	Poncy
Bennett	Dunton	Lindeen	Readinger
Bina	Dyrland	Lipsky	Rinas
Binneboese	Fitzgerald	Lonergan	Schroeder
Bittle	Gentleman	Menke	Spear
Bortell	Gilloon	Mennenga	Spencer
Brandt	Halvorson	Middleswart	Spradling
Branstad	Harvey	Middleton	Stromer
Brockett	Hennessey	Millen	Svoboda
Clark	Higgins	Miller, A. V.	Tauke
Cochran	Hines	Miller, K. D.	Varley
Connors	Hinkhouse	Miller, O. L.	Walter
Crabb	Horn	Monroe	Welden
Crawford	Howell	Newhard	Woods
Cusack	Hullinger	Norland	Wulff
Daggett	Hutchins	Oakley	Wyckoff
Danker	Jochum	O'Halloran	Mr. Speaker
Dieleman	Jordan	Patchett	(Nielsen)

The nays were, none.

Absent or not voting, 24:

Baker	Den Herder	Griffee	Harper
Brunow	Egenes	Hansen	Husak
Byerly	Evans	Hargrave	Jesse

Junker	McElroy	Perkins	Tofte
Koogler	Nealson	Scheelhaase	Wells
Kreamer	Pellett	Small	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Nielsen of Polk in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 156

Bortell of Madison called up for consideration **House Concurrent Resolution 156**, filed on May 28, 1976, and found on page 3361 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

Senate File 1306, a bill for an act relating to the reporting of accidents involving the transportation of hazardous materials and providing a penalty, was taken up for consideration.

Doyle of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1306)

The ayes were, 69:

Anderson	Dunton	Lageschulte	Pavich
Avenson	Dyrland	Lindeen	Poncy
Bennett	Fitzgerald	Lipsky	Readinger
Bina	Gentleman	Lonergan	Rinas
Binneboese	Gilloon	Menke	Spear
Bittle	Halvorson	Mennenga	Spencer
Bortell	Harvey	Middleswart	Spradling
Brandt	Hennessey	Middleton	Stromer
Branstad	Higgins	Millen	Tauke
Brunow	Hines	Miller, A. V.	Varley
Clark	Hinkhouse	Miller, K. D.	Walter
Cochran	Horn	Miller, O. L.	Welden
Crawford	Howell	Monroe	Wells
Cusack	Hullinger	Newhard	Wulff
Daggett	Hutchins	Norland	Wyckoff
Danker	Jochum	O'Halloran	Mr. Speaker (Nielsen)
Dieleman	Jordan	Patchett	
Doyle	Krause		

The nays were, none.

Absent or not voting, 30:

Baker	Crabb	Evans	Harper
Brockett	Den Herder	Griffee	Husak
Byerly	Drake	Hansen	Jesse
Connors	Egenes	Hargrave	Junker

Koogler	Oakley	Schroeder	Tofte
Kreamer	Pellett	Small	West
McElroy	Perkins	Svoboda	Woods
Nealson	Scheelhaase		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 29, 1976, concurred in the House amendment to the Senate amendment to and passed the following bill in which the concurrence of the Senate was asked:

House File 1038, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway, midwest nuclear compact, revolution bicentennial commission, and dairy industry commission.

Also: That the Senate has, on May 29, 1976, concurred in the House amendment to the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 1332, a bill for an act relating to vehicles and operation of vehicles including registration.

Also: That the Senate has, on May 29, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1565, a bill for an act providing appropriations to the department of social services funds to supplement federal funds.

Also: That the Senate has, on May 29, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1579, a bill for an act making an appropriation to the department of social services for capital improvement projects.

Also: That the Senate has, on May 29, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1589, a bill for an act providing for an appropriation for programs for low income and elderly persons.

Also: That the Senate has, on May 29, 1976, concurred in the House amendment to the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 1590, a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled and providing for other tax adjustments.

Also: That the Senate has, on May 29, 1976, adopted the second conference committee report and the amendments contained therein and passed House File 1583, a bill for an act relating to compensation and benefits for state employees and nonelected state officials by providing for a cost-of-living increase and increasing the retirement fund and benefits.

Also: That the Senate has, on May 29, 1976, concurred in the House

amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1329, a bill for an act making an appropriation to the state comptroller to provide for federal fund loss.

STEVEN C. CROSS, Secretary

The House stood at ease until the fall of the gavel.

The House resumed session, Nielsen of Polk in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 29, 1976, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 1585, a bill for an act to make an appropriation for deposit in the energy research and development fund.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 1585

H—6935

Amend House File 1585 as passed by the House as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state for the fiscal period commencing July 1, 1976 and ending June 30, 1978 to the state board of regents the following amount or so much thereof as may be necessary, to be used for the purposes designated:

For a radial collector-well demonstration project to be conducted by the Iowa state water resources research institute at the Iowa state university of science and technology $100,000

Sec. 2. There is appropriated from the general fund of the state for the fiscal year commencing July 1, 1976 and ending June 30, 1977 to the energy policy council, the sum of one hundred fifty thousand (150,000) dollars, or so much thereof as may be necessary, to be deposited in the energy research and development fund."

2. Amend the title, line 2, by inserting after the word "fund" the words "and relating to a radial collector-well demonstration project to be conducted by the Iowa state university of science and technology".

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lindeen of Henry for the remainder of the session on request of Pavich of Pottawattamie.

HOUSE RECEDES AND CONCURS
(Senate File 1336)

Monroe of Des Moines called up for consideration **Senate File 1336**, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces, and moved that the House recede from its position and concur in the Senate amendment H—6918, found on page 3315 of the House Journal.

A non-record roll call was requested.

The ayes were 44, nays 21.

The motion prevailed and the House receded from its position and concurred in the Senate amendment.

Monroe of Des Moines moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1336)

The ayes were, 62:

Anderson	Evans	Lageschulte	Poncy
Avenson	Fitzgerald	Lipsky	Readinger
Bina	Gilloon	Lonergan	Rinas
Binneboese	Halvorson	Mennenga	Schroeder
Brandt	Hargrave	Middleswart	Small
Brunow	Harvey	Middleton	Spear
Clark	Hennessey	Millen	Spradling
Cochran	Higgins	Miller, A. V.	Svoboda
Connors	Hines	Miller, O. L.	Tauke
Crawford	Horn	Monroe	Varley
Cusack	Howell	Newhard	Walter
Dieleman	Hutchins	Norland	Wells
Doyle	Jesse	Oakley	Woods
Drake	Jochum	O'Halloran	Mr. Speaker (Nielsen)
Dyrland	Jordan	Patchett	
Egenes	Krause	Pavich	

The nays were, 17:

Bennett	Daggett	Hullinger	Stromer
Bittle	Danker	Menke	Welden
Bortell	Dunton	Miller, K. D.	Wulff
Branstad	Hinkhouse	Spencer	Wyckoff
Crabb			

Absent or not voting, 20:

Baker	Griffee	Koogler	Pellett
Brockett	Hansen	Kreamer	Perkins
Byerly	Harper	Lindeen	Scheelhaase
Den Herder	Husak	McElroy	Tofte
Gentleman	Junker	Nealson	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Nielsen of Polk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford on request of Wyckoff of Benton.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 29, 1976, passed the following bill in which the concurrence of the House is asked:

Senate File 1346, a bill for an act to revise campaign disclosure-income tax checkoff act by clarifying powers, duties and procedures of campaign finance disclosure commission.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

Senate File 1346, a bill for an act to revise the campaign disclosure-income tax checkoff act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, and to appropriate funds to the office of the campaign finance disclosure commission.

Read first time and passed on file.

REPORT OF COMMITTEE

Dunton of Keokuk, from the committee on appropriations, submitted the following report:

MR. SPEAKER: Your committee on appropriations to whom was referred House File 1594, a bill for an act to revise the campaign disclosure-income

tax checkoff act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, prescribing penalties, and to appropriate funds to the office of the campaign finance disclosure commission, begs leave to report it has had the same under consideration and has instructed me to report the same back to the House with the recommendation that the same **be amended as follows, and when so amended the bill do pass**:

H—6931

Amend House File 1594 as follows:

1. By striking page 6, line 6 through page 7, line 33, and inserting in lieu thereof the word "taken."

2. By renumbering the succeeding sections of the bill in accordance with this amendment, and correcting internal references as necessary.

DUNTON of Keokuk, Chair

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 29, 1976, refused to concur in the House amendment to the Senate amendment to the following bill:

House File 1571, a bill for an act providing for capital improvements and equipment purchase of the law enforcement academy.

Also: That the Senate has, on May 29, 1976, insisted on its amendment to the following bill:

House File 1573, a bill for an act relating to a performance audit within the legislative fiscal bureau.

Also: That the Senate has, on May 29, 1976, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1086, a bill for an act relating to local civil service commissions providing for changes in qualification requirements and requiring that the commission determine the physical requirements for police and fire personnel.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT FURTHER CONSIDERED

HOUSE RECEDES AND CONCURS

Brunow of Appanoose called up for consideration **House File 1571**, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation, and moved

that the House recede from its amendment and concur in the Senate amendment H—6927, found on page 3370 of the House Journal.

The motion prevailed and the House receded from its amendment and concurred in the Senate amendment H—6927.

Brunow of Appanoose moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1571)

The ayes were, 76:

Anderson	Dunton	Jordan	Readinger
Avenson	Dyrland	Krause	Rinas
Bennett	Egenes	Lageschulte	Schroeder
Bina	Evans	Lipsky	Small
Binneboese	Fitzgerald	Lonergan	Spear
Bittle	Gentleman	Menke	Spencer
Bortell	Gilloon	Mennenga	Spradling
Brandt	Halvorson	Middleswart	Stromer
Branstad	Hargrave	Middleton	Svoboda
Brunow	Harvey	Millen	Tauke
Clark	Hennessey	Miller, A. V.	Varley
Cochran	Higgins	Miller, K. D.	Walter
Connors	Hines	Miller, O. L.	Welden
Crawford	Horn	Monroe	Wells
Cusack	Howell	Norland	Woods
Daggett	Hullinger	Oakley	Wulff
Danker	Hutchins	Patchett	Wyckoff
Dieleman	Jesse	Pavich	Mr. Speaker (Nielsen)
Doyle	Jochum	Poncy	
Drake			

The nays were, none.

Absent or not voting, 23:

Baker	Hansen	Kreamer	Pellett
Brockett	Harper	Lindeen	Perkins
Byerly	Hinkhouse	McElroy	Scheelhaase
Crabb	Husak	Nealson	Tofte
Den Herder	Junker	Newhard	West
Griffee	Koogler	O'Halloran	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Nielsen of Polk in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the

Senate has, on May 29, 1976, refused to concur in the House amendment to the Senate amendment to the House amendment to the following bill:

Senate File 1276, a bill for an act providing for appropriations to local governing bodies.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT FURTHER CONSIDERED HOUSE RECEDES AND CONCURS

Brunow of Appanoose called up for consideration **Senate File 1276**, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this act, and moved that the House recede from its amendment and concur in the Senate amendment H—6920, to the House amendment, found on page 3329 of the House Journal.

The motion prevailed and the House receded from its amendment and concurred in the Senate amendment H—6920 to the House amendment.

Brunow of Appanoose moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1276)

The ayes were, 75:

Anderson	Drake	Jochum	Pavich
Avenson	Dunton	Jordan	Poncy
Bennett	Dyrland	Krause	Readinger
Bina	Egenes	Lageschulte	Rinas
Binneboese	Evans	Lipsky	Schroeder
Bittle	Fitzgerald	Lonergan	Small
Bortell	Gentleman	Menke	Spear
Brandt	Gilloon	Mennenga	Spencer
Branstad	Halvorson	Middleswart	Spradling
Brunow	Hargrave	Middleton	Svoboda
Clark	Harvey	Millen	Tauke
Cochran	Hennessey	Miller, A. V.	Walter
Connors	Higgins	Miller, K. D.	Welden
Crawford	Hines	Miller, O. L.	Wells
Cusack	Horn	Monroe	Woods
Daggett	Howell	Norland	Wulff
Danker	Hullinger	Oakley	Wyckoff
Dieleman	Hutchins	O'Halloran	Mr. Speaker (Nielsen)
Doyle	Jesse	Patchett	

The nays were, none.

Absent or not voting, 24:

Baker	Crabb	Hansen	Husak
Brockett	Den Herder	Harper	Junker
Byerly	Griffee	Hinkhouse	Koogler

Kreamer	Nealson	Perkins	Tofte
Lindeen	Newhard	Scheelhaase	Varley
McElroy	Pellett	Stromer	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Nielsen of Polk in the chair.

CONSIDERATION OF BILLS

Monroe of Des Moines asked and received unanimous consent for the immediate consideration of **Senate File 1346**, a bill for an act to revise the campaign disclosure-income tax checkoff act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, and to appropriate funds to the office of the campaign finance disclosure commission.

Miller of Buchanan offered the following amendment H—6934 filed by him from the floor:

H—6934

Amend Senate File 1346 as follows:

1. Page 8 by striking lines 31 through 35 and on page 9 lines 1 through 34 and inserting in lieu thereof the following:

"Sec. 14. Section fifty-six point twenty-one (56.21), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

56.21 REMITTANCE OF CAMPAIGN FUNDS TO POLITICAL PARTIES. The money accumulated in the Iowa election campaign fund to the account of each political party in the state shall be remitted to the party on the first business day of each month by warrant of the state comptroller drawn upon the fund in favor of the chairperson of the party. The money received by each political party under this section shall be used as directed by the party's state statutory political committee, within the requirements of section fifty-six point twenty-two (56.22), of the Code.

Sec. 15. Section fifty-six point twenty-two (56.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

56.22 DISTRIBUTION OF CAMPAIGN FUND—RESTRICTIONS ON USE.

1. Each political party shall allocate at least fifty percent of all funds received by the party from

the Iowa election campaign fund to individual candidates, who may use the funds so received for campaign purposes only. Not more than half of the total amount so allocated may be distributed by the party to candidates for offices filled by the voters of the entire state. All moneys allocated for candidates for the offices of state representative or state senator, or for the office of representative in Congress if such allocation is permitted by this Act, shall be distributed on a strictly equal basis to all the party's candidates for those offices.

2. Funds distributed to statutory political committees pursuant to this chapter shall not be used to support or oppose the nomination of any candidate. Nothing in this subsection shall be construed to prohibit a statutory political committee from using such funds to pay expenses incurred in arranging and holding a nominating convention."

Tauke of Dubuque rose on a point of order that amendment H—6934 was not germane.

The Speaker ruled the point not well taken and amendment H—6934 germane.

Miller of Buchanan moved the adoption of amendment H—6934.

Amendment H—6934 lost.

Monroe of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 1346)

The ayes were, 72:

Anderson	Dyrland	Jordan	Readinger
Avenson	Egenes	Krause	Rinas
Bennett	Evans	Lipsky	Schroeder
Bina	Fitzgerald	Lonergan	Spear
Bineboese	Gentleman	Menke	Spencer
Bortell	Gilloon	Mennenga	Spradling
Brandt	Halvorson	Middleswart	Stromer
Branstad	Hargrave	Millen	Svoboda
Brunow	Harvey	Miller, A. V.	Tauke
Clark	Hennessey	Miller, O. L.	Varley
Cochran	Higgins	Monroe	Walter
Connors	Hines	Newhard	Welden
Crawford	Horn	Norland	Wells
Cusack	Howell	Oakley	Woods
Daggett	Hullinger	O'Halloran	Wulff
Dieleman	Hutchins	Patchett	Wyckoff
Doyle	Jesse	Pavich	Mr. Speaker (Nielsen)
Drake	Jochum	Poncy	
Dunton			

The nays were, 4:

Bittle	Danker	Lageschulte	Miller, K. D.

Absent or not voting, 28:

Baker	Hansen	Kreamer	Perkins
Brockett	Harper	Lindeen	Scheelhaase
Byerly	Hinkhouse	McElroy	Small
Crabb	Husak	Middleton	Tofte
Den Herder	Junker	Nealson	West
Griffee	Koogler	Pellett	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session at 4:22 p.m., Speaker Cochran in the chair.

SENATE AMENDMENT FURTHER CONSIDERED

HOUSE RECEDES AND CONCURS

Monroe of Des Moines called up for consideration **House File 1573**, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee, providing for their respective powers and duties, and making an appropriation, and moved that the House recede from its position and concur in the Senate amendment H—6926, found on pages 3337 through 3347 of the House Journal.

Roll call was requested by Nielsen of Polk and Jordan of Linn.

On the question "Shall the House recede and concur in the Senate amendment H—6926?"

The ayes were, 55:

Anderson	Dunton	Lageschulte	Pellett
Avenson	Dyrland	Lipsky	Readinger
Bennett	Evans	Lonergan	Rinas
Bina	Fitzgerald	Mennenga	Spear
Binneboese	Gilloon	Middleswart	Spencer
Bortell	Halvorson	Miller, A. V.	Spradling
Brandt	Hargrave	Miller, K. D.	Stromer
Branstad	Harvey	Miller, O. L.	Tauke
Brunow	Hennessey	Monroe	Walter
Clark	Higgins	Newhard	Wells
Crawford	Hines	Oakley	Woods
Cusack	Howell	O'Halloran	Wulff
Dieleman	Hutchins	Patchett	Mr. Speaker
Doyle	Jordan	Pavich	

The nays were, 20:

Bittle	Gentleman	Menke	Small
Daggett	Horn	Millen	Svoboda
Danker	Hullinger	Nielsen	Varley
Drake	Jochum	Norland	Welden
Egenes	Krause	Schroeder	Wyckoff

Absent or not voting, 24:

Baker	Griffee	Junker	Nealson
Brockett	Hansen	Koogler	Perkins
Byerly	Harper	Kreamer	Poncy
Connors	Hinkhouse	Lindeen	Scheelhaase
Crabb	Husak	McElroy	Tofte
Den Herder	Jesse	Middleton	West

The motion prevailed and the House receded from its position and concurred in the Senate amendment H—6926.

Monroe of Des Moines moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 1573)

The ayes were, 56:

Anderson	Dyrland	Krause	Patchett
Avenson	Evans	Lageschulte	Pavich
Bina	Fitzgerald	Lipsky	Poncy
Binneboese	Gilloon	Lonergan	Readinger
Brandt	Hargrave	Mennenga	Rinas
Branstad	Hennessey	Middleswart	Schroeder
Brunow	Higgins	Middleton	Spear
Clark	Hines	Miller, A. V.	Spencer
Connors	Horn	Miller, K. D.	Spradling
Crawford	Howell	Miller, O. L.	Stromer
Cusack	Hutchins	Monroe	Walter
Dieleman	Jesse	Newhard	Wells
Doyle	Jochum	Oakley	Wulff
Dunton	Jordan	O'Halloran	Mr. Speaker

The nays were, 22:

Bennett	Egenes	Millen	Svoboda
Bittle	Gentleman	Nielsen	Tauke
Bortell	Halvorson	Norland	Varley
Daggett	Harvey	Pellett	Welden
Danker	Hullinger	Small	Wyckoff
Drake	Menke		

Absent or not voting, 21:

Baker	Hansen	Koogler	Perkins
Brockett	Harper	Kreamer	Scheelhaase
Byerly	Hinkhouse	Lindeen	Tofte
Crabb	Husak	McElroy	West
Den Herder	Junker	Nealson	Woods
Griffee			

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the

Senate has, on May 29, 1976, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 121, providing for referral of all resolutions calling for studies to the Legislative Council.

STEVEN C. CROSS, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 121

Cusack of Scott asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 121** as follows and moved its adoption:

SENATE CONCURRENT RESOLUTION 121

By Rules and Administration Committee

Whereas, many resolutions have been introduced in both the Senate and House of Representatives calling for interim studies; and

Whereas, several Senators have indicated a desire to introduce resolutions proposing additional interim studies but are prevented from filing individually sponsored resolutions by Senate Rules; and

Whereas, the time period between the 1976 session of the Sixty-sixth General Assembly and the 1977 session of the Sixty-seventh General Assembly is limited and there have been proposals for studies which appear to have merit but, because of the complexity of the studies proposed and their number, could not all be properly conducted during the next interim period; and

Whereas, subcommittees of standing committees may desire to study bills presently before the general assembly which will be filed again in the 1977 session of the Sixty-seventh General Assembly; and

Whereas, it is impractical to accurately determine during floor debate the relative merit of the proposals, and within the limited funds and staff which will be available, assign precise priorities; *Now, Therefore,*

Be It Resolved by the Senate, the House of Representatives Concurring, That all resolutions calling for interim studies which have not been adopted in both houses be delivered by the Secretary of the Senate, on the part of the Senate, and the Chief Clerk of the House, on the part of the House, to the

Legislative Council, which shall determine priorities and shall authorize such studies as may be feasible within the limits of the staff, time and funds available; and

Be It Further Resolved, That any Senator desiring to propose any interim study not already contained in a resolution already

filed, shall submit a letter to the Secretary of the Senate describing the study. The Secretary of the Senate shall deliver such letters to the Legislative Council with any resolutions already filed. The Legislative Council shall give equal consideration to studies proposed by letter as to studies proposed by resolution.

The motion prevailed and the resolution was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Jasper for the remainder of the session on request of Rinas of Linn.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

OBJECTION TO IMMEDIATE CONSIDERATION

Jesse of Polk asked for unanimous consent to suspend the rules and withdraw from committee for immediate consideration **Senate File 1347**, a bill for an act creating and making an appropriation to the executive council general contingent fund.

Objection was raised.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on May 29, 1976, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 120, providing for adjournment of the Sixty-sixth General Assembly.

STEVEN C. CROSS, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 120

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 120** as follows and moved its adoption:

SENATE CONCURRENT RESOLUTION 120

By Rules and Administration Committee

Be It Resolved by the Senate, the House of Representatives Concurring, That the adjournment Saturday, May 29, 1976, shall constitute the

sine die adjournment of the Sixty-sixth General Assembly.

The motion prevailed and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 162

By Dyrland and Hargrave

Whereas, governmental bureaucracy has grown and continues to grow, and

Whereas, elected officials have power to create, abolish, restructure and review the agencies, commissions and departments that constitute that bureaucracy, and

Whereas, it is becoming increasingly apparent that the citizens of Iowa are alarmed at the continuing and unchecked growth of said bureaucracy, *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is requested to authorize the appointment of a joint interim study committee as provided by law, composed of members of the House of Representatives and Senate representing both political parties, to conduct a study on the "SUNSET" concept during the 1976 interim relating to the growth of governmental bureaucracy, and

Be It Further Resolved, That the study committee shall prepare a report of its findings and submit it to the legislative council and to the members of the Sixty-seventh General Assembly, 1977 Session, accompanied by legislative bill drafts designed to carry out the recommendations of the study committee.

Laid over under Rule 25.

EXPLANATION OF VOTES

I was necessarily absent from the House chamber Friday evening, May 28, 1976, when the vote was taken on the following bills: House Files 1564 and 914 and Senate Files 1230, 1338, 1272, 1335, 1251, 1276 and 85. Also conference committee report to Senate File 85 and amendment H—6921 to Senate File 1276. Had I been present, I would have voted "aye" on all of these.

DIELEMAN of Marion

AMENDMENTS FILED

H—6928

Amend House File 1594 as follows:

1. Page 6, line 6, by striking everything after the word "taken."
2. Page 6, by striking lines 7 through 35.
3. Page 7, by striking lines 1 through 33.

TAUKE of Dubuque

H—6930

Amend House File 1594 as follows:

1. Page 11, line 28, by inserting after the word "*office*" the words "*or any ballot issue*".

TAUKE of Dubuque
MONROE of Des Moines

H—6933

Amend House File 1594 as follows:

1. Page 10, line 6, by inserting after the word "bank," the words, "labor union, group organized as a collective bargaining unit,".

2. Page 10, line 25, by inserting after the word "bank," the words, "labor union, group organized as a collective bargaining unit,".

3. Page 11, line 2, by inserting after the word "bank," the words, "labor union, group organized as a collective bargaining unit,".

4. Page 11, by striking lines 29 through 35.

5. Page 12, line 1, by striking the word "*6.*" and inserting in lieu thereof the word "*5.*".

BENNETT of Ida

H—6937

Amend Senate File 1014 as amended and passed by the Senate as follows:

1. Page 1, line 24A, by inserting after the word "*vehicles.*" the words "*Registration plates issued for a county sheriff's patrol vehicles shall, beginning January 1, 1977, display one seven pointed gold star on a green background followed by the letter "S" and the call number of the vehicle.*"

2. Page 2, by inserting after line 5 the following:

"Sec. ..... Section three hundred twenty-one point thirty-five (321.35), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the numerical designation of the county, as determined by its alphabetical ranking among the counties of the state[, in which the vehicle is registered,] *or the name of the county, which may be abbreviated, of the county of issue, and* the name of this state, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof."

2. Amend the title, line 1, by striking the words "to require" and inserting in lieu thereof the words "relating to registration plates providing that the county name shall appear on the registration plate and".

3. Renumber sections and correct internal references as necessary in conformance with this amendment.

DRAKE of Muscatine
SCHROEDER of Pottawattamie

H—6938

Amend Senate File 217, as amended, passed, and reprinted by the Senate, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Amend chapter twenty-eight A (28A), Code 1975, by adding the following new section:

NEW SECTION. PURPOSE. The purpose of this chapter is to ensure that the decision and the premises of a decision of any public agency subject to this chapter are publicly articulated. To achieve this purpose, deliberations of all such public agencies shall be conducted in open and public meetings, unless otherwise expressly provided by law.

Sec. 2. Section twenty-eight A point one (28A.1), subsection three (3), Code 1975, is amended to read as follows:

3. Any committee of, *appointed or created by,* any such board, council, commission, trustees, or governing body.

Sec. 3. Section twenty-eight A point three (28A.3), Code 1975, is amended to read as follows:

28A.3 CLOSED SESSION BY VOTE OF MEMBERS. Any public agency may hold a closed session by affirmative *public* vote of two-thirds of its members present, when necessary to prevent irreparable and needless injury to the reputation of an individual whose employment, *performance* or discharge is under consideration, [or] to prevent premature disclosure of information on real estate proposed to be purchased, [or] for [some other exceptional reason so compelling as to override the general public policy in favor of public meetings] *negotiating sessions pursuant to subsection three (3) of section twenty point seventeen (20.17) of the Code, or for consultations with legal counsel concerning any prospective or pending litigation before any court, administrative agency, or arbitration proceedings at which the public agency is or may be a party.* The vote of each member on the question of holding the closed session and the reason for the closed session shall be entered in the *public* minutes, but the statement of such reason need not state the name of any individual or the details of the matter to be discussed in the closed session. Any final action on any matter shall be taken in a public meeting and not in closed session, unless some other provision of the Code expressly permits such action to be taken in a closed session. [No] *A* regular or general practice or pattern of holding closed sessions shall *not* be permitted.

Sec. 4. Section twenty-eight A point five (28A.5),

Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. Each public agency shall keep detailed minutes of all discussion and action occurring at a meeting held in closed session. The detailed minutes shall be sealed and shall not be public records open to public inspection except as provided in this paragraph. However, upon order of court in an action to void agency action taken illegally at a closed session, the detailed minutes shall be unsealed and examined by the court in camera to determine what part, if any, of the minutes should be disclosed, weighing the prejudicial effects of such disclosure with reference to the standards of section twenty-eight A point three (28A.3) of the Code against the probative value of their admission as evidence. Upon such determination, the court may permit inspection of the detailed minutes by the parties to the action. If an action to void is not brought pursuant to section three (3) of this Act, an agency may destroy the detailed minutes after one hundred twenty days following the meeting held in closed session.

Sec. 5. Section twenty-eight A point seven (28A.7), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. Any judgment rendered against an agency in an action under the provisions of this chapter shall include judgment against the agency for reasonable attorney fees and costs of the action. Any judgment rendered on the merits in favor of an agency in an action under the provisions of this chapter may include judgment against the party bringing the action for attorney fees and costs of the action.

Sec. 6. Chapter twenty-eight A (28A), Code 1975, is amended by adding the following new section:

NEW SECTION.

1. If a public agency takes agency action at a closed session and if this closed session is in contravention to the provisions of this chapter, such agency action shall be voidable on account of it being taken at a closed session. Any person under or within the jurisdiction of the public agency may, within ninety days of the date on which such agency action was taken, bring an action to void such agency action in a district court of competent jurisdiction.

2. As used in this chapter, "agency action" means:

a. The whole or part of a public agency rule, order, decision, license, proceeding, investigation, sanction, or relief; and

b. Any other exercise of a public agency

discretion."

MENNENGA of Clinton
HENNESSEY of Delaware
WALTER of Pottawattamie
CRAWFORD of Story

H—6932

Amend Senate File 1318 as follows:

1. Page 1, by inserting before line 1 the following section:

"Section 1. Chapter three hundred eighty-eight (388), Code 1975, is amended by adding the following new section:

NEW SECTION. The city council may by ordinance increase the number of members of a utility board, established pursuant to section three hundred eighty-eight point two (388.2), from three members to five members.

O'HALLORAN of Black Hawk

REMARKS BY THE SPEAKER

Speaker Cochran made the following remarks:

As the packing boxes came out to the floor of the House throughout the past few days, and as you continue to get ready to go home, I am thinking back to the past eighteen months and the time we all arrived here—and to some of the things we brought with us. Some of you came as wide-eyed freshmen and others as seasoned veterans.

I know that as newly elected state representatives ready to begin this task on that cold January day in 1975, you brought with you first of all a dream — a dream that no Iowan should be deprived of the essentials of a good quality of life.

You brought with you your concerns for the present and for the future of our state of Iowa.

You came believing that your constitutents' desires were reasonable and that they were within your ability to satisfy them.

You also came with a desire for recognition.

Some of you came with the conviction that there was nothing that the legislative process could not do.

The Speaker, too, brought some things here on that same day—I shared with you many of these dreams, ladies and gentlemen, and as I came to this chair as a newly-elected Speaker eighteen months ago, I knew I'd need some things from all of you, too. I needed your help; I needed your patience and I needed your indulgence, and I certainly was not disappointed.

. . . and I received all these things in great measure and I might add, from sources that I did not expect. Do you realize that for the first time in many years, this General Assembly had a member who worked long and hard to make sure this chair was fair and honest. . . .

. . . and Mr. Oakley . . . thanks. We needed that. You and our other colleagues who have chosen to serve your communities in another way—we are going to miss you and the others like you who won't be back.

Somehow, when we needed them, the levelers of wit and wisdom were always there. Let me bring back a few memories for you:

Here's one by the Honorable Norman Jesse: "Two people can have a disagreement, and if they get a lawyer it's a riot."

Terry Branstad said one cold March day: "We're making life more difficult for the honest, law abiding citizen."

Don Avenson said, "We've had one killing in ten years in Oelwein, that was a woman who stabbed her husband in the back when he was dead drunk with a knife."

Ken Miller back in April — "The way my luck is running, this bill will surely pass."

Scott Newhard: "I can hardly hear Mr. Small. Some members would like to hear him and others would like to sleep and I think the noise in the chamber disturbs both groups."

Art Small: "We're dealing with the use of deadly force—matters of life or death. We can't debate that in a circus."

Andrew Varley: "Where we got into a problem is that the legislature tried to make some perennial weeds into annuals and annuals into perennials by changing the law."

Wally Horn: "Make it illegal to drink before age nineteen, and make pot illegal. Most of them will go to pot."

Charlie Poncy: "I don't have much to add to this debate, either."

Mattie Harper: "This is the first bill I've ever worked on where we had to make all the decisions about germaneness."

Wendell Pellett: "It's been a long day since yesterday at this time."

Richard Welden: "I don't think any further regurgitation would do any good."

Roger Halvorson: "If I'm going to oppose something, I want to know what it is I'm opposed to."

Art Small: "This is being broadcast across the state and innocent children might be affected."

Richard Welden: "Mr. Speaker, members of the majority party and the die-hard night shift. . . ."

. . . and that reminds me—and I'm glad we adjourned last night so Mr. Welden didn't have to perform the act that he usually performs so well and that was to get up with his microphone, make a few comments, slam it down, grab his briefcase under his arm and the last we would see of him was going out the lobby door.

Recently we've been talking a lot about "voluntary quits," and you know it's amazing that the House didn't have any more "voluntary quits" than we did. I only recall one "voluntary quit" in the whole session and that turned out to be a moment when any one of the whole hundred of us were entertaining that same temptation. It allowed us all to breathe a little more normally again. Thank you, Norm Jesse.

Whatever else it does, our debate seems to produce a volume of words and we sometimes find it easy to forget that when the debate ends, the Journals and the bills and amendments that appear like clockwork on our desks the next morning—didn't just grow there overnight. From the beginning, our House staff dedicated themselves to an excellence that enhanced our deliberations out here on the floor, and we thank them all. Let's give our staff a big hand for this.

The time you needed the report from legislative service—right now—and you needed to get a message quickly to the members across the chamber on the next vote—or you needed a cup of coffee—or you needed a lot of other things—you rang a bell and one of the Pages from among four groups of the most keenly capable and concerned groups of young people we have ever had in this House responded. We'd like to thank each one of

those Pages. I would particularly like to express my deepest appreciation to the Speaker's Page—Nancy Gray—who has served the Speaker so well throughout the session. I would also like to recognize her for her musical talents.

We knew that we must forge long-range policies and we did that; but we had some surprises along the way. We had to dig down and come up with the flexibility to meet immediate, unforeseen needs—which in the heat of the moment frequently became defined as "crises." We had at least one crisis every day.

It was in meeting these moments especially—they ranged from taxes to medicare to unemployment—that all of us were called upon to relearn the fundamental lesson of all legislators: and that is, to strike a balance between the bill we really wanted in our hearts—and the bill our intellect tells us we are going to get . . . and then how to accept the disappointment when we make the switch from heart to mind and we still didn't get the bill. I guess a good example might be land use.

The lesson has been relearned, with the result that there are some things missing from the chamber today that were here eighteen months ago when we started.

There are no "freshmen" here anymore. And, for the first time in many, many years, there is no member in this room from an inexperienced majority party, nor any from an inexperienced minority party. Mr. Stromer and I were just talking about that and we both agreed that because we exchanged roles, we were probably the wiser.

We began with one hundred persons who distilled a single ambitious agenda for this session. During the course of our progress, we lost two of those among our midst. I think we ought to stand for a moment in silent remembrance for Representative Caffrey and Representative Fullerton. . . . . Amen.

You, the General Assembly of 1975 and 1976, completely rewrote at least four complete sections of the Iowa law, and pulled our criminal laws, adoption laws, railroad laws, and mentally ill commitment laws into the twentieth century. In so doing, you have narrowed the gap between the law and what society already accepts as reasonable, which is an absolute necessity if the legislature is to maintain people's respect for their laws.

You assumed an attitude of responsibility and thoroughness in funding the state of Iowa. You strengthen the accountability of all of government when you take steps to strengthen legislative oversight of the ways the state's income is put to use.

And you have continued to respond to the clear mandate of Iowans—since 1846—that a well financed, well built, and well funded educational system is their top priority.

You have struggled to meet the complicated and mind-bending alternatives that will assure every Iowan pays a fair share for the quality of life we do enjoy in this state.

Yes, you do leave behind you a record of accomplishment of which you and I can be very, very proud.

Every day as Speaker, I receive messages from the Senate that say, "Mr. Speaker: I am directed to inform your honorable body . . ."

We read the words so often in the Journal of the House that we don't even see them. The clerk reads, and as with many of our House traditions, we understandably do not even hear those words.

Today, if you will indulge me, I want to mark those words. "I am directed to inform your honorable body." Whoever said them first, and placed them in our daily language, did so assuming a quality of honor in this chamber for all time.

We are a part of that.

I believe the assumption applied to you state representatives in this Sixty-sixth General Assembly was very well founded and I want to thank each and every one of you.

You have been a great team. You have been a winning team. I am so proud to have been a part of it.

I will always have fond memories of all of you as we leave these chambers today and go our many ways.

Many will return yet another day to better the lives of the people of Iowa through this legislative process. But I guess the time finally comes when we must face reality. We will not gather together as this total and complete body again. This brings moisture to our eyes as we break up the old gang. Thank you so much for everything and thank you for the opportunity of serving as your Speaker. God bless all of you.

On motion by Fitzgerald of Webster, the House recessed at 7:12 p.m. until the fall of the gavel.

The House reconvened, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on April 12, 1976, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 207, a bill for an act to amend the eminent domain procedures relating to the appointment of compensation commissioners, dispossession of landowners, replacement of wells, furnishing appraisals, and interests in land arising after service of notice of assessment.

Also: That the Senate has, on April 13, 1976, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 1365, a bill for an act relating to acceptance of deposits by state banks, credit unions and savings and loan associations.

Also: That the Senate has, on May 20, 1976, passed the following bill in which the concurrence of the Senate was asked:

House File 1512, a bill for an act relating to the definition of open-end credit as used in the Iowa Consumer Credit Code.

Also: That the Senate has, on May 18, 1976, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1072, a bill for an act making an appropriation to judicial courts and agencies.

Also: That the Senate has, on May 28, 1976, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 1221, a bill for an act relating to and appropriating funds to the department of banking, the secretary of state, the pioneer lawmakers and the occupational safety and health review commission.

STEVEN C. CROSS, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 29th day of May, 1976: House Files 324, 584, 614, 795, 807, 829, 909, 914, 1026, 1038, 1123, 1165, 1200, 1216, 1277, 1332, 1346, 1371, 1390, 1407, 1432, 1442, 1451, 1465, 1472, 1477, 1478, 1480, 1490, 1497, 1502, 1503, 1508, 1512, 1514, 1519, 1539, 1547, 1558, 1564, 1565, 1567, 1568, 1569, 1570, 1571, 1573, 1574, 1575, 1576, 1579, 1581, 1582, 1583, 1584, 1588, 1589, 1590 and 1593.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

COMMITTEE TO NOTIFY THE GOVERNOR

Fitzgerald of Webster moved that a committee of seven be appointed to notify the Governor that the House was ready to adjourn sine die.

The motion prevailed and the Speaker appointed as such committee Fitzgerald of Webster, chair; Den Herder of Sioux, Connors of Polk, Koogler of Mahaska, Hullinger of Decatur, Avenson of Fayette and Bina of Scott.

COMMITTEE TO NOTIFY THE SENATE

Middleswart of Warren moved that a committee of six be appointed to notify the Senate that the House was ready to adjourn sine die.

The motion prevailed and the Speaker appointed as such committee Middleswart of Warren, chair; Cusack of Scott, Millen of Van Buren, Miller of Calhoun, Jesse of Polk and Stromer of Hancock.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn sine die.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn sine die returned and reported it had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn sine die returned and reported it had performed its duty.

The report was received and the committee discharged.

COMMUNICATION FROM THE GOVERNOR

The following communication was received from the Governor:

The Honorable Dale M. Cochran
Speaker of the House
Sixty-sixth General Assembly
State Capitol
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

As you adjourn sine die this ninth day of June, 1976, you have the distinction of having been in session longer than any previous General Assembly.

During your record-breaking 298 days in session, you considered and passed a variety of bills that were as complex as the criminal code revision, as perplexing as property tax relief, as simple to understand as the ban on pay toilets, and as widely accepted as code modernization. Your record of performance is already being assessed with considerable interest by editorial writers, lobbyists, leaders of both political parties, and particularly the citizens of this State.

At this time I welcome the opportunity to share my observations with you—not in a spirit of criticism, but as an evaluation from one in the executive branch of state government trying to consider the impact on our Iowa people.

The revision of Iowa's criminal code required much of your attention during both sessions, although I am told there was no greater investment of time than in the previous General Assembly's debate on collective bargaining. You are to be commended for your diligence in completing this massive overhaul of our criminal laws. While a final judgment on the

overall quality of Senate File 85 will have to await careful review of the bill between now and its January 1, 1978, implementation date, you can be pleased with your efforts.

This was a General Assembly that was willing to undertake two other major rewrites of Iowa law. You wisely updated our adoption laws to protect adequately the rights of natural parents as well as complying with recent court decisions. You recognized the need to encourage competition among business concerns by modernizing our anti-trust laws.

You bolstered the unemployment compensation trust fund by the last minute extension of the surtax on wages. While it will hopefully prevent the trust fund from going broke in 1977, this temporary measure mandates that prompt attention be given next year to achieving a stable, permanent funding system. Fortunately, we will have the assistance provided by a reorganized Employment Security Commission. Also, during this next year, Iowa workers will benefit from the further improvements you made in our worker's compensation laws.

The final version of the teacher dismissal bill is an example of bipartisan give and take resulting in a substantially improved contract termination process.

Bipartisan agreement was also reached on my suggestion to you to establish a standing limited appropriation for the tuition grant program. By providing permanent funding for the tuition grant program, you have taken a major step in reducing the financial uncertainty faced by many private college students.

There are other successes—and, there are measures you passed that contained meritorious provisions but, unfortunately, were marred by some inadequacy or omission.

The three-year property tax relief package you presented me contained provisions which raised sufficient doubt in my mind, and in the minds of others, that I felt compelled to item veto the second and third years of it. By imposing arbitrary geographical and partisan restrictions on the membership of the property tax task force, its effectiveness has been shortsightedly impaired.

Only under the most intense prodding did you finally agree to provide much needed medium security correctional space to relieve our sorely overcrowded prisons. Keep in mind that the temporary alternatives submitted to me this year will require this issue to be faced again.

Despite the fact that future growth in our economy will be to a great extent tied to the development and maintenance of strong foreign markets and the attraction of foreign investment, only reluctantly did you approve the creation of a foreign trade office. The meager appropriation provided will limit our efforts to secure the kind of benefits already accruing to other states.

Your action in another area leads me to believe that perhaps I should be more patient. The acceptance of the colored photo driver's license bill came six years after I initially recommended the passage of this proposal.

There are also items that were not enacted in these two years. Perhaps the most significant was the failure to complete action on land use.

You refused to consider an increase in road user fees to supplement the

increasingly inadequate gas tax revenues for highway construction and maintenance.

And I trust that the lack of attention paid to such common sense proposals as uniform bidding regulations, mobile home tie-downs, and a Washington, D. C. office for the State will be replaced by a warmer reception in future years.

A most disappointing aspect of this General Assembly was the decision by the majority party early in the 1975 session to switch from biennial budgeting with annual review and adjustment to annual budgeting. The experience of the last two years makes me more convinced than ever that the previous method is far better. Biennial budgeting with annual review and adjustment merits reimplementation in 1977.

In my last year's closing message to you, I pointed out that, "The desire of this legislature to move towards annual budgeting leaves you with some unfinished business in your next meeting which previous legislatures have not had to confront." Despite the rosy claims by some that second year appropriations would be completed in the first or second month of 1976, most of the major appropriations were not passed until the waning days of the session. The uncertainty and frustration inherent in the appropriations process have now been extended into the second year of the biennium.

We were told that annual appropriations would lead to a more careful analysis and review of state spending. Those agencies which experienced the meat cleaver approach to budgeting might question that claim. While I have always encouraged ways to reduce spending and improve upon my budget requests, I have also urged that such action be done reasonably and rationally.

Enormous amounts of time and energy were expended in a game which might be called "cutting the Governor's budget." Members of the majority party took great pride after the first session in claiming they were able to cut my budget recommendations. Even at the end of the second session, the Executive Council's general contingency fund and $100,000 of federal fund loss replacement funds were disapproved arbitrarily. Yet, as the statement issued by the Comptroller's Office indicates, this General Assembly still exceeded my budget recommendations in each fiscal year for a total of more than $11 million for the biennium.

A more disturbing aspect of that same report is that at a time when we had an impressive surplus, you bypassed expenditures for necessary, one-time capital improvements in favor of costly recurring expenditures. The comptroller's report shows that in FY 1977 you cut capital expenditures by $14 million but increased recurring expenditures by more than $20 million, compared to my recommendations. These costs will be exacerbated substantially if the commitments you made in the "intent" sections of several appropriation bills are followed.

May I now turn to another important matter—a matter of saying thank you—thank you for your willingness to serve in this General Assembly to represent the people of this State. Many of you have worked constructively and cooperatively with my office and me, and we want you to know that we are indeed appreciative.

It is an honor and a privilege to serve as a legislator; it is also a position of respect for which one makes a sacrifice. To be successful as a candidate

and as a legislator, one must be willing to take large amounts of time from his or her occupation and avocations.

Several amongst you have decided not to seek reelection this year. Unfortunately, you take with you a tremendous amount of experience, knowledge, and leadership. We are grateful for the contributions you have made, and I assure you we will miss your continued service. In order tc keep this kind of talent in the legislative halls and attract others of like caliber, it is imperative that attitudes be formed and procedures be developed which will make it possible for future sessions to be concluded in less time.

Now as this General Assembly comes to a close, may we be grateful for the accomplishments, thankful for our system that allows us to agree and disagree, and appreciative of living in Iowa, a place where we can look ahead with a note of optimism.

Thank you.

Sincerely,
ROBERT D. RAY
Governor

By virtue of Senate Concurrent Resolution 120, duly adopted, the day of May 29, 1976, having arrived, the Speaker of the House declared the House of Representatives of the Sixty-sixth General Assembly adjourned sine die.

SUPPLEMENT TO THE HOUSE JOURNAL

RESOLUTION AND BILLS APPROVED, VETOED OR ITEM VETOED SUBSEQUENT TO ADJOURNMENT

Resolution and bills approved, vetoed or item vetoed by the Governor and transmitted to the Secretary of State after the close of the 1976 Regular Session:

H. F. 324—Relating to abandoned vehicles. Approved June 23, 1976.

H. F. 584—Relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties. Approved June 28, 1976.

H. F. 614—Relating to termination of parental rights and adoption and providing penalties. Approved June 28, 1976.

H. F. 795—Relating to tuition paid to school districts. Approved June 23, 1976.

H. F. 807—Relating to bonded agricultural warehouses. Approved June 23, 1976.

H. F. 829—Relating to the administration of the Uniform Consumer Credit Code. Approved June 23, 1976.

H. F. 909—Relating to the platting of land. Approved June 23, 1976.

H. F. 914—Relating to retirement benefits for certain public employees engaged in public safety occupations and to make an appropriation. Approved June 28, 1976.

H. F. 1026—Relating to the appointment of conservators for veterans. Approved June 23, 1976.

H. F. 1038—Making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission. Approved June 18, 1976.

H. F. 1123—Relating to noxious weeds. Approved June 23, 1976.

H. F. 1165—Amending certain programs for elderly, handicapped and low income persons. Approved June 23, 1976.

H. F. 1200—Relating to the assessment date, tax year, collection period, and delinquency dates of property taxes. Approved June 10, 1976.

H. F. 1216—Appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department. Approved June 23, 1976.

H. F. 1277—Relating to the care, maintenance and treatment pursuant to chapter one hundred twenty-five (125) of the Code of persons suffering the effects of alcohol, and providing standards for the approval and funding of programs, the approval and oversight of facilities, the procedures for assisting intoxicated persons, and the assessment, acceptance and payment, by the state and counties, of certain charges imposed by facilities for providing care, maintenance and treatment services. Approved June 26, 1976.

H. F. 1332—Relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, temporary driver permits and instruction permits, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, the transfer of motor vehicle certification, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation and providing for a motorized bicycle license and specifying the operation requirements for a motorized bicycle. Approved June 26, 1976.

H. F. 1346—Relating to disaster services and public disorders, specifying the powers and duties of the governor, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact. Approved June 23, 1976.

H. F. 1371—Relating to the status, membership, and duties of the energy policy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council effective June 30, 1979. Approved June 20, 1976.

H. F. 1390—Relating to civil damages for the taking of game or fur-bearing animals. Approved June 23, 1976.

H. F. 1407—Relating to a vehicle anti-theft law and providing penalties. Approved June 23, 1976.

H. F. 1432—Relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations. Approved June 28, 1976.

H. F. 1442—To legalize and validate the proceedings of the board of directors of the Des Moines Area Community College (merged Area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, and the Polk County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto. Approved June 10, 1976.

H. F. 1451—Relating to court reporters. Approved June 23, 1976.

H. F. 1465—To establish district court administrators and to provide the funds therefor. Approved June 23, 1976.

H. F. 1472—To change the requirements for awarding a permanent professional teachers' certificate. Approved June 23, 1976.

H. F. 1477—Relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems. Approved June 23, 1976.

H. F. 1478—Regulating the establishment and use of electronic fund transfer systems maintained off the premises of the principal places of business and offices of financial institutions, and establishing the numbers and locations of offices and electronic fund consumer terminals. Approved June 26, 1976.

H. F. 1480—Relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties. Approved June 28, 1976.

H. F. 1490—Relating to the licensing and regulating of the sale of eggs and providing a penalty. Approved June 28, 1976.

H. F. 1497—Making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending. Approved June 23, 1976.

H. F. 1502—Relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of federal and private aid for public transit programs. Approved June 18, 1976.

H. F. 1503—Relating to the practice of nursing and providing for disciplinary procedures. Approved June 23, 1976.

H. F. 1508—Relating to the registration of mobile homes. Approved June 23, 1976.

H. F. 1512—Relating to the Iowa Consumer Credit Code. Approved June 23, 1976.

H. F. 1514—Making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority. Approved June 28, 1976.

H. F. 1519—To legalize the proceedings of the board of supervisors of Allamakee County in connection with contracts made for improvements to the Allamakee County Home and Allamakee County Court House. Approved June 10, 1976.

H. F. 1539—To appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities. Approved June 18, 1976.

H. F. 1547—To legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School in the counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Dela-

ware, Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winneshiek, state of Iowa, and the Dubuque County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and validity of taxes levied pursuant thereto. Approved June 10, 1976.

H. F. 1558—Appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties. Approved June 20, 1976.

H. F. 1564—Relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, relating to the date of delinquency for nonpayment of first-half property taxes due and payable in the fiscal year beginning July 1, 1976, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of assessments, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review. Approved June 28, 1976.

H. F. 1565—To appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource programs. Approved June 20, 1976.

H. F. 1567—Legalizing the proceedings for the sale of land by the North Scott Community School District. Approved June 10, 1976.

H. F. 1568—Appropriating funds to the Iowa beer and liquor control department for capital improvements. Approved June 23, 1976.

H. F. 1569—Making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems. Approved June 23, 1976.

H. F. 1570—Transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation. Approved June 23, 1976.

H. F. 1571—Making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation. Approved June 23, 1976.

H. F. 1573—Relating to the membership, powers and duties of the legislative council and the legislative fiscal committee, creating a performance audit division and a fiscal division within the legislative fiscal bureau and specifying their powers and duties, and providing for legislative review of state agencies, and making an appropriation. Disapproved June 28, 1976. See Governor's veto message.

H. F. 1574—To legalize and validate the proceedings of the board of supervisors of the county of Black Hawk, in the state of Iowa, authorizing and providing for the issuance, sale and delivery of county care facility bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county. Approved June 4, 1976.

H. F. 1575—To legalize and validate the proceedings of the board of directors of the Underwood Community School District, in the county of Pottawattamie, state of Iowa, authorizing and providing for the issuance, sale and delivery of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district. Approved June 7, 1976.

H. F. 1576—Relating to the amount of the homestead tax credit allowed for claims filed between January 1, 1976 and July 1, 1976 and approved in any special charter city which levies and collects its own taxes and making the Act retroactive. Approved June 10, 1976.

H. F. 1579—Making an appropriation to the department of social services for capital improvement projects. Approved June 28, 1976.

H. F. 1581—Relating to educational leaves of absence for school employees. Approved June 23, 1976.

H. F. 1582—Relating to the issuance, continuance, and termination of contracts of school administrators. Approved June 23, 1976.

H. F. 1583—Relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations. Approved June 20, 1976.

H. F. 1584—Creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations. Approved June 28, 1976.

H. F. 1588—Making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds. Approved June 23, 1976.

H. F. 1589—Relating to and appropriating funds for programs for low income and elderly persons. Approved June 26, 1976.

H. F. 1590—Relating to taxation by providing for a tax reduction for an owner of a mobile home who it totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities

from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phaseout, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendents of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations. Approved June 27, 1976.

H. F. 1593—Relating to the department of job service, including unemployment compensation, providing for a delay until 1978 of an emergency tax of two and seven-tenths percent, extending the six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the requirements for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities. Approved June 23, 1976.

S.J.R. 1009—To provide for an interim study of the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and liability risks, and to provide for an appropriation. Approved June 20, 1976.

S. F. 85—Relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications. Approved June 28, 1976.

S. F. 136—Relating to the number of judgeships in judicial election districts. Approved June 23, 1976.

S. F. 288—To repeal the procedure for establishment of a convention to ratify amendments to the Constitution of the United States. Approved June 23, 1976.

S. F. 356—Authorizing the establishment and funding of self-supported municipal improvement districts. Approved June 28, 1976.

S. F. 367—Relating to the location and operation of livestock feedlots, and defining nuisance as the term relates thereto. Approved June 28, 1976.

S. F. 507—Relating to the funding, compensation, expenses and membership of legislative members of committees and certain statu-

tory or appointive boards, commissions, and councils. Approved June 20, 1976.

S. F. 1064—To abolish certain boards, committees and councils. Approved June 23, 1976.

S. F. 1072—Making an appropriation to judicial courts and agencies, and providing for an increase in filing fees to aid in offsetting the costs of operating the courts and agencies. Approved June 23, 1976.

S. F. 1086—Relating to local civil service commissions providing for changes in qualification requirements. Approved June 23, 1976.

S. F. 1126—Relating to and appropriating funds for programs of historical significance under the jurisdiction of the state archaelogist and the Iowa state historical department. Approved June 28, 1976.

S. F. 1191—Providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department. Approved June 10, 1976.

S. F. 1221—Relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission. Approved June 28, 1976, with the exceptions of Section 1, subsection 2, paragraph "b"; and Sec. 4. See Governor's item veto message.

S. F. 1223—Making a supplemental appropriation to the campaign finance disclosure commission. Approved June 13, 1976.

S. F. 1251—Making an appropriation to the legislative fiscal bureau for payment of actuarial services. Approved June 23, 1976.

S. F. 1261—Relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state. Approved June 23, 1976.

S. F. 1265—Relating to certain signs and notices providing for changes in the terms referring to certain signs and notices, providing for changes in the annual fee for certain advertising devices and establishing a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code. Approved June 10, 1976.

S. F. 1272—Relating to security interests regulated by the Uniform Commercial Code. Approved June 23, 1976.

S. F. 1276—Making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act. Approved June 23, 1976.

S. F. 1280—Relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor. Approved June 26, 1976.

S. F. 1284—Relating to administration of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program and appropriating funds from the motor vehicle fuel tax fund to the department of revenue for such purposes. Approved June 23, 1976.

S. F. 1288—Relating to the economic impact of an administrative rule modifying provisions of the Iowa Administrative Procedure

Act, limiting the duration of an emergency rule, relating to the duties of the Code editor in publishing the Iowa Administrative Code, relating to the duties of the superintendent of printing in distributing the Iowa Administrative Code, and providing staff for the administrative rules review committee. Approved June 23, 1976.

S. F. 1306—Relating to the reporting of accidents involving the transportation of hazardous materials and providing a penalty. Approved June 23, 1976.

S. F. 1309—Relating to the exchange of property by the Dubuque community school district to the state of Iowa for the purpose of construction of an armory and conveying land and a building to the Dubuque community school district for school use. Approved June 10, 1976.

S. F. 1314—Relating to and making appropriations to the department of social services to fund current programs under the jurisdiction of the department. Approved June 28, 1976.

S. F. 1321—Relating to the status and power of an entity created under chapter twenty-eight F (28F) of the Code to accomplish joint financing of public works and facilities. Approved June 23, 1976.

S. F. 1329—Making an appropriation to the state comptroller to provide for federal fund loss. Approved June 23, 1976.

S. F. 1332—Making appropriations to the department of transportation for designated capital transportation projects. Approved June 18, 1976.

S. F. 1333—Making appropriations to various state educational agencies to provide for capital improvements, for reimbursement of state educational institutions for deficiencies in operating funds caused by funds pledged to finance academic and administrative buildings and facilities and utility services, for purchasing certain equipment, and providing for the reversion of funds. Approved June 23, 1976.

S. F. 1335—Appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund. Approved June 23, 1976.

S. F. 1336—Relating to and appropriating funds to defray the expenses of a Spanish-speaking peoples commission, created by this Act and certain other ad hoc committees, councils and task forces. Approved June 23, 1976.

S. F. 1337—Making an appropriation for funding of staff for the utilities division of the Iowa state commerce commission. Approved June 23, 1976.

S. F. 1338—Providing that for the purposes of chapter three hundred ninety (390) of the Code, ownership of certain transmission facilities may include the right to the use of an amount of the capacity thereof. Approved June 23, 1976.

S. F. 1340—To amend the rules of civil procedure proposed by the supreme court. Approved June 23, 1976.

S. F. 1341—To define certain additional substances as controlled substances. Approved June 23, 1976.

S. F. 1343—Relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation, and funding the state department of transportation's share for administration of the state merit system. Approved June 23, 1976.

S. F. 1346—To revise the campaign disclosure-income tax checkoff Act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the Act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, and to appropriate funds to the office of the campaign finance disclosure commission. Approved June 28, 1976, with the exception of Sec. 14, subsection 5. See Governor's item veto message.

GOVERNOR'S VETO MESSAGE

June 28, 1976

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

House File 1573, an Act relating to the membership, powers and duties of the legislative council and the legislative fiscal committee, creating a performance audit division and a fiscal division within the legislative fiscal bureau and specifying their powers and duties, and providing for legislative review of state agencies, and making an appropriation is hereby disapproved and in accordance with Article III, Section 16, Constitution of the State of Iowa, is hereby transmitted to the Secretary of State.

Accountability in government is a concept that is being and should be enthusiastically supported. At all levels of government, people are demanding that their government provide them with economical, efficient and dependable service in a responsible manner. I believe that House File 1573 was conceived in an attempt to reflect this mood.

Perhaps the more notable provision of House File 1573 is the mandate for periodic legislative review of state agencies. This requirement for periodic review with subsequent termination of agencies unless affirmative reenactment into law has been given the sobriquet of a "sunset" law. The Iowa version of the sunset law would require the legislature to take the time to assess continued existence of state agencies every six years with an equal number of agencies being reviewed each year. During the review process, each agency would be subject to a report prepared by the newly established Performance Audit Division of the Legislative Fiscal Bureau and the scrutiny of a public hearing. Unless the legislature would reenact the agencies under review, the authorizing statute for the agency would be repealed automatically the following year.

The Iowa legislature certainly was not bashful in embracing the sunset law concept. Rather than starting out in a limited fashion or phasing into

an effective review process, our legislature, unlike Colorado's, would require almost every state agency to go through the review process. In addition to regulatory and licensing boards, the bill directs that such vital and long-standing essential agencies as the Board of Regents, the Department of Revenue, the Conservation Commission, and the Board of Health be included. Departments with far-ranging programs, intricate operations, and detailed statutory authorizations would be subject to automatic repeal.

A comprehensive and thorough review and analysis of these large state agencies certainly would be a monumental task. In 1977 alone, the bill mandates that 13 different state agencies, including the Board of Regents, would be subject to the sunset provision. All of this review and analysis would be done by an agency with a $50,000 budget.

Even if the limited staff arrangement could accomplish the initial review, the necessity for the legislature to reauthorize each and every agency unnecessarily would prolong the already too long legislative sessions. The drawn-out debate that is sure to result from this sunset provision could be the crowning blow to the hope of preserving a citizen's legislature in Iowa. Undoubtedly, the resignation of incumbent legislators due to the ever-increasing burden of legislative service would become an even more common occurrence if House File 1573 were signed into law.

As the legislature would experience a shift in roles due to the sunset provision, our state agencies, too, would be forced to shift some of their operations. With that constant threat of extinction staring them in the face, state agencies would be required to invest tremendous amounts of time, effort, and other valuable tax-funded resources to public relate for their existence every six years. Actions of an agency could easily shift from an emphasis on quality service to a concern of how it would appear to legislators. In addition to shifting resources away from providing services to the public, agencies would be subjected to the vagaries of the legislative process. Every agency could find itself confronted with the prospect of less than rational actions during the closing days of a legislative session.

The way the sunset provision of House File 1573 was enacted could also lead to some undesirable side effects. Because agencies which issue bonds, such as the Housing Authority and the Board of Regents, would be faced with the prospect of abolishment, their ability to sell bonds in a competitive market would be jeopardized. In addition, the principle of academic freedom at the Regents' universities could be subject to improper legislative intrusion into curriculum or academic staff matters.

Our legislature, of course, already has "sunset" power. Every year the legislature has the opportunity to review and authorize or refuse to authorize the continued existence of every state agency. Unfortunately, to date, the Iowa legislature has not established much of a track record in using its review and termination powers. Just this year the legislature refused to allow the Energy Policy Council to expire and instead extended its life for another two years and added two more members. Many legislators have fought efforts to reorganize and consolidate agencies such as the Department of Transportation and the Employment Security Commission. And this legislature even created new state agencies such as the Court of Appeals, the Voter Registration Commission, the Birth Defects Institute, the Spanish-speaking Peoples Commission and the Board of Speech Pathology and Audiology Examiners. The record of this and previous legislatures makes one wonder after all the time, money, and effort were expended, how sympathetic legislators would be to the sunset concept when the time came for implementation.

The sunset concept has a popular tone in this day and age. One of its strong proponents, Common Cause, calls it a mechanism "to give public officials and citizens a handle on big government." At the same time, however, Common Cause voices some strong caveats. In recent testimony before the United States Senate, Common Cause Chairman, John Gardner, advocated that the sunset mechanism should be phased in gradually, beginning with programs to which the concept most readily seems applicable. Most importantly, Common Cause advocates primarily licensing and regulatory boards. In addition, Gardner recommended that programs and agencies in the same policy area should be reviewed simultaneously in order to encourage consolidation and responsible pruning. House File 1573 reviews nearly all state agencies in a very random fashion. Unlike the manner by which the sunset concept would be implemented in Iowa, Common Cause emphasizes cautious and judicious implementation.

While the sunset provision perhaps overshadows the rest of House File 1573, the original thrust of this bill was to provide legislators with a special performance auditing capacity. The bill creates a Performance Audit Division within the Legislative Fiscal Bureau for the purpose of securing some different accountability and responsiveness from state agencies.

As indicated earlier, a grand total of $50,000 was appropriated to initiate all the new programs of this Act which includes the Performance Audit Division. This amount would hardly provide even a minimal staff and support to accomplish the kind of performance that I believe legislators envision. I might add that it has been my experience that few legislators agree to the same definition of the goals which they hope performance auditing will secure for them.

A close examination of House File 1573 reveals that the Performance Audit Division is empowered to do things that can already be accomplished under Iowa law. Chapter 2 of the Iowa Code authorizes the Legislative Fiscal Committee, through the Legislative Fiscal Bureau, to conduct performance audits. In addition, Chapter 11 of the Code directs the State Auditor in his annual audits of state agencies to speak to similar concerns. In fact, every authorization granted to the Performance Audit Division in House File 1573 can be found in existing law. Considering that one of the objectives of performance auditing is to reduce overlapping and duplication, such a Performance Audit Division might keep itself busy examining itself for duplicative efforts.

One authority granted the Performance Audit Division has some uninviting overtones to it. The bill directs that "the performance auditor and employees of the performance audit division shall at all times have access to any state agency . . . and to all books, records, and other instrumentalities and properties used in the performance of statutory duties." Such strong language would indicate that little, if anything in a state agency would be immune to the scrutiny of the Performance Audit Division staff. Conceivably even my budget documents and State of the State Messages could be subject to this review prior to their release. And given the fact that the bill defines state agency as "any state office, department, board, bureau, commission or other public or private agency supported in full or in part by state appropriations," a number of private concerns might fall under the same type of scrutiny. We in the Executive Branch have no hesitancy in responding to any legitimate request by the members or staff of the legislature. However, under no circumstances, will we subject ourselves and our agencies to fishing expeditions that could be conducted under this authority.

As I indicated earlier, the performance auditing provisions of House File 1573 accomplish little more than what can be secured under existing law. The chief legislative sponsor of performance auditing has urged my veto of this bill partly because of this. He recognizes that this is more of a window-dressing effort than a substantive approach. Recognizing the imperfections of the sunset provision of House File 1573 and the ineffectiveness of the performance auditing provision, I find little reason to sign this measure into law.

It is paradoxical that in a bill which gives the legislature no more authority than they already have, the legislature would create a new bureaucracy in an effort to reduce existing bureaucracies. I wholeheartedly support any legitimate and responsible effort to reduce the size and cost of state government. I welcome any suggestions legislators might have on how to improve our operations. Together the executive and legislative branches must strive to make state government as efficient and accountable to the citizenry as possible. House File 1573 does not measure up to the task.

Sincerely,
ROBERT D. RAY
Governor

GOVERNOR'S ITEM VETO MESSAGES

June 28, 1976

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby transmit Senate File 1221, an Act relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission.

Senate File 1221 is approved June 28, 1976, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the act as paragraph "b" of Subsection 2 of Section 1 which reads as follows:

"b. For salaries, support, maintenance and miscellaneous purposes of the uniform commercial code division in performing records searches ..... $38,700."

I am unable to approve the item designated as Section 4 which reads as follows:

"Sec. 4. Section five hunded fifty-four point nine thousand four hundred seven (554.9407), Code 1975, is amended to read as follows:

554.9407 INFORMATION FROM FILING OFFICER.

1. If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

2. Upon *written* request of any person, the filing officer shall issue his *or her* certificate showing whether there is on file on the

date and hour stated therein, any presently effective financing statement naming a particular debtor and any *financing* statement [of assignment thereof] *changes* and if there is, giving the date and hour of filing of each such [statement] *filing* and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be two dollars if the request for the certificate is on a form conforming to standards prescribed by the secretary of state; otherwise, three dollars. Upon request and the payment of the appropriate fee the filing officer shall furnish a certified copy of any filed financing statement or *financing* statement [of assignment] *changes* for a uniform fee of one dollar per page.

3. Upon telephone request of any person, the filing officer in the office of the secretary of state shall respond by phone stating whether there is on file on the date and hour upon which the request is made any presently effective financing statement naming a particular debtor and any financing statement changes and if there is, stating the date and hour of filing of each such filing and the names and addresses of each secured party therein. The uniform fee for this telephone search service shall be four dollars per each debtor name searched. All fees must be prepaid before a person may utilize this telephone search service. A certificate confirming the information given to the person making the request shall be sent to that person by the filing officer upon request and payment of a fee of one dollar per debtor name searched. Upon request and the payment of the appropriate fee, the filing officer shall furnish a certified copy of any filed financing statement or financing statement changes for a uniform fee of one dollar per page. The method of payment of fees imposed by this subsection shall be established by the secretary of state.

[3] *4.* Charging no more than a reasonable estimate of cost, in his *or her* discretion the secretary of state may adopt one or more of the following methods of providing information concerning public filings in his *or her* office to persons with an interest in this information that is related exclusively to the purposes of this Article:

[a. subscription telephone service;

b. subscription]

a. Subscription daily, weekly or monthly written summaries; *or*

[c. granting suitable space for the preparation of written summaries and the provision of telephone service by those persons deemed by the secretary of state to have a legitimate interest in regular examination of the secretary of state's public files; and

d. any]

b. Any other appropriate method of disseminating information. *However, the secretary of state shall not make space or services available to any person for examination and preparation of summaries of the secretary of state's public files except the space and services made available under chapter sixty-eight A (68A) of the Code.*

5. Charging no more than a reasonable estimate of cost, in his or her discretion a county recorder may adopt one or more of the follow methods of providing information concerning public filings in his or her office to persons with an interest in this information that is related exclusively to the purposes of this Article:

a. Subscription telephone service;

b. Subscription daily, weekly or monthly written summaries;

c. Granting suitable space for the preparation of written summaries and the provision of telephone service; or

d. Any other appropriate method of disseminating information.

6. Except with respect to willful misconduct, the state of Iowa, the secretary of state, *a county, a county recorder,* and their employees and agents are immune from liability as a result of errors or omissions in information *or assistance concerning the secretary of state's or a county recorder's public files* supplied [pursuant to this subsection] *by them to any person.*

7. Fees collected by the secretary of state pursuant to this section shall be remitted by the secretary of state to the treasurer of state for deposit in the general fund of the state."

The substantive portion of these items imposes a new duty upon the Secretary of State's Uniform Commercial Code (UCC) Division filing officer in the form of a telephone search service and provides an appropriation of $38,700 to perform the service. In addition, the items prohibit the Secretary of State from making space or services available to any person for examination and preparation of summaries of the UCC files other than the space and services required under the Open Records Law.

Presently, the filing officer of the UCC Division of the Secretary of State's Office does not provide a telephone search service. Instead, the Secretary of State's Office has contracted with a private firm, Iowa Public Records Search, Inc., to provide the telephone search service and subsequent written confirmations. If Senate File 1221 is signed into law without exception, state government will assume the telephone search task presently being accomplished by the private enterprise.

For a number of reasons it appears unlikely that state government would be able to provide service in this area in an improved manner over what is now available by private enterprise.

—The items in Senate File 1221 direct that a uniform fee of $4 be charged for each individual telephone search. This compares with the $3 fee presently being charged by the private firm.

—The items in Senate File 1221 mandate that all fees must be prepaid before a person may utilize the telephone search service. The private firm requires no prepayment.

—Since the Secretary of State and his employees are immune from liability by law, except for willful negligence, the users of the telephone search service will no longer have the protection of the errors and omissions insurance presently maintained by the private firm.

—The UCC Division filing officer will not provide as much information, e.g. collateral itemization, to telephone search requests as the private firm currently does.

I understand the primary reason for the move to preempt the private firm from continuing its activities was the dissatisfaction felt by some with the service being provided. While this once may have been the case, the concern over the quality of service has apparently been resolved. The Secretary of State's Office informs me that they are pleased with the capable and efficient service being provided by the private firm. In addition, I am told that no complaints about the service have been received by the

Secretary of State's Office for more than a year. Even one of the chief sponsors of the effort to replace the private firm admits that the complaints about the poor service have subsided to a large extent.

Therefore, I see little reason for the changes contained in these items. Accordingly, I disapprove these two items of Senate File 1221 in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1221 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

June 28, 1976

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby transmit Senate File 1346, an Act to revise the campaign disclosure-income tax checkoff Act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the Act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, and to appropriate funds to the office of the campaign finance disclosure commission.

Senate File 1346 is approved June 28, 1976, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Subsection 5 of Section 14 which reads as follows:

> "5. For the purposes of this section, labor unions or any group organized as a collective bargaining unit shall not be deemed to be a corporation, however contributions and expenditures made by a labor union or a group organized as a collective bargaining unit in support of or opposition to a candidate or ballot issue shall be subject to the disclosure requirements of this chapter."

This item makes legal in Iowa any direct transfer of funds from labor union treasuries to candidates, candidates' committees, or any other political committees. For the first time Iowa law would specifically authorize labor unions to contribute directly their assets to state and local campaigns.

Business corporations in Iowa have long been prohibited from contributing "any money, property, labor, or thing of value, directly or indirectly" to political campaigns. On the other hand, Iowa law has been silent up to now on union contributions for political purposes. Since 1925 federal law has prohibited contributions or expenditures by corporations *and* labor organizations to federal political campaigns. 18 U. S. C., section 610, has provided:

> "It is unlawful . . . for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with

any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section."

The Federal Election Campaign Act Amendments of 1976 recodified the foregoing section to provide for the establishment and operation of political action committees by corporations and labor unions. To bring Iowa law into accord with the new federal law, the legislature provided in Senate File 1346 the authority for corporations to establish political action committees in Iowa for state and local campaigns.

But our legislature went further and attached the item in question to Senate File 1346 to exempt unions from the restrictions Iowa law places on corporations.

As a result, labor unions, whether incorporated or not, would be able to use union dues and any other union funds to make direct contributions to the campaigns of candidates in Iowa. This is something they cannot do under federal law. And it is something corporations cannot do under *either* federal or state law.

Federal law treats unions and corporations in a similar manner regarding campaign contributions. Iowa law can be made more consistent and treat both in a like fashion by removing Subsection 5 of Section 14 of Senate File 1346. Of course, labor unions and corporations and their individual members and stockholders will still be able to contribute to political campaigns individually or through their political action committees.

For these reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1346 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE

June 2, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1285 was published in the Lake Mills Graphic, Lake Mills, Iowa, May 26, 1976, and in the Grinnell Herald-Register, Grinnell, Iowa, May 24, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 8, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1492 was published in The Daily Gate City, Keokuk, Iowa, May 20, 1976, and in the Cherokee Daily Times, Cherokee, Iowa, May 13, 1976.

I further certify that Senate File 1233 was published in the Carroll Daily Times Herald, Carroll, Iowa, May 26, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa, May 28, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 9, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 628 was published in The Fremont Gazette, Fremont, Iowa, May 27, 1976, and in The Record, Cedar Falls, Iowa, May 29, 1976.

I further certify that Senate File 1124 was published in the Quad-City Times, Davenport, Iowa, May 25, 1976, and in the Lake Mills Graphic, Lake Mills, Iowa, May 26, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 15, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1520 was published in the Iowa City Press-Citizen, Iowa City, Iowa, May 28, 1976, and in The Marion Sentinel, Marion, Iowa, May 27, 1976.

I further certify that House File 1574 was published in The Nevada Evening Journal, Nevada, Iowa, June 10, 1976, and in The Progress-Review, LaPorte City, Iowa, June 9, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 21, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1575 was published in the Neola Gazette-Reporter and Minden-Shelby News, Neola, Iowa, June 10, 1976, and in The Toledo Chronicle, Toledo, Iowa, June 9, 1976.

I further certify that House File 1576 was published in the Quad-City Times, Davenport, Iowa, June 15, 1976, and in the Charles City Press, Charles City, Iowa, June 14, 1976.

I further certify that Senate File 1279 was published in The Cedar Valley Daily Times, Vinton, Iowa, May 25, 1976, and in the Neola Gazette-Reporter and Minden-Shelby News, Neola, Iowa, May 27, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 23, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1291 was published in The Guthrie County Vedette, Panora, Iowa, June 17, 1976, and in The Bagley Gazette, Bagley, Iowa, June 17, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 28, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1519 was published in the Postville Herald, Postville, Iowa, June 16, 1976, and in The Waukon Democrat, Waukon, Iowa, June 17, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

July 13, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1442 was published in the Pella Chronicle, Pella, Iowa, June 16, 1976, and in the Patriot-Chronicle, What Cheer, Iowa, June 17, 1976.

I further certify that House File 1547 was published in The Decorah Public Opinion, Decorah, Iowa, June 29, 1976, and in The Clayton County Register, Elkader, Iowa, June 30, 1976.

I further certify that House File 1567 was published in The North Scott Press, Eldridge, Iowa, June 17, 1976, and in the Dyersville Commercial, Dyersville, Iowa, June 17, 1976.

I further certify that Senate File 1223 was published in The Hudson Herald, Hudson, Iowa, June 17, 1976, and in The Anthon Herald, Anthon, Iowa, June 16, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

July 20, 1976

Mr. David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1200 was published in The Daily Freeman-Journal, Webster City, Iowa, June 16, 1976, and in The New Iowa Bystander, West Des Moines, Iowa, June 17, 1976.

I further certify that House File 1589 was published in the Quad-City Times, Davenport, Iowa, July 9, 1976, and in The Altoona Herald-Mitchellville Index, Altoona, Iowa, July 8, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

APPOINTMENTS ANNOUNCED AFTER CLOSE OF SESSION

Pursuant to Section 28B.1, Code 1975, Speaker Cochran announced the appointment of Representative Gregory Cusack to the Interstate Cooperative Commission to complete the unexpired term of the late Representative James T. Caffrey, effective June 30, 1976.

Pursuant to Section 93.2, Code 1975, Speaker Cochran announced the appointment of Representative Andrew Varley, effective June 30, 1976, to the Energy Policy Council to complete the unexpired term of Representative Brice Oakley who resigned effective upon adjournment of the 1976 session.

Pursuant to Section 97B.8, Code 1975, Speaker Cochran announced the reappointment of Representative Richard Byerly to the Iowa Public Employees Retirement System to a term ending June 30, 1977.

IN MEMORIAM

House

Memorials adopted by the House of Representatives, 1976 Regular Session of the Sixty-sixth General Assembly, commemorating the life, character, and public service of former members of the House of Representatives who had departed this life since the last regular session of the General Assembly.

AUBREY, W. DEAN.....September 28, 1904—October 20, 1975

BROWN, CARROLL L.....March 5, 1913—April 12, 1976

CAFFREY, JAMES T.....February 19, 1909—April 24, 1976

FULLERTON, BERT.....October 11, 1902—January 17, 1976

HARRINGTON, RAYMOND P.....May 4, 1904—February 20, 1976

JARVIS, FRED M.....December 2, 1897—April 3, 1976

OLSON, ALLERT G.....March 13, 1896—April 11, 1976

SMITH, ROY J.....September 28, 1889—July 27, 1975

W. DEAN AUBREY

MR. SPEAKER: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable W. Dean Aubrey, begs leave to submit the following memorial:

W. Dean Aubrey was born in Munterville, Iowa, September 28, 1904, the son of Rosa and William Aubrey.

He attended William Penn College in Oskaloosa and served in the United States Marine Corps.

Mr. Aubrey is survived by his wife, Evelyn; three daughters, Mrs. Patricia Scott of Altoona, Mrs. Jean Shelley of Ankeny and Mrs. Sandra Grate of Des Moines; two sons, Gary of Des Moines and Michael of Norwalk.

He was a member of the Miner's Institute of America and the Altoona Methodist Church.

Mr. Aubrey, a Democrat, served in the House of Representatives in the Fifty-first, Fifty-third, Fifty-fourth and Fifty-eighth General Assemblies, representing Wapello County.

Mr. Aubrey passed away on October 20, 1975.

Therefore, Be It Resolved by the House of Representatives of the Sixty-sixth General Assembly of Iowa: That in the passing of the late Honorable W. Dean Aubrey, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CHARLES N. PONCY
MATTIE HARPER
FLOYD H. MILLEN
Committee

CARROLL L. BROWN

MR. SPEAKER: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Carroll L. Brown, begs leave to submit the following memorial:

Carroll L. Brown was born in rural Mahaska County near Rose Hill, Iowa, on March 5, 1913, the son of Wirt and Lucy Lord Brown.

He attended elementary school and high school in Rose Hill, Iowa, and later attended Penn College in Oskaloosa, Iowa, from which he graduated in 1935, with a degree in education. He taught school for a period of five years before leaving that profession.

Mr. Brown married Ruby Hite on September 18, 1937. To this union were born three children: Marjorie Sue, Jeanne Ann, and Graigg.

Mr. Brown was a member of the Christian Church and the Tri-Luminar Masonic Lodge.

He was a sales supervisor for a seed corn company, owned and operated a grain and livestock farm, and was part owner and manager of a pig hatch-

ery. His interests were varied during his lifetime, with a distinct interest in agriculture.

Mr. Brown, a Republican, served Mahaska County as a representative in the Fifty-second, Fifty-second Extra, Fifty-third, Fifty-fourth, and Fifty-fifth General Assemblies. During his service in the General Assembly, he served as chairman of the Roads and Highways, Dairy and Food, and House Steering Committees.

Mr. Brown's sudden and untimely death occurred at Oskaloosa, Iowa, on April 12, 1976. He left to survive him his wife, a son, two daughters and sons-in-law, two grandsons, and a host of relatives, friends, and acquaintances.

Therefore, Be It Resolved by the House of Representatives of the Sixty-sixth General Assembly of Iowa: That in the passing of the late Honorable Carroll L. Brown, the state has lost a valuable and honored citizen and the House would express its appreciation of his character and public service and tender, by this resolution, its sincere and heartfelt sympathy to his beloved family in their great sorrow and loss.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

FRED L. KOOGLER
KEITH H. DUNTON
WILLIAM W. DIELEMAN
Committee

JAMES T. CAFFREY

MR. SPEAKER: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable James T. Caffrey, begs leave to submit the following memorial:

James T. Caffrey was born in New York, New York, on February 19, 1909, and moved to Des Moines in February of 1943. He attended Xavier High School, graduated from Manhattan Prep, New York City, and attended Drake Community College for industrial relations courses.

Mr. Caffrey married Veronica Adrian in 1941. To this union were born two daughters, Veronica and Velda.

He was employed by Firestone Tire and Rubber Company from 1945 until his retirement in 1974. He was president of United Rubber Workers Union Local 310, vice-president of the South Central Iowa Federation of Labor, AFL-CIO, and a member of United Rubber Workers international executive board.

He was a member and trustee of St. Anthony's Church, a member of the Knights of Columbus Council 644, the Fourth Degree Knights of Columbus of Dowling General Assembly, and the Dowling Club. He was active in the Easter Seal Society, Des Moines Boys' Club, United Campaign and Future-of-Des Moines Committee.

Mr. Caffrey, a Democrat, served Polk County as a representative in the Sixty-first, Sixty-second, Sixty-third, Sixty-fifth and Sixty-sixth General Assemblies.

Mr. Caffrey's sudden and untimely death occurred at Chicago, Illinois, on April 24, 1976. He left to survive him his wife, two daughters, a brother, a sister and seven grandchildren.

Therefore, Be It Resolved by the House of Representatives of the Sixty-sixth General Assembly of Iowa: That in the passing of the late Honorable James T. Caffrey, the state has lost a valuable and honored citizen and the House would express its appreciation of his character and public service and tender, by this resolution, its sincere and heartfelt sympathy to his beloved family in their great sorrow and loss.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JACK E. WOODS
RICHARD L. BYERLY
HORACE C. DAGGETT
JOHN H. CONNORS
CARL V. NIELSEN
NORMAN G. JESSE
C. W. "BILL" HUTCHINS
ROBERT M. KREAMER
Committee

BERT FULLERTON

MR. SPEAKER: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Bert Fullerton, begs leave to submit the following memorial:

Bert Fullerton was born October 11, 1902, in Correctionville, Iowa, farming in that area all of his life. He also was a livestock feeder and farm-power contractor.

He was first married to Laura Brune who died in 1962, and in 1967 he married Frances Hayes. He was a lay leader and Sunday School teacher at the United Methodist Church in Correctionville. He served eight years on the Correctionville Board of Education, was a member of the town council and served 22 years as township clerk.

He was a member of the Masonic Lodge, Eastern Star, Sioux City Consistory and Abu Bekr Shrine, and, in addition, was very active in the Republican party in his area.

Mr. Fullerton, a Republican, was a member of the Sixty-second, Sixty-fifth and Sixty-sixth General Assemblies, representing Cherokee, Plymouth and Woodbury Counties. He passed away on January 17, 1976, and is survived by his widow; a daughter, Mrs. Gary (Mary) Myers of Grand Blanc, Michigan; a son, the Reverend Dean Fullerton of Des Moines; and a step-daughter, Mrs. Herbert Rasmussen of Cushing, Iowa.

Therefore, Be It Resolved by the House of Representatives of the Sixty-sixth General Assembly of Iowa: That in the passing of the late Honorable Bert Fullerton, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of the family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DONALD V. DOYLE
WILLIS E. JUNKER
WAYNE BENNETT
LYLE SCHEELHAASE
Committee

RAYMOND P. HARRINGTON

MR. SPEAKER: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Raymond P. Harrington, begs leave to submit the following memorial:

Raymond P. Harrington was born in Norway, Iowa, May 4, 1904, the son of Andrew and Johanna Flaherty Harrington.

He graduated from high school at the Jesup Consolidated School in Buchanan County.

Mr. Harrington married Lillian Nelson, who preceded him in death. To this union were born seven children: Mrs. R. F. Tate, Emmetsburg, Iowa; Mrs. Louis Kayser, Mount Vernon, Ohio; Ray Harrington, Lakewood, Colorado; Mrs. Vincent Brannan, Dubuque, Iowa; Mrs. Walter Johnson, Marion, Ohio; Mrs. Wendell Circus, Independence, Iowa, and Mrs. George O'Loughlin, Independence, Iowa. He had 17 grandchildren.

He was a farmer, businessman, and real estate dealer in Independence and Buchanan County since 1928 and was active in business, farm and civic groups in Independence. He was a member of St. John's Catholic Church in Independence.

Mr. Harrington, a Democrat, was a member of the Fifty-eighth and Sixty-first General Assemblies, representing Buchanan County. He passed away on February 20, 1976.

Therefore, Be It Resolved by the House of Representatives of the Sixty-sixth General Assembly of Iowa: That in the passing of the late Honorable Rayomnd P. Harrington, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

KENNETH D. MILLER
RUSSELL WYCKOFF
JAMES D. JORDAN
Committee

FRED M. JARVIS

MR. SPEAKER: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Fred M. Jarvis, begs leave to submit the following memorial:

Fred M. Jarvis was born December 2, 1897, in Brownstown, Indiana. He was associated with the Iowa Department of Agriculture for several years, then moved to his Alta farm home in 1946.

In 1934 he was married to Elizabeth Robinson in Schaller, Iowa. He was a member of the Alta Presbyterian Church.

He was a member of the Masonic Lodge, Elks and Abu Bekr Shrine Temple, and was active in the Republican Party in Sac and Buena Vista Counties.

Mr. Jarvis, a Republican, was a member of the Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies, serving Sac and Buena Vista Counties. He passed away on April 3, 1976, and is survived by his widow; a daughter, Mrs. Joan Stivers of Lincoln, Nebraska, and a son, Byford of Boulder, Colorado.

Therefore, Be It Resolved by the House of Representatives of the Sixty-sixth General Assembly of Iowa: That in the passing of the late Honorable Fred M. Jarvis, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of the family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

LESTER D. MENKE
KEITH BAKER
WAYNE BENNETT
Committee

ALLERT G. OLSON

MR. SPEAKER: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Allert G. Olson, begs leave to submit the following memorial:

Allert G. Olson was born in Rudd Township, Floyd County, Iowa, March 13, 1896, the son of Martha M. and Martin B. Olson. He attended rural schools, Cedar Valley Seminary, Osage High School and, following graduation, attended Iowa State College. He left college to enlist for World War I, serving overseas with the 88th Division.

Mr. Olson married Rikka M. H. Haugen in 1927. To this union were born four children: Yvonne, Aida, Joyce and A. Gilman, Jr.

He was a pioneer of rural electric co-operatives in the Midwest, serving as president of the Co-op Electric Co.; secretary of Dairyland Power Co-operative; vice president of Iowa Rural Electric Co-op; and director of the National Rural Electric Co-operative Association. He also served as a director of the Home and Trust Savings Bank of Osage.

Mr. Olson was an active member of the Osage Evangelical Lutheran Church, the American Legion, Commandery, Consistory and Shrine.

Mr. Olson, a Republican, was a member of the Fifty-first, Fifty-second, Fifty-third and Fifty-fourth General Assemblies, representing Mitchell County. He passed away on April 11, 1976.

Therefore, Be It Resolved by the House of Representatives of the Sixty-sixth General Assembly of Iowa: That in the passing of the late Honorable

Allert G. Olson, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

ROLLIN HOWELL
LOWELL NORLAND
WILLIAM GRIFFEE
Committee

ROY J. SMITH

MR. SPEAKER: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Roy J. Smith, begs leave to submit the following memorial:

Roy J. Smith was born September 28, 1889, in Whiteside County, Illinois, and attended school in Hardin County, Iowa. He later was a teacher in the Hardin County School District.

In 1911, he married Flossie M. Lepley, and was the father of two daughters, Coniston Zeller of Alden, Minnesota, and Betty Lou Baker of Anaheim, California.

He moved to Dickinson County in 1913, and was owner and operator of the Jersey Dell Farm. He was a member of the National Dairy Association and was past president of the Iowa Dairy Commission. He was active in 4-H Club work and helped establish the summer theater and summer school in the Lake Area. He was a member of the Masonic Lodge, Shrine, Rotary, and the Methodist Church.

A Republican, Mr. Smith served as representative from Dickinson County during the Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-ninth and Sixtieth General Assemblies.

Mr. Smith passed away on July 27, 1975, at the Dickinson County Memorial Hospital. Services were held at the United Methodist Church with burial at the Lake View Cemetery. He is survived by his wife, Flossie; two daughters, Mrs. Coniston Zeller of Alden, Minnesota, and Mrs. Betty Baker of Anaheim, California; two grandchildren and six great-grandchildren.

Therefore, Be It Resolved by the House of Representatives of the Sixty-sixth General Assembly of Iowa: That in the passing of the late Honorable Roy J. Smith, the state has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

INGWER L. HANSEN
LESTER D. MENKE
DON W. SPENCER
Committee

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Donald D. Avenson, Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties
(See Avenson, Donald D.—Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties, Assistant Majority Floor Leader)
William J. Hargrave, Representative Johnson County
(See Hargrave, William J., Representative Johnson County, Assistant Majority Floor Leader)
James D. Wells, Representative Benton-Linn Counties
(See Wells, James D.—Representative Benton-Linn Counties, Assistant Majority Floor Leader)

ASSISTANT MINORITY FLOOR LEADERS—
Robert M. Kreamer, Representative Polk County
(See Kreamer, Robert M.—Representative Polk County, Assistant Minority Floor Leader)
Delwyn Stromer, Representative Cerro Gordo-Franklin-Hancock-Wright Counties
(See Stromer, Delwyn—Representative Cerro-Gordo-Franklin-Hancock-Wright Counties, Assistant Minority Floor Leader)
Andrew Varley, Representative Adair-Dallas-Guthrie Counties
(See Varley, Andrew—Representative Adair-Dallas-Guthrie Counties, Assistant Minority Floor Leader)

AVENSON, DONALD D.—Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties, Assistant Majority Floor Leader
Bills introduced—1063, 1125, 1144, 1148, 1176, 1204, 1375
Amendments filed—327-328, 341-344, 676, 709, 780, 837-842, 1012, 1668-1673, 1994, 2015, 2080-2081, 2160, 2232, 2483, 2494, 2645, 2664, 2754, 3097, 3161-3162, 3208-3236, 3349
Amendments offered—377, 1132, 2228, 2232, 2664, 3097, 3349
Amendments withdrawn—2483, 2645, 2665-2666
Announcements by—1116
Committee appointments—2, 645, 731, 3112, 3127, 3155-3156, 3280, 3405
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BAKER, KEITH—Representative Buena Vista-Cherokee-Clay-O'Brien-Palo Alto-Pocahontas Counties
Bills introduced—1031, 1042, 1043, 1051, 1052, 1059*, 1111, 1148, 1222*, 1304*, 1375
Amendments filed—151, 341-344, 363, 363-364, 429-430, 708, 766-767, 1014-1015, 1347, 1584-1585, 1585, 2260, 2483, 2547, 2604, 2912, 2938
Amendments offered—724, 1847, 2469, 2604, 3028, 3029, 3030
Committee appointments—1695, 2659, 2929
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Reports—2958-2959
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Official delegate to attend the funeral services of the Honorable Bert Fullerton—68

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House File 1200—3428
House File 1217—2292
House File 1218—1665
House File 1245—1665
House File 1362—1664
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Senate File 1060—625
Senate File 1062—2492-2493
Senate File 1063—1364
Senate File 1090—1407
Senate File 1102—1152
Senate File 1124—3426
Senate File 1151—1664
Senate File 1223—3427
Senate File 1233—3426

Senate File 1275—3239-3240
Senate File 1279—3427
Senate File 1285—3425
Senate File 1291—3427

BENNETT, WAYNE—Representative Buena Vista-Carroll-Cherokee-Crawford-Ida-Sac Counties
Bills introduced—1008, 1031, 1051, 1053, 1111, 1116, 1211, 1221, 1238, 1247, 1266, 1275, 1289, 1299*, 1303, 1323, 1337, 1340, 1353*, 1372, 1427, 1548
Amendments filed—359, 438, 511, 527, 766-767, 874, 962, 986, 1014-1015, 1085, 1086, 1183, 1209-1210, 1259, 1324-1325, 1329, 1525, 1579, 1667, 1685, 1817, 1890-1891, 1977, 1988-1989, 2182-2188, 2189, 2208-2214, 2235, 2247, 2248-2249, 2300-2301, 2314, 2359-2365, 2394, 2405, 2483, 2518-2519, 2571, 2666, 2670-2671, 2749-2754, 3057, 3107-3108, 3208-3235, 3281-3282, 3283, 3398
Amendments offered—438, 511, 962, 1183, 1218, 1219, 1259, 1525, 1685, 1977, 1988, 2201, 2384, 2405, 2446, 2633, 3107
Amendments withdrawn—549, 1219, 1525
Committee appointments—68, 1695
Petitions presented—2388-2389
Resolutions offered—1170, 1879, 1996-1997, 2974, 3361
Official delegate to attend the funeral services of the Honorable Bert Fullerton—68

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BINA, ROBERT F.—Representative Scott County
Bills introduced—1042, 1043, 1052, 1116, 1148, 1224, 1236*, 1243, 1251*, 1306*, 1307*, 1312*, 1339*, 1341*, 1375, 1387*, 1405, 1424*, 1426, 1428*, 1531*, 1592*
Amendments filed—89-90, 230, 275, 341-344, 414, 425-429, 651, 1080, 1319, 1319-1320, 1320, 1320-1324, 1366, 1547-1548, 1701, 1702, 1703, 1709-1710, 1710, 1928-1929, 1994, 2050-2051, 2051-2057, 2081, 2160, 2260, 2311, 2334, 2483, 2513-2519, 2912, 2937, 3208-3235
Amendments offered—99, 275, 455, 1335, 1605, 1702, 2310, 2311, 2312, 2735
Amendments withdrawn—1335, 1683, 1702, 1703, 2312, 2313, 2319, 2739
Committee appointments—657, 2659, 3265, 3405
Petitions presented—250, 408, 916, 2388
Reports—1259-1275, 1918, 3326
Resolutions offered—1937, 1996-1997, 2583, 3238
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BINNEBOESE, DONALD H.—Representative Cherokee, Plymouth, Woodbury Counties
Oath of office—994-995
Bills introduced—1548
Amendments filed—1293-1294, 1547-1548, 1668-1673, 1762-1763, 2352, 3208-3236, 3330
Resolutions offered—2171

BITTLE, EDGAR H.—Representative Polk County
Bills introduced—1030*, 1221, 1257, 1426

Amendments filed—280-281, 397, 459, 524-526, 651-652, 1284, 1488, 1674, 1718, 1718-1719, 1758-1759, 1802, 2197, 2323-2326, 2328, 2384, 2426, 2483, 2571-2572, 2685, 2706, 2754, 3024, 3057
Amendments offered—459, 1758, 1979, 2197, 2391, 2395, 2437, 2706
Amendments withdrawn—2197
Committee appointments—657
Petitions presented—250
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Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237
Presented to the House the Honorable Don D. Alt, former member of the House—2699

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(See Communications, subheading Reports and/or individual headings)

BORTELL, GLEN E.—Representative Adair-Clarke-Dallas-Madison-Warren Counties
Bills introduced—1005, 1008, 1031, 1042, 1043, 1069, 1111, 1116, 1129, 1175, 1221, 1238, 1247, 1252, 1254, 1266, 1289, 1303, 1310, 1323, 1548
Amendments filed—241, 415, 517-518, 578, 708, 709-710, 766-767, 875, 1014-1015, 1159-1161, 1161-1162, 1293-1294, 1547-1548, 2247, 2248-2249, 2495-2513, 2518-2519, 2571, 2659, 2938, 3021, 3057, 3367-3368
Amendments offered—241, 728, 792
Amendments withdrawn—1707
Committee appointments—2, 3126, 3155
Petitions presented—268, 769
Reports—2854, 3155, 3263
Resolutions offered—1996-1997, 2742, 2974, 3361, 3383
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BRANDT, DIANE—Representative Black Hawk County
Bills introduced—1043, 1052, 1063*, 1064*, 1070, 1071, 1084*, 1085, 1093*, 1105*, 1147, 1199*, 1206*, 1209*, 1211, 1243, 1308*, 1317*, 1376*, 1385*, 1386*, 1398*, 1525*, 1592
Amendments filed—222, 228-229, 231, 256, 275, 318-320, 341, 341-344, 358, 359, 359-360, 361, 362, 383, 405, 1156, 1159, 1240, 1247, 1248-1249, 1318, 1461, 1486, 1547-1548, 1548-1585, 1585, 1624, 1974, 2316, 2384, 2425, 2426, 2443, 2456, 2456-2457, 2457, 2570, 2813-2816, 2832, 2980, 3004, 3115-3119, 3145, 3208-3235
Amendments offered—256, 309, 310, 396, 397, 602, 604, 666, 1165, 1168, 1867, 1974, 1980, 2316, 2412, 2443, 2836, 3004
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Committee appointments—1860, 2659
Petitions presented—1473, 1682, 1858, 1961, 2191
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Resolutions offered—334, 806, 1149, 1820, 1937, 2390, 2552, 2741, 2973, 2974, 3361

BRANSTAD, TERRY E.—Representative Emmet-Hancock-Kossuth-Winnebago Counties
Bills introduced—1008, 1031, 1051, 1111, 1148, 1221, 1257, 1276, 1289, 1303, 1309, 1541*, 1548
Amendments filed—847, 963, 1014-1015, 1018, 1019, 1020, 1048-1049, 1049, 1050, 1050-1051, 1053, 1054, 1055, 1069, 1074, 1076, 1083-1084, 1087, 1095-1097, 1126, 1127, 1128, 1156, 1157, 1221, 1240-1241, 1242, 1246, 1284, 1284-1285, 1285, 1293-1294, 1300, 1328, 1370, 1376, 1422, 1433, 1433-1435, 1462, 1488, 1489, 1502, 1545, 1546, 1547-1548, 1570, 1675,

1802-1803, 1881, 2247, 2248-2249, 2548, 2618-2619, 2816, 2845-2846, 3057, 3278, 3281-3282
Amendments offered—963, 1060, 1062, 1066, 1069, 1071, 1074, 1078, 1119, 1120, 1175, 1176, 1180, 1182, 1187, 1188, 1221, 1223, 1300, 1382, 1384, 1390, 1409, 1412, 1422, 1424, 1483, 1485, 1498, 1499, 1501, 1502, 1503, 1524, 1570, 1571, 1946, 1947, 1948, 1951, 2483, 2547, 2666, 3101, 3109, 3278
Amendments withdrawn—1066, 1071, 1072, 1120, 1168, 1181, 1188, 1485, 1499, 1556, 1947, 1949, 3295
Committee appointments—2743, 2786-2787
Petitions presented—433, 951, 1682, 1893, 3163
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Request that House File 1221 be withdrawn from Sifting Committee—2670
Resolutions offered—1441, 1996-1997, 3238, 3361

BROCKETT, GLENN F.—Representative Marshall County
Bills introduced—1049*, 1050*, 1111, 1213, 1221, 1224, 1247, 1254, 1266, 1289, 1303, 1318, 1323, 1328, 1337, 1340, 1343
Amendments filed—75, 303, 707-708, 708, 766-767, 1014, 1153, 1154, 1191, 1192, 1193-1194, 1194, 1242-1243, 1293-1294, 1319, 1367-1368, 1439, 1512-1513, 1513, 1625, 1678-1679, 2167, 2167-2168, 2168, 2214-2215, 2247, 2259-2260, 2296, 2495-2513, 2518-2519, 2571, 2671, 2807, 2946, 2978, 3053, 3057, 3208-3236, 3281-3282, 3367-3368
Amendments offered—967, 2201-2202, 2422, 2718, 2804, 2805, 2806
Amendments withdrawn—967, 2423, 2806
Committee appointments—3170, 3304
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Resolutions offered—1998-1999, 2974

BRUNOW, JOHN B.—Representative Appanoose-Clarke-Lucas-Monroe-Wayne Counties
Bills introduced—1031, 1049, 1050, 1063, 1091*, 1108*, 1204, 1210*, 1375, 1397
Amendments filed—122, 336, 341-344, 520-523, 678-679, 766-767, 780-781, 945, 1153, 1190, 1191, 1397, 1547, 1803-1805, 1881, 1992-1993, 2015, 2160, 2215-2217, 2260, 2352, 2440, 2836, 3161
Amendments offered—336, 1352, 1407, 2159, 2269, 2271, 2440, 2661, 2836, 2989
Amendments withdrawn—3301
Committee appointments—2659-2660, 3126, 3127, 3155, 3155-3156, 3196-3199
Petitions presented—176, 407, 1553, 1587, 1727, 2461
Presided at sessions of the House—1499, 2063, 2087, 2179, 2351, 2530, 2724, 2968, 3001, 3005, 3026, 3271
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Resolutions offered—54, 84, 1937, 1996-1997, 1998-1999, 2974, 3363
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BYERLY, RICHARD L.—Representative Polk County
Bills introduced—1043, 1100*, 1102*, 1106*, 1111, 1116, 1375, 1442*
Amendments filed—361, 527-528, 639-640, 780-781, 933, 1394, 1487, 1511, 1547-1548, 1675, 1754, 1802, 1994, 2260, 2457-2458, 2513, 2652, 2653, 2654, 2834, 2885, 2890, 2892, 2894, 2895, 2896, 2897, 2898, 2899, 2912, 2925, 2957, 2977-2978, 2980, 3055-3056, 3191
Amendments offered—377, 545, 780, 933, 1705, 1754, 2552, 2628, 2652, 2654, 2885, 2890, 2894, 2895, 2896, 2897, 2898, 2899, 2957

Amendments withdrawn—377, 2654, 2900, 3293
Committee appointments—1646, 2196, 3112, 3280
Petitions presented—1893
Reappointed, Iowa Public Employees Retirement System—3428
Received unanimous consent to vote on House Files 392, 744, 1363, 1403—1002
Reports—3327-3328, 3355-3359
Request change of vote, SF 1062—572
Resolutions offered—1406, 2701, 3079-3080, 3238-3239
Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237

CAFFREY, JAMES T.—Representative Polk County
Bills introduced—1005, 1006*, 1070, 1071, 1111, 1122, 1144, 1148, 1203, 1272*, 1298, 1333*, 1345, 1355*, 1358, 1381
Amendments filed—341-344, 519, 523, 640-641, 945-946, 1320-1324, 1547-1548, 1667, 1929-1930, 2352
Amendments offered—561
Committee appointments—369
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Bills introduced—1360, 1361, 1362, 1363, 1364, 1403, 1411, 1487, 1516, 1535
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(See Claims Filed)
(See Comptroller of Iowa)
(See State Appeal Board)

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(See also State Appeal Board)
(See also Comptroller of Iowa)
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CLARK, JOHN H.—Representative Lee-Henry Counties
Bills introduced—1051, 1070, 1071, 1309, 1426
Amendments filed—230, 327, 459, 510, 526-527, 848-874, 1080, 1462, 1547-1548, 1994, 2015, 2247, 2483, 2518-2519, 3057, 3161-3162, 3208-3235, 3281-3282, 3367-3368
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Amendments offered—2462
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COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—
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COMMITTEES, COMMISSIONS, BOARDS AND/OR COUNCILS—
(See Communications, subheading Reports and/or individual headings)

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(See President of the United States, Congress and/or Federal Agencies)

CONNORS, JOHN H.—Representative Polk County
Bills introduced—1005, 1008, 1079, 1147*, 1287, 1298*, 1345*, 1375, 1397*, 1548
Amendments filed—651-652, 688, 1038, 1198-1199, 1240, 1545-1546, 1547-1548, 1994, 2043, 2058, 2165, 2483, 3208-3235
Amendments offered—688, 1038, 1604, 2172, 2447, 2823, 3379, 3380
Committee appointments—2, 731, 2196, 3405
Presided at sessions of the House—3147
Received consent that Robert Landess, Industrial Commissioner, be permitted in House during debate on House File 863—2285
Received consent that Paul Moran of the Employment Security Commission, be permitted in House during debate on House File 1593—3273

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Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237

CORRECTION OF JOURNAL—
Re: orders of the day and Second Conference Committee Report, Senate File 1062—1934

COUNTY GOVERNMENT, COMMITTEE ON—
Bills introduced—J.R. 1003; 1155, 1277, 1283, 1369, 1389, 1440, 1441, 1445, 1456, 1484, 1485, 1517
Amendments filed—149
Amendments offered—219
Reports—149, 150, 823
Resolutions offered—1251

CRABB, FRANK—Representative Crawford-Harrison-Monona Counties
Bills introduced—J.R. 1002*; 1008, 1013, 1031, 1051, 1055*, 1057*, 1113*, 1116, 1221, 1232*, 1238, 1247, 1252, 1254, 1268, 1303, 1318, 1323, 1358, 1548
Amendments filed—222, 303, 362, 651, 680, 766-767, 874, 949, 992, 1014-1015, 1192, 1293-1294, 1547-1548, 1817, 1933, 2234, 2247, 2248-2249, 2520, 2541-2547, 2571, 2637, 2749-2754, 2906, 3208-3236, 3367-3368
Amendments offered—114, 2275, 2278, 2281, 2589, 2637
Call of the House—2309
Committee appointments—16, 1645, 3002, 3265
Petitions presented—1961
Reports—3113-3114, 3326
Resolutions offered—1059, 1879, 1996-1997, 2974, 3060-3061, 3148-3149
Presented to the House the Honorable Alfred Nielsen, former member of the House—78
Presented to the House Serigo Paulo Moura De Vasconellos, from Brasilia—78
Presented to the House the Honorable Norman Roorda, former member the House—128
Presented to the House the Honorable C. Raymond Fisher, former member of the House—541
Presented to the House the Honorable Stanley T. Shepherd, former member of the House—1472
Presentation of William R. Kendrick Memorial—252

CRAWFORD, REID W.—Representative Boone-Polk-Story Counties
Bills introduced—1043, 1053, 1071, 1221, 1245, 1259, 1316*, 1318, 1340, 1343, 1356, 1418*, 1426
Amendments filed—531-532, 848-874, 964, 1658, 1805-1808, 2181-2182, 2425-2426, 2636, 2673-2685, 2755, 3034, 3057-3058, 3399-3400
Amendments offered—565, 964, 2410, 2636, 2967, 3034, 3151

CUSACK, GREGORY D.—Representative Scott County
Bills introduced—1002, 1052, 1078*, 1104*, 1122*, 1130, 1143*, 1169*, 1172, 1178*, 1181, 1204*, 1209, 1211, 1214*, 1311*, 1325*, 1334*, 1375, 1377*, 1378*, 1386, 1392*, 1395*, 1405*, 1412*, 1413*, 1421*, 1425*, 1426
Amendments filed—341-344, 539-540, 596, 639-640, 842-843, 1008, 1009, 1013, 1196-1197, 1431, 1547-1548, 1667, 1668-1673, 1855-1856, 1929-1930, 1953, 1954, 2050-2051, 2166, 2260, 2334, 2483, 2639, 2652, 2755, 2858, 2860, 2946, 2981, 3062, 3208-3236, 3330, 3367-3368
Amendments offered—692, 1008, 1446, 1869, 2220, 2224, 2432, 2652, 2858, 3003

Amendments withdrawn—1873, 3005
Appointed to the Interstate Cooperative Commission—3428
Committee appointments—2, 731, 2659, 2959, 3124, 3129, 3262, 3304, 3405
Petitions presented—2330
Presided at sessions of the House—1479, 1652, 1923, 1979, 2089, 2163, 2405, 2410, 2787, 3302, 3312, 3336
Reports—2958-2959, 3128-3129, 3131-3138, 3157-3159, 3269-3271, 3304, 3349-3354
Request his name be added as a sponsor of House File 1002—44
Request his name be added as a sponsor to House File 1209—314
Request his name be added as a sponsor to House File 1386—649
Resolutions offered—2171, 2322, 2583, 2584, 2781, 3171

DAGGETT, HORACE—Representative Adams-Montgomery-Page-Ringgold-Taylor Counties
Bills introduced—1005, 1008, 1031*, 1042, 1043, 1051, 1053, 1069, 1077*, 1086*, 1111, 1129*, 1130, 1221, 1224, 1229*, 1238, 1243, 1247, 1252*, 1259, 1275, 1289, 1300, 1303, 1309, 1323, 1381, 1548
Amendments filed—174-175, 766-767, 777, 778, 982, 1014, 1293-1294, 1438, 1447, 1449, 1547, 1549, 1551, 1584-1585, 1585, 1719-1721, 2248-2249, 2299, 2320, 2358-2359, 2494, 2706, 2755, 2938, 3021, 3208-3235, 3330
Amendments offered—777, 778, 1447, 1449, 2320, 2380, 2706, 3004, 3021
Committee appointments—2, 731, 1860, 2196, 3244, 3280
Petitions presented—128, 250
Reports—1962-1963, 3280, 3355-3359
Resolutions offered—1996-1997, 1997-1998, 2583, 3156, 3238, 3361
Subcommittee assignments—57
Official delegate to attend the funeral services of Mrs. Allyene May—3156
Special Recognition, Nancy Gray, the Speaker's Page from Bedford, won an REC Youth to Washington Contest—1938
Presented to the House Al Costa, an AFS student from San Paulo, Brazil—2304

DANKER, ARLYN E.—Representative Harrison-Pottawattamie-Shelby Counties
Bills introduced—1008, 1031, 1042, 1043, 1053, 1111, 1116, 1129, 1221, 1238, 1247, 1275, 1289, 1309, 1318, 1323, 1358, 1548
Amendments filed—254, 708, 765, 766-767, 1014-1015, 1293-1294, 1547-1548, 1625-1626, 2231, 2247, 2248-2249, 2483, 2518-2519, 2541-2547, 2548-2549, 2749-2754, 3057, 3208-3235, 3281-3282
Amendments offered—254, 2231
Committee appointments—14
Remarks in memory of the Honorable Bert Fullerton—68
Request name be withdrawn as a sponsor of amendment H-6563 to Senate File 1310—2528
Resolutions offered—1937, 1996-1997, 2974

DEN HERDER, ELMER H.—Representative Lyon-Sioux Counties
Bills introduced—J.R. 1002; 1008, 1013*, 1051, 1130, 1144, 1221, 1247, 1259, 1264, 1268, 1289, 1303, 1358, 1373, 1381, 1548
Amendments filed—280, 1014, 1293-1294, 1547-1548, 1668-1673, 1679, 1855-1856, 1929-1930, 2247-2248, 2248-2249, 2518-2519, 2858, 3208-3235, 3281-3282, 3367-3368
Amendments offered—348
Committee appointments—731, 3124, 3129, 3262, 3405
Reports—3128-3129, 3157-3158, 3269-3271
Resolutions offered—1996-1997, 2171, 3361, 3365

Presented to the House Salvador Espinosa Gomez, an exchange student from Tampico, Mexico—1163
Presented to the House the Honorable Garritt E. Roelofs, former member of the Senate—1331

DIELEMAN, WM. W. "Bill"—Representative Jasper-Mahaska-Marion-Poweshiek Counties
Bills introduced—1008, 1031, 1069, 1111, 1130, 1144, 1211, 1290*, 1357*, 1375, 1548, 1592
Amendments filed—211-212, 653, 766-767, 1014-1015, 1159-1161, 1161-1162, 1239-1240, 1241, 1245-1246, 1293-1294, 1461, 1687-1690, 1764, 1954, 2247-2248, 2248-2249, 2352, 2518-2519, 2938, 3208-3236, 3330
Amendments offered—1305, 1986
Amendments withdrawn—1308, 1690, 1986, 2376
Call of the House—2309
Committee appointments—1945
Petitions presented—1022, 1023
Resolutions offered—3238, 3238-3239, 3361
Subcommittee assignments—57
Presented to the House the Honorable Gerritt Van Roekel, former member of the House—1296
Presented to the House Miss Ruth Van Gorp, Pella, Iowa, Queen of the 1976 Pella Tulip Festival with her court—2190

DISCRIMINATORY EMPLOYMENT PRACTICES STUDY COMMITTEE
Bills introduced—1163, 1164

DOYLE, DONALD V.—Representative Woodbury County
Bills introduced—1009*, 1054, 1144, 1174*, 1182, 1211, 1213, 1232, 1242*, 1257, 1270*, 1273*, 1338*, 1381*, 1408*
Amendments filed—225, 226, 242, 265, 328, 341-344, 397, 650-651, 651-652, 660, 674-676, 718, 898-911, 945, 1014, 1080, 1081-1082, 1190-1191, 1195-1196, 1243-1244, 1244-1245, 1328-1329, 1329, 1397-1398, 1430-1431, 1461, 1512, 1547, 1668-1673, 1686, 2247-2248, 2306, 2395, 2425, 2618, 2685-2686, 2722, 2724, 2846, 3285-3286, 3367-3368
Amendments offered—225, 226, 242, 337, 660, 686, 718, 1686, 1853, 2403, 2404, 2722, 2724
Committee appointments—68, 370, 1645, 1860
Petitions presented—2330
Reports—53, 1962-1963
Resolutions offered—68, 335, 659, 1542, 2389, 3060-3061, 3121-3122, 3238
Subcommittee assignments—45
Official delegate to attend the funeral services of the Honorable Bert Fullerton—68
Presented to the House the Honorable Harold J. Houston, former member of the House—2757

DRAKE, RICHARD F.—Representative Muscatine-Scott Counties
Bills introduced—J.R. 1004*; 1031, 1033, 1042, 1043, 1069, 1111, 1116, 1221, 1247*, 1252, 1254, 1259, 1266, 1276, 1289, 1323, 1340, 1343, 1375, 1537*
Amendments filed—46, 75, 76-77, 264, 317-318, 612, 639-640, 650-651, 709-710, 799, 844-846, 945, 1014-1015, 1153, 1190, 1190-1191, 1191, 1430-1431, 1512, 1575, 1576-1578, 1637, 1638, 1641, 1711-1715, 1715-1716, 1764-1802, 1992-1993, 1993, 2095, 2168-2169, 2247, 2297-2298, 2326-2327, 2334, 2348, 2352, 2375, 2483, 2666, 2836, 2875, 2875-2876, 2990, 3040-3053, 3161, 3188, 3208-3235, 3330, 3367-3368, 3398
Amendments offered—693, 1637, 1641, 1652, 1653, 1661, 1662, 1663, 1744, 2351, 2401, 3188
Amendments withdrawn—1653
Committee appointments—370, 2659-2660

Resolutions offered—1879, 2974, 3238, 3363
Subcommittee assignments—45
Official delegate to attend the funeral services of Michael E. Connors—69

DUNTON, KEITH H.—Representative Keokuk-Washington Counties
Bills introduced—1005, 1051, 1130, 1204, 1211, 1264, 1373, 1375, 1409
Amendments filed—673, 708, 766-767, 799, 846-847, 848-874, 1438-1439, 1547-1548, 1717, 1719-1721, 2028-2029, 2247, 2327, 2352, 2946, 3120, 3208-3236, 3281-3282
Amendments offered—967, 2223, 2275, 2430, 2623, 3037
Amendments withdrawn—2224, 2964
Committee appointments—1945, 3126, 3155
Recorded vote, Senate File 240—115
Reports—87, 126, 168, 169, 206-207, 245, 300, 301, 404, 413, 980, 1125, 1315, 1365-1366, 1575, 1855, 1927, 1991-1992, 1992, 2296, 2356-2357, 2452, 2493, 2538-2539, 2616, 2657, 2658, 2744-2745, 2862-2863, 2906, 2923, 2960-2963, 2971, 2976, 2977, 3008, 3039, 3125-3126, 3126, 3154-3155, 3186, 3263, 3300, 3387-3388
Resolutions offered—956, 1996-1997, 2884

DUPLICATORY INSPECTION REQUIREMENTS STUDY COMMITTEE—
Bills introduced—1134, 1135, 1136, 1137, 1138, 1139, 1140, 1153, 1154, 1184, 1190, 1191, 1192, 1195, 1196, 1198

DYRLAND, TERRY—Representative Clayton-Delaware-Dubuque-Fayette Counties
Bills introduced—1031, 1052, 1070, 1071, 1144*, 1309, 1375, 1384*
Amendments filed—651, 693, 768, 780, 814, 816, 842-843, 843, 931, 980-981, 1293-1294, 1325-1326, 1462-1463, 1547, 1575-1576, 1994, 2015, 2051-2057, 2483, 2494, 2640, 2671, 2673-2685, 2813-2816, 2831, 2832, 2858, 2912, 2938, 3115-3119, 3190, 3333, 3367-3368
Amendments offered—780, 930, 1607, 1663, 2019, 2705, 2730, 3190, 3333
Amendments withdrawn—780, 1221, 2730
Appointed to Committee on Appropriations and to Appropriations subcommittee on Human Resources—2843
Committee appointments—2843, 3002
Presided at sessions of the House—2233
Removed from Ways and Means Committee—2843
Reports—3113-3114
Resolutions offered—806, 1996-1997, 2583, 3121-3122, 3397

EDUCATION, COMMITTEE ON—
Bills introduced—1040, 1041, 1044, 1097, 1098, 1201, 1329, 1399, 1434, 1435, 1436, 1446, 1448, 1452, 1461, 1472, 1475, 1476, 1496, 1534
Amendments filed—138-139, 574, 1055-1056
Amendments offered—215
Reports—138, 573, 1080

EGENES, SONJA—Representative Boone-Hamilton-Story-Webster Counties
Bills introduced—1111, 1209, 1221, 1238*, 1247, 1252, 1266, 1289, 1292*, 1315*, 1318*, 1323*, 1337*, 1340, 1347*, 1417*, 1419, 1426
Amendments filed—302-303, 359, 416-417, 424-425, 639-640, 765, 766-767, 1054, 1547-1548, 1549, 1578-1579, 1579, 1932, 1932-1933, 1955-1956, 2057, 2247, 2258-2259, 2299, 2300, 2327-2328, 2455, 2483, 2518-2519, 2571, 2671-2672, 3208-3236
Amendments offered—454, 776, 2720
Amendments withdrawn—455
Committee appointments—2, 3002
Reports—3170

Resolutions offered—806
Subcommittee assignments—57

EMPLOYEES—
(See Officers and Employees)

EMPLOYMENT OF THE UNEMPLOYED STUDY COMMITTEE—
Bills introduced—1165
Resolutions offered—239

EMPLOYMENT SECURITY LAW STUDY COMMITTEE—
Bills introduced—1158, 1159, 1160

ENERGY, COMMITTEE ON—
Bills introduced—1256, 1281, 1371, 1470, 1471, 1482, 1486
Resolutions offered—1101, 1541, 3361

ENERGY POLICY COUNCIL—
Appointments—3428

ENROLLED BILLS—
(See Bills, Report of House; Chief Clerk of House, David L. Wray, and/or Speaker of the House, Dale M. Cochran)

ETHICS, COMMITTEE ON—
Re: House Concurrent Resolution 104, parliamentary inquiry, Rule 71 and Part 5 of the House Code of Ethics—243

EVANS, COOPER—Representative Black Hawk-Butler-Franklin-Grundy-Marshall-Tama Counties
Bills introduced—1004*, 1008, 1042, 1043, 1069, 1111, 1175, 1213, 1221, 1235, 1258*, 1291*, 1342, 1396*, 1416, 1426
Amendments filed—46, 211-212, 247-248, 531, 766-767, 981, 1001, 1011-1012, 1014, 1153, 1154, 1191, 1192, 1193, 1193-1194, 1194, 1242-1243, 1293-1294, 1319, 1394, 1469, 1512, 1513, 1547-1548, 1625, 1668-1673, 1678, 1678-1679, 1679, 1679-1680, 1955, 1956, 2081, 2166, 2167, 2167-2168, 2168, 2188-2189, 2200, 2247, 2357-2358, 2483, 2518-2519, 2570-2571, 2673-2685, 2799, 2807, 2946, 2978, 3057, 3201-3208, 3208-3235, 3281-3282, 3330
Amendments offered—561, 1001, 2175, 2199, 2200, 2798, 2804, 2807
Amendments withdrawn—2176, 2199, 2200, 2585, 2798, 2804, 2807
Petitions presented—153
Request name be added as a sponsor of House File 1008—278
Resolutions offered—1996-1997, 2171
Presented to the House Uwe Wilcke, a foreign exchange student from West Germany—268

EXPLANATION OF VOTE—
House File 24—Representative O'Halloran—314
House File 91, 200—Representative Daggett—2023
House File 200—Representative Caffrey—794
House File 243—Representative O'Halloran—314
House File 324—Representative McElroy—1880
House File 443—Representative Cusack—136
House File 576—Representative Spencer—671
House File 576—Representative Harper—732
House File 584—Representative Perkins—2451
House File 584—Representative Middleton—3281
House File 614—Representative Lageschulte—3159
House File 689—Representatives Lipsky, Perkins and O'Halloran—1364
House File 689—Representative Dieleman—1427

House File 694—Representative McElroy—244
House File 769—Representative Dieleman—2356
House File 769—Representative Harper—2383
House File 787—Representatives O'Halloran, Perkins and Hutchins—625
House File 787—Representative Spencer—671
House File 787—Representative Harper—732
House File 795—Representative Middleton—2923
House File 829—Representative Daggett—2537
House File 829—Representative McElroy—2538
House File 830—Representative Middleton—2565
House File 845—Representative Spencer—671
House File 845—Representative Harper—732
House File 863—Representative Harper—732, 2383
House File 863—Representative Caffrey—794
House File 863—Representative McElroy—2322, 2323
House File 909—Representative Middleton—1990
House File 909—Representative Brunow—2023
House File 914—Representative Dieleman—3397
House File 1009—Representative Harper—732
House File 1009—Representative Caffrey—794
House File 1011—Representative Norland—1855
House File 1011—Representative Oakley—1880
House File 1026—Representative Harper—732
House File 1026—Representative Caffrey—794
House File 1033—Representative Brandt—72
House File 1033—Representatives Gentleman, Walter, Husak, and Koogler—73
House File 1033—Representative Spradling—85
House File 1037—Representative Cusack—149
House File 1040—Representative McElroy—1880
House File 1041—Representative Cusack—136, 823
House File 1044—Representative Cusack—149
House File 1047—Representatives Lipsky, Perkins and O'Halloran—1364
House File 1047—Representative Dieleman—1427
House File 1048—Representative Caffrey—794
House File 1048—Representative Koogler—794-795
House File 1050—Representative Middleton—2565
House File 1051—Representative Caffrey—794
House File 1051—Representative Koogler—794-795
House File 1052—Representative Bennett—1623
House File 1052—Representative O'Halloran—1665
House File 1053—Representative Junker—1152
House File 1053—Representative Middleton—1189
House File 1059—Representative Bittle—258
House File 1059—Representative Daggett—296
House File 1063—Representative Caffrey—794
House File 1063—Representative Koogler—794-795
House File 1063—Representative McElroy—1880
House File 1067—Representative O'Halloran—1665
House File 1081—Representative Dieleman—201
House File 1081—Representative Anderson—228
House File 1082—Representative Dieleman—201
House File 1082—Representative Anderson—228
House File 1092—Representative Perkins—2451
House File 1094—Representative Dieleman—201
House File 1094—Representative Anderson—228
House File 1098—Representative Daggett—296
House File 1106—Representatives Cusack and Bittle—823
House File 1107—Representative Middleton—1990

House File 1107—Representative Brunow—2023
House File 1123—Representatives Cusack and Bittle—823
House File 1123—Representative O'Halloran—3038
House File 1129—Representative Spencer—399
House File 1129—Representative Cusack—514
House File 1131—Representative Harper—732
House File 1141—Representative Doyle—314
House File 1141—Representative Cusack—338
House File 1142—Representative Doyle—314
House File 1142—Representative Cusack—338
House File 1143—Representative Oakley—1152
House File 1145—Representatives Middleswart and Miller of Calhoun—2862
House File 1157, H—5143—Representatives Koogler and O'Halloran—380
House File 1157, H—5202—Representative Jochum—399
House File 1157—Representative Jochum—399
House File 1161—Representative Pavich—1665
House File 1162—Representative Harper—732
House File 1162—Representative Daggett—2023
House File 1164—Representative Dunton—2424-2425
House File 1164—Representative Perkins—2451
House File 1165—Representative Junker—1152
House File 1165—Representative Middleton—1189
House File 1198—Representative Koogler—794-795
House File 1198—Representative McElroy—1880
House File 1200—Representatives O'Halloran and Perkins—2451
House File 1200, H—6512—Representative Perkins—2451
House File 1201—Representative Harper—732
House File 1201—Representative McElroy—1880
House File 1217—Representative O'Halloran—1665
House File 1226—Representative Pavich—1665
House File 1245—Representative O'Halloran—625
House File 1256—Representative Harper—732
House File 1256—Representative Caffrey—794
House File 1277—Representative Caffrey—794, 1990
House File 1277—Representative Koogler—794-795
House File 1278—Representative Caffrey—794
House File 1278—Representative Koogler—794-795
House File 1280—Representative O'Halloran—795
House File 1280—Representatives Pavich and Cusack—823
House File 1281—Representative Caffrey—794
House File 1281—Representative Koogler—794-795
House File 1287—Representatives Daggett and O'Halloran—1239
House File 1298—Representative Junker—1152
House File 1298—Representative Middleton—1189
House File 1299—Representative Koogler—1665
House File 1313, H—5286—Representative O'Halloran—625
House File 1313—Representative O'Halloran—625
House File 1313—Representative Oakley—649
House File 1314—Representative Daggett—2537
House File 1314—Representative Oakley—2565
House File 1320—Representative Dunton—1459
House File 1321—Representative Dunton—1459
House File 1322—Representative O'Halloran—795
House File 1322—Representative Cusack—823
House File 1322—Representative Pavich—823
House File 1326—Representatives Cusack and Bittle—823
House File 1327—Representatives Hutchins and Bittle—823
House File 1329—Representative Lageschulte—3159

House File 1332—Representative Lageschulte—3159
House File 1346—Representative Dunton—1459
House File 1346—Representative Middleton—3281
House File 1359—Representative Dieleman—1427
House File 1361—Representative Junker—1152
House File 1361—Representative Middleton—1189
House File 1362—Representative Daggett—706
House File 1362—Representative Harper—732
House File 1365—Representative Oakley—1152
House File 1366—Representative Dieleman—1427
House File 1367—Representatives Hutchins, Cusack and Bittle—823
House File 1370—Representative Dieleman—1427
House File 1371—Representatives Readinger and Dunton—2424-2425
House File 1371—Representative Perkins—2451
House File 1390—Representative Oakley—1152
House File 1401—Representative O'Halloran—795
House File 1401—Representative Pavich—823
House File 1403—Representative Daggett—2023
House File 1407—Representative Koogler—1665
House File 1408—Representative Brunow—2023
House File 1408—Representative Lageschulte—2049
House File 1410—Representatives Brockett and Fitzgerald—1123
House File 1410—Representative Oakley—1152
House File 1432—Representative Koogler—1665
House File 1435—Representative Junker—1152
House File 1439—Representative Junker—1152
House File 1439—Representative Middleton—1189
House File 1440—Representatives Perkins, O'Halloran and Lipsky—1364
House File 1440—Representative Dieleman—1427
House File 1447—Representative Bennett—1623
House File 1447—Representative O'Halloran—1665
House File 1451—Representative Daggett—2537
House File 1451—Representative McElroy—2538
House File 1456—Representative Oakley—1152
House File 1457—Representatives Lipsky, Perkins and O'Halloran—1364
House File 1457—Representative Dieleman—1427
House File 1458—Representative Dieleman—1427
House File 1459—Representative Dieleman—1427
House File 1460—Representative Junker—1152
House File 1460—Representative Middleton—1189
House File 1461—Representative Dieleman—1427
House File 1462—Representatives Daggett and Gentleman—1239
House File 1463—Representative Junker—1152
House File 1463—Representative Middleton—1189
House File 1464—Representative Dieleman—1427
House File 1465—Representative Koogler—1665
House File 1466—Representative Daggett—2537
House File 1466—Representative McElroy—2538
House File 1470, H—5608—Representative Bittle—1079
House File 1470—Representative Oakley—1880
House File 1472—Representative Cusack—2564
House File 1472—Representative Oakley—2565
House File 1473—Representative Daggett—1239
House File 1473—Representative O'Halloran—1239
House File 1475—Representative McElroy—2538
House File 1475—Representative Daggett—2537
House File 1477—Representative Hutchins—2843
House File 1478—Representative Dunton—1762
House File 1480—Representative Lageschulte—2383
House File 1480, H—6487 and H—6239—Representative Harper—2383
House File 1480—Representative Harper—2383

House File 1480—Representative Walter—2384
House File 1480—Representative O'Halloran—3038
House File 1483—Representative Pavich—1665
House File 1485—Representative Daggett—2537
House File 1485—Representative McElroy—2538
House File 1486—Representative Hinkhouse—2493
House File 1487—Representative Daggett—2537
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House File 1490—Representative Harper—2383
House File 1490—Representative Middleton—2383-2384
House File 1490—Representative Cochran—2424-2425
House File 1491—Representatives Middleton and Harper—2565
House File 1491—Representative Hutchins—2616
House File 1492—Representative Daggett—2023
House File 1493—Representative O'Halloran—1665
House File 1495—Representative Bennett—1623
House File 1495—Representative O'Halloran—1665
House File 1496—Representative Bennett—1623
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Senate File 85, H—5701—Representative Miller of Calhoun—2024
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Senate File 85, H—6904—Representative Hinkhouse—2049
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Senate File 1050—Representative Hutchins—2616
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Senate File 1090—Representatives Hutchins, Pavich and Cusack—823
Senate File 1092—Representative Perkins—2451

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Senate File 1251—Representative Dieleman—3397
Senate File 1252—Representative O'Halloran—3038
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Senate File 1275—Representative Harper—2383
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Senate File 1276, H-6921—Representative Dieleman—3397

Senate File 1278—Representative Perkins—2451
Senate File 1279—Representative Harper—2383
Senate File 1280—Representative Daggett—2743
Senate File 1283—Representatives Cusack and Oakley—2565
Senate File 1285—Representatives Middleton and Readinger—2451
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Senate File 1314—Representatives Lipsky and Menke—3114
Senate File 1335—Representative Dieleman—3397
Senate File 1338—Representative Dieleman—3397
Senate File 1343, H-6865, H-6871—Representative Cusack—3193

FITZGERALD, JEROME—Representative Webster County, Majority Floor Leader
Bills introduced—1033, 1148, 1375*
Amendments filed—169, 346, 2483, 2755, 2946
Amendments offered—346
Amendments withdrawn—1847
Announced, orders of the day, Senate File 85 and Second Conference Committee Report on Senate File 1062—1893
Committee appointments—2659, 3405
Motion to challenge the ruling of the Chair, Second Conference Committee Report on Senate File 1062—1899-1900
Objection to substitution, Senate File 1062 for House File 1115—408
Petitions presented—2461
Previous question on the following:
House File 769—2311
House File 1011—1753, 1761
House File 1038—3371
House File 1314—2444
House File 1329—3077
House File 1332—3097
House File 1449—2721
House File 1470—1010
House File 1539—1447
House File 1550—2586
House File 1558—2230
House File 1573—2637
House File 1583—2911
House File 1590—3101
House File 1593—3278
Senate File 85—1525, 2614
Senate File 367—2774
Senate File 1207—2198
Senate File 1261—3014
Senate File 1276—2661
Senate File 1314—3001
Senate File 1332—2995
Received consent that the Criminal Code subcommittee be allowed to file amendments to Senate File 85—782
Remarks—7
Reports—2811, 2812
Resolutions offered—3, 54, 68-69, 288, 346, 956, 1151, 1683, 1820, 1860, 1897, 3079-3080, 3156, 3288, 3364, 3396

Official delegate to attend the funeral services of Michael E. Connors—69
Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237
Presented to the House five members of a Group Study Exchange program and their Rotarian leader from District 128 in Norway—2581

GENERAL ASSEMBLY—House—
(See House Concurrent Resolutions, House Resolutions, and Senate Concurrent Resolutions listed in Legislative Index Volume)

GENTLEMAN, JULIA B.—Representative Polk County
Bills introduced—1042, 1211, 1213, 1221, 1247, 1266, 1289, 1303, 1318, 1340, 1426
Amendments filed—175, 523, 1301, 1389, 1517, 1547-1548, 1658, 1668-1673, 1678-1679, 1891, 1895, 1945, 2247-2248, 2483, 2571-2572- 2755, 2813-2816, 3115-3119
Amendments offered—270, 272, 1301, 1389, 1520, 1523, 1536, 1571, 1572, 1878, 1895, 1939, 1942, 1943, 1948, 1949
Amendments withdrawn—272, 274, 1895
Committee appointments—369, 2659, 2787
Petitions presented—232, 365, 682, 3121
Reports—2761-2762, 3261, 3303
Resolutions offered—806, 2171, 2973, 3238, 3365
Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237
Presented to the House Max Schoernberg from Sylt, Germany, foreign exchange student—108

GILLOON, THOMAS J.—Representative Dubuque-Jackson Counties
Bills introduced—1062*, 1070*, 1071*, 1076*, 1119*, 1144, 1156*, 1223*, 1255, 1276, 1287, 1375
Amendments filed—127, 311, 360-361, 674-676, 693, 703, 842-843, 848-874, 980-981, 1037, 1039, 1141, 1234, 1285-1292, 1461, 1464-1469, 1547-1548, 1624, 1666, 1717, 1872, 1988, 2062, 2236, 2237, 2352, 2441, 2483, 2548-2549, 2832, 2912, 3153, 3330
Amendments offered—135, 693, 926, 1037, 1141, 1234, 1872, 2062, 2236, 2403, 2441
Amendments withdrawn—135, 703, 1039, 1639
Resolutions offered—334, 806, 1820, 1998-1999
Subcommittee assignments—45
Presented to the House Miss Pamela Petersen of Preston, Iowa's entry in the Miss National Teen-Ager Pageant at Atlantic City—1296

GOVERNOR RAY, ROBERT D.—
Committee to notify—2, 16, 1646, 3405
Committee to escort—17, 1646
Resolution relating to State of the State and Budget Messages, House Concurrent Resolution 101—3 adopted
State of the State and Budget Messages—17-26
Addressed joint convention 16-26, 1646-1651
Bills signed by—85, 296-297, 380, 411-412, 588, 733, 795-796, 971, 1047, 1080, 1124, 1153, 1314-1315, 1365, 1460, 1574, 1624, 1709, 1991, 2049, 2246, 2565-2566, 2616, 2670, 2744, 2975-2976, 3038-3039, 3115, 3160, 3366-3367, 3410-3418
Statement on House File 774—971-972
Resolution relating to:
House Concurrent Resolution 105—239-240
House Concurrent Resolution 116—1149-1150, 2552
Presented John W. Warner, Administrator of the American Revolution Bicentennial Administration—1647

Item Veto Messages—2238-2246, 3421-3425
Veto Messages—1707-1708, 2024-2025, 3418-3421
Closing Message—3406-3409

GRIFFEE, WILLIAM B.—Representative Chickasaw-Floyd-Howard-Mitchell Counties
Bills introduced—J.R. 1002-1116, 1144, 1170*, 1172*, 1204, 1211, 1375, 1426
Amendments filed—88-89, 264, 651-652, 708, 1008, 1447, 1855-1856, 2015, 2026-2028, 2051-2057, 2230, 2247-2248, 2483, 2494, 2619, 2689, 2698, 2937-2938, 2982-2983, 2983, 3058, 3188, 3189, 3199, 3200-3201
Amendments offered—103, 670, 1447, 2230, 2524, 2623, 2624, 2639, 2968, 3064, 3139, 3175, 3188, 3189
Call of the House—2309
Committee appointments—369, 2032, 3002, 3112, 3265
Presided at sessions of the House—1036, 1869, 2948, 3098
Reports—1102, 3113-3114, 3326, 3327-3328
Resolutions offered—2171, 2583

HALVORSON, ROGER A.—Representative Allamakee-Clayton-Winneshiek Counties
Bills introduced—J.R. 1001*-1008, 1031, 1042, 1043, 1051, 1069, 1071, 1111, 1116, 1125*, 1130, 1144, 1175, 1221, 1234, 1235, 1238, 1239*, 1247, 1248*, 1252, 1254, 1259, 1260, 1267*, 1268, 1289, 1303, 1318, 1319*, 1323, 1331*, 1337, 1340, 1342, 1343, 1358, 1548
Amendments filed—140, 246-247, 596, 652, 676, 766-767, 780, 1014, 1087, 1093-1095, 1153, 1154, 1159, 1191, 1193, 1193-1194, 1194, 1197-1198, 1225, 1242-1243, 1285, 1293-1294, 1319, 1469, 1489-1491, 1544, 1547-1548, 1575, 1668, 1676-1678, 1717-1718, 1994, 2015, 2016, 2080-2081, 2160, 2247-2248, 2248, 2483, 2518-2519, 2666, 2673-2685, 3208-3236, 3281-3382, 3349, 3367-3368
Amendments offered—110, 147, 780, 1173, 1174, 1225, 1391, 1537, 2046, 2472
Amendments withdrawn—1224, 1311, 2045
Committee appointments—3112, 3127
Reports—3127, 3158-3159
Resolutions offered—1996-1997, 1998-1999, 2974, 3238

HANSEN, INGWER L.—Representative Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux Counties
Bills introduced—1005, 1008, 1024*, 1025*, 1031, 1051, 1056*, 1111, 1116, 1175, 1208*, 1221, 1247, 1250, 1252, 1253*, 1259*, 1264*, 1268*, 1269, 1289, 1311, 1373*, 1404*, 1414*, 1419, 1548
Amendments filed—170, 170-171, 171-172, 208-209, 209-211, 211-212, 280, 280-281, 425, 429-430, 766-767, 1014-1015, 1127, 1197, 1210-1211, 1211, 1293-1294, 1447, 1514-1515, 1547, 1579-1581, 1584-1585, 1585, 1667, 1719-1721, 1872, 1929-1930, 1930, 2048, 2165, 2214-2215, 2230, 2247, 2248-2249, 2327, 2433, 2483, 2495-2513, 2518-2519, 2547, 2571, 2858, 2938, 3015, 3057, 3281-3282, 3330, 3367-3368
Amendments offered—349, 1222, 2047, 2369, 3292
Amendments withdrawn—2623, 2949
Committee appointments—656, 2659, 2659-2660, 2959
Petitions presented—681
Reports—2958-2959, 3131-3138
Request House File 1360 be removed from Steering Committee noncontroversial calendar—1350
Resolutions offered—656, 1998-1999, 2322, 2583, 2742, 3238
Attended the unveiling of the Iowa Monument at Valley Forge, Pennsylvania, Freedom Foundation, honoring Iowa medal of honor winners—3299

HARGRAVE, WILLIAM J.—Representative Johnson County, Assistant Majority Floor Leader
Bills introduced—1053, 1063, 1065*, 1070, 1071, 1148, 1204, 1211, 1311, 1375, 1376
Amendments filed—139-140, 173, 173-174, 174, 275, 341, 825-837, 933, 1008, 1063, 1064, 1227, 1430, 1511, 1545, 1547, 1929-1930, 1994, 2015, 2098, 2160, 2483, 2640, 2858, 2925-2926, 3040-3053, 3301, 3330
Amendments offered—158, 219, 376, 919, 1064, 1227, 2018, 2640, 3301
Amendments withdrawn—180, 181, 182, 1064, 2644, 3302
As Speaker, propounded the questions to the House on the germaneness of Senate File 1062, H—5244—562
Committee appointments—16, 645, 2659
Petitions presented—581, 1332
Presided at sessions of the House—561
Reports—657
Request name be withdrawn as a sponsor of House File 121—354
Resolutions offered—43, 334, 1482, 1998-1999, 2583, 3122, 3364-3365, 3397

HARPER, MATTIE—Representative Appanoose-Davis-Wapello Counties
Bills introduced—1005, 1008, 1021, 1042*, 1043*, 1111, 1116*, 1124*, 1133*, 1175, 1208, 1211, 1213*, 1220, 1234*, 1239, 1287, 1311, 1324*, 1375, 1397
Amendments filed—230, 240, 311, 429-430, 1087, 1126, 1285, 1293-1294, 1394, 1550-1551, 1678-1679, 1871, 1973-1974, 2168-2169, 2247, 2323, 2375, 2483, 2541-2547, 2547, 2548-2549, 2749-2754, 2938, 2948, 3208-3236, 3282
Amendments offered—240, 1452, 2203, 2375
Committee appointments—2, 52, 731
Petitions presented—120, 121, 214, 1164, 1473, 1588
Request Representative Stephens' name be withdrawn as a sponsor of House File 121—1978
Request name be withdrawn as a sponsor of amendment H—6444 to House File 1069—2425
Resolutions offered—806, 1996-1997
Subcommittee assignments—45
Official delegate to attend the funeral services of Michael E. Connors—69
Attended the unveiling of the Iowa Monument at Valley Forge, Pennsylvania, Freedom Foundation, honoring Iowa medal of honor winners—3299

HARVEY, LaVERN R.—Representative Scott County
Bills introduced—1045*, 1053, 1116, 1148, 1211, 1221, 1235, 1244*, 1252, 1254, 1259, 1289*, 1323, 1328, 1342*, 1343*, 1416*
Amendments filed—414, 536, 650-651, 676-677, 677-678, 736-763, 766-767, 848, 848-874, 874, 1012, 1012-1013, 1013, 1014, 1014-1015, 1048, 1080, 1154, 1316-1318, 1320-1324, 1394, 1462, 1547-1548, 1626-1631, 1880-1881, 1891, 1956-1959, 2025-2026, 2026, 2247-2248, 2248-2249, 2260, 2260-2264, 2302, 2334, 2373, 2425, 2455, 2483, 2518-2519, 2548-2549, 2671, 2672, 2745-2749, 2799, 2803, 2981, 2982, 3015, 3019, 3330
Amendments offered—1171, 1457, 1458, 2337, 2341, 2373, 2731, 2799, 2803, 3005, 3151
Amendments withdrawn—2193, 2955
Call of the House—3167
Committee appointments—3186
Reports—3359-3361
Resolutions offered—2974, 3156
Official delegate to attend the funeral services of Mrs. Allyene May—3156

Presented to the House Nathalie Garnier, an AFS student from Clermont-Ferrand, France—1163

HENNESSEY, MAURICE—Representative Delaware-Dubuque-Jackson-Jones Counties
Bills introduced—1053, 1069*, 1070, 1071, 1130, 1144, 1224*, 1243*, 1276, 1287*, 1309, 1310*, 1375, 1592
Amendments filed—127, 301, 766-767, 787, 798, 981, 1190, 1210, 1293-1294, 1511-1512, 1994, 2166, 2247, 2296-2297, 2352, 2455, 2483, 2494, 2513-2519, 2539-2541, 2616-2617, 2673-2685, 2813-2816, 2826, 2832, 2937-2938, 3199, 3200, 3201, 3208-3236, 3330, 3367-3368, 3399-3400
Amendments offered—309, 787, 1219, 1230, 2826, 2832, 3179
Amendments withdrawn—219
Committee appointments—3265
Petitions presented—128, 232, 345
Reports—1102, 3326
Resolutions offered—2742
Subcommittee assignments—57
Presented to the House the Honorable Roy A. Miller, former member of the House—1404

HIGGINS, THOMAS J.—Representative Scott County
Bills introduced—1042, 1047*, 1048*, 1052, 1061*, 1079, 1122, 1131, 1162*, 1181*, 1211, 1375, 1376, 1377, 1536*, 1580*
Amendments filed—172-173, 229, 247, 980-981, 987, 1196-1197, 1198-1199, 1238, 1239, 1284, 1667, 1880-1881, 1929-1930, 2334, 2352, 2483, 2639, 2673-2685, 2723, 2755, 2813-2816, 2858, 3115-3119, 3119, 3208-3235, 3285, 3298, 3323, 3330
Amendments offered—349, 377, 721, 1253, 1338, 2014, 2723, 3298, 3328
Amendments withdrawn—721
Committee appointments—2237, 2524, 3124, 3129, 3262
Remarks in memory of the Honorable James T. Caffrey—2196-2197
Presided at sessions of the House—1067, 1569
Reports—150, 339, 340, 593, 594, 595, 650, 672, 979, 2461, 2989, 3128-3129, 3157-3158, 3269-3271
Resolutions offered—1998-1999, 2583, 2584, 3171

HIGHER EDUCATION FACILITIES COMMISSION—
Resolution relating to, House Concurrent Resolution 126—1761

HINES, NEAL—Representative Story County
Bills introduced—1039*, 1042, 1059, 1070, 1071, 1079, 1085, 1202*, 1205*, 1245*, 1295*, 1309, 1356*, 1375, 1418
Amendments filed—76-77, 95, 100, 459, 524-526, 693, 980-981, 1008, 1013, 1014, 1247, 1438, 1547-1548, 2249-2258, 2847, 2864-2873, 2912, 2926-2934, 2934, 2977, 3040-3053, 3104, 3119, 3276
Amendments offered—95, 100, 546, 1308, 3032, 3104, 3150
Amendments withdrawn—3112
Petitions presented—1381
Presided at sessions of the House—2372, 2376
Received consent that amendments H—5269 and H—5271 to Senate File 1062 not be printed in the journal—510
Received consent that Robert Landess, Industrial Commissioner be permitted in House during debate on House File 1546—2407
Request to vote on Senate File 85—2164
Resolutions offered—374
Subcommittee assignments—57
Presented to the House the Honorable Daryl H. Nims, former member of the Senate—2878

HINKHOUSE, HERBERT C.—Representative Cedar-Clinton-Johnson-Scott Counties
Bills introduced—1008, 1023*, 1031, 1042, 1070, 1071, 1111, 1175*, 1211, 1275, 1311, 1328, 1345, 1375, 1548
Amendments filed—152, 207-208, 766-767, 1293-1294, 1547-1548, 1625-1626, 2247, 2248-2249, 2327, 2334, 2433, 2494, 2518-2519, 2541-2547, 2749-2754, 2946, 2982, 3208-3235
Committee appointments—731
Resolutions offered—1150, 1998-1999, 3122
Presented to the House the Honorable Walter Dietz, former member of the House—769

HORN, WALLY E.—Representative Linn County
Bills introduced—1002*, 1035*, 1042, 1043, 1070, 1073*, 1079, 1116, 1148, 1203*, 1204, 1211, 1228, 1246*, 1276, 1375, 1453*, 1524*, 1526*
Amendments filed—315-317, 341-344, 363, 363-364, 384-385, 415-416, 613, 693, 708, 711-714, 736-763, 814, 815, 843, 843-844, 911, 982-983, 1099, 1191, 1470, 1546-1547, 1547, 1994, 2036, 2038, 2247, 2352, 2518-2519, 2532, 2639, 2671, 2873-2875, 2912, 2925, 2977-2978, 3021, 3161, 3208-3236, 3276
Amendments offered—437, 613, 668, 930, 932, 2035, 2038, 2532, 2912, 3014, 3021, 3336
Amendments withdrawn—2037, 2532
Committee appointments—3244, 3280
Petitions presented—2266
Reports—3280, 3355-3359
Resolutions offered—1761, 1996-1997, 2701, 3361

HOUSE ADMINISTRATION COMMITTEE—
Appointments—3112, 3193
Supplemental report of—353-354, 1821, 2164-2165, 2428, 3192-3193
Resolutions relating to:
House Concurrent Resolution 104—194-201, 222-228, 240-244 failed, 296, 328, 335-338 adopted, 354, 513-514, 595, 659-662 adopted, 732
House Resolution 108—1023-1024
Reports—1041-1046, 2164-2165
Resolutions offered—194-201
Joint Interim Study Committee on Salaries—3139
List of Pay Steps—352-353
Supplemental Report of Joint Administration Subcommittee—53

HOWELL, ROLLIN K.—Representative Cerro Gordo-Floyd-Mitchell Counties
Bills introduced—1005, 1008, 1042, 1130, 1211, 1264, 1309, 1375, 1548, 1592
Amendments filed—211-212, 766-767, 980-981, 1008, 1293-1294, 1668-1673, 1855-1856, 1953, 1954, 2026-2028, 2296-2297, 2327, 2455, 2483, 2494, 2518-2519, 2541-2547, 2572-2574, 2749-2754, 2844, 2937-2938, 3053-3055, 3160-3161, 3199, 3200-3201, 3208, 3208-3236
Amendments withdrawn—2032, 2409
Call of the House—2309
Petitions presented—2, 282, 1381, 1587, 1961
Resolutions offered—2032, 2171, 2742, 3238, 3365

HULLINGER, ARLO—Representative Clarke-Decatur-Madison-Ringgold-Union-Wayne Counties
Bills introduced—1005, 1031, 1042, 1043, 1051, 1129, 1175, 1211, 1276, 1375, 1548

Amendments filed—151, 222, 383, 688, 766-767, 780-781, 949, 1159-1161, 1161-1162, 1293-1294, 1668-1673, 1719-1721, 2352, 2617-2618, 2982, 3161-3162, 3208-3236
Amendments offered—720, 725, 2332, 2717
Committee appointments—731, 3405
Request name be withdrawn as a sponsor of House File 1008—938
Resolutions offered—1542, 2171, 2522

HUMAN RESOURCES, COMMITTEE ON—
Appointments—1821
Bills introduced—1278, 1280, 1374, 1438, 1460, 1504, 1518, 1522, 1532, 1563
Amendments filed—593, 594-595, 979, 1993-1994
Amendments offered—1114, 1335, 1618
Reports—150, 339, 340, 593, 594, 595, 650, 672, 978

HUSAK, EMIL J.—Representative Benton-Iowa-Poweshiek-Tama Counties
Bills introduced—J.R. 1002; 1003*, 1021*, 1042, 1043, 1051, 1052, 1053, 1069, 1070, 1071, 1074, 1111, 1116, 1122, 1148, 1276, 1284*, 1287, 1375, 1429*
Amendments filed—159, 222, 341-344, 414, 693, 763, 766-767, 848, 848-874, 875, 1014-1015, 1431, 1431-1432, 1461, 1513, 1547-1548, 1817, 1929, 1930, 2026-2028, 2217, 2247, 2394, 2442, 2444, 2495-2513, 2541-2546, 2547-2548, 2631, 2749-2753, 2755, 2774, 2858, 2946, 2981, 3120, 3143, 3286, 3367-3368
Amendments offered—159, 222, 699, 2179, 2602, 2946, 3005
Amendments withdrawn—114
Committee appointments—370, 2659-2660, 3124, 3129, 3262
Petitions presented—1130, 2582, 2621-2622, 2849
Presided at sessions of the House—812, 2834
Reports—86, 137, 138, 412-413, 517, 632, 942, 975, 3128-3129, 3157-3158, 3269-3271
Request House Resolution 103 be placed on the unanimous consent calendar—314
Resolutions offered—1150, 1996-1997, 3122, 3238, 3362
Subcommittee assignments—57
Presented to the House Bonnie Schallan, former House Page who served during the 1975 session—1552
Presented to the House Miss Nancy Grden, Special Assistant to the Intergovernmental Relations Committee and Food Supply and Agricultural Task Force, Washington, D.C.—1681
Presented to the House Miss Clarice Onuki, an AFS student from Santos, Sao Paulo, Brazil and Roberto Archila, an AFS student from Bogota, Colombia—2329
Attended the unveiling of the Iowa Monument at Valley Forge, Pennsylvania, Freedom Foundation, honoring Iowa medal of honor winners—3299

HUTCHINS, C. W. "Bill"—Representative Audubon-Carroll-Cass-Crawford-Greene-Guthrie-Shelby Counties
Bills introduced—1005, 1008, 1031, 1042, 1043, 1051, 1052, 1059, 1069, 1109*, 1111, 1129, 1148, 1235, 1275, 1298, 1328, 1345, 1358, 1375, 1381, 1391*, 1397, 1548
Amendments filed—151, 249, 280, 405, 425, 688, 708, 709-710, 766-767, 779, 1159-1161, 1161-1162, 1395, 1518, 1543, 1662, 1988, 2026-2028, 2057-2058, 2058, 2160, 2248-2249, 2300-2301, 2352, 2483, 2495-2513, 2518-2519, 2541-2547, 2547, 2749-2754, 2845, 2925, 2946, 2978-2979, 3026, 3040-3053, 3097, 3161-3162, 3208-3236, 3330, 3367-3368
Amendments offered—348, 718, 779, 1662, 1965, 1983, 1988, 2825
Amendments withdrawn—1988, 2827

Committee appointments—657, 2196, 2659, 2959, 3186, 3192-3193
Presided at sessions of the House—2017
Reports—149, 150, 823, 1259-1275, 1918, 2958-2959, 3131-3138, 3359-3361
Resolutions offered—334, 374, 1553, 1634, 1998-1999, 3079-3080, 3238, 3361
Subcommittee assignments—57
Escorted to the Speaker's station and presented to the House Eric Haeberle, 1976 poster child for the Iowa Affiliate of the American Diabetes Association—432
Presented to the House Miss Miriam Gratta, an AFS student from Brazil and Miss Petra Hitschfeld, an AFS student from West Berlin, Germany—1996

INTERIM COMMITTEES—
(See also Legislative Council and/or Study Committees)
Resolution relating to, Senate Concurrent Resolution 121—3395-3396 adopted

INTERSTATE COOPERATION COMMISSION—
Appointments to—3428

IOWA AMERICAN REVOLUTION BICENTENNIAL COMMISSION—
(See American Revolution Bicentennial Commission)

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM—
Appointments to—3428

JESSE, NORMAN G.—Representative Polk County, Speaker Pro Tempore
Bills introduced—1148, 1211, 1257*, 1348*, 1375, 1507*
Amendments filed—329, 651, 763, 764, 764-765, 814, 837-842, 848-874, 933, 1008, 1080, 1138, 1146, 1231, 1469, 1547-1548, 2034, 2064, 2097, 2098, 2108, 2154, 2157, 2248, 2397, 2419, 2421, 2483, 2620, 2755, 3057
Amendments offered—396, 819, 920, 957, 1231, 1479, 2009, 2097, 2098, 2102, 2419
Amendments reoffered—2097
Amendments withdrawn—1146, 1187, 1500, 2044, 2097, 2107
Announcement—2366
As Speaker, propounded the question to the House on the germaneness of amendment H-5247 to H-5241 to Senate File 1062—548-549
Committee appointments—2, 731, 2196, 2659, 2786-2787, 3002, 3170, 3304, 3405
Presided at sessions of the House—108, 182, 545, 551, 658, 699, 726, 728, 1009, 2341, 2366, 2370, 2374, 2376, 2382, 2464, 2706, 3372
Reports—150, 168, 259, 355, 381, 577, 578, 639, 707, 943, 944, 973-975, 978, 1312-1314, 1589-1590, 1590, 1591, 2293, 2293-2294, 2295, 2473-2474, 2761-2762, 3170, 3196, 3261, 3303, 3304, 3349-3354
Resolutions offered—3079-3080
Rulings made—114, 701, 2381, 2382, 2469
Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237

JOCHUM, THOMAS J.—Representative Dubuque County
Bills introduced—1070, 1071, 1079*, 1144, 1147, 1148, 1211, 1276, 1375, 1592
Amendments filed—693, 980-981, 1238, 1658, 1668-1673, 1855-1856, 1880-1881, 2352, 2539-2541, 2912, 3119, 3276, 3367-3368
Amendments offered—1238
Amendments withdrawn—2820
Committee appointments—3127, 3155-3156

Petitions presented—15
Reports—3155, 3196-3199
Resolutions offered—334, 806, 2171, 3238
Subcommittee assignments—57

JOINT CONVENTION—
Resolutions relating to:
House Concurrent Resolution 101—3 adopted
House Concurrent Resolution 106—288, 346 adopted
House Concurrent Resolution 120 (Same as SCR 107)—1406, 1524 adopted, 1525
State of the State and Budget Messages—16-26
Lincoln's Birthday Observance—370-373
American Revolution Bicentennial Festival Observance—1646-1651

JOINT INTERIM STUDY COMMITTEE ON SALARIES—
Appointments to—3193

JORDAN, JAMES D.—Representative Linn County
Bills introduced—J. R. 1002; 1008, 1031, 1042, 1052, 1069, 1070, 1074, 1111, 1175, 1203, 1263*, 1275*, 1287, 1309, 1352*, 1375, 1548
Amendments filed—75-76, 98, 438, 640, 651, 677-678, 764, 766-767, 1247-1248, 1545, 1548, 1994, 2232, 2232-2233, 2247, 2433, 2483, 2494, 2495-2513, 2518-2519, 2541-2547, 2912, 3208-3236, 3281-3282, 3330
Amendments offered—438, 1568, 2232, 2232-2233
Committee appointments—801
Reports—1102
Request name be added as a sponsor to House File 1203—314
Resolutions offered—1996-1997, 1998-1999, 2742, 3122, 3361

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—
Bills introduced—1282, 1370, 1449, 1451, 1458, 1459, 1462, 1464, 1465, 1466, 1468, 1479, 1497, 1551
Amendments filed—168, 259-264, 381, 639, 978
Amendments offered—310, 605, 721, 1557, 2397
Reports—150, 168, 259, 355, 577, 578, 639, 707, 943, 944, 978

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—
(Subcommittee)
Criminal Code Revision:
Amendments filed—875-898, 946-948, 984-985, 987-988, 1019, 1048, 1049, 1051, 1051-1052, 1052, 1052-1053, 1054, 1074, 1087-1093, 1095, 1145, 1155, 1155-1156, 1183, 1292, 1292-1293, 1293, 1326, 1327, 1327-1328, 1328, 1370-1371, 1376, 1377, 1378, 1379, 1477
Amendments offered—1027, 1028, 1029, 1060, 1061, 1062, 1064, 1071, 1072, 1073, 1074, 1075, 1078, 1104, 1106, 1120, 1139, 1144, 1145, 1148, 1169, 1171, 1173, 1175, 1176, 1179, 1182, 1183, 1184, 1187, 1188, 1220, 1222, 1223, 1224, 1225, 1226, 1233, 1235, 1237, 1238, 1256, 1297, 1311, 1382, 1383, 1385, 1386, 1387, 1391, 1411, 1412, 1415, 1416, 1420, 1421, 1422, 1423, 1425, 1426, 1477, 1478, 1481, 1483, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1520, 1523, 1536, 1571, 1572, 1878, 1939, 1942, 1948, 1949, 2009, 2014, 2020, 2034, 2102
Amendments withdrawn—1148, 1221, 1233, 1301, 1386, 1425, 1504, 2044

JUNKER, WILLIS E.—Representative Woodbury County
Bills introduced—1043, 1054*, 1089*, 1114*, 1128*, 1173*, 1180*, 1182*, 1183*, 1211, 1221, 1235*, 1268, 1287, 1298, 1342

Amendments filed—152, 222, 766-767, 781, 911-915, 1014, 1014-1015, 1017, 1018, 1020, 1040, 1143, 1146, 1147, 1157, 1157-1158, 1175, 1198-1199, 1241, 1245-1246, 1293-1294, 1326, 1327, 1371-1372, 1394, 1399-1401, 1426, 1491, 1509, 1513, 1547, 1621, 1666, 1676-1678, 1687-1690, 1762-1763, 1851-1852, 1864, 1891, 1931, 1931-1932, 1975-1976, 2342, 2483, 2571-2572, 2723, 2799, 3103-3104, 3107, 3208-3236, 3297, 3367-3368
Amendments offered—161, 1029, 1040, 1061, 1062, 1075, 1077, 1143, 1146, 1147, 1175, 1183, 1219, 1255, 1381, 1509, 1621, 1687, 1943, 1975, 2039, 2041, 2043, 2047, 2723, 3103
Amendments withdrawn—1061, 1077, 1391, 3107, 3297
Committee appointments—68
Request to vote on Senate File 85—2164
Resolutions offered—572
Subcommittee assignments—57
Official delegate to attend the funeral services of the Honorable Bert Fullerton—68
Presented to the House the Honorable Louis A. Peterson, former member of the House—1163

KOOGLER, FRED L., SR.—Representative Keokuk-Lucas-Mahaska-Marion-Monroe-Poweshiek Counties
Bills introduced—1012*, 1032*, 1042, 1043, 1046*, 1051, 1111, 1117*, 1148, 1168*, 1175, 1220*, 1298, 1300*, 1328, 1349*, 1375, 1415*, 1423*, 1548
Amendments filed—341-344, 707, 709-710, 766-767, 1007, 1049, 1159-1161, 1161-1162, 1190, 1190-1191, 1293-1294, 1300, 1512, 1543, 1544, 1547-1548, 1581-1584, 1584-1585, 1625, 1676-1678, 1679, 1808-1817, 1871, 2042, 2080, 2247, 2495-2513, 2518-2519, 2541-2546, 2749-2754, 2807, 2845, 2912, 2946, 2982, 3020, 3040-3053, 3208-3236, 3285, 3367-3368
Amendments offered—294, 1168, 1660, 2798, 2807, 2808, 3020, 3291
Amendments withdrawn—2798, 2807, 3020, 3291
Committee appointments—1945, 3405
Request name be withdrawn as a sponsor of House File 1008—938
Resolutions offered—1683, 1945, 1996-1997, 1998-1999, 3079-3080
Subcommittee assignments—45

KRAUSE, ROBERT A.—Representative Hancock-Humboldt-Kossuth-Palo Alto-Pocahontas Counties
Bills introduced—1005, 1022*, 1043, 1052, 1067*, 1085*, 1088*, 1092*, 1148, 1209, 1275, 1296*, 1358, 1375, 1391, 1393*, 1537
Amendments filed—113, 122, 169, 311, 317, 318, 382-383, 413-414, 578-579, 612, 676-677, 709-710, 799, 944, 945, 1080, 1085-1086, 1153, 1156-1157, 1190, 1190-1191, 1191, 1197, 1198-1199, 1199, 1211-1213, 1213, 1240, 1329, 1372-1373, 1430-1431, 1462, 1463-1464, 1544, 1576-1578, 1640, 1693, 1705-1706, 1764-1802, 1953, 1992-1993, 1993, 1994, 2015, 2033, 2168-2169, 2247-2248, 2297-2298, 2319, 2326-2327, 2348, 2352, 2353, 2354, 2357, 2375, 2440, 2483, 2518-2519, 2576-2580, 2639, 2667, 2670, 2673-2685, 2755, 2836, 2875, 2990, 3040-3053, 3097, 3208-3235, 3330
Amendments offered—113, 122, 308, 311, 584, 600, 612, 718, 1640, 1662, 1705, 2005, 2007, 2008, 2009, 2010, 2012, 2108, 2319, 2347, 2348, 2351, 2352, 2354, 2837, 2990, 3084
Amendments withdrawn—112, 612, 2048, 2350, 2594
Announcements—44-45
Committee appointments—2659, 3126, 3155
Petitions presented—269, 951, 1058, 1727, 2551
Presided at sessions of the House—1619
Received consent that Bob Steiner be permitted in House during debate on House File 1480—2331

Reports—165, 166, 340, 591, 734, 943, 2854, 3154-3155, 3263
Request House Resolution 103 be placed on the unanimous consent calendar—314
Resolutions offered—278, 1023, 1059, 1998-1999, 2974, 3121-3122, 3156, 3363
Subcommittee assignments—45
Official delegate to attend the funeral services of Mrs. Allyene May—3156
Presented to the House the Honorable Sylvester Barrett, T.D., Irish Parliament, County Clare, Ireland—1057
Presented to the House the Honorable John P. Kibbie, former member of the House—1960

KREAMER, ROBERT M.—Representative Polk County, Assistant Minority Floor Leader
Bills introduced—J.R. 1002; 1008, 1042, 1043, 1053, 1116, 1144, 1221, 1250, 1257, 1548
Amendments filed—140-141, 172, 211-212, 265-266, 266, 280-281, 311, 341-344, 766-767, 987, 989, 990-992, 1014-1015, 1015, 1016, 1017, 1019, 1020, 1020-1021, 1077, 1082-1083, 1083, 1085, 1093-1095, 1126, 1127, 1138, 1144, 1154, 1177, 1178, 1187, 1190-1191, 1193, 1194, 1199-1209, 1234, 1241, 1246, 1247, 1255, 1285, 1293-1294, 1294-1295, 1329, 1367, 1369, 1370, 1371, 1375, 1395-1396, 1397, 1401, 1417, 1420, 1426, 1432, 1433, 1504, 1507, 1513, 1514-1515, 1515, 1516, 1516-1517, 1533, 1547-1548, 1569, 1675, 1717, 1719, 1877, 1891, 2069, 2070, 2071, 2248-2249, 2272, 2302-2303, 2345, 2513-2519, 2571, 2571-2572, 3208-3236, 3281-3282
Amendments offered—1033, 1074, 1077, 1118, 1119, 1142, 1144, 1146, 1167, 1172, 1173, 1177, 1178, 1180, 1234, 1298, 1382, 1383, 1389, 1392, 1393, 1408, 1414, 1417, 1420, 1423, 1426, 1476, 1484, 1503, 1504, 1507, 1523, 1532, 1554, 1558, 1571, 1572, 1877, 1949, 1950, 1952, 2034, 2044, 2065, 2069, 2345, 2430
Amendments withdrawn—1029, 1077, 1120, 1168, 1388, 1389, 1392, 1407, 1409, 1410, 1416, 1534, 1559, 1946, 1949, 1951, 1952, 2047, 2065, 2071
Committee appointments—2196, 2659
Petitions presented—67, 143, 388
Resigned as a member of the Conference Committee on Senate File 85—2743
Resolutions offered—1996-1997, 3361
Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—
Reports—339, 672, 734

LAGESCHULTE, RAY—Representative Black Hawk-Bremer-Butler-Floyd Counties
Bills introduced—1008, 1111, 1116, 1130, 1221, 1247, 1289, 1303, 1318, 1323, 1328*, 1358, 1426, 1548
Amendments filed—317-318, 318, 382-383, 413-414, 612, 766-767, 1014-1015, 1016, 1048, 1293-1294, 1461, 2051, 2248-2249, 2314, 2483, 2494, 2518-2519, 2541-2547, 2749-2754, 2845, 3208-3235, 3281-3282, 3283, 3367-3368
Amendments offered—1173, 2314, 3032, 3293
Amendments withdrawn—600
Resolutions offered—3238, 3361
Subcommittee assignments—45
Presented to the House Miss Elizabeth Kolsto, an AFS student from Norway—1960

LEGISLATIVE COUNCIL COMMITTEE—
(See also Study Committees)
Resolutions relating to:
House Concurrent Resolution 161—3364-3365
House Resolution 122—3122-3123
Senate Concurrent Resolution 121—3395-3396 adopted

LEGISLATIVE EMPLOYEES—
(See Officers and Employees)

LEGISLATIVE EXPENDITURES—
Resolution relating to, House Resolution 101—44, 53 adopted

LINCOLN'S BIRTHDAY—
Observance of—370
Remarks by the Honorable Gene W. Glenn—370-373
Resolution relating to, House Concurrent Resolution 106—288, 346 adopted

LINDEEN, ARNOLD R.—Representative Des Moines-Henry-Louisa Counties
Bills introduced—1008, 1031, 1071, 1130, 1221, 1247, 1252, 1266, 1287, 1289, 1303, 1318, 1323, 1343, 1548
Amendments filed—211-212, 519-520, 766-767, 1014-1015, 1293-1294, 1547-1548, 2247, 2483, 2541-2547, 2749-2754, 3057, 3208-3235, 3281-3282, 3330, 3367-3368
Resolutions offered—1998-1999, 2974

LIPSKY, JOAN—Representative Linn County
Bills introduced—1034*, 1053, 1063, 1068*, 1072*, 1075*, 1090*, 1101*, 1110*, 1130, 1131*, 1132*, 1211, 1221, 1227*, 1228*, 1232, 1259, 1289, 1337, 1340, 1343, 1376, 1426, 1540*
Amendments filed—246, 375, 382, 417-418, 523-524, 846, 987, 1014, 1049, 1050, 1052, 1053, 1054, 1054-1055, 1055, 1191, 1198-1199, 1285-1292, 1320-1324, 1366-1367, 1397-1398, 1436, 1464-1469, 1469-1470, 1514, 1624, 1658, 1891, 1919, 1929-1930, 1955, 2045, 2232, 2247-2248, 2349, 2483, 2571, 2572, 2638, 2639, 2755, 2774, 2858, 2860, 2939, 3103
Amendments offered—375, 563, 1024, 1073, 1147, 1174, 1237, 1534-1535, 1557, 1609, 1874, 1876, 1895, 2000, 2044, 2349, 2589, 2638, 2639, 2739, 2774, 2860, 3001, 3103, 3208-3236
Amendments withdrawn—1226, 1557, 1999
Committee appointments—2237, 2524, 3112
Petitions presented—433, 993
Reports—2461, 2989
Resolutions offered—806, 2973
Escorted to the Speaker's station and presented to the House, Kelly Sloltzfus, Iowa's 1976 Easter Seal Sweetheart—142
Presented to the House the Honorable Henry W. Busch, former member of the House—1250
Presented to the House the Honorable Herbert L. Campbell, former member of the House—1250
Presented to the House Miss Cynthia Ann Kirby, State Poster Citizen of the Iowa Association for Retarded Citizens—1955

LOBBYISTS—
(See Ethics, Committee on)

LONERGAN, JOYCE—Representative Boone-Green Counties
Bills introduced—1008, 1039, 1042, 1211, 1287, 1375

Amendments filed—222, 674-676, 848-874, 1293-1294, 1547-1548, 2026-2028, 2247, 2518-2519, 2946, 3330
Committee appointments—2237, 2524
Reports—2461
Resolutions offered—806

MAJORITY FLOOR LEADER, Jerome Fitzgerald—Representative Webster County
(See Fitzgerald, Jerome—Representative Webster County, Majority Floor Leader)

McELROY, LILLIAN—Representative Fremont-Mills-Montgomery-Page Counties
Bills introduced—1008, 1042, 1043, 1111, 1116, 1132, 1211, 1221, 1234, 1247, 1252, 1259, 1289, 1298, 1309, 1318, 1340*, 1375
Amendments filed—766-767, 1014-1015, 1293-1294, 1547-1548, 2247, 2248-2249, 2571-2572, 2946, 3057, 3161-3162, 3367-3368
Amendments offered—790
Committee appointments —1646, 2659-2660, 3127, 3155-3156
Petitions presented—39, 268
Reports—3155, 3196-3199
Resolutions offered—806, 1406, 1526, 1996-1997, 2880-2881, 3238
Escorted to the Speaker's station and presented to the House, Mr. Francis Sarcone, Des Moines Postmaster—597
Presented to the House Robert Dillion, Iowa Chairman of the American Revolution Bicentennial Commission—598
Attended the unveiling of the Iowa Monument at Valley Forge, Pennsylvania, Freedom Foundation, honoring Iowa medal of honor winners—3299

MEMORIALS—
Committees appointed—52, 68, 69, 656, 801, 1695, 1945, 2032, 2196, 2237
Resolutions relating to—52, 68, 69, 656, 800, 1695, 1945, 2032, 2196, 2237
In Memoriam List—3429
Memorials—3430-3435
Resoultion relating to, Senate Concurrent Resolution 8—43-44 adopted
Appointed official delegation to attend the funeral service if the Honorable Bert Fullerton—68
Appointed official delegation to attend the funeral services of Michael E. Connors son of Representative and Mrs. Connors—69
Appointed official delegation to attend the funeral services of the Honorable James T. Caffrey—2237
Remarks offered in memory of the Honorable Bert Fullerton—68
Remarks offered in memory of the Honorable James T. Caffrey—2196-2197
William R. Kendrick Memorial Presentation—252

MENKE, LESTER D.—Representative Buena Vista-Cherokee-Clay-O'Brien-Plymouth Counties
Bills introduced—J.R. 1002; 1008, 1031, 1042, 1043, 1116, 1175, 1221, 1247, 1252, 1254, 1268, 1289, 1303, 1323
Amendments filed—429-430, 676-677, 1014-1015, 1511, 1517-1518, 1547-1548, 1579-1581, 2247-2248, 2248-2249, 2483, 2518-2519, 2547, 2571, 3120, 3208-3235, 3281-3282
Committee appointments—656, 1695, 2659, 3126, 3155, 3280
Petitions presented—120, 951, 1101, 2428
Presided at sessions of the House—1539
Reports—2854, 3154-3155, 3263, 3355-3359

Resolutions offered—54, 1695, 1879, 2701, 2880-2881, 2974, 3361
Official delegate to attend the funeral services of the Honorable Bert Fullerton—68

MENNENGA, JAY—Representative Clinton County
Bills introduced—1043, 1070, 1071, 1130, 1211, 1288*, 1375, 1409*, 1592
Amendments filed—211-212, 224, 530-531, 532-535, 640, 651, 674-676, 766-767, 848-874, 1036, 1293-1294, 1366, 1691, 1994, 2483, 2494, 2518-2519, 2548-2549, 2561, 2619-2620, 2630, 2653, 2671, 2673-2685, 2723, 2831, 2912, 3016, 3208-3236, 3399-3400
Amendments offered—224, 549, 555, 1036, 1691, 2561, 2653, 2831, 3016
Amendments withdrawn—3018
Call of the House—2309
Petitions presented—1381
Resolutions offered—2742, 3238
Subcommittee assignments—57
Presented to the House Mark Erickson, former House Page during the 1975 session—42
Escorted to the Speaker's station and presented to the House the Honorable Peter Mills, member of the Parliament of Great Britain and Chairman of the Christian Fellowship, House of Commons—2170
Escorted to the Speaker's station and presented Christine Misiage, Miss Iowa Teenager from Clinton, Iowa—2550

MESSAGES—
(Also see Communications, Joint Conventions and Addressed the House)
From Senate—12, 43, 53, 73, 83, 94, 109-110, 131-132, 146, 155, 179, 234, 251, 269, 306, 330-331, 345, 346, 408, 410, 433-434, 513, 543-544, 582, 598-599, 620, 644, 656, 657, 670, 683, 717, 770-771, 807, 916-917, 955, 1005-1006, 1024, 1058, 1069, 1102-1103, 1107, 1131, 1140, 1164, 1217, 1252, 1297, 1334-1335, 1350, 1387, 1473-1475, 1495-1496, 1520, 1528, 1560, 1592, 1610, 1622, 1633-1634, 1728-1729, 1821, 1858-1859, 1894, 1897, 1938-1939, 1963, 1999, 2031-2032, 2068, 2083-2084, 2192-2193, 2220, 2225, 2305, 2330, 2383, 2390-2391, 2551, 2584-2585, 2594, 2622, 2701-2702, 2708-2709, 2711, 2758-2760, 2762, 2831, 2839, 2855, 2861, 2881, 2891, 2943, 2950, 2964-2967, 2985-2986, 3061, 3066-3067, 3100, 3123-3124, 3125, 3127, 3143, 3148, 3164-3165, 3170, 3171, 3182, 3193, 3239, 3244, 3262, 3281, 3288-3289, 3304-3305, 3322-3323, 3329, 3337, 3365, 3369, 3372, 3384-3385, 3385, 3387, 3388, 3389-3390, 3394-3395, 3396, 3404-3405

MIDDLESWART, JAMES I.—Representative Lucas-Marion-Warren Counties
Bills introduced—1005, 1008, 1031, 1042, 1043, 1051, 1130, 1235, 1305*, 1375, 1420*, 1548
Amendments filed—170, 170-171, 171-172, 208-209, 209-211, 766-767, 1159-1161, 1161-1162, 1194-1195, 1293-1294, 1461, 1517, 1547-1548, 1675, 1679, 1710-1711, 1719-1721, 1802-1803, 2080-2081, 2247-2248, 2298-2299, 2352, 2483, 2518-2519, 2982, 3161-3162, 3208-3236, 3330, 3367-3368
Amendments offered—2528
Amendments withdrawn—184, 2531
Change of vote—2276
Committee appointments—16, 731, 3405
Petitions presented—950
Presided at sessions of the House—2776
Reports—65-66, 74, 137, 279, 381, 404
Resolutions offered—1996-1997, 1998-1999, 3148-3149, 3156, 3267

Official delegate to attend the funeral services of Mrs. Allyene May—3156
Presented to the House the Honorable Carl Hirsch, former member of the House—3237
Presented to the House the Honorable Larry Young, a member of the Maryland House of Delegates from Baltimore City, Maryland—2030

MIDDLETON, M. PETER—Representative Black Hawk County
Bills introduced—1042, 1043, 1375
Amendments filed—532-535, 708, 980-981, 1008, 1081, 1318, 1325-1326, 1373-1375, 1547-1548, 1624, 1716, 2095, 2548, 3057, 3276, 3330, 3367-3368
Amendments offered—1521, 1638, 2402
Amendments withdrawn—2074, 2220
Change of vote—2779
Committee appointments—1645, 2237, 2524
Reports—2461, 2989
Resolutions offered—334, 391, 1102, 1937, 2973

MILEAGE, COMMITTEE ON—
Supplemental report—1102

MILLEN, FLOYD H.—Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties, Minority Floor Leader
Bills introduced—J.R. 1002; 1031, 1033, 1042, 1043, 1053*, 1065, 1111, 1210, 1211, 1215*, 1221, 1234, 1235, 1238, 1239, 1247, 1248, 1249*, 1252, 1254, 1259, 1266, 1267, 1289, 1297*, 1302*, 1303, 1318, 1319, 1323, 1337, 1340, 1342, 1343, 1375, 1381, 1383*, 1419, 1430*, 1431*
Amendments filed—397, 1014-1015, 1547-1548, 1679, 2247, 2302-2308, 2483, 2513-2519, 2571-2572, 2663, 3027, 3057, 3281-3282 3367-3368
Call of the House—3167
Committee appointments—52, 645, 2659, 3192-3193, 3405
Petitions presented—143
Remarks by—5-7
Reports—53, 657
Request to vote—2163
Request that House File 1221 be withdrawn from Sifting Committee—2670
Resolutions offered—54, 68-69, 1683, 1879, 1996-1997, 2974, 3079-3080, 3156, 3238, 3361, 3364
Official delegate to attend the funeral services of Michael E. Connors—69
Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237
Presented to the House the Honorable Cecil A. Reed, former member of the House. Mr. Reed is now the Assistant Regional Administrator of the U.S. Department of Labor Manpower Administration—432-433
Presented to the House J. Ward (Brad) Rotter, former House Page who served during the 1972 session—1404
Presented to the House Mr. and Mrs. Mostafa Emami Nejad and children from Tehran, Iran—1960

MILLER, ALVIN V.—Representative Cerro Gordo County
Bills introduced—1005, 1008, 1031, 1042, 1043, 1059, 1111, 1275, 1309, 1372*, 1375, 1455, 1548
Amendments filed—222, 247, 766-767, 848-874, 874, 980-981, 1014, 1324-1325, 1547-1548, 1719-1721, 1817, 2026-2028, 2247, 2483, 2494, 2541-2547, 2749-2754, 2912, 2982, 3019, 3152, 3208-3236

Amendments offered—1344, 1596
Resolutions offered—1996-1997, 2742

MILLER, KENNETH D.—Representative Black Hawk-Buchanan Counties
Bills introduced—1008, 1031, 1051, 1069, 1071, 1074*, 1107*, 1111, 1116, 1120*, 1173, 1175, 1176, 1211, 1231*, 1234, 1235, 1239, 1250, 1268, 1271, 1275, 1287, 1309*, 1319, 1354*, 1375, 1409, 1443*, 1521, 1548
Amendments filed—75-76, 98, 102, 169-170, 280, 280-281, 317-318, 341-344, 579, 640, 676-677, 677-678, 875, 1036, 1048, 1097-1099, 1247-1248, 1394, 1470, 1470-1471, 1471, 1547-1548, 1655, 1676-1678, 1764, 1887-1888, 1954-1955, 1959, 2081, 2161, 2197, 2247, 2248-2249, 2273, 2301-2302, 2352, 2433, 2442, 2494, 2495-2513, 2618-2619, 2619, 2723, 2816, 2863-2864, 2912, 2934, 2939, 2981-2982, 2982, 3035, 3040-3053, 3057, 3104, 3143, 3151, 3189, 3208-3236, 3281-3282, 3330, 3367-3368, 3391
Amendments offered—98, 102, 700, 1257, 1655, 1658, 1685, 1748, 1987, 2197, 2221, 2236, 2433, 2624, 2806, 2912, 3006, 3027, 3028, 3031, 3033, 3035, 3036, 3104, 3151, 3189, 3391
Amendments withdrawn—98, 2162, 3033, 3084
Committee appointments—801
Petitions presented—407, 681
Resolutions offered—391, 800, 1937, 1996-1997, 2742, 2974, 3238, 3361
Subcommittee assignments—57

MILLER, OPAL—Representative Calhoun-Carroll-Greene-Pocahontas-Sac Counties
Bills introduced—1008, 1039, 1042, 1043, 1051, 1111, 1116, 1268, 1299, 1375, 1427*, 1548
Amendments filed—1584-1585, 1585, 1805-1808, 2182-2188, 2208-2214, 2214, 2235, 2247-2248, 2248-2249, 2359-2365, 2541-2547, 2749-2754, 2938, 3022, 3161-3162, 3281-3282
Amendments offered—2335
Committee appointments—3405
Petitions presented—120, 250, 581, 598, 1251, 2621-2622, 2879,
Request name be added as a sponsor of House File 1299—513
Request name be withdrawn as a sponsor of amendment H-6444 to House File 1069—2322
Resolutions offered—806, 1170, 1926, 3238
Escorted and presented to the House members and coaches of the Lake View-Auburn Girls Basketball Team—2387
Extended to the House an invitation for the legislative Jamboree, Black Hawk Lake—2387

MINORITY FLOOR LEADER, Floyd H. Millen—Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties
(See Millen, Floyd H.—Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties, Minority Floor Leader)

MONROE, W. R. "Bill", Jr.—Representative Des Moines County
Bills introduced—1005, 1007*, 1014*, 1033*, 1043, 1053, 1070, 1071, 1079, 1375
Amendments filed—75, 76-77, 88, 88-89, 99, 119, 226, 240, 264, 341-344, 361, 397, 519-520, 672-673, 677-678, 736-763, 797-798, 799, 814, 816, 984, 1012-1013, 1014, 1048, 1082, 1085-1086, 1198-1199, 1213, 1213-1215, 1284, 1316-1318, 1318, 1320-1324, 1329, 1395, 1402, 1403, 1462, 1547, 1575, 1626-1631, 1640, 1676, 1711-1715, 1715-1716, 1880-1881, 1988, 1994, 2028, 2098, 2181-2182, 2260-2264, 2264, 2298, 2357, 2458-2459, 2513, 2533, 2536, 2575-2576, 2639, 3208-3235, 3276, 3283-3285, 3285, 3398

Amendments offered—96, 99, 100, 101, 147, 217, 226, 397, 794, 814, 816, 820, 1346, 1456, 1458, 1599, 1609, 1612, 1640, 1752, 1988, 2277, 2278, 2342, 2399, 2468, 2533, 2552, 2628, 3178, 3276
Amendments withdrawn—1457, 1640, 2281, 2469, 3278
Committee appointments—731, 3002, 3112, 3170, 3186
Presided at sessions of the House—1502
Reports—139, 245-246, 259, 355, 516, 517, 592, 626, 977, 978, 1047, 3170, 3196, 3327-3328, 3359-3361
Resolutions offered—956, 1406, 2583

MOTIONS TO RECONSIDER VOTE—
Filed:
House File 324—1926
House File 746, H—5171—731
House File 769—2321, 2322
House File 863, H—5221—706
House File 863, H—5136—706
House File 863, H—5121—706
House File 863—706
House File 1008, H—5339—822
House File 1036—136
House File 1041—117
House File 1048—794
House File 1048, H—5206—794
House File 1198—732, 1880
House File 1198, H—5215—794
House File 1200—2424
House File 1201—648
House File 1279, H—5370—969, 1010, 1011
House File 1280—794
House File 1287—1239
House File 1314—2450
House File 1314, H—6543—2450
House File 1314, H—6545—2450
House File 1314, H—6526—2493
House File 1329—3111
House File 1330—822
House File 1365—1124
House File 1366—1350
House File 1371—1623
House File 1388—1011
House File 1436—1123
House File 1475—2493
House File 1480—2355
House File 1481—1665
House File 1487—2537
House File 1491—2615
House File 1502, H-5610—2377
House File 1539—3281
House File 1558, H-6436—2237
House File 1558, H-6433—2238
House File 1583—3281
House Concurrent Resolution 104—244
Senate Joint Resolution 1006—2383
Senate File 85, H-5399—1046
Senate File 85, H-5664—1079
Senate File 85, H-5418—1079
Senate File 85, H-5312—1124
Senate File 85, H-5430, H-5682, H-5344B—1151
Senate File 85, H-5657—1188
Senate File 85, H-5697, H-5821B—1189

Senate File 85, H-5870A—1312
Senate File 85, H-5825—1393
Senate File 85, H-5956—1427
Senate File 85, H-5510—1485
Senate File 85, H-5474, H-5982—1486
Senate File 85, H-5482, H-5983, H-6051—1509
Senate File 85, H-6052, H-6041—1543
Senate File 85, H-5965A—1880
Senate File 85, H-6266—1952
Senate File 85, H-5927, H-5575—2023
Senate File 85, H-6086, H-5106B—2048
Senate File 85, H-5928A—2079
Senate File 136—2537
Senate File 136, H-5776—2564
Senate File 266—2743
Senate File 288—399
Senate File 356—2743
Senate File 367—2812
Senate File 1062, H-5237—513
Senate File 1064—2564
Senate File 1207, H-6191A, H-6228, H-6191C—2181
Senate File 1207—2208
Senate File 1210—1990
Senate File 1223—1460
Senate File 1251—2956
Senate File 1258—2292
Senate File 1265—2812
Senate File 1280—2670
Senate File 1322—2812

Prevailed:
House File 863—2284
House File 863, H-5121—2284
House File 863, H-5136—2284-2285
House File 863, H-5121—2287
House File 1198—1863
House File 1201—1860
House File 1330—2206
House File 1371—2408
House File 1487—2903-2904
Senate File 85, H-5657—1299
Senate File 85, H-5664—2075
Senate File 85, H-5430—2076
Senate File 85, H-5697—2077
Senate File 85, H-5870A—2079
Senate File 85, H-5510—2088
Senate File 85, H-5982—2090-2091
Senate File 85, H-5983, H-6051—2092
Senate File 85, H-5927, H-6086—2094
Senate File 1210—2445
Senate File 1251—2957
Senate File 1280—2796

Lost:
House File 1048—1138
House File 1200—2429-2430
House File 1314—2769
House File 1329—3111-3112
House File 1480—2430
House File 1514, H-5676—2222
House File 1558, H-6433—2306
Senate File 85, H-5418—2075

Senate File 85, H-5312—2076
Senate File 85, H-5821B—2078
Senate File 85, H-5825, H-5956—2087
Senate File 85, H-5474—2090
Senate File 85, H-6041, H-5965A—2093
Senate File 204—2795
Senate File 1062, H-5237—567
Senate File 1207, H-6191A—2205
Senate File 1258—2526-2527

Withdrawn:
House File 324—2950
House File 1036—728
House File 1198—2955
House File 1280—1060
House File 1287—1407
House File 1365—1138
House File 1366—2527
House File 1388—1149
House File 1436—1476
House File 1475—2526-2627
House File 1481—1874
House File 1491—2797
House File 1539—3303
House File 1583—3303
House File 1558, H-6436—2306
Senate Joint Resolution 1006—2955
Senate File 85, H-5399—2074
Senate File 85, H-5344B—2076
Senate File 85, H-5682—2076-2077
Senate File 85, H-5106B—2086
Senate File 85, H-5482—2092
Senate File 85, H-6052—2093
Senate File 85, H-6266—2093-2094
Senate File 356—2905
Senate File 367—2861
Senate File 1207, H-6228, H-6191C—2205
Senate File 1207—2355
Senate File 1265—2958
Senate File 1322—2819

Deferred:
Senate File 85, H—5928A—2093
Senate File 85, H—5575—2094

Ruled out of order:
House File 1314, H—6526, H—6543, H—6545—2769
Senate File 85, H—5697—2077

Motions to reconsider—(from the floor)
House File 121—1978-1979
House File 746, H-5296—719
House File 863, H-5281—2288-2289
House File 863—2291
House File 1003—185
House File 1008, H-5339—935
House File 1008, H-5494—937
House File 1008—939
House File 1011, H-5958—1753
House File 1011, H-6216—1758
House File 1011, H-6220—1759
House File 1011—1849
House File 1157—379
House File 1198, H-5215—1863
House File 1217, H-6036—1611

House File 1322—791
House File 1332, H-5288—1690
House File 1332, H-6072—1691
House File 1332—1695
House File 1374—1873
House File 1388, H-5600—1007
House File 1449, H-6669—2724
House File 1470—1854
House File 1478, H-6184B—1703
House File 1478—1704
House File 1488—1637
House File 1499, H-6511C—2413
House File 1502—2377
House File 1514, H-5676—2222
House File 1550—2588
House File 1555—1984
House File 1564—2636
House File 1565—2435
House File 1582, H-6709—2833
House File 1590, H-6830—3109
House Concurrent Resolution 104, H-5098—242
Senate File 85, H-5626—1077
Senate File 85, H-6322—2017
Senate File 85, H-5928A—2095
Senate File 85, H-5575—2158
Senate File 85—2164
Senate File 204—2382
Senate File 240, H-3639B—110
Senate File 387—278
Senate File 449, H-6599—2604
Senate File 449—2606
Senate File 546, H-5145—2468
Senate File 547—2553
Senate File 1062, H-5253—453
Senate File 1062—572, 1283, 1925
Senate File 1067, H-5548A—1619
Senate File 1067—1622
Senate File 1190, H-5329—2281
Senate File 1192—1707
Senate File 1258—2775
Senate File 1261—3038

Prevailed:

House File 746, H-5296—719
House File 863, H—5281—2288-2289
House File 1008, H-5339—936
House File 1011, H-5958—1753
House File 1011, H—6216—1758
House File 1198, H-5215—1863
House File 1217, H-6036—1611
House File 1322—791
House File 1332, H-5288—1690
House File 1499, H-6511C—2413
House File 1582, H-6709—2834
Senate File 85, H-5626—1077
Senate File 85, H-5928A—2095
Senate File 240, H-3639B—111
Senate File 1067, H-5548A—1620

Lost:

House File 121—1979
House File 863—2291
House File 1003—185

House File 1008—939
House File 1011—1849
House File 1157—379
House File 1332, H-5288, H-6072—1691
House File 1332—1695
House File 1374—1873-1874
House File 1388, H-5600—1007
House File 1470—1854
House File 1478, H-6184B—1704
House File 1478—1704
House File 1488—1637
House File 1502—2377
House File 1550—2588
House File 1555—1984
House File 1564—2636
House File 1590, H-6830—3109
House Concurrent Resolution 104, H-5098—243
Senate File 85, H-5575—2159
Senate File 85—2164
Senate File 449, H-6599—2605
Senate File 547—2554
Senate File 1062—572, 1283, 1925
Senate File 1067—1622
Senate File 1190, H-5329—2282
Senate File 1192—1707
Senate File 1261—3038

Withdrawn:
House File 1449, H-6669—2724
Senate File 546, H-5145—2468
Senate File 1258—2275

Deferred:
Senate File 204—2383

Ruled out of order:
House File 1008, H-5494—937
Senate File 85, H-6322—2159
Senate File 1062, H-5253—453

Motions to reconsider, tabled:
House File 1157—379
House File 1565—2436
Senate File 85, H-5575—2158
Senate File 387—278
Senate File 449—2606

Prevailed:
House File 1565—2436
Senate File 387—278
Senate File 449—2606

Lost:
House File 1157—379
Senete File 85, H-5575—2158

MOTION TO RESCIND—
House File 1565—2450

NATURAL RESOURCES, COMMITTEE ON—
Bills introduced—1326, 1327, 1388, 1390, 1410, 1433, 1439, 1477, 1498, 1523
Amendments filed—137, 405
Amendments offered—110, 725
Amendments withdrawn—184
Reports—65-66, 74, 137, 279, 381, 404

NEALSON, OTTO H.—Representative Johnson-Louisa-Muscatine Counties
Bills introduced—1008, 1028*, 1029*, 1031, 1058*, 1060*, 1070, 1071, 1111, 1116, 1213, 1221, 1238, 1247, 1252, 1254, 1289, 1323, 1358
Amendments filed—230, 246, 265-266, 266, 527, 535, 766-767, 1014, 1246, 1247, 1255, 1293-1294, 2247-2248, 2248-2249, 2571, 3208-3236, 3281-3282, 3367-3368
Amendments offered—551, 1145
Amendments withdrawn—1255, 1308, 1534
Petitions presented—1380
Resolutions offered—1879, 2974
Subcommittee assignments—57

NEWHARD, SCOTT D.—Representative Cedar-Clinton-Jackson-Jones Counties
Bills introduced—1031, 1042, 1043, 1052, 1070, 1071, 1111, 1112*, 1118*, 1143, 1161*, 1211, 1232, 1261*, 1375, 1381, 1426
Amendments filed—175, 228, 264, 264-265, 415, 651, 708, 708-709, 796, 848-874, 1255, 1547, 1658, 1697, 1701, 1994, 2236, 2247-2248, 2483, 2494, 2518-2519, 2816-2817, 2912, 3208-3235, 3367-3368
Amendments offered—241, 1255, 1557
Amendments withdrawn—1614, 2355, 2462
Committee appointments—1860, 3124, 3129, 3262
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Resolutions offered—3156
Official delegate to attend the funeral services of Mrs. Allyene May—3156

NIELSEN, CARL V.—Representative Polk County
Bills introduced—1026*, 1148, 1262*, 1268, 1294*
Amendments filed—446-449, 736-763, 764, 798, 848-874, 933, 1051, 1104, 1547-1548, 1625, 1674, 1678-1679, 1687, 1802, 2022, 2033, 2260, 2518-2519, 2547, 2548, 2754, 2755-2756, 2913, 2938, 2980, 3161-3162, 3367-3368
Amendments offered—113, 446, 1382, 1383, 1385, 1386, 1387, 1391, 1411, 1412, 1644, 1687, 2020, 2022, 2035, 2037
Amendments withdrawn—1386
Announcements—1073
Committee appointments—2659, 2786-2787
Petitions presented—269, 387
Presided at sessions of the House—1062, 1072, 1571, 3374, 3377, 3383, 3385, 3387, 3389, 3391
Reports—2761-2762, 3261, 3303
Resolutions offered—1998-1999, 2196, 3079-3080
Rulings made—1064, 3392
Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237

NORLAND, LOWELL E.—Representative Cerro Gordo-Worth Counties
Bills introduced—1059, 1375
Amendments filed—230, 341-344, 425-429, 847-848, 848-874, 2208, 2323-2326, 2353, 2358, 2384, 2483, 2518-2519, 2547, 2618-2619, 2627, 2639, 2673-2685, 3056, 3102, 3107, 3152, 3161-3162, 3297, 3298, 3330
Amendments offered—2353, 2625, 2627, 3101, 3102, 3107, 3152, 3297, 3298
Amendments withdrawn—2627
Announcements (subcommittee assignments)—56-57
Committee appointments—657, 2032
Petitions presented—1494, 2191
Reports—168, 279, 638, 1259, 1275, 1278, 1366, 1509, 1624, 1918, 1927-1928, 1928, 2025, 2049-2050, 2050, 2080, 2493, 2566, 2977

Resolutions offered—1937, 2880-2881, 3238
Subcommittee assignments—57

OAKLEY, BRICE C.—Representative Clinton-Scott Counties
Bills introduced—1008, 1020*, 1053, 1221, 1225*, 1252, 1257, 1266, 1351*
Amendments filed—267, 329, 341, 362-363, 363, 414, 530-531, 535, 612, 651-652, 672-673, 673-674, 736-763, 763, 799, 844-846, 933, 1001, 1002, 1016, 1284, 1316-1318, 1366, 1394, 1410, 1435-1436, 1491-1492, 1498, 1507, 1716, 1802, 1808, 1808-1813, 1855-1856, 1881, 1881-1887, 1929, 2101, 2208, 2247, 2248, 2334, 2475, 2483, 2524, 2571-2572, 2575, 2575-2576, 2580, 2673-2685, 2754-2755, 2816, 2832, 2846-2847, 2913, 3024, 3057, 3191, 3401
Amendments offered—605, 610, 611, 817, 958, 1002, 1026, 1180, 1410, 1415, 1416, 1420, 1421, 1422, 1423, 1425, 1426, 1454, 1457, 1477, 1478, 1481, 1483, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1941, 2006, 2007, 2010, 2020, 2046, 2065, 2101, 2408, 2475, 2476, 2477, 2628, 2832
Amendments withdrawn—277, 611, 961, 962, 1425, 1504, 2007, 2014, 2477,
Appealed the ruling of the Chair, Senate File 1062, Second Conference Report, Sec. 680 of Mason's Manual—1279-1281
Committee appointments—1860, 2237, 2659, 2659-2660, 2786-2787, 3304
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Petitions presented—48
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Presided at sessions of the House—2381
Reports—1962-1963, 2461, 2761-2762, 2989, 3261, 3303, 3304, 3349-3354
Request for consideration, HCR 129—2225
Request to vote—2164
Resolutions offered—1998-1999, 2171, 2974

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House Resolution 107—1023, 1103 adopted

O'HALLORAN, MARY—Representative Black Hawk County
Bills introduced—1052, 1053, 1063, 1070, 1071, 1132, 1209, 1211*, 1375, 1381, 1385, 1421, 1592
Amendments filed—341-344, 1019, 1156, 1461, 1463-1464, 1547-1548, 1548-1585, 1668-1673, 1716, 2236, 2352, 2483, 2518-2519, 2539-2541, 2755, 2912, 3208-3236, 3330
Committee appointments—16, 2659-2660, 3192-3193, 3244, 3280
Petitions presented—1996
Presided at sessions of the House—2831
Reports—53, 3280, 3355-3359

Resolutions offered—334, 806, 1542, 1998-1999, 2171, 2390, 2522, 3238
Rulings made—2832
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PATCHETT, JOHN E.—Representative Johnson-Linn Counties
Bills introduced—1031, 1070, 1071, 1079, 1311, 1426, 1527*
Amendments filed—225, 341-344, 361, 641-642, 736-763, 814, 816, 980-981, 982-983, 983-984, 1013, 1055, 1125-1126, 1307, 1548-1549, 1994, 2051-2057, 2385, 2483, 2639, 2653, 2671, 2673-2685, 2847, 2847-2848, 3276, 3330
Amendments offered—225, 689, 2483, 2653
Amendments withdrawn—2482, 3150, 3151
Committee appointments—3244, 3280
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Petitions presented—1381, 1858
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Resolutions offered—1151, 1761, 2701, 2880-2881

PAVICH, EMIL S.—Representative Pottawattamie County
Bills introduced—1071, 1287, 1335*, 1336*, 1375, 1394*, 1422, 1549, 1592
Amendments filed—764, 848-874, 980-981, 1190, 1293-1294, 1547-1548, 2483, 2587, 2912, 3208-3235, 3367-3368
Resolutions offered—2032, 3238
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PELLETT, WENDELL C.—Representative Adair-Adams-Cass-Guthrie-Union Counties
Bills introduced—1005, 1008*, 1022, 1031, 1042, 1043, 1052, 1053, 1069, 1111, 1116, 1123*, 1129, 1130, 1221, 1247, 1266, 1289, 1303, 1323, 1328, 1548
Amendments filed—222, 414, 708, 766-767, 813, 816, 874, 938, 1014-1015, 1293-1294, 1324-1325, 1431, 1431-1432, 1461, 1511-1512, 2247, 2248-2249, 2455, 2456, 2518-2519, 2541-2547, 2571, 2603, 2749-2753, 2774, 2937-2938, 3199, 3200, 3200-3201, 3201, 3208-3235, 3281-3282
Amendments offered—112, 813, 2603
Amendments withdrawn—816, 937
Committee appointments—731
Petitions presented—2758
Resolutions offered—1059, 1996-1997, 1998-1999, 2974, 3122, 3361, 3362

PERKINS, CARROLL—Representative Audubon-Carroll-Crawford-Greene-Guthrie Counties
Bills introduced—1031, 1043, 1051*, 1052*, 1069, 1111, 1116, 1129, 1144, 1148*, 1211, 1240*, 1241*, 1269, 1345, 1375, 1455*
Amendments filed—127, 140, 151, 222, 673, 982, 1007, 1014-1015, 1300, 1394, 1547-1548, 1548-1585, 1585, 1855-1856, 1954, 2080-2081, 2160, 2168-2169, 2248-2249, 2352, 2483, 2574, 2938, 2946, 2978, 2979, 3026, 3161-3162, 3208-3236
Amendments offered—158, 2206, 2602

Amendments withdrawn—158, 2603
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Petitions presented—365, 408, 2941
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Extended his thanks and gratitude to the House for House Resolution 114 and their expressions of sympathy in the loss of his father—1938
Presented to the House the Honorable C. Raymond Fisher, former member of the House—2218
Attended the unveiling of the Iowa Monument at Valley Forge, Pennsylvania, Freedom Foundation, honoring Iowa medal of honor winners—3299

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House File 121, H—6303—Representative Nielsen of Polk—1977
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House File 1008, H—5406—Representative Wyckoff—919
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House File 1008, H—5410—Representatives Spencer and Pellett—925
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House File 1332, H—6161—Representative Krause—1656
House File 1332, H—5345—Representative Drake—1658
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Senate File 85, H—5813—Representative Nielsen of Polk—2012
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Senate File 85, H—6086—Representative Nielsen of Polk—2019
Senate File 85, H—6094—Representative Dieleman—2035
Senate File 85, H—6363—Representative Bennett—2157
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Senate File 1062—Representatives Stromer, Oakley and Branstad—1899
Senate File 1062, H—6130—Representative Branstad—1899
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Senate File 1207, H—6164—Representative Rinas—2203
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Senate File 1261, H—6820—Representative Byerly—3023
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Senate File 1343, H—6865—Representative Drake—3144
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PONCY, CHARLES N.—Representative Mahaska, Monroe, Wapello Counties
Bills introduced—1130, 1148, 1375
Amendments filed—429-430, 848-874, 1099, 1470, 1994, 2352, 2483, 2547, 2912, 3161, 3281
Amendments offered—215
Committee appointments—52, 2659-2660, 3186
Petitions presented—598, 950, 1101, 1164, 1682
Reports—3359-3361
Resolutions offered—52, 334, 1998-1999, 2742, 2880-2881, 3238
Escorted to the Speaker's station and presented Jane Stemmerman, Iowa's Junior Miss for 1976—213

PRESIDENT OF THE SENATE—
(See Joint Convention, Lieutenant Governor Arthur A. Neu)

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House Concurrent Resolution 112—956
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House Concurrent Resolution 121—1406
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House Concurrent Resolution 130—1996-1997, 2079-2080, 2180

House Concurrent Resolution 132—1998-1999, 2048, 2291 adopted
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House File 1575—2670
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Senate File 1279—1473
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PUBLIC BOARDS AND COMMISSIONS STUDY COMMITTEE—
Bills introduced—1151, 1167, 1187, 1230

RAY, GOVERNOR ROBERT D.—
(See Governor Ray, Robert D.)

READINGER, DAVID M.—Representative Polk County
Bills introduced—1042, 1221, 1247, 1252, 1254, 1289, 1318, 1323, 1337
Amendments filed—46, 1668-1673, 1855-1856, 2188, 2247-2248, 2483, 2518-2519, 2571, 2673-2685, 2755, 3019, 3057, 3208-3235, 3367-3368
Amendments offered—1618, 2448
Committee appointments—3265
Petitions presented—232, 1682
Reports—3326
Resolutions offered—2171
Subcommittee assignments—57
Official delegate to attend the funeral services of the Honorable James T. Caffrey—2237
Escorted to the Speaker's station Lori Eyerly of Des Moines, and Mrs. Richard Pohl, Co-Chair of the Camp Fire Girls Bicentennial Activity from Ames—1892
Presented to the House, Miss Valerie Poubelle, an AFS student from Strasburg, Alsace-Lorraine, France—1440
Presented to the House, Miss Helle Johansen, an AFS student from Esbjerg, Denmark—2699

REPORTS—
(See also Communications)
Resolution relating to, House Concurrent Resolution 102—54, 84 adopted

RESIGNATIONS—
(See Officers and Employees)

RESOLUTIONS—
(See Legislative Index Volume)

increasingly inadequate gas tax revenues for highway construction and maintenance.

And I trust that the lack of attention paid to such common sense proposals as uniform bidding regulations, mobile home tie-downs, and a Washington, D. C. office for the State will be replaced by a warmer reception in future years.

A most disappointing aspect of this General Assembly was the decision by the majority party early in the 1975 session to switch from biennial budgeting with annual review and adjustment to annual budgeting. The experience of the last two years makes me more convinced than ever that the previous method is far better. Biennial budgeting with annual review and adjustment merits reimplementation in 1977.

In my last year's closing message to you, I pointed out that, "The desire of this legislature to move towards annual budgeting leaves you with some unfinished business in your next meeting which previous legislatures have not had to confront." Despite the rosy claims by some that second year appropriations would be completed in the first or second month of 1976, most of the major appropriations were not passed until the waning days of the session. The uncertainty and frustration inherent in the appropriations process have now been extended into the second year of the biennium.

We were told that annual appropriations would lead to a more careful analysis and review of state spending. Those agencies which experienced the meat cleaver approach to budgeting might question that claim. While I have always encouraged ways to reduce spending and improve upon my budget requests, I have also urged that such action be done reasonably and rationally.

Enormous amounts of time and energy were expended in a game which might be called "cutting the Governor's budget." Members of the majority party took great pride after the first session in claiming they were able to cut my budget recommendations. Even at the end of the second session, the Executive Council's general contingency fund and $100,000 of federal fund loss replacement funds were disapproved arbitrarily. Yet, as the statement issued by the Comptroller's Office indicates, this General Assembly still exceeded my budget recommendations in each fiscal year for a total of more than $11 million for the biennium.

A more disturbing aspect of that same report is that at a time when we had an impressive surplus, you bypassed expenditures for necessary, one-time capital improvements in favor of costly recurring expenditures. The comptroller's report shows that in FY 1977 you cut capital expenditures by $14 million but increased recurring expenditures by more than $20 million, compared to my recommendations. These costs will be exacerbated substantially if the commitments you made in the "intent" sections of several appropriation bills are followed.

May I now turn to another important matter—a matter of saying thank you—thank you for your willingness to serve in this General Assembly to represent the people of this State. Many of you have worked constructively and cooperatively with my office and me, and we want you to know that we are indeed appreciative.

It is an honor and a privilege to serve as a legislator; it is also a position of respect for which one makes a sacrifice. To be successful as a candidate

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Senate File 85, H—5480—1508
Senate File 85, H—6113—1536
Senate File 85, H—5639—1063
Senate File 85, H—5428B—1104
Senate File 85, H—5936—1940
Senate File 85, H—6014—2005
Senate File 85, H—6322—2015
Senate File 85, H—5575—2017
Senate File 85, H—6329—2022
Senate File 85, H—6333, H—6334—2038
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Senate File 1261—3013
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Senate File 1347—3396

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House File 1011, H—6219—1756
House File 1164—1639
House File 1314—2441
House File 1314, H—6543—2442
House File 1326—617
House File 1329, H—6835—3077
House File 1332—1657
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Senate File 85, H—5480—1508
Senate File 85, H—6113—1536
Senate File 85, H—6322—2016
Senate File 85, H—6329—2023
Senate File 85, H—6333, H—6334—2038
Senate File 85, H—6348—2045
Senate File 85, H—6345—2062
Senate File 85, H—5463—2078
Senate File 85, H—6364—2108
Senate File 85, H—6368—2153
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Senate File 85, H—6360—2159
Senate File 85, H—6360, H—6393—2161
Senate File 85, request to vote—2164
Senate File 136, H—5776—2530
Senate File 1062, Ch. 72, Sec. 769, par. 2 of Mason's Legislative Manual—1899
Senate File 1062—1901
Senate File 1139—1595
Senate File 1167—1340
Senate File 1207, H—6164—2204
Senate File 1261—3013
Senate File 1265—2206

Failed:

House File 121, H—6302, H—6303—1977
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House File 769, H—6474—2320
House File 769—2321
House File 1008, H—5494—937
House File 1011, H—6220—1760
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House Concurrent Resolution 109—2725
Senate File 85, H—5936—1940
Senate File 85, H—6014—2005
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Rule 32 on the following:
House File 757—184

Withdrawn:
House File 757—184

Rule suspended:
House File 584, H—6524—2421
House File 863, H—5136—701
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House Concurrent Resolution 104—222
Senate File 85—1945, 3302-3303
Senate File 85, H—6323—2016
Senate File 85, H—6330, H—6331, H—6332—2033
Senate File 85, H—6336—2036
Senate File 85, H—6338—2042
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Senate File 85, H—5928A—2095
Senate File 85, H—6375—2097
Senate File 85, H—6370—2157
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Senate File 1261—3031
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Rule 8 on the following:
Steering committee appointed—731
Rule 20 on the following:
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Senate File 85—1165, 1477
Senate File 367—2774
Rule 26 on the following:
House Resolution 103—314
Rule 27 on the following:
House File 1567—2433
Rule 30 on the following:
House File 1033—69
Rule 31 on the following:
House File 1033—69
Rule 32 on the following:
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Senate File 449—2601
Rule 37 on the following:
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Appropriations meeting, Transportation subcommittee—2429, 2597, 2711, 2943
Steering committee meeting—2266, 2471

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House File 757—184
House File 785—163
House File 1314, referred to Ways and Means—2441
House File 1326—616
House File 1399—967
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House File 1441—1608
House File 1450—1525
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House File 1484—1218
House Concurrent Resolution 104—224
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Senate File 1336—3190
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Rule 36 on the following:
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House File 576—614
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House File 1008—938
House File 1011, H—5958—1753, 1754
House File 1011, H—6219—1755
House File 1011, H—6219A—1756
House File 1011, H—6219B—1757
House File 1011, H—6220—1759
House File 1011, H—5955—1760
House File 1011, H—6241—1847
House File 1033—70
House File 1123—793
House File 1131—667
House File 1147, H—5500A—961
House File 1157—378
House File 1164—1639, 2406
House File 1200, H—6512—2394
House File 1200—2429
House File 1201—645
House File 1221—3174
House File 1279, H—5370—957
House File 1283—728
House File 1314, H—5626—2440
House File 1314, H—6527—2441
House File 1314—2441, 2444, 2445
House File 1314, H—6543—2442
House File 1314, H—6545—2443
House File 1326—616
House File 1329, H—6835—3078
House File 1329—3111
House File 1330—803, 804
House File 1332, H—6161—1656
House File 1332, H—6169—1659
House File 1332, H—5288—1686, 1692
House File 1332—3098
House File 1388—1007
House File 1449, H—6604—2722
House File 1468—2473
House File 1470—1010
House File 1470, H—5608—1025
House File 1470, H—5605—1850
House File 1470, H—5606—1852
House File 1477, H—6106—2808
House File 1480—2344
Huose File 1480, H—6491B—2350
House File 1480, H—6498—2353
House File 1488—1636
House File 1499, H—6513—2413
House File 1514, H—5676—2222
House File 1534, H—6115—1607
House File 1539—3171
House File 1550—2586
House File 1558—2230
House File 1558, H—6424—2234
House File 1558, H—6436, H—6431—2235
House File 1564, H—6620—2632
House File 1564, H—6623—2634
House File 1565, H—6525—2434
House File 1573, H—6630—2644
House File 1582, H—6709—2833
House File 1590, H—6830—3102

House File 1590, H—6841—3106
House File 1590, H—6850—3108
House File 1590, H—6830—3109
House File 1590, H—6912—3298
House File 1593, H—6906A—3276
House File 1593, H—6903B—3279
House File 1593, H—6901—3293
House File 1593, H—6902—3294
House File 1593—3295
House Concurrent Resolution 103—123
House Concurrent Resolution 104, H—5094—227
House Concurrent Resolution 104, H—5110—241
House Concurrent Resolution 104—243, 335, 337, 662
House Resolution 120—3128
Motion for the House to adjourn—569
Senate File 85, H—5399—1026
Senate File 85, H—5559—1028
Senate File 85, H—5582A, H—5582B—1034
Senate File 85, H—5582C—1035
Senate File 85, H—5674—1036
Senate File 85, H—5672—1037
Senate File 85, H—5675—1039
Senate File 85, H—5514—1040
Senate File 85, H—5664—1078
Senate File 85, H—5312—1105
Senate File 85, H—5344B—1143
Senate File 85, H—5682—1147
Senate File 85, H—5749—1167
Senate File 85, H—5681—1174
Senate File 85, H—5778—1178
Senate File 85, H—5697—1185
Senate File 85, H—5821B—1186
Senate File 85, H—5823B—1232
Senate File 85, H—5842—1254
Senate File 85, H—5377—1307
Senate File 85, H—5870A—1310
Senate File 85, H—5956—1389
Senate File 85, H—5501—1415
Senate File 85, H—5510—1480
Senate File 85, H—5858—1483
Senate File 85, H—5482—1505
Senate File 85, H—5579—1533
Senate File 85, H—5670—1535
Senate File 85, H—6113—1536
Senate File 85, H—5612—1559
Senate File 85, H—6080B—1896
Senate File 85, H—5936—1940
Senate File 85, H—5937—1942
Senate File 85, H—6053—1944
Senate File 85, H—6089—1947
Senate File 85, H—5578—1948
Senate File 85, H—6060—1949
Senate File 85, H—6076—1950
Senate File 85, H—6014—2005
Senate File 85, H—6322—2016
Senate File 85, H—5575—2018
Senate File 85, H—5574—2034
Senate File 85, H—6094—2036
Senate File 85, H—6333, H—6334—2038
Senate File 85, H—5865—2046
Senate File 85, H—5834—2064
Senate File 85, H—5664—2075

Senate File 85, H—5821B—2077
Senate File 85, H—5870A—2086
Senate File 85, H—5510—2089
Senate File 85, H—5965A—2093
Senate File 85, H—6086—2094
Senate File 85, H—5575, H—6360—2159
Senate File 85, H—6360—2162
Senate File 136, H—5776—2530
Senate File 204, H—6492—2381
Senate File 204—2381
Senate File 217—3166
Senate File 266—2726
Senate File 367, H—6689—2776
Senate File 387, H—5118A—271
Senate File 387, H—5071A—273
Senate File 449, H—6589E—2600
Senate File 449—2601, 2605
Senate File 449, H—6599—2605
Senate File 546, H—5145—392
Senate File 1062, H—5232—439
Senate File 1062, H—5253—452
Senate File 1062, H—5237—453
Senate File 1062, H—5256—511
Senate File 1062, H—5247—549
Senate File 1062, H—5266A—550
Senate File 1062, H—5244—562
Senate File 1062, H—5246—564
Senate File 1062, H—5237—567
Senate File 1062—1282, 1924, 1925
Senate File 1062, H—6167—1923
Senate File 1067, H—5548B—1619
Senate File 1145, H—6705—2837
Senate File 1190, H—5329—2282
Senate File 1207, H—6387—2193
Senate File 1207—2205
Senate File 1210—1989
Senate File 1221, H—6764—3180
Senate File 1258, H—6448—2273
Senate File 1261, H—6818—3019
Senate File 1261, H—6829—3024
Senate File 1261, H—6832—3025
Senate File 1261, H—6443—3029
Senate File 1261, H—6442—3030
Senate File 1261—3031, 3373
Senate File 1261, H—6813—3035
Senate File 1265—2206, 2268
Senate File 1276—2662
Senate File 1276, H—6614—2662
Senate File 1276, H—6622B—2664
Senate File 1276, H—6921—3332, 3333
Senate File 1329, H—6925—3336
Senate File 1333, H—6864—3149
Senate File 1333, H—6874—3150
Senate File 1333, H—6804—3152
Senate File 1336, H—6885—3191
Senate File 1343, H—6865—3144
Senate File 1343—3147
Quorum call—1227, 2084

Rule 71 on the following:

House File 121—1978
House File 863, H—5221—699, 2287
House File 914—2900, 3321

House File 1245—582
House File 1329, H—6835—3078
House File 1332—3098
House File 1403—1970
House File 1508—2554
House File 1590—3110
House Concurrent Resolution 104, H—5097—223, 243, 335, 338, 662
House Concurrent Resolution 104, Part 5, House Code of Ethics —243
Senate File 53, H—5217B—616
Senate File 53, H—5320—664
Senate File 53—664
Senate File 85, H—5675—1039
Senate File 85, H—6060—1949
Senate File 356—2740
Senate File 449—2605
Senate File 1062, H—5256—511
Senate File 1207, H—6164—2204
Senate File 1269—2719
Rule 73 on the following:
House File 1221—3167

RULES, COMMITTEE ON—
Amendments filed—113, 169
Amendments offered—113, 179

RULES OF CIVIL PROCEDURE—
(See Chief Justice of the Supreme Court, The Honorable C. Edwin Moore)

SCHEELHAASE, LYLE—Representative Monona-Woodbury Counties
Bills introduced—1005, 1031, 1111, 1113, 1175, 1183, 1211, 1275, 1352, 1358, 1375, 1521
Amendments filed—222, 341-344, 766-767, 874, 1461, 1625-1626, 2234, 2352, 2518-2519, 2572-2574, 2749-2753, 2774, 2776, 2937, 2982, 3330, 3367-3368
Amendments offered—1634, 2234, 2597, 2770, 2776
Amendments withdrawn—2020, 2601
Committee appointments—68, 2659-2660
Petitions presented—154, 2330
Presided at sessions of the House—2444
Received consent that Larry Crane of the Department of Environmental Quality be permitted in House during debate of SF 367—2774
Request name be withdrawn as sponsor of amendment H—6563 to Senate File 1310—2702
Resolutions offered—1150, 1879, 1998-1999, 3060-3061, 3122
Official delegate to attend the funeral services of the Honorable Bert Fullerton—68
Attended the unveiling of the Iowa Monument at Valley Forge, Pennsylvania Freedom Foundation, honoring Iowa medal of honor winners—3299

SCHROEDER, LAVERNE W.—Representative Mills-Pottawattamie Counties
Bills introduced—J.R. 1002; 1001*, 1051, 1111, 1116, 1130, 1145*, 1148, 1173, 1221, 1237*
Amendments filed—85, 87-88, 89, 95, 100, 133, 139, 140, 151, 152, 174, 223, 240, 248, 276, 303, 317-318, 340-341, 382, 385, 397, 405-406, 406, 416, 446-449, 518-519, 519, 531-532, 595, 646, 653, 661, 673, 676-677, 735-736, 766-767, 779, 787-789, 824-825, 846, 945, 960, 965, 1011-1012, 1063, 1080-1081, 1081, 1099, 1153, 1190, 1191, 1193, 1194, 1285, 1293-

1294, 1308, 1394, 1427-1429, 1511, 1547, 1584-1585, 1585, 1636, 1667, 1673-1674, 1676-1678, 1679, 1697, 1698-1699, 1711-1715, 1818, 1973-1974, 2015, 2033, 2098, 2160, 2208, 2231, 2247, 2248-2249, 2315, 2318, 2319, 2320, 2323, 2326-2327, 2327, 2347, 2353, 2357, 2365, 2483, 2571, 2645, 2667, 2706, 2745, 2749, 2754, 2799, 2845, 2875, 2875-2876, 2892, 2897, 2899, 2906, 2911, 2935-2937, 2937-2938, 2978, 3015, 3019, 3027, 3027-3028, 3039-3040, 3040-3053, 3053, 3056-3057, 3107, 3120, 3199, 3200-3201, 3208-3236, 3285, 3323, 3367-3368, 3398

Amendments offered—85, 102, 133, 157, 162, 179, 223, 240, 270, 276, 397, 600, 615, 646, 661, 663, 664, 688, 701, 779, 787, 933, 960, 965, 1556, 1636, 1697, 1698, 1749, 1973, 2098, 2315, 2318, 2347, 2353, 2667, 2706, 2796, 2892, 2897, 2899, 2906, 2911, 3061, 3077, 3097, 3108, 3140, 3161-3162, 3371

Amendments withdrawn—95, 102, 181, 182, 270, 272, 277, 397, 398, 615, 647, 661, 663, 701, 1752, 2305, 2315, 2912, 3028

Committee appointments—731, 3186

Petitions presented—39, 1727

Point of order raised, objection, Sec. 770.2 Mason's Manual, introduction of Conference Committee Report on Senate File 1062—127

Presided at sessions of the House—3377

Reports—3359-3361

Request name be added as a sponsor of amendment H—6563 to Senate File 1310—2564

Request that House File 1221 be withdrawn from Sifting Committee—2670

Resolutions offered—44, 53, 657, 1820, 1879, 1996-1997, 1998-1999, 2191, 2974, 3238, 3361

Subcommittee assignments—45

SEATS—

Assignment of desks in press gallery—38

Supplement to assignment of desks in press gallery—1152-1153

SECRETARY OF STATE, Melvin D. Synhorst—

Communications from—244, 625, 671, 994, 1002-1003, 1003, 1152, 1364, 1407, 1664-1665, 2238, 2292, 2492-2493, 2862, 3239-3240, 3425-3428

SIFTING COMMITTEE—

Appointed—2659-2660

Amendments filed—2816

Amendments offered—2823

Categories exempt from Sifting Committee calendar—2660

Motion to withdraw from Sifting Committee, House File 1221—2670, 3174

Motion to withdraw from Sifting Committee, Senate File 217—2941

Reports—2811-2812

Rules—2810-2811

SMALL, ARTHUR A., JR.—Representative Johnson County

Bills introduced—1053, 1070, 1071, 1211, 1287, 1298, 1311, 1375, 1382*, 1391, 1393, 1426, 1552*

Amendments filed—218, 405, 641, 1009, 1320-1324, 1330, 1368-1369, 1379, 1431, 1436-1437, 1437, 1463-1464, 1674, 1695-1697, 1699, 1955, 2165, 2352, 2369, 2442, 2483, 2513, 2513-2519, 2539-2541, 2575, 2586, 2639, 2724, 2749, 2754, 2831, 2912, 3145, 3208-3235, 3330, 3367-3368

Amendments offered—1009, 1339, 1695, 1699, 2462, 2559, 2586, 2724, 2794, 2968, 3145

Amendments withdrawn—2585

Committee appointments—3002, 3170

Presided at sessions of the House—1172, 1220, 1227, 1234, 1384, 1387, 1414, 1449, 1641, 1691, 1941, 1945, 2035, 2042, 2045, 2059, 2067, 2222, 2225, 2233, 2443, 2471, 2589, 2633, 2656

Reports—279, 340, 515, 516, 589, 590, 591, 637, 942, 3170, 3196
Request name be withdrawn as a sponsor of House File 1309—625
Rulings made—1388, 2036, 2225, 2230, 2233, 2643
Escorted to the Speaker's station and presented to the House, Coach Gary Kurdelmeier of the University of Iowa Hawkeye wrestling team; Mr. Dan Gable, assistant coach, and Chuck Yagla and Brad Smith, national wrestling champions—1493
Presented to the House the Honorable Ray A. Yenter, former member of the House—3059

SPEAKER OF THE HOUSE—Dale M. Cochran, Representative Webster-Humboldt Counties
Presided at sessions of the House—1, 15, 27, 39, 42, 48, 67, 69, 78, 84, 92, 94, 108, 115, 120, 125, 128, 132, 133, 142, 146, 153, 155, 156, 176, 213, 220, 222, 232, 234, 250, 251, 268, 269, 282, 304, 312, 314, 330, 331, 335, 345, 346, 365, 373, 374, 388, 407, 408, 432, 449, 541, 550, 553, 562, 580, 597, 605, 643, 644, 654, 657, 660, 666, 681, 683, 715, 731, 769, 783, 800, 805, 813, 916, 926, 928, 950, 958, 993, 1002, 1010, 1022, 1026, 1038, 1057, 1071, 1078, 1100, 1118, 1129, 1140, 1149, 1163, 1170, 1182, 1216, 1250, 1252, 1257, 1275, 1296, 1306, 1331, 1345, 1380, 1390, 1404, 1440, 1448, 1452, 1472, 1481, 1482, 1484, 1493, 1500, 1519, 1526, 1539, 1552, 1560, 1572, 1587, 1608, 1632, 1645, 1651, 1681, 1695, 1705, 1726, 1757, 1758, 1761, 1819, 1857, 1870, 1892, 1897, 1923, 1934, 1948, 1950, 1960, 1995, 2014, 2017, 2020, 2030, 2037, 2042, 2067, 2071, 2082, 2089, 2153, 2158, 2163, 2170, 2180, 2190, 2195, 2218, 2234, 2265, 2276, 2304, 2306, 2329, 2344, 2387, 2401, 2412, 2427, 2436, 2460, 2470, 2474, 2520, 2550, 2564, 2581, 2590, 2591, 2594, 2621, 2632, 2657, 2699, 2708, 2727, 2757, 2778, 2795, 2818, 2830, 2832, 2838, 2849, 2854, 2861, 2878, 2891, 2905, 2940, 2948, 2950, 2958, 2972, 2984, 3002, 3035, 3059, 3066, 3104, 3121, 3124, 3151, 3163, 3169, 3171, 3182, 3237, 3244, 3246, 3267, 3268, 3287, 3299, 3300, 3304, 3322, 3349, 3369, 3374, 3393, 3396, 3404
Announcements—8, 14, 68, 69, 815, 1027, 1364, 1925, 1939, 2008, 2207, 2237, 2276, 2291, 2521, 2524, 2743, 2843, 3112, 3156, 3167, 3428
Announcements (visitors)—39, 78-79, 128, 143, 153, 214, 268, 282, 304, 330, 365, 388, 541, 580, 598, 643, 654, 681, 715, 800, 916, 950, 1022, 1057, 1100, 1129, 1164 1216, 1250-1251, 1296, 1331, 1380, 1404, 1440, 1472, 1493-1494, 1519, 1552, 1587, 1632, 1681-1682, 1726, 1819, 1857, 1892, 1936-1937, 1960-1961, 1996, 2030-2031, 2082-2083, 2170-2171, 2190-2191, 2218-2219, 2265-2266, 2304-2305, 2329-2330, 2388, 2427-2428, 2461, 2550-2551, 2581-2582, 2621, 2699-2700, 2757-2758, 2818, 2849, 2878-2879, 2940, 2984-2985, 3059-3060, 3163, 3237, 3287
Announced House File 1487 returned to regular calendar—2470
Announced Senate File 85, orders of the day—1900
Bills signed by—85, 258, 315, 411, 707, 795, 1079-1080, 1189, 1314-1315, 1365, 1486, 1623, 1927, 1991, 2451, 2565, 2843-2844, 3115, 3405
Bills referred to committees—8, 71, 369, 451, 731, 772, 1010, 1608, 1965
Committees appointed by—16, 52, 68, 69, 369, 656, 731, 801, 1645, 1695, 2196, 3405
Communications received—3406-3409
Conference committees appointed—645, 657, 1860, 2237, 2659, 2786, 2959, 3002, 3112, 3124, 3126, 3127, 3129, 3155, 3170, 3186, 3244, 3245, 3262, 3265, 3280, 3304
Petitions presented—269, 598, 1251, 1405, 2818-2819, 3287
Propounded the question to the House:
House File 1008, H—5339—818
House File 1008, H—5376—819
House File 1008, H—5405—821
House File 1008, H—5406—919
House File 1008, H—5409—919
House File 1008, H—5410—925

House File 1008, H—5499—932
House File 1008, H—5524—934
House File 1008, H—5539—936
House File 1332, H—5555—1664
Senate File 1062, Second Conference Committee Report—1278
Senate File 1062, ruling of the Chair be sustained—1281
Senate File 1332, H—6795—2995
Remarks by—4-5
Reports received and on file:
Idaho, State of (SCR No. 62)—1623
Kentucky, State of (HR 23)—1574
Resolutions offered—68-69, 956, 1683, 1761-1762, 2880-2881, 3079-3080, 3156
Resolution relating to House Resolution 101—45, 53 adopted
Rulings made—148, 158, 159, 160, 218, 224, 243, 273, 274, 348, 398, 436, 438, 453, 509, 511, 564, 565, 566, 568, 569, 572, 613, 614, 615, 646, 669, 789, 803, 804, 814, 815, 816, 925, 937, 960, 962, 963, 965, 966, 969, 999, 1040, 1258, 1276, 1278, 1279, 1281, 1305, 1310, 1447, 1603, 1656, 1658, 1659, 1662, 1686, 1690, 1706, 1752, 1755, 1759, 1899, 1900, 1918, 1919, 1923, 1934, 1975, 1976, 1977, 2005, 2009, 2012, 2019, 2157, 2203, 2221, 2236, 2281, 2308, 2312, 2316, 2319, 2394, 2402, 2403, 2404, 2407, 2442, 2520, 2527, 2530, 2553, 2601, 2625, 2631, 2632, 2633, 2662, 2724, 2809, 2833, 2912, 2922, 3077, 3106, 3141, 3144, 3146, 3180, 3189, 3190, 3292, 3332
Granted leave of absence to legislators attending the unveiling of the Iowa Monument at Valley Forge, Pennsylvania, Freedom Foundation honoring Iowa medal of honor winners—3299
Presented to the House Master Sergeant Elwood Mayberry of Fort Dodge Air National Guard Non Commissioned Officer Academy Graduate Association—1
Presented and invited to the Speaker's station the Honorable William H. Harbor, former member of the General Assembly and Speaker of the House—2
Presented to the House, Pages from the 1975 Session—15
Presented to the House Mr. Sylvester Barrett, T.D., Irish Parliament, from County Clare, Ireland, a copy of House Resolution 103—1057
Presented Lori Eyerly, who extended a special invitation to the House to attend Camp Fire Girls Celebration—1892
Recieved plaque on behalf of the House in memory of Mr. William R. Kendrick and Chief Clerks of the House—252
Received pair of wooden shoes from Orange City Wooden Shoe Factory—2460
Special presentation, University of Iowa Hawkeye wrestling team—1493
Final adjournment, Second Regular Session of the Sixty-sixth General Assembly, SCR 120—3396-3397 adopted
Closing remarks—3401-3404
Final adjournment—3409

SPEAKER PRO TEMPORE, Norman G. Jesse—Representative Polk County
(See Jesse, Norman G.—Representative Polk County, Speaker Pro Tempore)

SPEAR, CLAY—Representative Des Moines-Lee Counties
Bills introduced—1066*, 1096*, 1103*, 1126*, 1127*, 1146*, 1179*, 1232, 1233*, 1274*, 1375
Amendments filed—46, 46-47, 90-91, 106, 107, 150-151, 169, 175, 211-212, 230-231, 231, 328-329, 341-344, 415, 519-520, 641, 652, 653, 679, 710, 766, 766-767, 768, 984, 985, 1084, 1086, 1141, 1295, 1298,

1318, 1348, 1396-1397, 1666-1667, 1763, 1763-1764, 1941, 2832, 3101, 3103-3104, 3208-3236
Amendments offered—1072, 1105, 1120, 1121, 1141, 1143, 1148, 1171, 1225, 1257, 1298, 1310, 1348, 1349, 1390, 1507, 1534, 1593, 1594, 2832, 3101
Amendments withdrawn—1071, 1149, 1311
Resolutions offered—1406, 3238

SPECIAL ORDER—
House File 914—132
Senate File 85—379
Senate File 85—1025

SPENCER, DON W.—Representative Clay-Dickinson-Palo Alto Counties
Bills introduced—1005*, 1008, 1019*, 1053, 1293*, 1375, 1548*
Amendments filed—318, 382-383, 413-414, 429-430, 766-767, 813, 816, 987, 1014-1015, 1293-1294, 2165, 2230, 2247, 2352, 2483, 2518-2519, 2547, 2845, 2934, 3019, 3027-3028, 3208-3236, 3330
Amendments offered—2229, 2330
Amendments withdrawn—2230
Committee appointments—656, 3112, 3127
Petitions presented—232, 304
Reports—3127, 3158-3159
Request name be withdrawn as a sponsor of House Concurrent Resolutions 147—2989
Resolutions offered—2973

SPRADLING, JAMES W.—Representative Plymouth-Sioux Counties
Bills introduced—1005, 1008, 1042, 1043, 1051, 1070, 1130, 1144, 1271*, 1287, 1309, 1375, 1521*, 1548
Amendments filed—230, 326-327, 378, 766-767, 980-981, 984, 1293-1294, 1368, 1513, 1547-1548, 2050, 2541-2547, 2749-2754, 2912, 3208-3236, 3330, 3367-3368
Amendments offered—378, 1597, 2474, 2475
Committee appointments—14
Resolutions offered—1150, 1996-1997, 2742
Subcommittee assignments—57
Official delegate to attend the funeral services of the Honorable Bert Fullerton—68
Presented to the House, Miss Ingrid Dientsmans, an AFS student from Rio Grandt Do Sul, Brazil—1163
Presented to the House Miss Diane Van Peursem, Orange City, Iowa, Queen of the 1976 Tulip Festival and her attendants—2460

STATE APPEAL BOARD—
(Maurice E. Baringer, Chairman)
Communications from, stating claims filed with—27-32, 939-941
Claims approved—33-37, 939-941
Resolution relating to, Senate Concurrent Resolution 113—2762-2768, 2863, 2881, 2884 adopted

STATE FUNCTIONAL CLASSIFICATION REVIEW BOARD—
Appointments to—1364

STATE GOVERNMENT, COMMITTEE ON—
Bills introduced—1010, 1011, 1157, 1212, 1346, 1447, 1450, 1457, 1469, 1499, 1501, 1503, 1510, 1513, 1543, 1544, 1545, 1546,
Amendments filed—355-358, 516, 517, 592, 626-632, 1047-1048
Amendments offered—689, 790, 794, 2371
Reports—139, 245-246, 259, 355, 516, 517, 592, 626, 977, 978, 1047

STATE OF THE STATE AND BUDGET MESSAGES—
Resolution relating to, House Concurrent Resolution 101—3 adopted
Delivered by Governor Robert D. Ray—21-26

STEERING COMMITTEE—
Appointed—731
Reports—973-975, 1312-1314, 1589-1591, 2293-2295, 2473-2474
Rules—972-973, 995

STROMER, DELWYN—Representative Cerro Gordo-Franklin-Hancock-Wright Counties, Assistant Minority Floor Leader
Bills introduced—J.R. 1002; 1008, 1031, 1042, 1043, 1051, 1055, 1099*, 1130, 1144, 1221, 1247, 1254, 1266, 1269*, 1318, 1323, 1324, 1343, 1345, 1419*, 1548
Amendments filed—528-529, 530, 531-532, 536-539, 963, 982-983, 1014-1015, 1293-1294, 1462, 1584-1585, 1719-1723, 1888-1890, 1890, 2247-2248, 2248-2249, 2260, 2300-2301, 2483, 2518-2519, 2571, 2667, 2673, 2938, 2946, 2982, 3015, 3019, 3021, 3024, 3056, 3149, 3152, 3153, 3208-3236, 3273, 3330, 3367-3368
Amendments offered—544, 558, 963, 1861, 2667, 3015, 3019, 3024, 3149, 3179, 3273
Amendments withdrawn—2552, 3153
Call of the House—3167
Committee appointments—2659-2660, 3244, 3280, 3405
Petitions presented—1129, 1164, 1633
Reports —3280, 3355-3359
Request that House File 1221 be withdrawn from Sifting Committee—2670
Resolutions offered—1761, 1996-1997, 2701, 2880-2881, 2974
Presented to the House Stephen Karlson, an AFS student from Alengsoos, Sweden—1519

STUDY BILLS COMMITTEE ASSIGNMENTS—
Agriculture—278-279, 339, 412, 573, 626, 707
Cities—300, 354, 412, 515, 732, 795
Commerce—165, 671
County Government—45, 74, 86, 137, 315, 354, 412, 588, 671
Education—40-41, 46, 165, 245, 339, 412, 625
Energy—245, 339
Natural Resources—73, 74, 86, 137, 245, 300, 315, 400, 412, 515, 649, 707
Sifting—2744
State Government—228, 399
Transportation—165, 228, 244, 245, 279, 300, 339, 380, 412, 573, 649, 671
Ways and Means—73, 106, 137, 164, 165, 380, 588, 1283, 1365, 1394, 1486, 1991, 2181, 2323, 2384, 2451-2452
Study Bill 124—1124

STUDY BILLS SUBCOMMITTEE ASSIGNMENTS—
Assignments—65, 119, 206, 299, 403-404, 573, 586-587, 733, 971, 1315, 1460, 1575, 2538, 2812
Additional assignments—2181

STUDY COMMITTEES—
(Also see Legislative Council)
Resolutions relating to:
House Concurrent Resolution 109—572-573
House Concurrent Resolution 114—1101-1102
House Concurrent Resolution 119 (Similar to SCR 110)—1251
House Concurrent Resolution 124—1542
House Concurrent Resolution 125—1588-1589
House Concurrent Resolution 127—1820

House Concurrent Resolution 129—1937-1938, 2208, 2225
House Concurrent Resolution 134—2191
House Concurrent Resolution 135—2322
House Concurrent Resolution 136—2389
House Concurrent Resolution 138 (Same as SCR 111)—2522
House Concurrent Resolution 140—2583
House Concurrent Resolution 141—2584
House Concurrent Resolution 142—2701
House Concurrent Resolution 143 (Similar to HCR 105 and HCR 116)—2741-2742
House Concurrent Resolution 144—2742
House Concurrent Resolution 145—2880-2881
House Concurrent Resolution 146 (Same as SCR 114)—2941
House Concurrent Resolution 147—2973, 2989
House Concurrent Resolution 148—2974
House Concurrent Resolution 149—3060
House Concurrent Resolution 150—3121-3122
House Concurrent Resolution 151—3122
House Concurrent Resolution 152—3171-3172
House Concurrent Resolution 153—3238
House Concurrent Resolution 154—3238-3239
House Concurrent Resolution 155—3288
House Concurrent Resolution 157—3361-3362
House Concurrent Resolution 158—3362-3363
House Concurrent Resolution 159—3363-3364
House Concurrent Resolution 162—3397

SUBCOMMITTEE ASSIGNMENTS—
Assignments—44-45, 56-57, 57-64, 117-118, 201-205, 297-299, 400-403, 587-588, 732-733, 970-971, 1124-1125, 1315, 1460, 1574, 1855, 1991, 2181, 2538
Additional assignments—1991

SUPREME COURT OF IOWA—
(See Chief Justice of the Supreme Court, C. Edwin Moore)

SVOBODA, LINDA A.—Representative Benton-Iowa-Johnson-Keokuk-Poweshiek Counties
Bills introduced—1070, 1071, 1095*, 1211, 1276*, 1285*, 1286*, 1301*, 1311, 1344*, 1375, 1426, 1592
Amendments filed—41, 119, 229, 247, 328, 673, 980-981, 1008, 1013, 1195, 1284, 1461, 1762-1763, 2258-2259, 2327-2328, 2541-2547, 2630, 2749-2754, 3330, 3367-3368
Amendments offered—729, 2439, 2601, 2630, 3330
Request name be added as a sponsor of House File 1070—228
Resolutions offered—806, 1997-1998, 2973, 3238
Subcommittee assignments—57

TAUKE, THOMAS J.—Representative Dubuque County
Bills introduced—1042, 1043, 1070, 1071, 1111, 1116, 1144, 1209, 1213, 1221, 1255*, 1257, 1259, 1260*, 1276, 1289, 1303, 1318, 1340, 1379*, 1380*, 1416, 1426*
Amendments filed—531-532, 595-596, 640, 674-676, 693, 764, 766-767, 787-789, 824-825, 842-843, 844, 848-874, 1154, 1241-1242, 1293-1294, 1461, 1658, 1678-1679, 1697, 1701, 1711-1715, 1716, 1891, 1919, 1992-1993, 2248-2249, 2385, 2425, 2570, 2570-2571, 2575, 2673-2685, 2686, 2686-2698, 2755, 2775, 2799, 2832, 2846, 2913, 3014, 3153, 3208-3235, 3367-3368, 3377, 3397, 3398
Amendments offered—718, 719, 1658, 1749, 2061, 2775, 2913, 3014, 3153, 3179, 3377
Call of the House—3167
Committee appointments—731

Point of parliamentary inquiry referring to Rule 71 and Part 5 of the House Code of Ethics—243
Resolutions offered—806, 1998-1999, 2974
Subcommittee assignments—45

TOFTE, SEMOR C.—Representative Fayette-Howard-Winneshiek Counties
Bills introduced—1051, 1111, 1116, 1173, 1175, 1221, 1234, 1235, 1239, 1248, 1252, 1266, 1267, 1268, 1275, 1289, 1303, 1309, 1318, 1319, 1343, 1358
Amendments filed—362, 677-678, 766-767, 1194-1195, 1293-1294, 1547-1548, 1679, 1891, 1954-1955, 2015, 2080-2081, 2247, 2248-2249, 2433, 2483, 2495-2513, 2518-2519, 2571, 2912, 3057, 3208-3235, 3281-3282, 3367-3368
Amendments offered—687
Request House File 1360 be removed from Steering Committee non-controversial calendar—1350
Resolutions offered—1996-1997, 3361

TRANSPORTATION, COMMITTEE ON—
Bills introduced—1330, 1332, 1402, 1407, 1432, 1444, 1454, 1467, 1480, 1500, 1502, 1508, 1530
Amendments filed—165-166, 166-168, 340, 591, 734-735, 943
Amendments offered—294, 308, 718, 1660
Reports—165, 166, 340, 591, 734, 943
Subcommittee assignments—44-45

TRANSPORTATION FINANCE STUDY COMMITTEE—
Bills introduced—1149, 1188, 1189, 1197

UNANIMOUS CONSENT CALENDAR—
House Concurrent Resolution 117—1311
House Concurrent Resolution 130—2079-2080
House Concurrent Resolution 132—2048
House Resolution 103—314
House Resolution 104—513
House Resolution 106—1312
House Resolution 109—1151
House Resolution 110—1239
House Resolution 117—1990
Removed from:
House Concurrent Resolution 130—2180
House Resolution 104—573

VARLEY, Andrew—Representative Adair-Dallas-Guthrie Counties, Assistant Minority Floor Leader
Bills introduced—1008, 1031, 1042, 1043, 1051, 1069, 1071, 1116, 1211, 1221, 1238, 1247, 1252, 1266, 1268, 1289, 1303, 1318, 1323, 1340, 1382, 1419
Amendments filed—452, 535-536, 650-651, 1007, 1009, 1014, 1019, 1054, 1159-1161, 1161-1162, 1190, 1430-1431, 1668-1673, 1674, 1675, 1692-1693, 1693, 1802, 1802-1803, 2165, 2247-2248, 2248-2249, 2384-2385, 2539-2541, 2570, 2571, 2587, 2652, 2663, 2673, 2774, 2912, 3023-3024, 3057, 3149
Amendments offered—452, 1007, 1009, 1062, 1447, 1692, 1693, 2774
Appointed to the Energy Policy Council—3428
Committee appointments—16, 645, 731, 3002, 3112, 3170
Petitions presented—232, 1130
Reports—657, 3170, 3328
Request to vote—3038
Resolutions offered—1879, 2171, 2522, 2880-2881, 2974, 3361

WALTER, CRAIG D.—Representative Pottawattamie County
Bills introduced—1042, 1071, 1116, 1171*, 1350*, 1375, 1379, 1380, 1409, 1422*, 1426, 1549*, 1592
Amendments filed—674, 764, 766-767, 787-789, 824-825, 842-843, 848-874, 980-981, 1154, 1293-1294, 1394, 1547-1548, 1658, 1697, 1701, 1994, 2272, 2352, 2483, 2548-2549, 2570-2571, 2587, 2653, 2673-2685, 2686-2698, 2755, 2924, 2938-2939, 3208-3235, 3367-3368, 3399-3400
Amendments offered—1701, 2272, 2587
Petitions presented—15
Resolutions offered—1996-1997, 2032, 3238

WAYS AND MEANS, COMMITTEE ON—
Bills introduced—1083, 1115, 1200, 1320, 1321, 1400, 1401, 1519, 1547, 1554, 1555, 1559, 1560, 1561, 1562, 1564, 1566, 1567, 1574, 1575, 1576, 1590
Amendments filed—638-639, 1510, 1928, 1930, 2050, 2080, 2457, 2566-2570
Amendments offered—1979, 1983, 1986, 2312, 2331, 2728, 2730, 2731, 2735
Reports—168, 279, 638, 1366, 1509, 1624, 1927-1928, 1928, 2025, 2049-2050, 2050, 2080, 2493, 2566, 2977
Subcommittee assignments—56-57
Representative Dyrland removed from—2843

WELDEN, RICHARD W.—Representative Franklin-Hardin-Wright Counties
Bills introduced—1008, 1017*, 1018*, 1031, 1042, 1043, 1111, 1211, 1121*, 1235, 1259, 1268, 1303*, 1342, 1345, 1548
Amendments filed—227, 280-281, 519, 535, 596, 988, 1006, 1011, 1014, 1014-1015, 1015-1016, 1153, 1154, 1190-1191, 1191, 1192, 1193, 1193-1194, 1194, 1319, 1367, 1379, 1395, 1469, 1487, 1513, 1543, 1544, 1547-1548, 1549, 1550, 1584-1585, 1625, 1667, 1668-1673, 1678, 1679, 1855-1856, 2015, 2080-2081, 2160, 2168, 2247-2248, 2270, 2302-2303, 2322, 2375, 2385, 2385-2386, 2433, 2439, 2442, 2495-2513, 2518-2519, 2539-2541, 2570, 2571, 2586, 2617, 2663, 2807, 2845, 2978, 2982, 3022, 3023-3024, 3057, 3149, 3161-3162, 3274, 3281-3282, 3377
Amendments offered—227, 1006, 1613, 1685, 2176, 2193, 2194, 2199, 2203, 2221, 2270, 2341, 2375, 2399, 2439, 2442, 2586, 2663, 2805, 2807, 2808, 2835, 3004, 3022, 3023, 3274, 3377
Amendments withdrawn—1685, 2176, 2199, 2200, 2202, 2444, 2585, 2807, 2808
Committee appointments—3112, 3127
Reports—3127, 3158-3159
Request House File 1360 be removed from Steering Committee noncontroversial calendar—1350
Request that House File 1221 be withdrawn from Sifting Committee—2670
Resolutions offered—1996-1997, 1998-1999, 2171, 3148-3149, 3361, 3365
Subcommitte assignments—45
Presented to the House Miss Lorella Renaldi, an AFS student from Italy—2581

WELLS, JAMES D.—Representative Benton-Linn Counties, Assistant Majority Floor Leader
Bills introduced—1005, 1070, 1087*, 1130*, 1148, 1226*, 1228, 1358, 1375, 1381, 1406*, 1553*
Amendments filed—211-212, 341-344, 766-767, 797-798, 798, 1080, 1189, 1241-1242, 1394, 1547-1548, 1668-1673, 1855-1856, 1994, 2349, 2352, 2483, 2912, 3208-3236, 3330, 3367-3368
Amendments offered—918
Amendments withdrawn—2319
Committee appointments—16, 645, 2659-2660
Petitions presented—407, 951, 2266

Presided at sessions of the House—561, 2221
Remarks, tribute to Mr. Frank Nye—1103
Reports—4, 657, 1041-1046, 1821, 2164-2165, 2428, 3192-3193
Resolutions offered—1023, 1103, 1996-1997, 2171, 2742, 3361
Official delegate to attend the funeral services of Michael E. Connors—69

WEST, JAMES C.—Representative Grundy-Hardin-Jasper-Marshall-Story Counties
Bills introduced—1008, 1027*, 1031, 1053, 1111*, 1207*, 1221, 1238, 1247, 1252, 1254*, 1266*, 1284, 1287, 1289, 1303, 1318, 1323, 1340, 1343
Amendments filed—222, 230, 264-265, 320-326, 418-424, 536, 539, 1014, 1020, 1054, 1159-1161, 1161-1162, 1293-1294, 1367-1368, 1439, 1513, 1547-1548, 1754, 1817, 1871, 1988, 2025, 2097, 2188-2189, 2200, 2247, 2547, 2571, 2631, 2946, 3057, 3208-3236, 3281-3282, 3285, 3323, 3367-3368
Amendments offered—440-446, 1298, 1592, 2631
Amendments withdrawn—2630, 2806
Committee appointments—657, 2659, 2959
Reports—2958-2959, 3131-3138
Resolutions offered—1996-1997, 2974, 3238
Subcommittee assignments—57
Attended the unveiling of the Iowa Monument at Valley Forge, Pennsylvania, Freedom Foundation, honoring Iowa medal of honor winners—3299

WOODS, JACK E.—Representative Polk-Warren Counties
Bills introduced—1008, 1042, 1043, 1052, 1111, 1148, 1177*, 1211, 1271, 1521, 1548
Amendments filed—523, 766-767, 933, 944-945, 1014-1015, 1086, 1095, 1190, 1518, 1547-1548, 1556, 1576-1578, 1673, 1719, 1758, 1847, 2081, 2198, 2247-2248, 2248-2249, 2319, 2373, 2938, 3208-3235, 3367-3368
Amendments offered—998, 1758, 2007, 2198, 2202, 2319, 2331, 2371, 2373
Amendments withdrawn—2372, 2373
Committee appointments—2196, 3304
Presided at sessions of the House—2707
Reports—3304, 3349-3354
Resolutions offered—83, 1820, 1996-1997, 2196
Subcommittee assignments—45

WULFF, HENRY C.—Representative Black Hawk County
Bills introduced—1053, 1070, 1071, 1111, 1130, 1144, 1221, 1238, 1247, 1252, 1254, 1259, 1266, 1289, 1303, 1318, 1323, 1340, 1343
Amendments filed—1014-1015, 1293-1294, 1547-1548, 1994, 2015, 2051-2057, 2247, 2248-2249, 2483, 2571, 2666, 2876, 2877, 3040-3053, 3056-3057, 3057, 3367-3368
Amendments offered—2666
Committee appointments—3002, 3127, 3155-3156
Petitions presented—951, 1858, 1893, 2031
Reports—3113-3114, 3155, 3196-3199
Resolutions offered—334, 1879, 1996-1997, 2974, 3361
Subcommittee assignments—45

WYCKOFF, RUSSELL L.—Representative Benton-Black Hawk-Buchanan-Linn-Tama Counties
Bills introduced—J.R. 1002; 1005, 1008, 1015*, 1016*, 1021, 1031, 1042, 1043, 1052, 1069, 1074, 1111, 1116, 1175, 1176*, 1211, 1234, 1239, 1250*, 1265*, 1268, 1275, 1276, 1309, 1310, 1319, 1358*, 1375, 1548

Amendments filed—103, 152, 222, 230, 301, 363, 415, 650-651, 676, 677-678, 688, 709, 765-766, 766-767, 777, 781, 798, 988, 989, 1014-1015, 1053, 1084-1085, 1127, 1192, 1194-1195, 1231, 1233, 1236, 1293-1294, 1492, 1513, 1536, 1547-1548, 1584-1585, 1585, 1625, 1676-1678, 1678, 1679, 1705, 1864, 2028, 2078, 2080-2081, 2234, 2247-2248, 2248-2249, 2412, 2433, 2442, 2483, 2494, 2495-2513, 2572-2574, 2603, 2912, 2935, 2946, 2982, 3057, 3107, 3143, 3149, 3161-3162, 3208-3236, 3281-3282, 3330, 3367-3368
Amendments offered—103, 392, 688, 776, 778, 1117, 1184, 1231, 1233, 1235, 1236, 1499, 1535, 1705, 1864, 1948, 2234, 2412, 2442, 2603, 2718, 2728, 3143, 3149
Amendments withdrawn—1233, 1523, 1863, 2077, 2234, 2468, 2949
Committee appointments—801, 3112, 3127
Petitions presented—407, 1588
Reports—3127, 3158-3159
Resolutions offered—391, 1996-1997, 2742, 3238, 3361
Subcommittee assignments—57